

**ORDINANCE NO. 649**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA  
ADOPTING A MILITARY EQUIPMENT USE POLICY  
CONSISTENT WITH AB 481 REQUIREMENTS**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of military equipment by law enforcement agencies; and

**WHEREAS**, Assembly Bill 481, codified at California Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a "military equipment" use policy, at a regular meeting held pursuant to open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment. The term "military equipment" is defined in California Government Code section 7070; and

**WHEREAS**, Assembly Bill 481 allows the governing body of a city to approve the funding, acquisition, or use of defined military equipment within its jurisdiction only if it makes specified determinations; and

**WHEREAS**, The proposed military equipment use policy is found within Morro Bay Police Department Policy #707 (Exhibit "A") ("Policy"); and

**WHEREAS**, Morro Bay Police Department (proposed) Policy #707 was published on the Morro Bay Police Department's internet website on March 11, 2022. The Morro Bay Police Department Policy was presented to City Council on April 12, 2022, and

**WHEREAS**, this ordinance and the Morro Bay Police Department Policy #707 (exhibit "A") and the Attachment "Morro Bay Police Department Military Equipment Inventory List" (exhibit "B") meets the requirements of California Government Code section 7070, subdivision (d) and 7071 subdivision (a) (1).

**WHEREAS**, once adopted, the Policy will be made publicly available on the MBPD's website for as long as the covered military equipment is available for use; and

**WHEREAS**, in accordance with AB 481, the Policy is being agendaized as an open session item at a regular meeting of the City Council, and public comment on the item will be allowed in accordance with the Brown Act; and

**WHEREAS**, this ordinance shall be reviewed by the City Council at least annually, and based on an annual military equipment report that will be submitted to the City Council pursuant to AB 481, the City Council shall determine whether each type of military equipment identified in the report has complied with the standards for continued approval.

**NOW, THEREFORE, the City Council of the City of Morro Bay does ordain as follows:**

**SECTION 1. DETERMINATIONS**

The foregoing recitals are true and correct and incorporated herein by this reference. Based on the foregoing recitals, in addition to information provided to the City Council at the public meeting to consider the same, the City Council determines as follows:

1. The military equipment identified in Morro Bay Police Policy #707 (and Attachment "Morro Bay Police Department Military Equipment Inventory List") is necessary, because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.
2. Morro Bay Police Policy # 707 will safeguard the public's welfare, safety, civil rights, and civil liberties.
3. The military equipment identified in Morro Bay Police Policy #707 (and attached "Military Equipment Inventory List") is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
4. The City did not previously have a prior military equipment use policy but as to any prior uses that do not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.
5. The City Council, therefore, hereby approves and adopts the attached Morro Bay Police Military Equipment Use Policy #707 (exhibit "A") (and attached "Military Equipment Inventory List", exhibit "B").

**SECTION 2. SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

**SECTION 3. EFFECTIVE DATE**

This ordinance shall be in full force and effect thirty (30) days after its passage.

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**SECTION 4. CERTIFICATION**

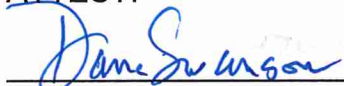
The City Clerk shall certify as to the passage and adoption of this ordinance, and the City Clerk shall cause the same to be posted and codified in the manner required by law.

**INTRODUCED** at a regular meeting of the City Council of Morro Bay, held on the 12<sup>th</sup> day of April 2022 by motion of Councilmember Heller, seconded by Mayor Heading.

