

ORDINANCE NO. 2022-02

**AN ORDINANCE OF THE ALBANY CITY COUNCIL ADOPTING A
MILITARY EQUIPMENT USE POLICY PURSUANT TO ASSEMBLY BILL 481**

WHEREAS, on September 30, 2021, Governor Newsom signed Assembly Bill 481 (“AB 481”) into law which requires law enforcement agencies to adopt a military equipment use policy (“Policy”) prior to taking certain actions relating to the funding, acquisition, or use of military equipment as defined by the law; and

WHEREAS, AB 481 requires adoption of the Policy by the City Council before the law enforcement agency can take action to request military equipment as defined by the statute; seek funds (such as grants or in-kind donations) for acquiring military equipment; actually acquire military equipment, either permanently or temporarily by owning, borrowing, or leasing; collaborate with other law enforcement agencies to deploy or use military equipment in the agency’s territorial jurisdiction; use new or existing military equipment in a manner not previously subject to AB 481’s scope; solicit or respond to a proposal for, or enter into an agreement with, any person or entity to seek funds for, apply for, acquire, use, or collaborate in using military equipment; or to acquire military equipment through any other means not specifically detailed in the statute; and

WHEREAS, to continue to use military equipment acquired prior to January 1, 2022, the law enforcement agency must commence the process of adopting the Policy no later than May 1, 2022; and

WHEREAS, in accordance with AB 481, the proposed Policy was made available on the website of the Albany Police Department (“Police Department”) at least 30 days prior to the public hearing by the City Council to adopt the Policy; and

1 **WHEREAS**, once adopted, the Policy will be made publicly available on the Police
2 Department’s website for as long as the covered military equipment is available for use;
3 and
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5 **WHEREAS**, in accordance with AB 481, the Policy is being agendized as an open
6 session item at a regular meeting of the City Council, and public comment on the item will
7 be allowed in accordance with the Brown Act; and
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9 **WHEREAS**, this Ordinance shall be reviewed by the City Council at least annually,
10 and based on an annual military equipment report that will be submitted to the City Council
11 pursuant to AB 481, the City Council shall determine whether each type of military
12 equipment identified in the report has complied with the standards for continued approval.
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14 **THE COUNCIL OF THE CITY OF ALBANY DOES ORDAIN AS FOLLOWS:**

15 **SECTION 1: INCORPORATION OF RECITALS.**

16 The City Council hereby finds that all of the foregoing recitals are true and correct
17 and are hereby incorporated and adopted as findings of the City Council as if fully set forth
18 herein.
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22 **SECTION 2. FINDINGS.**

23 Pursuant to Government Code section 7071(d)(1), as may be amended or
24 renumbered from time to time, the City Council hereby makes the following findings in
25 support of its adoption of the Policy:
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27 A. The military equipment identified in the Policy is necessary because there is
28 no reasonable alternative that can achieve the same objective of officer and civilian safety.

1 B. The proposed Policy will safeguard the public’s welfare, safety, civil rights,
2 and civil liberties.
3

4 C. If the Police Department purchases military equipment pursuant to the
5 Policy, the equipment is reasonably cost effective compared to available alternatives that
6 can achieve the same objective of officer and civilian safety.
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8 D. Prior military equipment use complied with the military equipment use
9 policy that was in effect at the time, or if prior uses did not comply with the accompanying
10 military equipment use policy, corrective action has been taken to remedy nonconforming
11 uses and ensure future compliance.
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14 **SECTION 3. SEVERABILITY.**

15 In light of the findings in Section 2, and in accordance with AB 481, the Policy
16 attached to this Ordinance as Exhibit “A” is hereby adopted by the City Council.
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19 **SECTION 4. CEQA.**

20 The City Council finds that this Ordinance is not subject to the California
21 Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not
22 result in a direct or reasonably foreseeable indirect physical change in the environment) and
23 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA
24 Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential
25 for resulting in physical change to the environment, directly or indirectly.
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SECTION 5. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 3: PUBLICATION AND EFFECTIVE DATE.

This Ordinance shall be posted at three public places within the City of Albany and shall become effective thirty (30) days after the date of its posting.

