

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 those provided in (Government Code § 7070) and as follows:

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

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

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- 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 Fontana Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to the funding, acquisition and use of military equipment.

709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police will 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 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.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Fontana 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 Department will respond in a timely manner.

709.4 MILITARY EQUIPMENT INVENTORY

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

See attachment: FONTANA POLICE MILITARY EQUIPMENT INVENTORY.pdf

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):

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- (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 used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction, or otherwise engaged in law enforcement operations in this jurisdiction, shall comply with their respective military equipment use policies in rendering mutual aid.

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.

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

709.8 COMMUNITY ENGAGEMENT

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

Attachments

FONTANA POLICE MILITARY EQUIPMENT INVENTORY.pdf

2023 FONTANA POLICE MILITARY EQUIPMENT INVENTORY (Attachment)

Unmanned Aircraft System (UAS): An unmanned aircraft along with the associated equipment necessary to control it remotely.

a. Description, quantity, capabilities, and purchase cost of current UAS:

DJI MAVIC MINI, cost: \$400 each, quantity: 2.

DJI MAVIC 2, cost: \$ 800 each, quantity 3

Instant Eye MK, cost: \$30,00 total with training and fleer, quantity 2

b. Purpose

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

1. major collision investigations.
2. search for missing persons.
3. natural disaster management.
4. crime scene photography.
5. SWAT, tactical or other public safety and life preservation missions.
6. In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.

c. Authorized Use

Only assigned operators who have completed the required training shall be permitted to operate the DJI Mavic Mini during approved missions.

d. Expected Life Span

10 years all equipment.

e. Fiscal Impact

One time purchase.

f. Training

Each operator must attend a 40-hour department training and ongoing quarterly training.

g. Legal and Procedural Rules

The Fontana Police Department will utilize UAS only for official law enforcement purposes and in a manner that respects the privacy of our community, pursuant to State and Federal law.

Robots: Unmanned machine operating on the ground utilized to enhance the safety of the community and officers

a. Description, quantity, capabilities, and purchase cost

ICORE (Rialto PD equipment shared for Inland Valley SWAT)

AVATAR

RECON SCOUT

b. Purpose

To be used to remotely gain visual/audio data, deliver HNT phone, open doors, disrupt packages, and clear buildings and make announcements

c. Authorized Use

Only assigned operators who have completed the required training shall be permitted to operate the robots and at the discretion of the Incident or SWAT Commander

d. Expected Life Span

All robots, 10-15 years.

e. Fiscal Impact

Robots are all a one-time purchase.

f. Training

All robot operators are assigned to SWAT and receive on-going training 20 hours a month.

g. Legal and Procedural Rules

It is the policy of the Fontana Police Department to utilize a robot only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

Armored Vehicles: Commercially produced wheeled armored personnel vehicle utilized for law enforcement purposes

a. Description, quantity, capabilities, and purchase cost

LENCO BEARCAT, G2, cost: \$315,000.00, quantity: 1. The Lenco Bearcat, G2, is an armored vehicle that seats 10-12 personnel with open floor plan that allows for rescue of down personnel. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor

b. Purpose

To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.

c. Authorized Use

The use of armored vehicles shall only be authorized by a supervisor, based on the specific circumstances of a given critical incident.

d. Lifespan

25 years.

e. Fiscal Impact

One time purchase with general maintenance fees.

f. Training

Armored vehicle uses and training takes place during annual trainings provided by the department. All sworn personnel are trained in the tactics and capabilities of the armored vehicles.

g. Legal and Procedural Rules

It is the policy of the Fontana Police Department to utilize armored vehicles only for official law enforcement purposes, and pursuant to State and Federal law.

NIJ Level IV Armored Caterpillar (CAT) Multi-Terrain Loader (The ROOK): The ROOK is a custom “armored critical incident vehicle” built on the chassis of a CAT Bulldozer, manufactured by Ring Power. The ROOK is built to increase job safety, versatility, and mission specific response. The ROOK is equipped with powerful mission specific attachments. The ROOK is capable of being used in tight areas both inside and outside, where traditional armored vehicles may not be able to enter

a. Description, quantity, capabilities, and purchase cost

ROOK- Modified CAT compact Track Loader chassis, cost: \$400,000, quantity: 1. The ROOK can be utilized by authorized SWAT personnel to identify, discover and locate threats or hazards, to include explosives and ballistic threats. The ROOK may be used to stabilize critical infrastructure and functions to minimize health and safety threats during a terrorist attack. During a terrorist attack, the ROOK will allow for law enforcement protected response.

b. Purpose

To provide a capability for defensive ballistic protection in indoor and outdoor environments, rescue platforms for elevated structure rescue, and rough terrain environments where certain equipment would be limited.

c. Authorized Use

The ROOK shall be used by SWAT team members in a manner consistent with Department training. Furthermore, only SWAT team members who have completed the appropriate training, will operate the ROOK.

d. Lifespan

25 years

e. Fiscal Impact

One time purchase and general fleet maintenance fees.

f. Training

All driver/operators shall attend formalized instruction and be trained in vehicle operations and practical driving instruction as well as normal SWAT bi-weekly training.

g. Legal and Procedural Rules

It is the policy of the Department to utilize armored vehicles only for official law enforcement purposes, and pursuant to State and Federal law.