**PASSED AND ADOPTED** on the 26th day of April, 2022, by the following vote:

AYES:       Heading, Addis, Barton, Ford, Heller  
NOES:       None  
ABSENT:     None

  
\_\_\_\_\_  
JOHN HEADING, Mayor

ATTEST:  
  
\_\_\_\_\_  
DANA SWANSON, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CHRISTOPHER F. NEUMEYER, City Attorney




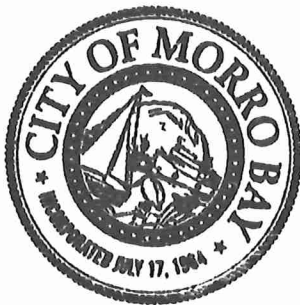
STATE OF CALIFORNIA )  
COUNTY OF SAN LUIS OBISPO )  
CITY OF MORRO BAY )

I, Dana Swanson, City Clerk for the City of Morro Bay, California, do hereby certify that the foregoing Ordinance No. 649 was duly passed and adopted by the City Council of the City of Morro Bay at the regular meeting thereof, held on the 26th day of April 2022, by the following vote:

AYES: Headding, Addis, Barton, Ford, Heller  
NOES: None  
ABSTAIN: None  
ABSENT: None

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Morro Bay, California, this 28<sup>th</sup> day of April, 2022.

  
\_\_\_\_\_  
DANA SWANSON, City Clerk



## Military Equipment

### 707.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, funding, use and reporting requirements of military equipment as the term is defined in Government Code § 7070; Government Code § 7071 and Government Code § 7072. This policy is provided to fulfill the obligations set forth in Assembly Bill No. 481 (2021-22). These obligations include but are not limited to seeking approval on specific items deemed to be military equipment and requirements related to compliance, annual reporting, cataloging, and complaints regarding these items.

#### 707.1.1 PHILOSOPHY

The acquisition of military equipment and its deployment in our communities may impact the public's safety and welfare. The public has a right to know about any funding, acquisition, or use of military equipment by local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment. Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

#### 707.1.2 DEFINITIONS

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

**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 and utilize a tracked system instead of wheels for forward motion.-
- 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 and ammunition of less than .50 caliber.-

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- 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.

### **707.2 POLICY**

It is the policy of the Morro Bay Police Department that members of this department comply with the provisions of Government Code § 7070-7075 with respect to military equipment.

### **707.3 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 Morro Bay Police Department (Government Code § 7071). (ie; Regional S.W.A.T. Team)
- (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 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 (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.

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### **707.4 MILITARY EQUIPMENT INVENTORY**

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

\* See Attachment of defined Military Equipment Inventory List.

### **707.5 APPROVAL**

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

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

#### **707.5.1 MILITARY EQUIPMENT USE CONSIDERATIONS**

1. The military equipment acquired and authorized by the Department is:

- a. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- b. Reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

2. Military equipment shall only be used by a Department employee only after applicable training, including any course required by the Commission on Peace Officer Standards and Training, has been completed, unless exigent circumstances arise.

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### **707.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment used by any member of this agency shall be approved for use and in accordance with this Department policy. The Morro Bay Police Department participates in the San Luis Obispo County Regional Special Weapons and Tactics (SWAT) team and works closely with other local, county, state and federal law enforcement partners in specific events which may include natural disasters, civil unrest, or high-risk criminal incidents. In planned or exigent circumstances, and with the approval of the Chief of Police or their designee, military equipment may be deployed by these law enforcement partners to promote the safety and security of the Morro Bay community. Military equipment used by other agencies/jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective AB481 compliant and approved military equipment use policies in rendering mutual aid. The Chief of Police or their designee will provide information during the annual report on the use of military equipment within the city limits of Morro Bay by other law enforcement partners.

### **707.7 ANNUAL REPORT**

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

The 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.

The annual military equipment report shall, at a minimum, include the following information:

- 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 concerning 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, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- e. The quantity possessed for each type of military equipment.
- f. If MBPD intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

#### **707.7.1 CATALOGING OF MILITARY USE EQUIPMENT**

All military use equipment kept and maintained by the Morro Bay Police Department shall be cataloged in a way which addresses each of the following requirements:

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- (a) The manufacturers description and/or general description of the equipment.
- (b) The capabilities of the equipment.
- (c) The purposes and authorized uses for which the Department proposes to use the equipment.
- (d) The expected lifespan of the equipment.
- (e) The fiscal impact of the equipment, both initially and for on-going maintenance.
- (f) The quantity of the equipment, whether maintained or sought.
- (g) The legal and procedural rules that govern each authorized use.
- (h) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer of this agency 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.