PASSED AND ADOPTED by the City Council of the City of Albany at its meeting on the 2nd day of May , 2022, by the following vote:

AYES: Council Members Gary, McQuaid, Nason, Tiedemann and Mayor Jordan

NOES:

ABSENT:

ABSTAIN:


PRESTON JORDAN, MAYOR

Attachment: Exhibit A – Military Equipment Use Policy

Military Equipment

705.1 PURPOSE AND SCOPE

The purpose of this policy ("Policy") is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment pursuant to Assembly Bill 481 ("AB 481") (California Government Code § 7070 .).

705.1.1 DEFINITIONS

Definitions related to this Policy include those provided in Government Code section 7070, and as follows:

Governing body – City of Albany City Council ("City Council").

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 section 30510 and Penal Code section 30515, with the exception of standard-issue handguns.
- 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 City Council or a state agency to require additional oversight

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705.2 POLICY

It is the Policy of the Albany Police Department ("Department") that members of this department comply with the provisions of AB 481 with respect to funding, acquisition and use of military equipment.

705.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police shall designate a member of the 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 City Council 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 City Council.
- (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 the Department.
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting; and
 2. Preparing for public questions regarding the Department's funding, acquisition, and use of military 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.
- (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.

705.4 MILITARY EQUIPMENT INVENTORY

The list of qualifying military equipment for the Department is attached to this Policy as Exhibit "A" and incorporated into the Policy by this reference.

705.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from City Council by way of an ordinance adopting the Policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed Policy is submitted to City Council and is available on the Department website at least thirty (30) days prior to any public hearing concerning the Policy. The Policy must be approved by City Council prior to engaging in any of the following:

- (a) Requesting military equipment made available pursuant to 10 USC § 2576(a).

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- (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 City Council.
- (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.

705.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this Department shall be approved for use in accordance with this Policy. Military equipment used by other jurisdictions that are providing mutual aid to the City of Albany, or otherwise engaged in law enforcement operations in the City, shall comply with their respective military equipment use policies in rendering mutual aid or carrying out a law enforcement function related to a criminal matter under their investigation.

705.7 ANNUAL REPORT

Upon approval of this Policy, the Chief of Police or the authorized designee should submit a military equipment report to City Council 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 section 7072 for the preceding calendar year for each type of military equipment in department inventory. "Type" of military equipment is defined to mean "each item that shares the same manufacturer model number."

705.8 COMMUNITY ENGAGEMENT

Within thirty (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.

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705.9 COMPLAINT PROCESS

Members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment in this policy by any of the following means:

1.	Via email to:	police@albanyca.org
2.	Via phone call to:	(510) 525-7300
3.	Via mail sent to:	Albany Police Department
		Attn: Military Equipment Use Coordinator
		1000 San Pablo Avenue
		Albany, CA 94706

The Department is committed to responding to complaints, concerns and/or questions received through any of the above methods in a timely manner.

705.10 ATTACHMENT

See attachment: Military Equipment List Final 03092022

Attachments

Military Equipment List Final 03092022.pdf

Section One: Military Equipment Owned and Maintained by Albany Police Department

Equipment Type: 40mm and 37mm Less Lethal Launchers and Kinetic Energy Munitions - CA Government Code §7070(c)(14)	
Quantity Owned: 2 – 40mm Defense Technology 1- 37mm Defense Technology	Lifespan: Launchers: 15 years Munitions: 5 years
Equipment Capabilities: The 40mm Less Lethal Launcher is capable of firing 40mm less lethal Kinetic Energy Munitions. The 37mm Less Lethal Launcher is capable of firing 37mm less lethal Kinetic Energy Munitions.	
Product Description: 40mm Defense Technology Launcher - Utilizes standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. Equipped with standard adjustable stock and allows for a single or two-point sling. 37mm Defense Technology Launcher - Utilizes standard 37mm less lethal ammunition, up to 4.8 inches in cartridge length. Equipped with standard adjustable stock and allows for a single or two-point sling.	
Munitions: 40MM Exact Impact Sponge #6325 - approximate cost: \$295, quantity: 16 - A less lethal 40mm lightweight plastic and foam. The 30-gram foam projectile delivers 120 ft/lbs. of energy on impact. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five feet and as far as 131 feet from the target. 40MM Exact Impact Extended Range #6325LE - approximate cost: \$200, quantity: 10 - Lightweight, high-speed projectile incorporates a plastic body and a foam (sponge) nose which is spin-stabilized. This is a "point-of-aim, point-of-impact" direct fire round that is most commonly used by tactical teams in situations where greater accuracy and deliverable energy is desired. 40MM Blunt Impact Projectile #6425 (BIP) - approximate cost: \$700, quantity: 30. Less lethal ammunition incorporates patented technologies to be highly effective in a number of enforcement situations. The projectile is spin-stabilized and delivers significant kinetic energy while ensuring less lethal performance. The Department does not have any 37mm munitions for field use.	
Purpose/Authorized Uses: The 40mm and 37mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option.	
Fiscal Impacts: The initial cost of this equipment was approximately \$3,000. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Albany Police Department Policies on Use of Force and Crowd Control.	
Training Required: Officers must complete a department-certified 40mm/37mm course as well as regular training and qualifications as required by law and policy.	
Other Notes: None.	

