

Military Equipment

706.1 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).

Assembly Bill 481 (AB 481), signed into law on September 30, 2021, requires law enforcement agencies to create a policy establishing guidelines and requirements for the funding, acquisition, and use of "military equipment" (Government Code § 7070, 7071, and 7072), including requirements to host informational meetings with the public, generate annual "military equipment" use reports, and seek annual approval from their respective governing bodies. The purpose of this policy is to make sure that safeguards exist, including transparency, governing body oversight, and accountability measures, to ensure the funding, acquisition, and use of "military equipment" is consistent with the provisions set forth by the governing body and as outlined in AB 481. This policy will also provide the public with a transparent view of the "military equipment" utilized by the Hayward Police Department.

706.1.1 DEFINITIONS

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

Governing body - The City of Hayward's Mayor and City Council.

Exigent Circumstances - A law enforcement agency's good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person is occurring, has occurred, or is about to occur.

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

- Category 1 - Unmanned, remotely piloted, powered aerial or ground vehicles.
- Category 2 - Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- Category 3 - High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Category 4 - Tracked armored vehicles that provide ballistic protection to their occupants.
- Category 5 - Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Category 6 - Weaponized aircraft, vessels, or vehicles of any kind.
- Category 7 - Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Category 8 and 9 - Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.

Hayward Police Department

Hayward PD Policy Manual

Military Equipment

- Category 10 - Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue handguns.
- Category 11 - Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Category 12 - Noise-flash diversionary devices, explosive breaching tools, "tear gas", and "pepper balls", excluding standard, service-issued handheld pepper spray.
- Category 13 - TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Category 14 - Kinetic energy weapons and munitions.
- Category 15 - Any other equipment as determined by a governing body or a state agency to require additional oversight.

706.2 POLICY

It is the policy of the Hayward Police Department that members of the department comply with the provisions of Government Code § 7071 with respect to qualifying "military equipment". "Military equipment" shall be used by members of the Department who have completed applicable training, including training required by the Commission on Peace Officer Standards and Training (POST). See the Military Equipment Inventory List (see below), attached hereto as **Exhibit A** for associated "military equipment" training requirements.

"Military equipment", which has been approved for use by the governing body, shall be used in accordance with all other applicable department policies and laws. These policies and laws include, but are not limited to:

- Hayward Police Department Policy 300 (Use of Force)
- Hayward Police Department Policy 302 (Control Devices and Techniques)
- California Assembly Bill No. 48
- California Penal Code Section 13652 (Use of Kinetic Energy Projectiles and Chemical Agents)

The Hayward Police Department acknowledges the historical use of certain police equipment to intimidate and oppress certain communities and groups more than others, including those that are defined by a common race, ethnicity, religion, national origin, income level, sexual orientation, or political perspective. As such, this policy expressly prohibits the use of "military equipment" on individuals or groups solely based on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Hayward Police Department

Hayward PD Policy Manual

Military Equipment

706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police shall designate a member of the Hayward Police 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 Hayward Police Department equipment that qualifies as "military equipment" in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all "military equipment" at least annually. The inventory list shall include the following:
 - 1. The manufacturer's description of the equipment.
 - 2. The capabilities of the equipment.
 - 3. The purposes and authorized uses for which the Hayward Police Department proposes to use the equipment.
 - 4. The expected lifespan of the equipment.
 - 5. The fiscal impact of the equipment, both initially and for ongoing maintenance.
 - 6. The quantity of the equipment, whether maintained or sought.
- (d) Collaborating with any allied agency that may use "military equipment" within the jurisdiction of Hayward 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 Hayward Police 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 Hayward Police Department's 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 Hayward Police Department will respond in a timely manner.

706.4 MILITARY EQUIPMENT INVENTORY

The Hayward Police Department shall prepare a Military Equipment Inventory List, which shall include the following information:

Hayward Police Department

Hayward PD Policy Manual

Military Equipment

- (a) A description of each type of "military equipment", the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the "military equipment".
- (b) The purpose and authorized use for which the Hayward Police Department proposes to use each type of "military equipment".
- (c) The fiscal impact of each type of "military equipment", including initial costs of obtaining the equipment and estimated annual cost of maintaining the equipment.
- (d) The legal and procedural rules that govern each authorized use.
- (e) The training, including any course required by POST, that must be completed before any Department member is allowed to use each specific type of "military equipment" to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment Use Policy.

The Military Equipment Inventory List shall be updated as necessary due to directives from the governing body or a change in the inventory. The Military Equipment Inventory List and associated amendment(s) shall be submitted to the governing body and the public via the Hayward Police Department's website at least 30 days prior to any public hearing concerning this policy.