### 707.7.2 COMPLIANCE

- (a) The Department Operations Commander will ensure that all Department members comply with this policy. The Commander will conduct an annual audit with the assistance of the Training Division and Range Master. The Chief of Police or designee will be notified of any policy violations and, if needed, the violation(s) will be referred to the Internal Affairs Division and handled in accordance with Dept. Policy. All instances of non-compliance will be reported to City Council via the annual military equipment report.
- (b) Any member of the public can register a question or concern regarding military use equipment by contacting the Morro Bay Police Department via phone, email or in person. A response to the question or concern shall be completed by the Department in a timely manner.
- (c) 3. Any member of the public can submit a complaint to any member of the Department and in any form (i.e. in person, telephone, email, etc.). Once the complaint is received, it should be routed to the Operations Commander in accordance with Dept. Policy #1012 (Personnel Complaints).

### 707.7.3 FUNDING

The Department shall seek council approval 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.

1. The Department has authority to apply for funding prior to obtaining council approval in the case of exigent circumstances. The Department shall obtain council approval as soon as practicable.

### 707.8 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

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the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.



## CITY OF MORRO BAY

### POLICE DEPARTMENT

850 Morro Bay Boulevard  
Morro Bay, CA 93442

#### MBPD Military Equipment Use Policy/Inventory List



The Morro Bay Police Department does not possess any tactical equipment that it has obtained from the military, nor does it possess any equipment that was designed for military use.

Regardless, California Assembly Bill No. 481 and Government Code §7071(b) requires that law enforcement agencies submit a proposed Military Equipment Use Policy to their governing body for approval.

California Government Code §7070 provides a list of equipment types that are considered to be “military equipment” for purposes of this policy requirement, and this Military Equipment Use Policy includes information for any such equipment types that are possessed by the Morro Bay Police Department, or reasonably likely to be deployed in Morro Bay by other law enforcement partners.

California Government Code §7070(d) describes a Military Equipment Use Policy as a publicly released, written document that includes, at a minimum, all of the following:

1. 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.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency 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.
6. The mechanisms to ensure compliance with the Military Equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

California Government Code § 7070(c) defines Military Equipment as any of the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

Pursuant to California Government Code §7070(d)(6), and in accordance with California Government Code §7072, the Morro Bay Police Department will submit to the Morro Bay City Council an Annual Military Equipment Report and will make that report publicly available on its internet website. The Annual Military Equipment Report will include the following information for the immediately preceding calendar year for each type of military equipment:

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

The Morro Bay City Council will use the Annual Military Equipment Report as a mechanism to ensure the Morro Bay Police Department's compliance with this Military Equipment Use Policy, and to help it determine whether to approve, revise, or revoke components of the Military Equipment Use Policy for the subsequent year.

Pursuant to California Government Code §7070(d)(7), 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: [mbpdmedia@morrobayca.gov](mailto:mbpdmedia@morrobayca.gov)
2. Via phone call to: (805) 772-6284
3. Via mail sent to:
  - Morro Bay Police Department
  - Attn: Military Equipment Use Coordinator
  - 850 Morro Bay Blvd.
  - Morro Bay CA. 93442

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

The remainder of this Military Equipment Use Policy is divided into two sections. Section One lists qualifying equipment that is owned and/or utilized by the Morro Bay Police Department. Section Two lists qualifying equipment that is not owned or regularly utilized by the Morro Bay Police Department, but which is known to be owned and/or utilized by certain law enforcement agencies/units with which the Morro Bay Police Department collaborates and/or participates for law enforcement purposes.