Equipment Type: Less Lethal Shotgun and 12-gauge Drag Stabilized Bean Bag Round - CA Government Code §7070(c)(14)	
Quantity Owned: 5 – Remington 870 Less Lethal Shotgun	Lifespan: Shotguns: Approximately 20 years Munitions: No Listed Expiration
Equipment Capabilities: The Remington 870 less lethal shotgun is capable of firing a 12-gauge drag stabilized bean bag round up to a distance of 75 feet. The use of this device allows for officers to maintain space between a suspect and themselves reducing the immediacy of the threat.	
Product Description: Remington 870 Less Lethal Shotgun – utilizes standard 12-gauge less lethal ammunition. It is a base shotgun with distinct less lethal markings.	
Munitions: 12-Gauge Drag Stabilized Bean Bag Round – approximate cost: \$1,000, quantity: 150 - The 12-Gauge Drag Stabilized Round is comprised of a translucent 12-Gauge shell loaded with a 40 gram, tear-shaped bag made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four stabilizing tails. The 12-Gauge Drag Stabilized round utilizes smokeless powder as the propellant.	
Purpose/Authorized Uses: The less lethal shotgun and less lethal munitions are intended for use as a less lethal use of force option.	
Fiscal Impacts: The initial cost of this equipment was approximately \$4,000. The ongoing costs for munitions will vary and maintenance is conducted by Department staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Albany Police Department Policies on Use of Force and Crowd Control.	
Training Required: Officers must complete a department-certified less lethal shotgun course as well as regular training and qualifications as required by law and policy.	
Other Notes: None.	

Equipment Type: Distraction Devices - CA Government Code §7070(c)(12)	
Quantity Owned: 5 – Defense Technology Low Roll Distraction Device 5 – Defense Technology Distraction Device No. 25	Lifespan: Until Used
Equipment Capabilities: Distraction devices are ideal for distracting dangerous suspects during assaults, hostage rescue, room entry, or other high-risk arrest situations. The device produces 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.	
Product Description: Defense Technology Low Roll Distraction Device – Made of a reloadable steel body with hex design. It is a non-bursting canister and limits movement and rolling once deployed. The diameter of the hex design body is 2.0 inches and the overall length is 5 inches. The device emits light, sounds, and has a twelve-top port configuration. Defense Technology Distraction Device No. 25 - Made of a reloadable steel body with a circular design. It is a non-bursting canister. The diameter of the circular design body is 2.0 inches and the overall length is 5 inches. The device emits light and sounds when deployed.	
Purpose/Authorized Uses: Distraction devices are intended for use by officers who have been trained in their proper use, in hostage or 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, and during training exercises.	
Fiscal Impacts: The initial cost of this equipment was approximately \$550. The ongoing costs for munitions will vary and maintenance is conducted by Departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force.	
Training Required: Officers authorized to use this device must complete a POST-certified distraction device course as required by POST and policy.	
Other Notes: None.	

