

## **ORDINANCE NO. 2022-15**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A MILITARY EQUIPMENT USE POLICY FOR THE NEWPORT BEACH POLICE DEPARTMENT**

**WHEREAS**, on September 30, 2021, Governor Gavin Newsom signed Assembly Bill ("AB") 481, codified as California Government Code §7070, et seq., relating to the funding, acquisition and use of "military equipment" by California law enforcement agencies;

**WHEREAS**, Section 200 of the Charter of the City of Newport Beach ("City") vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

**WHEREAS**, the Newport Beach Police Department is in possession of certain items of equipment and related munitions that qualify under the broad definition of "military equipment" under AB 481;

**WHEREAS**, AB 481 requires that a law enforcement agency possessing and using such qualifying equipment prepare a written, publicly released Military Equipment Use Policy covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process, applicable to the Department's use of such equipment;

**WHEREAS**, the Military Equipment Use Policy and supporting information must be approved by the City Council and reviewed annually; and

**WHEREAS**, the City Council of the City of Newport Beach, having received the information required under AB 481 regarding the Newport Beach Police Department's use of "military equipment" as defined in said law, deems it to be in the best interest of the City to approve the Military Equipment Use Policy as set forth herein.

**NOW THEREFORE**, the City Council of the City of Newport Beach ordains as follows:

**Section 1:** The City Council hereby approves and adopts the Military Equipment Use Policy and determines all of the following:

1. The military equipment inventoried and presented to the City Council is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
2. The proposed Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties;
3. The equipment described in the Military Equipment Use Policy is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety;
4. Prior military equipment use complied with the Military Equipment Use Policy that was in effect at the time, or if prior uses did not comply with the accompanying Military Equipment Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance;
5. The Newport Beach Police Department has made the Military Equipment Use Policy available on its website for at least 30 days prior to the public hearing concerning the military equipment at issue and described in the Policy;
6. The proposed Military Equipment Use Policy shall be made publicly available on the internet website of the Newport Beach Police Department for as long as the military equipment is available for use; and
7. The Military Equipment Use Policy was considered by the City Council as an agenda item in an open session of a regular meeting, noticed in accordance with the Ralph M. Brown Act, at which public comment was permitted.

**Section 2:** The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

**Section 3:** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 4:** The City Council finds the introduction and adoption of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**Section 5:** The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414. This ordinance shall be effective thirty (30) calendar days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 14th day of June, 2022, and adopted on the 28th day of June, 2022, by the following vote, to-wit:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
KEVIN MULDOON, MAYOR

**ATTEST:**

\_\_\_\_\_  
LEILANI I. BROWN, CITY CLERK

**APPROVED AS TO FORM:**  
CITY ATTORNEY'S OFFICE



\_\_\_\_\_  
AARON C. HARP, CITY ATTORNEY

Attachment(s):      Military Equipment Use Policy, including the Military Equipment Inventory

# Military Equipment Use Policy

## 707.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, approval, acquisition, and reporting requirements of military equipment in accordance with California Government Code § 7070, et seq.

### 707.1.1 DEFINITIONS

Definitions related to this policy as defined in Government Code § 7070:

**Governing Body** – The governing body for the Newport Beach Police Department is the City Council of the City of Newport Beach.

**Military Equipment** – Includes but is not limited to the following categories:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
3. High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
4. Tracked armored vehicles that provide ballistic protection to their occupants.
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. This does not include a handheld, one-person ram.
8. Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
9. Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue handguns.
10. Any firearm or firearm accessory that is designed to launch explosive projectiles.
11. Noise-flash diversionary devices and explosive breaching tools.
12. Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
13. TASER Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
14. Projectile launch platforms and associated munitions.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.

# Newport Beach Police Department

## Newport Beach PD Policy Manual

### *Military Equipment Use Policy*

---

#### **707.2 POLICY**

It is the policy of the Newport Beach Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

#### **707.3 MILITARY EQUIPMENT COORDINATOR**

The Support Services Lieutenant is designated 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 Newport Beach Police Department equipment that qualifies as military equipment in the current possession of the department or the equipment the department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of the Newport Beach Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting as described below in section 707.7.
- (f) Preparing the annual military equipment report for submission to the Chief of Police for subsequent approval by the City Council 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 Newport Beach Police Department will respond in a timely manner.

#### **707.4 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 Use Policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed Military Equipment Use 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 Use 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

# Newport Beach Police Department

## Newport Beach PD Policy Manual

### *Military Equipment Use Policy*

---

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 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless they have adopted a Military Equipment Use Policy as required by Government Code § 7071-7075 and in compliance with their agency's policies and all state and federal laws and regulations.

#### **707.6 ANNUAL REPORT**

Upon approval of a Military Equipment Use Policy, the Chief of Police or the authorized designee shall 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 shall 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 the Newport Beach Police Department inventory.