The current Military Equipment Inventory List is attached in the EXHIBIT A - MILITARY EQUIPMENT INVENTORY LIST subsection below

706.4.1 MILITARY EQUIPMENT EXCLUSIONS

The Hayward Police Department acknowledges the list of "military equipment", as outlined in AB 481, is extensive and includes items that members of the department shall not seek to acquire, borrow, or use. These "military equipment" items include those that fall within the following categories:

- # Category 3 - High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- # Category 4 - Tracked armored vehicles that provide ballistic protection to their occupants.
- # Category 6 - Weaponized aircraft, vessels, or vehicles of any kind.
- # Category 8 and 9 - Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- # Category 11 - Any firearm or firearm accessory that is designed to launch explosive projectiles.
- # Category 13 - TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).

706.4.2 PROCUREMENT AND USE IN EXIGENT CIRCUMSTANCES

Notwithstanding the provisions of this policy, the Hayward Police Department may acquire, borrow, and/or use "military equipment" in exigent circumstances without following the requirements of this policy.

Hayward Police Department

Hayward PD Policy Manual

Military Equipment

If the Hayward Police Department acquires, borrows, and/or uses "military equipment" in exigent circumstances, in accordance with this section, the following action must be taken:

- (a) The Chief of Police or the authorized designee must provide written notice to the governing body within 30 days following the commencement of the exigent circumstances, unless such information is confidential or privileged under local, state, or federal law.
- (b) If it is anticipated the use will continue beyond the exigent circumstances, the Chief of Police or the authorized designee must submit a proposed amendment to the Military Equipment Use Policy to the governing body within 90 days and the Hayward Police Department may only continue use if approved, as applicable, by the governing body.
- (c) The Chief of Police or the authorized designee must include the acquisition, borrowing, and/or use of the "military equipment" in the next annual Military Equipment Report.

706.5 APPROVAL

The Hayward Police Department shall obtain approval from the governing body annually prior to engaging in any of the following activities:

- (a) Requesting "military equipment" made available pursuant to section 2576a of Title 10 of the United States Code.
- {b} Seeking funds for military equipment including, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- {c} Acquiring new "military equipment", either permanently or temporarily, including by borrowing or leasing.
- {d} Absent exigent circumstances, collaborating with another law enforcement agency in the deployment or other use of "military equipment" within the territorial jurisdiction of the governing body.
- {e} Absent exigent circumstances, using any new or existing "military equipment" for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to policy.
- (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".

The Hayward Police Department shall submit a proposed Military Equipment Use Policy (this policy}, or associated amendments, to the governing body and the public via the Hayward Police Department's website at least 30 days prior to any public hearing concerning the "military equipment" at issue.

706.6 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.

Military Equipment

706.7 ANNUAL REPORT

Upon approval of this Military Equipment Use Policy, the Chief of Police or the authorized designee shall submit an annual Military Equipment Report to the governing body for each type of "military equipment" approved and in the Hayward Police Department inventory. This report must be submitted to the governing body within one year of approval, and annually thereafter for as long as the "military equipment" is available for use. Each annual report shall be made publicly available on the Hayward Police Department's website for as long as the "military equipment" is available for use.

The annual Military Equipment Report must address each type of "military equipment" approved for department use and shall, at a minimum, include the following information for the preceding year for each type of "military equipment":

- (a) A summary of how the "military equipment" was used and the purpose of its use.
- (b) A summary of any complaints or concerns received regarding the "military equipment".
- (c) The results of any internal audits, any information about violations of the Military Equipment Use Policy, and any actions taken in response.
- (d) The total annual cost for each type of "military equipment", including acquisition costs, personnel costs, training costs, maintenance costs, and other ongoing costs, and from what funding source these costs came from.
- (e) The quantity possessed for each type of "military equipment".
- (f) If the Hayward Police Department intends to acquire additional "military equipment" in the next year, including the nature of the items and quantity sought

706.8 POLICY COMPLIANCE AND SUBMITTING COMPLAINTS

The Chief of Police or the authorized designee will ensure that all Hayward Police Department employees comply with this policy. Suspected violations of the provisions set forth in this policy, or in other laws or policies governing the use of "military equipment", shall be referred to the Internal Affairs Unit and handled in accordance with Hayward Police Department Policy 324 (Standards of Conduct). Additionally, violations of the provisions set forth in this policy, or in other laws or policies governing the use of "military equipment", will be reported to the governing body via the annual Military Equipment Report.

Any member of the community can submit a complaint regarding the use of "military equipment" to any City Council member, the City Manager's Office, the City Attorney's Office, the Human Resources Office, via Access Hayward, or to any Hayward Police Department employee. Complaints can be submitted in any form (e.g., in person, telephone, email, etc.). Once a complaint is received, it will be referred to the Internal Affairs Unit and handled in accordance with

Hayward Police Department

Hayward PD Policy Manual

Military Equipment

Hayward Police Department Policy 324 (Standards of Conduct) and HPD Policy 1011 (Personnel Complaints).