Section Two: Qualifying Equipment known to be owned and/or utilized by law enforcement units with which the Albany Police Department collaborates and/or participates for law enforcement purposes

Equipment Type: Unmanned Aircraft Systems (UAS/Drones) - CA Gov't Code §7070(c)(1)	
Quantity Owned/Sought: None (outside owned)	Lifespan: Approximately 15 years
Equipment Capabilities: Remotely piloted aerial vehicles capable of providing live and recorded video images captured from aerial positions, including images enhanced by Forward Looking Infrared (FLIR) and optical zoom lenses.	
Manufacturer Product Description: Unavailable.	
Purpose/Authorized Uses: UAS/Drones may be utilized to enhance the Department's mission of protecting lives and property when other means and resources are not available or are less effective. Uses may include but are not limited to: search and rescue; suspect apprehension; crime scene	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: Use is established under FAA Regulation 14 CFR Part 107, and outside agency UAS policy. It is the policy of the Albany Police Department to 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.	
Training Required: All UAS operators are licensed by the Federal Aviation Administration for UAS operation.	
Other Notes: None.	

Equipment Type: Robots - CA Gov't Code §7070(c)(1)	
Quantity Owned/Sought: None (outside owned)	Lifespan: Unknown
Equipment Capabilities: Unmanned machine operating on the ground utilized to enhance the safety to the community and officers.	
Manufacturer Product Description: Unavailable.	
Purpose/Authorized Uses: To be used to remotely gain visual/audio data, deliver HNT phone, open doors, disrupt packages, and clear buildings.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: Utilization of a robot is only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.	
Training Required: Outside agency internal training for staff members prior to allowing them to operate and utilize robots.	
Other Notes: None.	

Equipment Type: 40mm/37mm Less Lethal Launchers and Kinetic Energy Munitions - CA Gov't Code §7070(c)(14)	
Quantity Owned: Unknown (outside agency)	Lifespan: Unknown
Equipment Capabilities: The 40mm/37mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, which are essentially rubber projectiles.	
Purpose/Authorized Uses: The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option. To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Police Department Policies on Use of Force and Crowd Control.	
Training Required: Outside agency training courses as well as regular training and qualifications as required by law and policy.	
Other Notes: None.	

Equipment Type: Less Lethal Shotgun and 12-gauge Drag Stabilized Bean Bag Round - CA Government Code §7070(c)(14)	
Quantity Owned: Unknown (outside agency)	Lifespan: Unknown
Equipment Capabilities: The less lethal shotgun is capable of firing a 12-gauge drag stabilized bean bag round up to a distance of 75 feet. The use of this device allows for officers to maintain space between a suspect and themselves reducing the immediacy of the threat.	
Product Description: Remington 870 Less Lethal Shotgun – utilizes standard 12-gauge less lethal ammunition. It is a base shotgun with distinct less lethal markings.	
Purpose/Authorized Uses: The less lethal shotgun and less lethal munitions are intended for use as a less lethal use of force option.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Police Department Policies on Use of Force and Crowd Control.	
Training Required: Training required by outside agency as well as regular training and qualifications as required by law and policy.	
Other Notes: None.	

Equipment Type: Long Range Acoustic Device (LRAD) - CA Gov't Code §7070(c)(13)	
Quantity Owned/Sought: None (outside owned).	Lifespan: Unknown.
Equipment Capabilities: 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.	
Manufacturer Product Description: 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 etc.). The LRAD may also be used to issue a warning tone.	
Purpose/Authorized Uses: Can be used to disperse unlawful crowds and/or to disrupt the activities of person(s) who represent an immediate threat to others.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: LRADs can only be deployed in accordance with all applicable State, Federal and Local laws governing police use of force, crowd control, etc.	
Training Required: Internal training by outside agencies.	
Other Notes: None.	

Equipment Type: Mine Resistant Ambush Protected Vehicles (MRAP) - CA Gov't Code §7070(c)(2)	
Quantity Owned/Sought: None (outside owned)	Lifespan: Unknown
Equipment Capabilities: Capable of transporting personnel and equipment while providing them with armored protection from gunfire.	
Manufacturer Product Description: Unavailable.	
Purpose/Authorized Uses: To move personnel and/or resources in support of tactical operations in which there is reason to expect potential armed resistance requiring protection. To evacuate victims in situations where gunfire is present.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: The MRAP can be deployed any time tactical operators determine that there is a need to move personnel and/or resources into areas in which they have reason to expect potential armed resistance requiring its protection. It can be deployed to protect and save the lives of victims during incidents of gunfire.	
Training Required: Outside agency internal training for staff members prior to allowing them to operate and utilize MRAP vehicles.	
Other Notes: None.	