#### **707.7 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual report, the Newport Beach Police 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.

#### **707.8 QUESTIONS, CONCERNS AND COMPLAINTS PROCEDURE**

In accordance with Section 707.3(g) defined above, the procedure for a person to register a complaint, concern or question is through one of the methods listed below:

- Via US Mail or in person: Complaint forms are available at the front desk or inquiries can be mailed to:  
Newport Beach Police Department  
870 Santa Barbara Drive  
Newport Beach, CA 92660
- Via email: [info@nbpd.org](mailto:info@nbpd.org)
- By telephone: (949) 644-3681
- Online: [www.nbpd.org/complaints](http://www.nbpd.org/complaints)

The department will respond to questions, concerns or complaints regarding this policy or the use of military equipment within 10 business days of receipt by the department.

# Newport Beach Police Department

## Newport Beach PD Policy Manual

### *Military Equipment Use Policy*

---

#### **707.9 COMPLIANCE**

The Professional Standards Unit shall ensure that all department members comply with this policy and is responsible for investigating violations of this policy and investigating complaints regarding the use of military equipment.

#### **707.10 MAINTENANCE OF OPERATIONAL INVENTORY LEVELS**

The Newport Beach Police Department is authorized to procure and maintain an appropriate inventory of the approved military equipment specified in this policy, including associated ammunition and munitions, necessary to ensure operational capabilities of the department.

#### **707.11 MILITARY EQUIPMENT INVENTORY**

The inventory attached as Appendix A constitutes a list of qualifying equipment and associated ammunition and munitions for the Newport Beach Police Department.

Proposed



**Appendix A****Newport Beach Police Department  
Military Equipment Inventory**

<b>Robot</b>	
Category	1
Description	Recon Robotics Throwbot XT
Initial Cost	\$15,251 each
Year Acquired	2013
Current Quantity	2
Description/Capabilities	This robot is a battery powered, remote operated device equipped with one camera and audio capability. The device is intended for use during high-risk incidents. Use is limited to members of the department's Crisis Response Unit (CRU) or with authorization of the on-duty Watch Commander. Incidents that may qualify for its use include, but are not limited to, a high-risk warrant service, barricaded subject, and hostage negotiation/rescue.
Purpose	To be used to remotely gain visual/audio data.
Authorized Use	Use is established by the Incident Commander or on-duty Watch Commander. All other applicable NBPB policies remain in effect, to include, but not limited to, NBPB Policy 321 – Search and Seizure, and NBPB Policy 408 – Crisis Response Unit.
Expected Lifespan	10 years
Fiscal Impact	No known annual maintenance cost.

<b>Unmanned Aerial Vehicle</b>	
Category	1
Description	DJI Phantom 3 Professional unmanned aerial vehicle (UAV)
Initial Cost	\$1,449
Year Acquired	2016
Current Quantity	1
Description/Capabilities	The Phantom 3 is a consumer-grade UAV that is battery powered and remote operated. The UAV controller uses an integrated smart device that allows the operator to control UAV and view live feed from the UAV-mounted 4K DGI camera. Flight time of approximately 20-25 minutes per battery, depending on weather and flight conditions. Full specifications are available on the manufacturer's product website: <a href="https://www.dji.com/phantom-3-pro">https://www.dji.com/phantom-3-pro</a>
Purpose	The UAV was purchased to evaluate a potential UAV program at the NBPB. The department has not implemented a program and does not deploy the UAV during critical incidents.
Authorized Use	The UAV is only authorized to be used for testing purposes.
Expected Lifespan	10 years
Fiscal Impact	No known annual maintenance cost.

**Newport Beach Police Department  
Military Equipment Inventory**

<b>Armored Personnel Carrier, Vehicle with Entry Apparatus Attached</b>	
Category	2 & 3
Description	2014 Lenco BearCat G2 Armored Rescue Vehicle (ARV)
Initial Cost	\$233,872
Year Acquired	2014
Current Quantity	1
Description/Capabilities	<p>The Lenco BearCat G2 is the standard tactical armored vehicle for special operations units within the US Law Enforcement community. Since the early 2000s, agencies such as LAPD, LASD SEB, NYPD ESU, Boston PD and hundreds of Federal, State and Local Law Enforcement agencies have made the BearCat G2 part of their standard operating procedure. The G2 has excellent on-road driving characteristics and maneuverability in tight urban settings. The large floor plan seats 10 – 12 fully equipped officers with a long list of tactical features only found on the Lenco BearCat line of armored SWAT vehicles for Police and Government.</p> <p>The ARV is designed to provide ballistic protection during tactical events (designed to withstand multiple bullet strikes from small arms fire as well as low-level explosions). Equipped with emergency lights/siren and a public address system. Common uses for the ARV include citizen and officer rescues, evacuations, and the deployment of officers. The ARV is a mutual-aid asset that has been requested and deployed to allied agencies in Orange County, including Irvine, Laguna Beach, Costa Mesa, and Tustin.</p>
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.
Authorized Use	The use of armored vehicles shall only be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training. The driver of the vehicle shall have a valid California driver license. All other applicable NBPD policies remain in effect, to include, but not limited to, NBPD Policy 706 – Vehicle Use, and NBPD Policy 408 – Crisis Response Unit.
Expected Lifespan	15 years
Fiscal Impact	Annual maintenance cost of approximately \$2,500