**Section One: Qualifying Equipment Owned/Utilized by the Morro Bay Police Department**

<b>Equipment Type:</b> Unmanned Aircraft Systems (UAS/Drones) – CA Gov't Code §7070(c)(1)	
<b>Quantity Owned/Sought:</b> 3 owned	<b>Lifespan:</b> Approximately 5 years
<b>Equipment Capabilities:</b> 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.	
<b>Manufacturer Product Description:</b>	
<p><b>DJI Inspire 1:</b> The DJI Inspire 1 is a powerful, quadcopter flight platform capable of capturing 4K video and transmitting an HD signal to multiple devices. It is equipped with retractable landing gear to allow capture of an unobstructed 360-degree view from its camera. The built-in camera has an integrated gimbal to maximize stability and weight efficiency while minimizing space. When no GPS signal is available or is lost, Vision Positioning technology provides hovering precision for maximum safety. The DJI Inspire 1 also has an attachable Zenmuse XT FLIR Longwave Thermal Imaging Camera System which provides high-sensitivity infrared imaging for enhanced performance during search and rescue operations, locating missing persons, assisting on fire responses and other emergency situations. The Inspire 1 weighs approx. 6.74 lbs. fully equipped, can reach speed of approx. 16 ft/s, and has an approx. 25-30 min. flight time.</p> <p><b>DJI Phantom 4:</b> The DJI Phantom 4 Pro is an extremely smart sUAS flying camera with multi-directional collision avoidance technology made up of vision and infrared sensors, making it intelligently avoid obstacles during flight. Its camera system offers unprecedented image quality with greater clarity, lower noise, higher resolution photos and videos. Dual frequency support in the remote controller makes the HD video downlink more efficient and more stable. The Phantom 4 Pro features a more efficient propulsion system allowing a 4db (60%) operational noise reduction. The</p>	

Phantom 4 Pro weighs approx. 1375g, has a max. speed of approx. 40mph and an Intelligent Flight battery system allows for approx. 25 min. flight time.
<b>Mavic II Enterprise:</b> The DJI Mavic II Enterprise features omnidirectional Vision Systems and Infrared Sensing Systems and comes with a fully stabilized 3-axis gimbal camera with an equivalent 24-48 mm 2x optical enterprise lens capable of shooting 4k videos and 12-megapixel photos that support up to 6x FHD zoom. DJI signature technologies such as Obstacle Sensing and the Advanced Pilot Assistance System, help you capture complex shots effortlessly. Additional features like the built in AirSense make you aware of your surrounding airspace, and password protection helps you maintain secure access to your aircraft and protect your data. The Mavic II Enterprise also has attachable modular accessories like the M2E spotlight, M2E Beacon, and M2E Speaker that are purpose built for various applications. The Mavic II Enterprise boasts a maximum flight speed of 44.7 mph and a maximum flight time of 31 minutes.
<b>Purpose/Authorized Uses:</b> 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 documentation; tactical operations; scene security; hazard monitoring, identification and mitigation; response to emergency calls; crisis communications; legally authorized surveillance.
<b>Fiscal Impacts:</b> The initial costs of equipment, licensing, software and training was approximately \$20,000 which was funded with SLESF COPS Grant Funds. Ongoing cost associated with UAS operation, maintenance and training is estimated to be approximately \$5,000 per year.
<b>Legal/Procedural Rules Governing Use:</b> Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.
<b>Training Required:</b> Prior to piloting any UAS/Drone staff members must secure an FAA Remote Pilot License and complete all training required by our FAA COA.
<b>Other Notes:</b> None.

<b>Equipment Type:</b> Semiautomatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)	
<b>Quantity Owned/Sought:</b> 18 owned	<b>Lifespan:</b> Approximately 15 years
<b>Equipment Capabilities:</b> The Aero Precision X15 semiautomatic rifle is capable of firing 5.56mm projectile bullet.	
<b>Manufacturer Product Description:</b> The Aero Precision X15 rifle features the Atlas R-ONE 10.5" barrel, front and rear folding aluminum sights, Aimpoint Red Dot Laser sight system, Inforce WMLX Tactical light, Blue Force Vickers Sling system and Magpul Gen. 2 (30 rd.) magazine.	
<b>Purpose/Authorized Uses:</b> Officers may deploy the patrol rifle in any circumstance where the officer can articulate 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:	
1. Situations where the officer reasonably anticipates an armed encounter.	