Equipment Type: Semiautomatic/Sniper Rifles and Ammunition - CA Government Code §7070(c)(10)	
Quantity Owned: Unknown by outside agency	Lifespan: Approximately 20 years
Equipment Capabilities: The semiautomatic is capable of firing multiple calibers of bullets depending upon the rifle. It is fired from shoulder level and has a long spiral grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance. Sniper rifles are high precision, longer-range rifles. The modern sniper rifle is a portable shoulder-fired weapon system with a choice between <u>bolt-action</u> or <u>semi-automatic action</u> , fitted with a <u>telescopic sight</u> for extreme accuracy and chambered for a high-ballistic performance <u>centerfire cartridge</u> .	
Product Description: Unknown (outside agency owned)	
Purpose/Authorized Uses: May be deployed in any circumstance where it can be articulated a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to: <ul style="list-style-type: none"> (a) Situations where the member reasonably anticipates an armed encounter. (b) When a member is faced with a situation that may require accurate and effective fire at long range. (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower. (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. (e) When a member reasonably believes that a suspect may be wearing body armor. (f) When authorized or requested by a supervisor. (g) When needed to euthanize an animal. 	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Police Department Policies on Use of Force and Firearms.	
Training Required: Certified patrol rifle course/qualification as well as regular department firearms training and qualifications as required by law and policy.	
Other Notes: None.	

Equipment Type: Distraction devices, explosive breaching tools, tear gas (CS gas), and pepper balls - CA Gov't Code §7070(c)(12)	
Quantity Owned/Sought: None (outside owned)	Lifespan: Unknown.
Equipment Capabilities: Capable of breaching doors, gates, windows, and other points of entry, creating explosive distractions, and/or deploying tear gas or pepper chemical.	
Manufacturer Product Description: Unavailable.	
Purpose/Authorized Uses: Breaching doors, gates, windows, and other points of entry, creating explosive distractions, and/or deploying tear gas or pepper chemicals. 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 self-destructive, dangerous, and/or combative individuals, riot/crowd control, and civil unrest incidents, circumstances where a tactical advantage can be obtained, and training exercises or approved demonstrations.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: Breaching apparatus that are explosive in nature can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching, and non-explosive breaching methods are not tactically practicable. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances. Tear gas and pepper balls can only be deployed in accordance with all applicable State, Federal and local laws governing police use of force, crowd control, etc.	
Training Required: POST Certification and Internal Training amongst outside agencies.	
Other Notes: None.	

Equipment Type: Mobile Incident Command Vehicle (MIC) CA Gov't Code §7070(c)(5)	
Quantity Owned/Sought: None (outside owned)	Lifespan: Unknown.
Equipment Capabilities: A mobile office that provides shelter, access to Police Department computer systems, and restroom facilities on extended events.	
Manufacturer Product Description: Unavailable.	
Purpose/Authorized Uses: To be used based on the specific circumstances of a given critical incident, large event, natural disaster, or community event that is taking place.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: The MIC is only for official law enforcement purposes and in accordance with California State law regarding the operation of motor vehicles.	
Training Required: Internal agency training on use.	
Other Notes: None.	

Equipment Type: Battering rams, slugs, and breaching apparatus that are explosive in nature - CA Gov't Code §7070(c)(7)	
Quantity Owned/Sought: None (outside owned)	Lifespan: Unknown.
Equipment Capabilities: Capable of breaching doors, gates, windows, and other points of entry.	
Manufacturer Product Description: Unavailable.	
Purpose/Authorized Uses: Breaching doors, gates, windows, and other points of entry.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: Breaching apparatus that are explosive in nature can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching, and non-explosive breaching methods are not tactically practicable. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances.	
Training Required: Outside agency internal training for staff members prior to allowing them to use explosive breaching apparatus and POST certified courses on proper use.	
Other Notes: None.	



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

ORDINANCE NO. 2022-02

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 2nd day of May, 2022, by the following votes:

AYES: Council Members Gary, McQuaid, Nason, Tiedemann and Mayor Jordan

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 3rd
day of May, 2022.

Anne Hsu
CITY CLERK