**Newport Beach Police Department  
Military Equipment Inventory**

<b>Command and Control Vehicles</b>	
Category	5
Description	2016 Freightliner 3500 Sprinter van, custom upfit by Farber
Initial Cost	\$159,090
Year Acquired	2016
Current Quantity	1
Description/Capabilities	The command post (CP) vehicle is a two-axle panel van with front doors, a sliding passenger side door, and rear doors. It is capable of being used as a mobile operations and dispatch center, as an auxiliary command vehicle during major incidents/events and as a negotiation/communication center by the Crisis Negotiations Team. The vehicle is painted white with no police graphics affixed to the exterior. The equipment housed in the vehicle includes, a negotiations control console and accessories, communications throw phone and cables, miscellaneous office supplies, tabletops, chairs, and storage space. The vehicle is also capable of transporting personnel and equipment.
Purpose	To be utilized for critical incident callouts and major events.
Authorized Use	The CP can used by employees who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a valid California driver license. All other applicable NBPd policies remain in effect, to include, but not limited to, NBPd Policy 706 – Vehicle Use, and NBPd Policy 408 – Crisis Response Unit.
Expected Lifespan	10 years
Fiscal Impact	Annual maintenance cost of approximately \$1,000

<b>Command and Control Vehicles</b>	
Category	5
Description	2003 Freightliner customized SWAT Van
Initial Cost	\$158,270
Year Acquired	2004
Current Quantity	1
Description/Capabilities	The SWAT Van is a custom-built Freightliner van used as a command vehicle and for equipment storage and transportation. It is equipped with a desk and radio for dispatch and storage compartments for the different pieces of equipment used by SWAT (weapons, ammunition, 40mm launchers and projectiles, manual breaching tools, robot, ballistic vests, etc.).
Purpose	To be used based on the specific circumstances of a given critical incident, large event, natural disaster or community event that is taking place.
Authorized Use	The SWAT Van shall be used by officers trained in their deployment and in a manner consistent with Department policy and training. The driver of the vehicle shall have a valid California driver license. All other applicable NBPd policies remain in effect, to include, but not limited to, NBPd Policy 706 – Vehicle Use, and NBPd Policy 408 – Crisis Response Unit.
Expected Lifespan	12 years
Fiscal Impact	Annual maintenance cost of approximately \$2,500

**Newport Beach Police Department  
Military Equipment Inventory**

<b>Breaching Apparatus</b>	
Category	7
Description	Remington 870 Breaching Shotgun.
Initial Cost	Approximately \$500 each
Year Acquired	Approximately 2005
Current Quantity	2
Description/Capabilities	This specialized shotgun allows officers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off device that is attached to the end of the barrel allows for positive placement of the shotgun into the correct position and vents gases to prevent overpressure.
Purpose	To safely gain entry into a structure.
Authorized Use	Shotgun breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, or during training exercises. Only officers trained in shotgun breaching are allowed to utilize this device. All other applicable NBPd policies remain in effect, to include, but not limited to, NBPd Policy 321 – Search and Seizure, and NBPd Policy 408 – Crisis Response Unit.
Expected Lifespan	25 years
Fiscal Impact	No annual cost

<b>Breaching Apparatus Ammunition</b>	
Category	7
Description	Royal Arms TESCO #3, green cap 365 grain tactical shotgun round
Initial Cost	\$5.00 per round
Year Acquired	Continuously, beginning 17+ years ago
Current Quantity	40
Description/Capabilities	Shotgun breaching rounds are specialty shotgun shells utilized for door breaching. The breaching rounds contain compressed copper powder and are fired through a specialized breaching shotgun barrel. The copper powder is designed to strike and destroy the lock throw inside of the door, allowing entry into the room or structure. The powder is designed to dissipate after striking the lock throw in order to minimize entry into the target space for the safety of occupants and operators. Royal Arms TESCO #3 rounds are good until expended if stored properly. Shotgun breaching rounds are used to gain rapid access to a room or structure when an emergent law enforcement need exists
Purpose	Ammunition for Breaching Shotgun.
Authorized Use	Shotgun breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, or during training exercises. All other applicable NBPd policies remain in effect, to include, but not limited to, NBPd Policy 321 – Search and Seizure, and NBPd Policy 408 – Crisis Response Unit.
Expected Lifespan	Until expended
Fiscal Impact	\$4 per round. Annual cost between \$0 and \$200