<p>2. When an officer is faced with a situation that may require accurate and effective fire at long range.</p> <p>3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.</p> <p>4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.</p> <p>5. When an officer reasonably believes that a suspect may be wearing body armor.</p> <p>6. When authorized or requested by a supervisor.</p>
<p><b>Fiscal Impacts:</b> The initial cost of equipment was approximately \$18,000 funded by SLESF COPS Grant. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff and/or certified armorer.</p>
<p><b>Legal/Procedural Rules Governing Use:</b> All applicable State, Federal and Local laws governing police use of force. Various Morro Bay Police Department Policies on Use of Force and Firearms.</p>
<p><b>Training Required:</b> Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.</p>
<p><b>Other Notes:</b> These rifles are standard issue service weapons for our officers and therefore exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document in an abundance of caution and in the interest of transparency.</p>

<p><b>Equipment Type:</b> 40mm Less Lethal Launchers and Kinetic Energy Munitions – CA Gov't Code §7070(c)(14)  12 Ga. Less-Lethal Shotgun and bean bag munitions- CA Gov't Code §7070(c)(14)  Pepperball Gas powered Launchers- CA Gov't Code §7070(c)(12)</p>	
<p><b>Quantity Owned/Sought:</b> 40 mm Launchers (2) (back ordered). 12 Ga. Less-Lethal shotguns (5), Pepper ball gas powered launchers (2)</p>	<p><b>Lifespan:</b> Approximately 10-15 years</p>
<p><b>Equipment Capabilities:</b> The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, which are essentially rubber, foam, pepper ball or bean bag projectiles, Smoke grenades and/or Gas.  The Remington 12 GA. Less-Lethal shotgun can fire a bean bag munition.  The Pepperball FTC launcher is capable of firing pepper balls.</p>	
<p><b>Manufacturer Product Description:</b>  <b>40mm Single Tube Launcher, DT-LMT 1425:</b> Manufactured exclusively for Defense Technology®, the 40LMTS is a tactical single shot launcher that features an expandable ROGERS Super Stock and an adjustable Integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single- and two-point sling attachment. The 40LMTS will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems.</p> <p><b>40mm Multi Tube Launcher, DT-LMT 1440:</b> Designed for riot and tactical situations, the Defense Technology® 1440 40mm Tactical 4-Shot Launcher is low-profile and lightweight, providing multi-shot capability in an easy to carry launcher. It features the Rogers Super Stoc™ expandable gun stock, an adjustable Picatinny mounted front grip, and a unique direct-drive system to advance the magazine</p>	

cylinder. These launchers are light weight, versatile and used worldwide by police and corrections officers.

**Remington 870 12 GA. Less-Lethal shotgun:** Pump action shotgun manufactured by Remington Arms for sport shooting, hunting and self-defense and used by law enforcement organizations worldwide. These firearms are distinctively marked with orange and designated solely as less-lethal force options.

**Pepperball FTC Gas powered Launcher:** Pepper Ball is the most versatile non-lethal system available, allowing officers to deploy it in a wide range of situations. The pepper ball FTC launcher is a high-capacity, semi-automatic launcher. It weighs 2.95 lbs., operates at 3000 psi with an accuracy range of approx. 65 feet and holds approx. 180 rounds. It has full mechanical operation, front and rear sights and an electronic anti-jam loading feature. These launchers are distinctly yellow in color for easy identification as a less/non-lethal use of force option.

**Purpose/Authorized Uses:** The 40mm Less Lethal Launchers, 12 GA. Less-Lethal shotguns and Pepperball Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force options.

**Fiscal Impacts:** 40mm- initial cost of this equipment was approx. \$3,000 purchased through SLESF COPS Grant funds.

**Remington 870 12 Ga.-** initial cost of this equipment was approx. \$5,000 (general fund).

**Pepper Ball FTC Gas Launcher-** initial cost of this equipment was approx. \$2,362 purchased through SLESF COPS Grant funds.