Long Range Acoustic Device (LRAD) Long Range Acoustical Device: (LRAD) is a high intensity directional acoustical array for long-range, crystal-clear hailing, notification, and an unmistakable warning tone. The LRAD is primarily used as a communication device.

a. Description, quantity, capabilities, and purchase cost

LRAD 1000x Mag (received on a grant) Self-contained, portable, and featuring an extended voice broadcast range out to 600 meters, the LRAD ensures voice messages are clearly heard and understood. Obtained by Colton Police Department on a military equipment grant program. LRAD is shared by Inland Valley SWAT agencies.

b. Purpose

To be used to issue dispersal orders during crowd and riot control situations or to address the public in the event of civil emergencies, natural disasters, evacuations, and police incidents (e.g., missing persons, perimeters for wanted suspects/ K9 deployments, etc.). The LRAD may also be used to issue a warning tone.

c. Authorized Use

The LRAD shall only be used by officers trained in its deployment

d. Lifespan

No life expectancy

e. Fiscal Impact

None

f. Training

All operators receive training prior to operating any of the LRAD's in the field.

g. Legal and Procedural Rules

It is the policy of the department to utilize the LRAD only for official law enforcement purposes, and pursuant to State and Federal law

40 MM Launchers and Rounds: 40MM LMT Launchers are utilized by department personnel as a less lethal tool to launch impact rounds.

a. Description, quantity, capabilities, and purchase cost

DEFENSE TECHNOLOGY, 40MM LMT SINGLE SHOT LAUNCHER, cost: \$1000, quantity 50. The 40MM Single Launcher is a tactical single shot launcher.

DEFENSE TECHNOLOGY, 40MM EXACT IMPACT SPONGE, #6325, cost: \$18, quantity: Fontana PD 179. A less lethal 40mm lightweight plastic and foam projectile fired from a single 40mm launcher with a rifled barrel. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance.

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. Authorized Use

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

1. Self-destructive, dangerous and/or combative individuals.
2. Riot/crowd control and civil unrest incidents.
3. Circumstances where a tactical advantage can be obtained.
4. Potentially vicious animals.
5. Training exercises or approved demonstrations.

d. Training

Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agent instructors

e. Lifespan

25 years.

f. Fiscal Impact

No annual fiscal impact.

g. Legal and Procedural Rules

It is the policy of the Fontana Police Department to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

Chemical Agent and Smoke Canisters: Canisters that contain chemical agents that are released when deployed

a. Description, quantity, capabilities, and purchase cost

Various Quantities of Chemical agent munitions, which are commonly referred to as “tear gas,” are used by the Fontana Police Department and Inland Valley SWAT team as a non-lethal tool to disperse rioting suspects and on barricaded suspects per Fontana Police Department Policy and applicable law. The Fontana Police Department uses 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).

Fontana Police Inventory

Defense Technology Pocket Tactical CS -40
Defense Technology Flameless Tri-Chamber CS -21
Defense Technology Spede Heat CS - 18
Defense Technology 40 mm Warning/Signal 50 meter -14
Defense Technology Riot Control CS - 12
Defense Technology Flameless Tri-Chamber OC - 7
Defense Technology Triple Chaser CS - 5
Defense Technology Direct Impact Marking round - 3
Defense Technology 40 mm Saf-Smoke 100 meters - 2
Defense Technology 40 mm Marking/ Signal Inert - 2
Defense Technology Spede Heat OC - 2

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Defense Technology 40 mm Liquid Ferret - 83
Defense Technology Pocket Tactical CS -15
Defense Technology Pocket Tactical Smoke - 11
CTS 5230 Baffle CS - 12
Defense Technology Smoke - 6
Aerosol/OC Vapor - 5
Defense Technology OC Stinger Handball - 2
Defense Technology Triple Chaser Smoke - 3
Defense Technology CS Stinger Handball - 2
Defense Technology Flameless Tri-Chamber CS - 4
Defense Technology Spede Heat CS - 9
Defense Technology Riot Control CS - 2
Defense Technology Triple Chaser CS - 2
Defense Technology Spede Heat CS 40 mm - 14

b. Purpose

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

- i. Self-destructive, dangerous and or combative individuals
- ii. Riot/crowd control and civil unrest incidents
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals
- v. Training exercises or approved demonstrations.