**Newport Beach Police Department  
Military Equipment Inventory**

<b>Specialized Firearms</b>	
Category	10
Description	Heckler & Koch MP5 9mm submachine gun
Initial Cost	Unknown (purchased over 30 years ago)
Year Acquired	1992 (estimated)
Current Quantity	8
Description/Capabilities	The MP5 is a lightweight, air-cooled, selective fire, delayed blowback weapon with a roller-delayed bolt that fires a 9mm round. The firearm is highly portable and is capable of accurately stopping an armed subject at various distances.
Purpose	To be used as a hand held weapon to address a threat with more precision and/or greater distances than a handgun, if present and feasible.
Authorized Use	Only members that are POST certified are authorized to use a submachine gun. All other applicable NBPDP policies remain in effect, to include, but not limited to, NBPDP Policy 300 – Use of Force, NBPDP Policy 311 – Firearms Training and Qualifications, NBPDP Policy 408 – Crisis Response Unit.
Expected Lifespan	40 years
Fiscal Impact	No annual cost

<b>Specialized Firearms</b>	
Category	10
Description	Colt M4 .223 caliber carbine rifle
Initial Cost	\$950
Year(s) Acquired	2002-2017
Current Quantity	5
Description/Capabilities	The carbine rifle is a firearm, capable of accurately stopping an armed subject at various distances. It is a lightweight, air-cooled, gas operated, magazine fed, shoulder fired weapon, designed for semi-automatic and selective fire. The Colt M4 rifle can be used indefinitely and will need to be serviced or replaced when the rifle fails or breaks. The .223/5.56 cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects.
Purpose	To be used as hand held weapon to address a threat with more precision and/or greater distances than a handgun, if present and feasible.
Authorized Use	Only members that are POST certified are authorized to use a carbine rifle. All other applicable NBPDP policies remain in effect, to include, but not limited to, NBPDP Policy 300 – Use of Force, NBPDP Policy 311 – Firearms Training and Qualifications, NBPDP Policy 408 – Crisis Response Unit.
Expected Lifespan	25 years
Fiscal Impact	No annual cost

**Newport Beach Police Department  
Military Equipment Inventory**

<b>Specialized Firearms</b>	
Category	10
Description	Bushmaster M4 .223 caliber carbine rifle
Initial Cost	\$825
Year(s) Acquired	2007-2012
Current Quantity	17
Description/Capabilities	The carbine rifle is a firearm, capable of accurately stopping an armed subject at various distances. It is a lightweight, air-cooled, gas operated, magazine fed, shoulder fired weapon, designed for semi-automatic & selective fire. The Bushmaster M4 rifle can be used indefinitely and will need to be serviced or replaced when the rifle fails or breaks. The .223/5.56 cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects.
Purpose	To be used as hand held weapon to address a threat with more precision and/or greater distances than a handgun, if present and feasible.
Authorized Use	Only members that are POST certified are authorized to use a carbine rifle. All other applicable NBPD policies remain in effect, to include, but not limited to, NBPD Policy 300 – Use of Force, NBPD Policy 311 – Firearms Training and Qualifications, NBPD Policy 408 – Crisis Response Unit.
Expected Lifespan	25 years
Fiscal Impact	No annual cost

<b>Specialized Firearms</b>	
Category	10
Description	Accuracy International .308 Winchester caliber precision rifle
Initial Cost	\$5,945 to 6,445
Years(s) Acquired	2014-2020
Current Quantity	3
Description/Capabilities	The Newport Beach Police Department SWAT Team is specifically trained and equipped to resolve potentially dangerous or hazardous incidents. The Sniper element of the SWAT Team deploys with .308 caliber precision rifles, which enable the stopping of an armed subject at a safe distance. The precision rifle can be used indefinitely and will need to be serviced or replaced when the rifle fails or breaks.
Purpose	To be used as precision weapons to address a threat with more precision and/or at greater distances than a handgun, if present and feasible.
Authorized Use	Only members that are POST certified are authorized to use a precision rifle. All other applicable NBPD policies remain in effect, to include, but not limited to, NBPD Policy 300 – Use of Force, NBPD Policy 311 – Firearms Training and Qualifications, NBPD Policy 408 – Crisis Response Unit.
Expected Lifespan	10-12 years
Fiscal Impact	No annual cost

**Appendix A**

**Newport Beach Police Department  
Military Equipment Inventory**

<b>Specialized Firearms</b>	
Category	10
Description	Remington 700 .308 Winchester caliber precision rifle.
Initial Cost	\$4,464
Year Acquired	2013
Current Quantity	2
Description/Capabilities	The Newport Beach Police Department SWAT Team is specifically trained and equipped to resolve potentially dangerous or hazardous incidents. The Sniper element of the SWAT Team deploys with .308 caliber precision rifles, which enable the stopping of an armed subject at a safe distance. The precision rifle can be used indefinitely and will need to be serviced or replaced when the rifle fails or breaks.
Purpose	To be used as precision weapons to address a threat with more precision and/or at greater distances than a handgun, if present and feasible.
Authorized Use	Only members that are POST certified are authorized to use a precision rifle. All other applicable NBPD policies remain in effect, to include, but not limited to, NBPD Policy 300 – Use of Force, NBPD Policy 311 – Firearms Training and Qualifications, NBPD Policy 408 – Crisis Response Unit.
Expected Lifespan	10-12 years
Fiscal Impact	No annual cost