The ongoing costs for munitions will vary (based on use/training) and maintenance is conducted by departmental staff and/or a certified armorer.

**Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Various Morro Bay Police Department Policies on Use of Force and Crowd Control.

**Training Required:** Officers must complete a department approved/certified 40mm course, 12 GA. Less-lethal course and specified Pepperball training as well as regular firearms training and qualifications as required by law and policy.

**Other Notes:** None.

**Section Two: The following list of Qualifying Equipment may be owned and/or utilized by law enforcement units with which the Morro Bay Police Department collaborates and/or participates for law enforcement purposes; to include but not limited to: SLO Regional SWAT, SLO County Sheriff Dept., CHP, State Parks, Calif. Dept. of Fish and Wildlife. \*(Not all agencies own/utilize each of these equipment items).**

<b>Equipment Type:</b> Unmanned, remotely piloted, powered ground vehicles - CA Gov't Code §7070(c)(1)	
<b>Quantity Owned/Sought:</b> None (outside owned)	<b>Lifespan:</b> Estimate approx. 15 years
<b>Equipment Capabilities:</b> Vehicles are capable of being remotely navigated to provide scene information and intelligence in the form of video and still images transmitted to first responders.	
<b>Manufacturer Product Description/General Description:</b> Remote vehicle to be operated on the ground without need/requirement of human presence on board.	
<b>Purpose/Authorized Uses:</b> To enhance the safety of potentially dangerous situations by providing first responders with the ability to capture video and still images of hazardous areas prior to, or in lieu of, sending in personnel.	

<b>Fiscal Impacts:</b> MBPD contributes approx. \$6,000 annually to SLO Regional SWAT for equip/maint.
<b>Legal/Procedural Rules Governing Use:</b> The use of unmanned, remotely piloted, powered ground vehicles potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to all applicable privacy laws and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure).
<b>Training Required:</b> The San Luis Obispo Regional SWAT Team provides internal training for staff members prior to allowing them to pilot these vehicles.
<b>Other Notes:</b> The Morro Bay Police Department participates in the San Luis Obispo Regional SWAT Team (SLO Reg. SWAT). This equipment may be owned and operated by SLO Regional SWAT through the San Luis Obispo Police Department. While the Morro Bay Police Department does not own or operate this equipment, it could be used in Morro Bay by SLO Regional SWAT (or an allied agency) if they are requested/deployed to an incident within city limits.

<b>Equipment Type:</b> Mine Resistant Ambush Protected Vehicles (MRAP) - CA Gov't Code §7070(c)(2)	
<b>Quantity Owned/Sought:</b> None (outside owned)	<b>Lifespan:</b> Estimate approx. 15 yrs.
<b>Equipment Capabilities:</b> Capable of transporting personnel and equipment while providing them with armored protection from gunfire.	
<b>Manufacturer Product Description/General Description:</b> Commercially produced wheeled armored personnel vehicle utilized for law enforcement purposes.	
<b>Purpose/Authorized Uses:</b> To move personnel and/or resources in support of tactical operations in which there is reason to expect potential armed resistance requiring protection.	
<b>Fiscal Impacts:</b> MBPD contributes approx. \$6,000 annually to SLO Regional SWAT for equip/maint.	
<b>Legal/Procedural Rules Governing Use:</b> 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.	
<b>Training Required:</b> The San Luis Obispo Regional SWAT Team provides internal training for staff members prior to allowing them to drive MRAP vehicles.	
<b>Other Notes:</b> The Morro Bay Police Department participates in the San Luis Obispo Regional SWAT Team (SLO Reg. SWAT). This equipment may be owned and operated by SLO Regional SWAT through the San Luis Obispo Police Department. While the Morro Bay Police Department does not own or operate this equipment, it could be used in Morro Bay by SLO Regional SWAT (or an allied agency) if they are requested/deployed to an incident within city limits.	