706.9 COMMUNITY ENGAGEMENT

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

706.9.1 EXHIBIT A - MILITARY EQUIPMENT INVENTORY

The following is a list of "military equipment", as defined in AB 481, which HPD currently has in its inventory. The equipment items listed below are authorized for use to resolve high-risk and/or critical incidents, including but not limited to the following:

- High-risk offender apprehension
- Barricaded subjects
- Hostage rescue
- Dignitary protection
- Riot control.
- Active shooter response
- In-progress violent crimes
- Response to armed subjects or subjects wearing body armor.
- Other situations which could result in great bodily injury or death to officers or community members.

The use of the equipment items below must be proportionate to each incident officers respond to and the HPD's Risk Assessment Matrix is designed to assist in such decision making.

CURRENT EQUIPMENT:

1. Robot (Category 1)

(a) Description, quantity, capability, and purchase cost:

Avatar Tactical Robot - Unit Cost: \$30,000 (purchased under a Bay Area UASI grant). Quantity:

2. This equipment is a battery powered, remote operated device equipped with cameras and communication capabilities. This equipment is for (potential) use during high-risk incidents and use is authorized for all members of the department who have been trained in its use. Incidents that may qualify for its use include, but are not limited to, high-risk warrant services, barricaded subjects, and hostage negotiation/rescue operations. Before entering a structure, particularly in a tactically compromised and dangerous situation, knowledge of a subject's location is very important, and the robot can provide that without placing anyone at risk. Cameras can also help

Military Equipment

determine if a subject is armed and if there are other subjects inside that need assistance. The two-way speakers can be used to communicate, de-escalate, and determine resistance level.

Throwbot 2 – Unit Cost: \$16,000. Quantity: 1. This equipment is a battery powered, remote operated device equipped with cameras and communication capabilities. This equipment is for (potential) use during high-risk incidents and use is authorized for all members of the department who have been trained in its use. Incidents that may qualify for its use include, but are not limited to, high-risk warrant services, barricaded subjects, and hostage negotiation/rescue operations. Before entering a structure, particularly in a tactically compromised and dangerous situation, knowledge of a subject's location is very important, and the robot can provide that without placing anyone at risk. Cameras can also help determine if a subject is armed and if there are other subjects inside that need assistance. The two-way speakers can be used to communicate, de-escalate, and determine resistance level.

(b) **Purpose:**

To be used to remotely gain visual/audio information during high-risk incidents, deliver CNT phone, open doors, and clear buildings.

(c) **Authorized Use:**

Only members of the department who have been trained in the use of the robot shall be permitted to operate the robot. Use is authorized by the onscene Incident or Tactical Commander and shall comply with all associated HPD and City policies regarding privacy.

(d) **Expected lifespan:**

10 years

(e) **Fiscal Impact:**

No known annual maintenance cost.

(f) **Training Requirements (initial and ongoing):**

Initial training on how to operate the robot is the only requirement. There is no ongoing training or POST certifications required.

2. Unmanned Aerial Systems (UAS/Drones) - (Category 1)

(a) **Description, quantity, capability, and purchase cost:**

DJI Matrice 30T: UAS offering up to approximately 41 minutes of flight time, and approximately 36 minutes of hovering time. This UAS has advanced AI capabilities, and 6 directional sensing and positioning. The UAS enables transmission up to 15km away and supports triple channel 1080p video and offers real time auto switching between 2.4Ghz and 5.8Ghz for a more reliable flight near high interference environments. AES-256 encryption provides secure data transmission. Dual zoom camera with thermal and color. IP 55 waterproof rating. The smart battery pack has the following built-in safety features: Anti-Backflow, Short Circuit, Over Voltage, Over Current, and Temperature.

Hayward Police Department

Hayward PD Policy Manual

Military Equipment

Quantity: 2

Cost: \$ 13,000

DJI Mavic 3T: UAS that offers significantly improved imaging and performance due to its 4/3 CMOS Hasselblad camera and 24mm-equivalent lightweight lens. This UAS weighs approximately 2.02 pounds, has a color and thermal camera, and can record video with approximately 46 minutes of flight time and a hover time of 40 minutes. The tele lens of the dual-camera system supports explore mode for 28x hybrid zoom, allowing to see more of the environment with ease. The DJI Mavic 3 is equipped with an omnidirectional sensing system, which is multiple wide-angle vision sensors onboard which work together seamlessly with a high-performance vision computing engine to sense obstacles in all directions precisely and plan a safe flight route that avoids obstacles.

Quantity: 2

Cost: \$7,800

DJI Mavic Mini 3 Pro: The updated version of the DJI Mavic Mini 2. This UAS uses 48MP camera, up to 4K/60FPS videos and 4K/ 30fps HDR videos. It has a flight time of approximately 34 minutes and forward/backward/downward tri-directional dual-vision obstacle sensing system. The Advanced Pilot Assistance Systems detects objects in the aircraft's flight path in real-time. This allows the DJI Mini 3 PRO to avoid obstacles, even in complicated environments.