<b>Specialized Firearms</b>	
Category	10
Description	LWRC REPR .308 Winchester caliber precision rifle
Initial Cost	\$5,943
Year Acquired	2015
Current Quantity	1
Description/Capabilities	The Newport Beach Police Department SWAT Team is specifically trained and equipped to resolve potentially dangerous or hazardous incidents. The Sniper element of the SWAT Team deploys with .308 caliber precision rifles, which enable the stopping of an armed subject at a safe distance. The precision rifle can be used indefinitely and will need to be serviced or replaced when the rifle fails or breaks.
Purpose	To be used as precision weapons to address a threat with more precision and/or at greater distances than a handgun, if present and feasible.
Authorized Use	Only members that are POST certified are authorized to use a precision rifle. All other applicable NBPD policies remain in effect, to include, but not limited to, NBPD Policy 300 – Use of Force, NBPD Policy 311 – Firearms Training and Qualifications, NBPD Policy 408 – Crisis Response Unit.
Expected Lifespan	10-12 years
Fiscal Impact	No annual cost

**Appendix A**

**Newport Beach Police Department  
Military Equipment Inventory**

<b>Specialized Firearms</b>	
Category	10
Description	DTA SRS .308 Winchester caliber precision rifle
Initial Cost	\$5,825
Year Acquired	2015
Current Quantity	1
Description/Capabilities	The Newport Beach Police Department SWAT Team is specifically trained and equipped to resolve potentially dangerous or hazardous incidents. The Sniper element of the SWAT Team deploys with .308 caliber precision rifles, which enable the stopping of an armed subject at a safe distance. The precision rifle can be used indefinitely and will need to be serviced or replaced when the rifle fails or breaks.
Purpose	To be used as precision weapons to address a threat with more precision and/or at greater distances than a handgun, if present and feasible.
Authorized Use	Only members that are POST certified are authorized to use a precision rifle. All other applicable NBPB policies remain in effect, to include, but not limited to, NBPB Policy 300 – Use of Force, NBPB Policy 311 – Firearms Training and Qualifications, NBPB Policy 408 – Crisis Response Unit.
Expected Lifespan	10-12 years
Fiscal Impact	No annual cost

<b>Specialized Firearms Ammunition</b>	
Category	10
Description	Hornady .308 Winchester 168 grain, A-Max TAP cartridge
Initial Cost	\$231 per 200 round case
Year Acquired	Continuously beginning 5 years ago
Current Quantity	3,000 (approximate current inventory)
Description/Capabilities	The .308 Winchester (.308 WIN) cartridge is a rimless, bottlenecked rifle cartridge used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor worn by armed subjects. The 168 grain projectile maintains accuracy, while resulting in higher impact velocities, less drop, less wind drift, and more energy on target.
Purpose	The Hornady .308 WIN 168 grain, A-Max TAP cartridge is deployed during potential lethal encounters at longer distances.
Authorized Use	Only members that are POST certified are authorized to use a precision rifle and this ammunition. All other applicable NBPB policies remain in effect, to include, but not limited to, NBPB Policy 300 – Use of Force, NBPB Policy 311 – Firearms Training and Qualifications, NBPB Policy 408 – Crisis Response Unit.
Expected Lifespan	Until expended
Fiscal Impact	\$0 to \$3,700 annually, depending on usage



**Newport Beach Police Department  
Military Equipment Inventory**

<b>Specialized Firearms Ammunition</b>	
Category	10
Description	Hornady .308 Winchester 168 grain, GMX TAP cartridge
Initial Cost	\$231 per 200 round case
Year Acquired	Continuously, beginning 5 years ago
Current Quantity	200
Description/Capabilities	The .308 WIN cartridge is a rimless, bottlenecked rifle cartridge used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects.
Purpose	The Hornady .308 WIN 165 grain, GMX TAP Heavy Barrier cartridge is deployed during potential lethal encounters at longer distances. The GMX bullet penetrates heavy barriers while still delivering terminal performance through heavy barriers.
Authorized Use	Only members that are POST certified are authorized to use a precision rifle. All other applicable NBPD policies remain in effect, to include, but not limited to, NBPD Policy 300 – Use of Force, NBPD Policy 311 – Firearms Training and Qualifications, NBPD Policy 408 – Crisis Response Unit.
Expected Lifespan	Until expended
Fiscal Impact	\$0 to \$3,700 annually, depending on usage