<b>Equipment Type:</b> Wheeled vehicles that have a breaching apparatus attached - CA Gov't Code §7070(c)(3)	
<b>Quantity Owned/Sought:</b> None (outside owned)	<b>Lifespan:</b> Estimate approx. 15 yrs.
<b>Equipment Capabilities:</b> Capable of breaching doors, gates, and other points of entry.	
<b>Manufacturer Product Description/General Description:</b> The breaching vehicle/apparatus is a mobile armored breaching system to allow safe and effective entry methods into high-risk or fortified locations to maximize officer and civilian safety.	
<b>Purpose/Authorized Uses:</b> Breaching doors, gates, and other points of entry.	
<b>Fiscal Impacts:</b> MBPD contributes approx. \$6,000 annually to SLO Regional SWAT for equip/maint.	
<b>Legal/Procedural Rules Governing Use:</b> Breaching vehicles can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances.	
<b>Training Required:</b> The San Luis Obispo Regional SWAT Team provides internal training for staff members prior to allowing them to drive breaching vehicles.	
<b>Other Notes:</b> The Morro Bay Police Department participates in the San Luis Obispo Regional SWAT Team (SLO Reg. SWAT). This equipment may be owned and operated by SLO Regional SWAT through the San Luis Obispo Police Department. While the Morro Bay Police Department does not own or operate this equipment, it could be used in Morro Bay by SLO Regional SWAT (or an allied agency) if they are requested/deployed to an incident within city limits.	

<b>Equipment Type:</b> Battering rams, slugs, and breaching apparatus that are explosive in nature - CA Gov't Code §7070(c)(7)	
<b>Quantity Owned/Sought:</b> None (outside owned)	<b>Lifespan:</b> Estimate approx. 15 yrs.
<b>Equipment Capabilities:</b> Capable of breaching doors, gates, windows, and other points of entry.	
<b>Manufacturer Product Description/General Description:</b> Explosive breaching tools that are used to conduct an explosive breach to create an entry or exit point during a high-risk or tactical situation.	
<b>Purpose/Authorized Uses:</b> Breaching doors, gates, windows, and other points of entry.	
<b>Fiscal Impacts:</b> MBPD contributes approx. \$6,000 annually to SLO Regional SWAT for equip/maint.	
<b>Legal/Procedural Rules Governing Use:</b> 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.	
<b>Training Required:</b> The San Luis Obispo Regional SWAT Team provides internal training for staff members prior to allowing them to use explosive breaching apparatus.	
<b>Other Notes:</b> The Morro Bay Police Department participates in the San Luis Obispo Regional SWAT Team (SLO Reg. SWAT). This equipment may be owned and operated by SLO Regional SWAT through the San Luis Obispo Police Department. While the Morro Bay Police Department does not own or operate this equipment, it could be used in Morro Bay by SLO Regional SWAT (or an allied agency) if they are requested/deployed to an incident within city limits.	

<b>Equipment Type:</b> Flashbang grenades, explosive breaching tools, tear gas and pepper balls - CA Gov't Code §7070(c)(12)	
<b>Quantity Owned/Sought:</b> None (outside owned)	<b>Lifespan:</b> Estimate 3-5 yrs.
<b>Equipment Capabilities:</b> Capable of breaching doors, gates, windows, and other points of entry, creating explosive distractions, and/or deploying tear gas or pepper chemical.	
<b>Manufacturer Product Description/General Description:</b> A distraction device is used to distract dangerous suspects during assaults, hostage rescues, room entry, or other high-risk arrest situations.	
<b>Purpose/Authorized Uses:</b> breaching doors, gates, windows, and other points of entry, creating explosive distractions, and/or deploying tear gas or pepper chemicals.	
<b>Fiscal Impacts:</b> MBPD contributes approx. \$6,000 annually to SLO Regional SWAT for equip/maint.	
<b>Legal/Procedural Rules Governing Use:</b> 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.	
<b>Training Required:</b> The San Luis Obispo Regional SWAT Team provides internal training for staff members (as required) prior to allowing them to use any of these items.	
<b>Other Notes:</b> The Morro Bay Police Department participates in the San Luis Obispo Regional SWAT Team (SLO Reg. SWAT). This equipment may be owned and operated by SLO Regional SWAT through the San Luis Obispo Police Department. While the Morro Bay Police Department does not own or operate this equipment, it could be used in Morro Bay by SLO Regional SWAT (or an allied agency) if they are requested/deployed to an incident within city limits.	