Quantity: 2

Cost: \$1,800

DJI Mavic Enterprise 2 Advanced: The DJI Mavic Enterprise 2 Advanced features a 35mm format camera with 48 MP visual camera and high resolution 640 x 512 Thermal Resolution. The cameras can capture up to UHD 4K resolution video at 30fps, or thermal imaging images and temperature data. The Mavic Enterprise 2 can reach speeds of up to 44.7 mph, and the four cell LiPo battery provides approximately 31 minutes of flight time. Additionally, there are three modular accessories to include a spotlight, speaker, and beacon. The Mavic Enterprise 2 also has omnidirectional obstacle sensing.

Quantity: 2

Cost: \$6,500

DJI Mavic Mini 2: Miniature UAS that weighs approximately 249 grams and is capable of audio/video recording with an approximate flight time of 30 minutes. Uses a 12MP camera along with 4K video. This UAS can resist 29-38kph winds and take off at a max altitude of 4,000 meters.

Quantity: 2

Cost: \$1,400

Brinc Lemur 2: The Brinc LEMUR 2 is an advanced commercial-grade UAV specifically designed for interior use. This UAV is a battery powered, remote operated device. The controller facilitates

Military Equipment

two-way conversation between first responders and people they need to help through a set of two ultra-sensitive microphones and a small lightweight loudspeaker. The controller allows operators to control the UAV and view live feed from UAV-mounted cameras. Flight time of approximately 30 minutes per battery, depending on weather and flight conditions. Furthermore, the Brinc is equipped with a 4k digital camera with thermal capability for better viewing and range overall but also in low light environments. It is also equipped with a LiDAR sensor which provides a 3D map of the path of the UAV as it flies which can be viewed live, as well as the camera view, within a smartphone application. A new mesh network is also installed in the UAV which allows for a stronger and more sustainable video and control signal.

Quantity: 1

Cost: \$22,000

Purpose:

The UAS will only be used in situations where reasonable suspicion exists, pursuant to a warrant, or during situations where exigent circumstances exist or where public safety needs outweigh privacy expectations. This policy may not encompass every situation officers will encounter in the field and deviations may be necessary and justified. Any deviations from this policy will be reviewed on a case-by-case basis.

To be deployed when its capabilities would assist members of the Hayward Police Department with the following situations, including, but not limited to:

- (a) Public safety and life preservation missions including, barricaded suspects, hostage situations, active shooters, apprehension of armed and dangerous fleeing suspects, and high-risk search warrants.
- (b) Mass casualty events
- (c) Lost or missing persons,
- (d) Search and rescue events,
- (e) Disaster response and recovery,
- (f) Suspected explosive devices,
- (g) Fire suppression or investigation,
- (h) Hazardous material releases,
- (i) Post-incident crime scene preservation and documentation,
- (j) Pursuant to a search warrant,
- (k) Mass gatherings or special events where security concerns exist, or criminal activity is occurring,
- (l) Training missions,
- (m) In support of the Hayward Fire Department when the underlying mission meets the uses outlined in this policy

Hayward Police Department

Hayward PD Policy Manual

Military Equipment

(n) Mutual Aid support when the underlying mission meets the uses outlined in this policy.

(b) **Authorized Use:**

All UAS operators are certified in the operation of UAS by successful completion of an approved training course. The pilot must meet standards required by the FEDERAL Aviation Administration (FAA) and obtain an FAA Part 107 (Remote Pilot) license.

(c) **Expected lifespan:**

5 years

(d) **Fiscal Impacts:**

Costs associated with the purchasing and replacement/repair of UAS equipment, software updates, training, and built-in overtime is approximately \$80,000.

(e) **Training Requirements (initial and ongoing):**

UAS initial training (required):

- Passing the Part 107 test required by the FAA to operate a UAS.
- HPD training on the operations manual, proper reporting forms, HPD policy, and HPD procedure
- 8-hour flight training on how to operate the UAS properly and efficiently
- UAS written test on the operations manual and HPD policy

UAS ongoing training (required):

- Each UAS deployment is considered ongoing training
- The UAS team meets quarterly
- Joint training with allied agency UAS teams
- Annual UAS written test on the operations manual and HPD policy

3. Armored Personnel Carrier (Category 2)

(a) Description, quantity, capability, and purchase cost:

Armored Solutions Armored Rescue Vehicle - Unit Cost: \$82,660.00. Quantity: 1. The ARV is a Ford F550 truck designed to provide ballistic protection during high-risk incidents. It is designed to withstand multiple bullet impacts and low-level explosions. The ARV is equipped with emergency lights, siren, and a public address system for communications. It is not weaponized, nor does it contain any breaching apparatuses. Common uses of the ARV include community member or officer rescues, evacuations, and it provides ballistic protection for officers during in-progress, high-risk incidents. The ARV is also a regional mutual-aid asset, which has been requested by and deployed to assist neighboring agencies in Alameda County.

(b) Purpose:

Military Equipment

To be used during responses to high-risk incidents to enhance the safety of community members and officers, improve scene containment and stabilization, and to contribute to the safe resolution of evolving critical events.