<b>Flashbang Grenades</b>	
Category	12
Description	Combined Tactical Systems CTS 7290 NFDD
Initial Cost	\$72 each
Year Acquired	Continuously, beginning 5 years ago
Current Quantity	20
Description/Capabilities	A Noise Flash Diversionary Devices (NFDD) is a device that creates a bright flash and loud sound to temporarily divert the attention of subjects in the immediate area. NFDD are used to distract and temporarily incapacitate dangerous suspects by overwhelming their senses of vision and hearing. The distraction allows officers to seize a moment of opportunity to take control of high-risk situations.
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.
Authorized Use	<p>Diversionary Devices shall only be used:</p> <ul style="list-style-type: none"> <li>• By SWAT officers trained in their proper use.</li> <li>• In hostage and barricaded subject situations.</li> <li>• In high-risk warrant (search/arrest) services where there may be extreme hazards to officers.</li> <li>• During other high-risk situations where their use would enhance officer safety.</li> <li>• During training exercises.</li> </ul> <p>All other applicable NBPD policies remain in effect, to include, but not limited to, NBPD Policy 300 – Use of Force, NBPD Policy 408 – Crisis Response Unit.</p>

**Appendix A**

**Newport Beach Police Department  
Military Equipment Inventory**

Expected Lifespan	5 years
Fiscal Impact	Annual cost between \$0 - \$1,666, depending on usage

<b>Flashbang Grenades</b>	
Category	12
Description	Combined Tactical Systems CTS 7290M NFDD
Initial Cost	\$34 each
Year Acquired	Continuously, beginning 5 years ago
Current Quantity	11
Description/Capabilities	A Noise Flash Diversionary Devices (NFDD) is a device that creates a bright flash and loud sound to temporarily divert the attention of subjects in the immediate area. NFDD are used to distract and temporarily incapacitate dangerous suspects by overwhelming their senses of vision and hearing. The distraction allows officers to seize a moment of opportunity to take control of high-risk situations
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.
Authorized Use	<p>Diversionary Devices shall only be used:</p> <ul style="list-style-type: none"> <li>• By SWAT officers trained in their proper use.</li> <li>• In hostage and barricaded subject situations.</li> <li>• In high-risk warrant (search/arrest) services where there may be extreme hazards to officers.</li> <li>• During other high-risk situations where their use would enhance officer safety.</li> <li>• During training exercises.</li> </ul> <p>All other applicable NBPd policies remain in effect, to include, but not limited to, NBPd Policy 300 – Use of Force, NBPd Policy 408 – Crisis Response Unit.</p>
Expected Lifespan	5 years
Fiscal Impact	Annual cost between \$0 - \$376, depending on usage

<b>Flashbang Grenades</b>	
Category	12
Description	Combined Tactical Systems CTS 7290-9 NFDD
Initial Cost	\$55 each
Year Acquired	Continuously, beginning 5 years ago
Current Quantity	4
Description/Capabilities	A Noise Flash Diversionary Devices (NFDD) is a device that creates a bright flash and loud sound to temporarily divert the attention of subjects in the immediate area. NFDD are used to distract and temporarily incapacitate dangerous suspects by overwhelming their senses of vision and hearing. The distraction allows officers to seize a moment of opportunity to take control of high-risk situations
Purpose	To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds)

## Appendix A

### Newport Beach Police Department Military Equipment Inventory

	physiological/psychological sensory deprivation to give officers a tactical advantage.
Authorized Use	<p>Diversiory Devices shall only be used:</p> <ul style="list-style-type: none"> <li>• By SWAT officers trained in their proper use.</li> <li>• In hostage and barricaded subject situations.</li> <li>• In high-risk warrant (search/arrest) services where there may be extreme hazards to officers.</li> <li>• During other high-risk situations where their use would enhance officer safety.</li> <li>• During training exercises.</li> </ul> <p>All other applicable NBPd policies remain in effect, to include, but not limited to, NBPd Policy 300 – Use of Force, NBPd Policy 408 – Crisis Response Unit.</p>
Expected Lifespan	5 years
Fiscal Impact	Annual cost between \$0 - \$276, depending on usage

Flashbang Grenades	
Category	12
Description	Defense Technology 8901 NFDD
Initial Cost	\$33 each
Year Acquired	Continuously, beginning 10+ years ago
Current Quantity	2
Description/Capabilities	A Noise Flash Diversiory Devices (NFDD) is a device that creates a bright flash and loud sound to temporarily divert the attention of subjects in the immediate area. NFDD are used to distract and temporarily incapacitate dangerous suspects by overwhelming their senses of vision and hearing. The distraction allows officers to seize a moment of opportunity to take control of high-risk situations
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.
Authorized Use	<p>Diversiory Devices shall only be used:</p> <ul style="list-style-type: none"> <li>• By SWAT officers trained in their proper use.</li> <li>• In hostage and barricaded subject situations.</li> <li>• In high-risk warrant (search/arrest) services where there may be extreme hazards to officers.</li> <li>• During other high-risk situations where their use would enhance officer safety.</li> <li>• During training exercises.</li> </ul> <p>All other applicable NBPd policies remain in effect, to include, but not limited to, NBPd Policy 300 – Use of Force, NBPd Policy 408 – Crisis Response Unit.</p>
Expected Lifespan	5 years
Fiscal Impact	Annual cost between \$0 - \$66, depending on usage