<b>Equipment Type:</b> Long Range Acoustic Device (LRAD) - CA Gov't Code §7070(c)(13)	
<b>Quantity Owned/Sought:</b> None (outside owned).	<b>Lifespan:</b> Estimate approx. 20-25 yrs.
<b>Equipment Capabilities:</b> LRAD systems are a type of Acoustic Hailing Device (AHD) used to send messages over long distances. LRAD systems produce much higher sound levels (volume) than normal loudspeakers or megaphones. Over shorter distances, LRAD signals are loud enough to cause pain in the ears of people in their path.	
<b>Manufacturer Product Description/General Description:</b> LRAD systems are a type of Acoustic Hailing Device (AHD) used to send messages over long distances. LRAD systems produce much higher sound levels (volume) than normal loudspeakers or megaphones. Over shorter distances, LRAD signals are loud enough to cause pain in the ears of people in their path.	
<b>Purpose/Authorized Uses:</b> Can be used to disperse unlawful crowds and/or to disrupt the activities of person(s) who represent an immediate threat to others.	
<b>Fiscal Impacts:</b> MBPD contributes approx. \$6,000 annually to SLO Regional SWAT for equip/maint.	
<b>Legal/Procedural Rules Governing Use:</b> LRADs can only be deployed in accordance with all applicable State, Federal and Local laws governing police use of force, crowd control, etc.	
<b>Training Required:</b> The San Luis Obispo Regional SWAT Team provides internal training for staff members prior to allowing them to use any of these items.	
<b>Other Notes:</b> The Morro Bay Police Department participates in the San Luis Obispo Regional SWAT Team (SLO Reg. SWAT). This equipment may be owned and operated by SLO Regional SWAT through the San Luis Obispo Police Department. While the Morro Bay Police Department does not own or operate this equipment, it could be used in Morro Bay by SLO Regional SWAT (or an allied agency) if they are requested/deployed to an incident within city limits.	

<b>Equipment Type:</b> Mobile Incident Command (MIC)- CA Gov't Code §7070(c)(5)	
<b>Quantity Owned/Sought:</b> None (outside owned)	<b>Lifespan:</b> Estimate 10-15 yrs.
<b>Equipment Capabilities:</b> On-site platform for command, control and communications during a critical incident, natural disaster, etc.	
<b>Manufacturer Product Description/General Description:</b> A mobile office that provides shelter, access to police department computer systems, radio communications, and restroom facilities on extended events.	
<b>Purpose/Authorized Uses:</b> Vehicle/trailer used as a main workspace and storage area to operate as mobile command center to support management of incidents and planned events by providing interior and exterior workspaces as well as command and control capabilities.	
<b>Fiscal Impacts:</b> MBPD contributes approx. \$6,000 annually to SLO Regional SWAT for equip/maint.	
<b>Legal/Procedural Rules Governing Use:</b> Mobile Command Centers are deployed in accordance with all applicable State, Federal and Local laws governing police emergency use during critical incidents, natural disasters, emergency management operations and planned events.	
<b>Training Required:</b> The San Luis Obispo Regional SWAT Team provides internal training for staff members prior to allowing them to utilize Command Center vehicles and equipment.	
<b>Other Notes:</b> The Morro Bay Police Department participates in the San Luis Obispo Regional SWAT Team (SLO Reg. SWAT). This equipment may be owned and operated by SLO Regional SWAT through the San Luis Obispo Police Department. While the Morro Bay Police Department does not own or operate this equipment, it could be used in Morro Bay by SLO Regional SWAT (or an allied agency) if they are requested/deployed to an incident within city limits.	