(c) Authorized Use:

The use of the ARV can be requested by any Officer based on the specific circumstances of in-progress, high-risk incidents, or high-risk planned operations. The ARV shall only be used by Officers trained in its deployment and in a manner consistent with departmental training. Use shall be authorized by the Special Operations lieutenant or the on-duty Watch Commander.

(d) Expected Lifespan:

20 years

(e) Fiscal Impact:

Annual maintenance cost of approximately \$1,050.

(f) Training Requirements (initial and ongoing):

There are no POST certifications required for use of the Armored Personnel Carrier. HPD's Armored Personnel Carrier initial training requirements:

- How to operate the different functions, placement considerations, and appropriate usage of the vehicle

HPD's Armored Personnel Carrier ongoing training requirements:

- Refresher training for all officers on the different functions, placement considerations, and appropriate usage of the vehicle

4. Command and Control Vehicle (Category 5)

(a) Description, quantity, capability, and purchase cost:

Freightliner MT-55 L0V Model C34MCC-10- Unit Cost: \$387,672.00. Quantity: 1. The Command Vehicle is a bus style vehicle with front and rear doors. It is painted white with HPD markings affixed to the front, sides, and rear of the vehicle. There are 2 separate internal office-style working spaces, most used by Dispatch or Crisis Negotiations personnel. It can be used as a field-based, mobile command center for major incidents and as a backup Communications Center for the City. The Command Vehicle is also capable of transporting equipment and personnel.

(b) Purpose:

To be used as a field-based mobile command center, communications center, and crisis negotiations center during major incidents. It also serves as a backup Communications Center in the event the City's primary Communications Center experiences technical issues.

(c) Authorized Use:

The Command Vehicle can be requested by any member of the department for use in the field during major incidents. Use of the Command Vehicle shall be approved by the Special Operations Lieutenant and can only be operated by members of the department specifically trained in its use.

Military Equipment

(d) Expected Lifespan:

20 years

(e) Fiscal Impact:

Annual maintenance cost of approximately \$840.

(f) Training Requirements (initial and ongoing):

Initial training is required for employees assigned as drivers of the Command Vehicle. The training consists of overall familiarization, how to operate the vehicle's equipment, and how to safely drive the vehicle. There is no ongoing training or POST certifications required.

5. Breaching Apparatus: Shotgun Slugs (Category 7)

(a) Description, quantity, capability, and purchase cost:

Royal Arms Tesar-2. Unit Cost: \$4 per round. Quantity: 50. Shotgun breaching rounds are specialty shotgun shells utilized for door breaching. The Royal Arms Tesar-2 rounds contain compressed copper powder and are fired through a specialized breaching shotgun barrel. The copper powder is designed to strike and destroy the locking mechanism inside of the door, allowing entry into the room or structure. The powder is designed to dissipate after striking the locking mechanism to minimize entry into the target space for the safety of occupants and operators. These rounds are designed to breach heavy locks, deadbolts, and hinges mounted inside of solid oak or steel doors. Royal Arms Tesar-2 rounds are good until they are expended if stored properly.

(b) Purpose:

To gain rapid entry into a structure during critical incidents.

(c) Authorized Use:

Only members of the department assigned to the SRU who have been trained in the use of a breaching shotgun shall deploy a breaching shotgun in the field. Shotgun breaching may only occur after authorization by the Incident Commander or Tactical Commander in the field and during training exercises.

(d) Expected Lifespan:

Until expended.

(e) Fiscal Impact:

Replaced as needed (estimated \$0 to \$200 annually).

(f) Training Requirements (initial and ongoing):

Initial and ongoing training in the safe and appropriate use of the breaching shotgun is provided by POST certified instructors. The initial and ongoing training requirements are the same and consist of an overview of the breaching shotgun, breaching slug capabilities, safe and appropriate operation of the breaching shotgun, and deployment considerations (including when not to use). Members of the department assigned to the SRU conduct annual training on breaching,

Military Equipment

including the use of the breaching shotgun, and must demonstrate proficiency through the practical application of this equipment.