**Newport Beach Police Department  
Military Equipment Inventory**

<b>Tear Gas</b>	
Category	12
Description	Combined Tactical Systems CTS 5230 CS Canister Grenade
Initial Cost	\$51 each
Year Acquired	Continuously, beginning 5+ years ago
Current Quantity	50
Description/Capabilities	Large diameter burning canister that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically for outdoor use. Can be hand thrown or launched. Discharge duration can reach up to 40 seconds. Chemical agent munitions, which are commonly referred to as "tear gas," are used by the Newport Beach Police Department as a non-lethal tool to disperse rioting suspects and on barricaded suspects. The Newport Beach Police Department uses chemical agents that 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). OC is an inflammatory agent that causes involuntary closure of eyes (open in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).
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: <ul style="list-style-type: none"> <li>• Self-destructive, dangerous and/or combative individuals.</li> <li>• Riot/crowd control and civil unrest incidents.</li> <li>• Circumstances where a tactical advantage can be obtained.</li> <li>• Potentially vicious animals.</li> <li>• Training exercises or approved demonstrations.</li> </ul>
Authorized Use	Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents. All other applicable NBPD policies remain in effect, to include, but not limited to, NBPD Policy 300 – Use of Force, NBPD Policy 408 – Crisis Response Unit.
Expected Lifespan	5 years
Fiscal Impact	Between \$0 and \$1,752 annually, depending on usage

<b>Tear Gas</b>	
Category	12
Description	Combined Tactical Systems CTS 5230B CS Baffled Canister Grenade
Initial Cost	\$51 each
Year Acquired	Continuously, beginning 5+ years ago
Current Quantity	17
Description/Capabilities	Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire. Chemical agent munitions, which are commonly referred to as "tear gas," are used by the Newport Beach Police Department as a non-lethal tool to disperse rioting suspects and on barricaded suspects. The Newport Beach Police Department uses chemical agents that are used by law enforcement across the United States: CS (2-Chlorobenzylidenemalononitrile) and OC

## Appendix A

### Newport Beach Police Department Military Equipment Inventory

	(Oleoresin Capsicum). CS is an irritating agent and lachrymator (irritates the eyes and causes tears to flow). OC is an inflammatory agent that causes involuntary closure of eyes (open in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).
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: <ul style="list-style-type: none"> <li>• Self-destructive, dangerous and/or combative individuals.</li> <li>• Riot/crowd control and civil unrest incidents.</li> <li>• Circumstances where a tactical advantage can be obtained.</li> <li>• Potentially vicious animals.</li> <li>• Training exercises or approved demonstrations.</li> </ul>
Authorized Use	Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents. All other applicable NBPD policies remain in effect, to include, but not limited to, NBPD Policy 300 – Use of Force, NBPD Policy 408 – Crisis Response Unit.
Expected Lifespan	5 years
Fiscal Impact	Between \$0 and \$1,752 annually, depending on usage

Tear Gas	
Category	12
Description	Combined Tactical Systems CTS 6340 OC Vapor Grenade
Initial Cost	\$26 each
Year Acquired	Continuously, beginning 5+ years ago
Current Quantity	9
Description/Capabilities	This grenade delivers an invisible OC vapor and renders an intense respiratory effect to a non-compliant subject. Chemical agent munitions, which are commonly referred to as “tear gas,” are used by the Newport Beach Police Department as a non-lethal tool to disperse rioting suspects and on barricaded suspects. The Newport Beach Police Department uses chemical agents that 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). OC is an inflammatory agent that causes involuntary closure of eyes (open in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).
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: <ul style="list-style-type: none"> <li>• Self-destructive, dangerous and/or combative individuals.</li> <li>• Riot/crowd control and civil unrest incidents.</li> <li>• Circumstances where a tactical advantage can be obtained.</li> <li>• Potentially vicious animals.</li> <li>• Training exercises or approved demonstrations.</li> </ul>
Authorized Use	Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents. All other applicable NBPD policies remain in effect, to include, but not limited

# Appendix A

## Newport Beach Police Department Military Equipment Inventory

	to, NBPB Policy 300 – Use of Force, NBPB Policy 408 – Crisis Response Unit.
Expected Lifespan	5 years
Fiscal Impact	Between \$0 and \$263 annually, depending on usage