c. Authorized Use

Only officers who have received POST certification in the use of chemical agents are authorized to use chemical agents.

d. Training

Sworn members utilizing chemical agent canisters are certified by POST less lethal and chemical agent instructors.

e. Lifespan

5 years from manufacturing dates

f. Fiscal Impact

No annual cost.

g. Legal and Procedural Rules

It is the policy of the Fontana Police Department and Inland Valley SWAT to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal Law, including Fontana Police Use of Force policy.

Less Lethal Shotgun: Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round.

a. Description, quantity, capabilities, and purchase cost

REMINGTON LESS LETHAL SHOTGUN, cost: \$700, quantity: 35. The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock 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.

12-GAUGE SUPER-SOCK BEANBAG ROUND, cost: \$5, quantity: 2525. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). CTS Super-Sock rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. Effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. Authorized Use

1. Self-destructive, dangerous and/or combative individuals.
2. Riot/crowd control and civil unrest incidents.
3. Circumstances where a tactical advantage can be obtained.
4. Potentially vicious animals.
5. Training exercises or approved demonstrations.

d. Lifespan

No expiration.

e. Fiscal Impact

None

f. Training

All officers are trained in the 12 gauge less lethal shotgun as a less lethal option by in-service training.

h. Legal and Procedural Rules

It is the policy of the Fontana Police Department to utilize the less lethal shotgun only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

Distraction Devices: A distract device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.

a. Description, quantity, capabilities, and purchase cost

Defense Technology, 8933 Low Roll Distraction Device, cost: \$50, quantity: 24. Shared equipment for Inland Valley SWAT. A non-bursting, non-fragmenting, limited rolling device that produces a thunderous bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations

b. Purpose

To produce atmospheric over-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 or there is no response from suspects from announcements
- During other high-risk situations where their use would enhance officer safety.
- During training exercises.

d. Lifespan

Until used.

e. Fiscal Impact

No annual maintenance.

f. Training

Prior to use, officers must attend diversionary device training that is conducted by Post certified instructors. SWAT team members consistently train on the use of distraction devices.

g. Legal and Procedural Rules

It is the policy of the Fontana Police Department and Inland Valley SWAT to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Explosive Breaching Tools: Tools that are used to conduct an explosive breach. All explosive breaching equipment is shared with the Inland Valley SWAT agencies.

a. Description, quantity, capabilities, and purchase cost

DETONATING CORD, cost: \$1 per foot, quantity: 700 meters. The detonating cord is a thin, flexible plastic tube usually filled with pentaerythritol tetranitrate (PETN, pentrite). With the PETN exploding at a rate of approximately 6400 m/s, any common length of detonation cord appears to explode instantaneously. It is a high-speed fuse which explodes, rather than burns, and is suitable for detonating high explosives.

BLASTING CAP, cost: \$12, quantity: 73. A blasting cap is a small sensitive primary explosive device generally used to detonate a larger, more powerful and less sensitive secondary explosive such as TNT, dynamite, or plastic explosive. Blasting caps come in a variety of types, including non-electric caps, electric caps, and fuse caps.

b. Purpose

To safely and quickly gain entry into a structure.

c. Authorized Use

Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.

d. Lifespan

Blasting Caps- 10 years

Detonating cord- 10 years

e. Fiscal Impact

One time purchase.

f. Training

All officers who use explosive breaching tools shall attend an approved Tactical Explosive Breacher Course and must additionally receive quarterly training for explosive operations.

g. Legal and Procedural Rules

It is the policy of the Fontana Police Department and Inland Valley SWAT to utilize explosive breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.

Rifles: Guns that are fired from shoulder level, thereby have greater accuracy over a long distance.

a. Description, quantity, capabilities, and purchase cost

Colt LE 6920-5.56mm Patrol

Colt LE 6933-5.56mm Special Ops and Traffic

Colt LE 6946-5.56mm Special Ops and Traffic

Daniel Defense DDM4 5.56mm

Lewis Machine & Tool MWS .308 caliber

b. Purpose

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

c. Authorized Use

Only members that have successfully completed department rifle training are authorized to use a rifle. (Policy 312.13)

d. Lifespan

No expiration

e. Fiscal Impact

None.

f. Training

Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two times a year.

g. Legal and Procedural Rules

Use is established under policy 312 of the Fontana Police Department. It is the policy of the Fontana Police Department to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.