6. Specialized Firearms and Ammunition (Category 10)

- (a) Description, quantity, capability, and purchase cost:
 - (a) Carbine Rifle - Unit Cost: \$1,039.75. Quantity: 108. The carbine rifle is a firearm capable of stopping an armed subject at various distances. It is a light weight, air-cooled, gas operated, magazine fed, shoulder fired weapon capable of operating in semi-automatic and selective fire modes. These rifles fire a .223 or 5.56 caliber cartridge, which is capable of penetrating soft body armor worn by armed subjects.
 - (b) H&K MPS and H&K MPS POW entry rifle - Unit Cost: \$1,200. Quantity: 4. The H&K MPS and MPS POW are firearms capable of stopping an armed subject at various distances. They are a light weight, magazine fed, shoulder fired weapon capable of operating in semi-automatic and selective fire modes. These rifles fire a 9mm caliber cartridge.
 - (c) PWS MK216-LE .308 precision rifle - Unit Cost: \$1,994.99. Quantity: 5. The PWS MK216-LE is a precision rifle capable of stopping an armed subject at various distances. It is a magazine fed, shoulder fired weapon capable of operating in semi-automatic mode. This rifle fires a .308 caliber cartridge, which is capable of penetrating soft body armor worn by armed subjects and is utilized by the department's Special Response Unit during high-risk situations.
 - (d) Remington 700 .308 long rifle - Unit Cost: \$1,300. Quantity: 5. The Remington 700 is a long-range firearm capable of stopping an armed subject at various distances. It is a bolt action, shoulder fired weapon capable of firing single precision shots out to significant distances. This rifle fires a .308 caliber cartridge, which is capable of penetrating soft body armor worn by armed subjects and is utilized by the department's Special Response Unit during high-risk situations.
 - (e) Winchester .223 Ranger power-point 64 grain cartridge - Unit Cost: \$9.76 (per 20 rounds). Quantity: 23,600. The .223 cartridge is the primary duty ammunition for the department's carbine rifles.
 - (f) Winchester 5.56 full metal jacket 55 grain cartridge - Unit Cost: \$7.16 (per 20 rounds). Quantity: 68,000. The 5.56 cartridge is the primary training ammunition for the department's carbine rifles.
 - (g) Winchester .223 Ranger frangible 55 grain cartridge - Unit Cost: \$12 (per 20 rounds). Quantity: 1,000. The .223 frangible cartridge is training ammunition used by the Special Response Training during live-fire exercises.
 - (h) Winchester .308 match king 168 grain cartridge - Unit Cost: \$50 (per 20 rounds). Quantity: 2,000. The .308 cartridge is both duty and training ammunition for the PWS MK216-LE and Remington 700 rifles, which are specifically used by the department's Special Response Unit.
- (b) Purpose:

Hayward Police Department

Hayward PD Policy Manual

Military Equipment

To be used during high-risk situations, including those where precision and distance are factors, as they are more accurate and effective than standard issued department firearms.

(c) Authorized Use:

Use of the firearms listed above are governed under HPD Policy 300 (Use of Force), which defines deadly force as that which is likely to cause serious bodily injury or death. Only department members who are POST certified and who show proficiency during department training are authorized to carry a carbine rifle. The H&K MPS, H&K MPS POW, PWS MK216-LE, and Remington 700 are - firearms that are only authorized for use by specially trained members of the department's Special Response Unit.

(d) Expected Lifespan:

- (1) Carbine rifles -10 years or sooner depending on usage in training.
- (2).308 rifles -10-15 years or sooner depending on usage in training.
- (3) Ammunition - No expiration if stored properly.

(e) Fiscal Impact:

All rifles are inspected and serviced annually by certified department armorers. They are replaced according to date of purchase and as needed depending on usage.

- (1) Carbine rifles - Annual replacement and service costs between \$10,000 and \$20,000
- (2).308 rifles - Annual replacement and service costs between \$0 and \$10,000
- (3) Ammunition -Annual replacement costs between \$50,000 and \$100,000

(f) Training

Requirements (Initial and ongoing):

(a) Carbine rifle initial required training (all officers):

- POST certified basic academy rifle training and qualification (provided by POST certified instructors)
- POST certified 2-day rifle course and qualification (provided by POST certified instructors)
- HPD training on policy, procedure, and safety considerations
- Safety test

Carbine rifle ongoing required training {all officers):

- Annual POST certified rifle training and qualification (provided by POST certified instructors)
- Annual HPD review of policy, procedure, and safety considerations.
- Bi-annual firearms training at an approved range (provided by POST certified instructors)

Hayward Police Department

Hayward PD Policy Manual

Military Equipment

(2) H&K MPS and POW initial training (SRU members only):

- - POST certified SRU firearms/rifle training and qualification (provided by POST certified instructors)
 - Training on policy, procedure, and safety considerations

Safety test H&K MPS and POW ongoing training (SRU members only):

- Annual POST certified firearms training and qualification (provided by POST certified instructors)
- Five additional SRU firearms trainings throughout the calendar year
- Training on policy, procedure, and safety considerations
- Safety test

(c) PWS MK216-LE.308 precision rifle and Remington 700.308 long rifle initial training (SRU members only):

- 48-hour POST certified basic sniper school (provided by POST certified instructors)
- SRU precision rifle training and qualification (provided by POST certified instructors)
- Review of policy, procedure, and safety considerations
- Safety test

(d) PWS MK216-LE.308 precision rifle and Remington 700.308 long rifle ongoing training (SRU members only):

- HPD annual precision rifle training and qualification (provided by POST certified instructors)
- Bi-monthly precision rifle training (provided by POST certified instructors)
- Review of policy, procedure, and safety considerations
- Safety test

NOTE: All ammunition listed in this category is utilized at the firearms trainings referenced above. The amount of ammunition varies depending on the training course and required qualifications.

7. Noise Flash Diversionary Device (Category 12)

(a) Description, quantity, capability, and purchase cost:

NFDD 7290M - Unit Cost: \$82.27. Quantity: 38. A noise flash diversionary device (NFDD), often referred to as a "flashbang", is a device designed to create a bright flash of light and a loud sound to temporarily divert the attention of a subject in the area where it is deployed. NFDDs are used to distract and temporarily disorient dangerous subjects by overwhelming their senses of sight and hearing. This allows members of the department to take control of high-risk situations and/or accomplish legitimate law enforcement objectives during critical incidents. NFDDs are not weapons as they do not fragment as a military grenade would and oversight of the department's

Hayward Police Department

Hayward PD Policy Manual

Military Equipment

purchase/use of NFDDs is performed by the Federal Department of Alcohol, Tobacco, Firearms, & Explosives (commonly referred to as the ATF).

(b) Purpose:

To be used during high-risk situations to obtain a tactical advantage or to establish control by creating a diversion.

(c) Authorized Use:

NFDDs are under the oversight of the ATF and may only be used by specially trained members of the department's Special Response Unit during high-risk situations or during training.

(d) Expected Lifespan:

5 years (manufacturer shelf life)

(e) Fiscal Impact:

Varies depending on usage and training (\$0 to \$1,000)

(f) Training Requirements (initial and ongoing):

NFDD initial training (SRU members only):

- POST certified NFDD instructor training (provides POST certification for HPD instructors)
- POST certified basic SWAT school (provided by POST certified instructors)
- Review of policy, procedure, and safety considerations NFDD ongoing training (SRU members only):

NFDD ongoing training (SRU members only):

- Annual NFDD training for members of the SRU (provided by POST certified instructors)
- Review of policy, procedure, and safety considerations

NOTE: NFDD programs are under federal oversight by the Bureau of Alcohol, Tobacco, Firearms, & Explosives.

8. Chemical Agents "Teargas" (Category12)

(a) Description, quantity, capability, and purchase cost:

(1) 2-chlorobenzylidene malononitrile (CS)- Unit Cost: Depends on the munition (see fiscal impact). CS is used by law enforcement agencies across the country. CS, commonly referred to as "tear gas", is an irritating agent and a lachrymator (irritates the eyes, causing tears and mucous flow). It can be delivered in a variety of ways and can be used by the department as a less-lethal force option during high-risk incidents, including riots and barricaded subjects. The types of CS munitions in the department's inventory are as follows (the contents are the same, but the delivery systems for each munition are different):

- 49 Model 1292 40 mm CS

Hayward Police Department

Hayward PD Policy Manual

Military Equipment

- 58 Model 4441 CTS 40mm CS
- 58 Model 4401 CTS 40mm training round
- 10 Model 2430 CTS CS 12ga round
- 10 Model 2440 CTS OC 12ga round
- 28 Model 5440 CTS OC Flameless
- 28 Model 5430 CTS CS Flameless
- 27 Model 5230B CTS Baffled Riot
- 18 Model 5231 CTS Triple Phaser
- 10 Model 1082 Def Tech Riot Control
- 20 Model 6340 CTS OC Aerosol
- 6 Model 1032 CS Flameless Tri-Chamber
- 3 Model 1072 CS Speed Heat

(2) Oleoresin Capsicum (QC) - Unit Cost: Depends on the munition (see fiscal impact). QC is used by law enforcement agencies across the country. OC, commonly referred to as "pepper spray", is an irritating agent that causes involuntary closure of the eyes, mucous flow, and temporary respiratory inflammation. Its primary ingredient is capsaicin, which is found in chili peppers, and QC is available to the public for purchase. It can be delivered in a variety of ways and can be used by the department as a less-lethal force option during high-risk incidents, including riots and barricaded subjects. The types of QC munitions in the department's inventory are as follows (the contents are the same, but the delivery systems for each munition is different):

- 6 Model 2040 QC Expulsion
- 6 Model 3090 QC Shotgun ferret rounds

(b) Purpose:

To be used as a less-lethal force option during high-risk situations, including but not limited to those involving dangerous or combative subjects, riots, or when a tactical advantage needs to be obtained.

(c) Authorized Use:

Only members of the department who are POST certified to use chemical agents are authorized to do so. The use of the above-listed munitions is only authorized for specially trained members of the department's Special Response Unit. Additionally, these munitions may only be used for crowd control purposes within the provisions outlined in AB 481 and Penal Code Section 13652.

(d) Expected Lifespan:

5 years (manufacturer shelf life)

(e) Fiscal Impact: Varies depending on usage and training (\$0 to \$5,000)

Hayward Police Department

Hayward PD Policy Manual

Military Equipment

(f) Training Requirements (initial and ongoing):

Chemical agents "tear gas" initial training (SRU members only):

- POST certified basic academy chemical agent training (provided by POST certified instructors - includes direct exposure for all students)
- POST certified basic SWAT school (provided by POST certified instructors)
- POST certified chemical agent instructor school (provided by POST certified instructors - for SRU instructors only)
- HPD SRU training on policy, procedure, and deployment considerations (including when not to use - provided by POST certified instructors)- includes direct exposure for all SRU members.
- HPD SRU training on safety protocols

Chemical agents "tear gas" ongoing training (SRU members only):

- Annual SRU training on policy, procedure, and deployment considerations (including when not to use - provided by POST certified instructors) - includes direct exposure for all SRU members.
- Annual review of safety protocols

9. Pepper Powder Less Lethal Launcher (Category 14)

(a) Description, quantity, capability, and purchase cost:

FN 303 Less Lethal Launcher - Unit Cost: \$850. Quantity: 2. The FN 303 Less Lethal Launcher is a system that uses compressed air to deliver OC powder, paint, and specialty impact munitions. It is like a paintball system as it fires frangible plastic ammunition, which contains liquid OC. This system offers members of the department a less lethal force option during high-risk situations. This system allows for liquid OC and kinetic energy impacts to be delivered to dangerous or combative subjects at various distances.

(b) Purpose:

To be used as a less-lethal force option during high-risk situations, including but not limited to those involving dangerous or combative subjects, riots, or when a tactical advantage needs to be obtained.

(c) Authorized Use:

The FN 303 Less Lethal Launcher may only be used by specially trained members of the department's Special Response Unit. Additionally, the FN 303 Less Lethal Launcher may only be used for crowd control purposes within the provisions outlined in AB 48 and Penal Code Section 13652.

(d) Expected Lifespan:

10 years

(e) Fiscal Impact:

Hayward Police Department

Hayward PD Policy Manual

Military Equipment

Varies depending on ammunition usage and training (\$0-\$2,000)

(f) Training Requirements (initial and ongoing):

Pepper Powder Less Lethal Launcher initial training (SRU members only):

- POST certified Specialty Impact Munition instructor school (provided by POST certified instructors - for SRU instructors only)
- HPD SRU training on policy, procedure, and deployment considerations (including when not to use - provided by POST certified instructors; includes demonstrated proficiency in use)
- HPD SRU training on safety protocols

Pepper Powder Less Lethal Launcher ongoing training (SRU members only):

- Annual SRU training on policy, procedure, and deployment considerations (including when not to use - provided by POST certified instructors)- includes demonstrated proficiency in use.
- HPD SRU annual training on safety protocols

10. Specialty Impact Munition Systems and Ammunition (Category 14)

(a) Description, quantity, capability, and purchase cost:

(1) Defense Technology LMT Tactical Single Shot 40 mm Launcher - Unit Cost: \$1,100. Quantity: 17. CTS 40 mm Launcher- Unit Cost: \$1,250. Quantity: 4. The 40 mm Less Lethal Launcher is a chemical agent and/or specialty impact munition delivery system that can be used by members of the department during high-risk situations. It can deliver CS into a structure or direct fire specialty impact munitions (sponge rounds) to a dangerous or combative subject at various distances.

(2) 40 mm Sponge Rounds - Unit Cost: \$20. Quantity: 100. The 40 mm sponge round is a direct fire specialty impact munition that is similar in size and consistency to a racquet ball. It can be fired from a 40 mm and be used to neutralize a dangerous or combative subject during high-risk situations.

(b) Purpose:

To be used as a less-lethal force option during high-risk situations, including but not limited to those involving dangerous or combative subjects, riots, or to deliver CS into a structure.

(c) Authorized Use:

The 40 mm Less Lethal Launcher may only be used by members of the department specially trained in its use and who have shown proficiency during departmental training. Additionally, the 40 mm Less Lethal Launcher may only be used for crowd control purposes within the provisions outlined in AB 48 and Penal Code Section 13652.

(d) Expected Lifespan:

All 40 mm launchers are inspected and serviced annually by certified department armorers. They are replaced according to date of purchase and as needed depending on usage.

Hayward Police Department

Hayward PD Policy Manual

Military Equipment

(1) 40 mm launchers-10 years

(2) 40 mm sponge rounds - 5 years (manufacturer shelf life)

(e) Fiscal Impacts:

Replaced as needed (estimated \$0 to \$2,000 annually)

(f) Training Requirements (initial and ongoing):

40mm Less Lethal Launcher initial training (all officers):

- POST certified Specialty Impact Munition instructor school (provided by POST certified instructors - for department instructors only)
- POST certified training for all new officers.
- HPD department training on policy, procedure, and deployment considerations (including when not to use - provided by POST certified instructors)- includes demonstrated proficiency in use.
- HPD training on safety protocols

40mm Less Lethal Launcher ongoing training (all officers):

- Annual HPD department training on policy, procedure, and deployment considerations (including when not to use - provided by POST certified instructors) - includes demonstrated proficiency in use.
- HPD annual training on safety protocols

706.9.2 REVISIONS

Adopted: July 5, 2022

Revised: May 07, 2024

Revised: May 13, 2024