Tear Gas	
Category	12
Description	Defense Technology 1032 CS Grenade
Initial Cost	\$25 each
Year Acquired	Continuously, beginning 10+ years ago
Current Quantity	5
Description/Capabilities	The design of the Tri-Chamber Flameless CS grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. Designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This canister will deliver approximately .70 oz. of agent during its 20-25 seconds burn time. Chemical agent munitions, which are commonly referred to as “tear gas,” are used by the Newport Beach Police Department as a non-lethal tool to disperse rioting suspects and on barricaded suspects. The Newport Beach Police Department uses chemical agents that 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). OC is an inflammatory agent that causes involuntary closure of eyes (open in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).
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: <ul style="list-style-type: none"> <li>• Self-destructive, dangerous and/or combative individuals.</li> <li>• Riot/crowd control and civil unrest incidents.</li> <li>• Circumstances where a tactical advantage can be obtained.</li> <li>• Potentially vicious animals.</li> <li>• Training exercises or approved demonstrations.</li> </ul>
Authorized Use	Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents. All other applicable NBPB policies remain in effect, to include, but not limited to, NBPB Policy 300 – Use of Force, NBPB Policy 408 – Crisis Response Unit.
Expected Lifespan	5 years
Fiscal Impact	Between \$0 and \$127 annually, depending on usage

Tear Gas	
Category	12
Description	Defense Technology MK9 Stream OC Aerosol
Initial Cost	\$44 each
Year Acquired	Continuously, beginning 15+ years ago
Current Quantity	3

## Appendix A

### Newport Beach Police Department Military Equipment Inventory

Description/Capabilities	The MK-9 features an easy to use trigger handle, is intended for use in crowd management and will deliver 14 short bursts of OC at an effective range of 18-20 ft. This 1.3% MC OC aerosol product utilizes a stream delivery method providing a target-specific, strong concentrated stream for greater standoff. Chemical agent munitions, which are commonly referred to as "tear gas," are used by the Newport Beach Police Department as a non-lethal tool to disperse rioting suspects and on barricaded suspects. The Newport Beach Police Department uses chemical agents that 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). OC is an inflammatory agent that causes involuntary closure of eyes (open in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).
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: <ul style="list-style-type: none"> <li>• Self-destructive, dangerous and/or combative individuals.</li> <li>• Riot/crowd control and civil unrest incidents.</li> <li>• Circumstances where a tactical advantage can be obtained.</li> <li>• Potentially vicious animals.</li> <li>• Training exercises or approved demonstrations.</li> </ul>
Authorized Use	Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents. All other applicable NBPD policies remain in effect, to include, but not limited to, NBPD Policy 300 – Use of Force, NBPD Policy 408 – Crisis Response Unit.
Expected Lifespan	5 years
Fiscal Impact	Between \$0 and \$132 annually, depending on usage

Tear Gas	
Category	12
Description	Combined Tactical Systems CTS 4330 – CS Liquid 40mm projectile
Initial Cost	\$23 each
Year Acquired	Continuously, beginning 5+ years ago
Current Quantity	18
Description/Capabilities	Liquid CS filled 40mm projectile penetrates intermediate barriers and delivers irritant agents into an adjacent room. Chemical agent munitions, which are commonly referred to as "tear gas," are used by the Newport Beach Police Department as a non-lethal tool to disperse rioting suspects and on barricaded suspects. The Newport Beach Police Department uses chemical agents that 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). OC is an inflammatory agent that causes involuntary closure of eyes (open in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).

## Appendix A

## Newport Beach Police Department Military Equipment Inventory

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: <ul style="list-style-type: none"> <li>• Self-destructive, dangerous and/or combative individuals.</li> <li>• Riot/crowd control and civil unrest incidents.</li> <li>• Circumstances where a tactical advantage can be obtained.</li> <li>• Potentially vicious animals.</li> <li>• Training exercises or approved demonstrations.</li> </ul>
Authorized Use	Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents. All other applicable NBPB policies remain in effect, to include, but not limited to, NBPB Policy 300 – Use of Force, NBPB Policy 408 – Crisis Response Unit.
Expected Lifespan	5 years
Fiscal Impact	Between \$0 and \$453 annually, depending on usage.

Tear Gas	
Category	12
Description	Defense Technology 6320 – Direct Impact 40mm Crushable Foam Round.
Initial Cost	\$31 each
Year Acquired	Continuously, beginning 10+ years ago
Current Quantity	12
Description/Capabilities	The 40mm Direct Impact munition is a point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with OC powder, the Direct Impact combines blunt trauma with the effects of an irritant powder, maximizing the potential for incapacitation. Chemical agent munitions, which are commonly referred to as “tear gas,” are used by the Newport Beach Police Department as a non-lethal tool to disperse rioting suspects and on barricaded suspects. The Newport Beach Police Department uses chemical agents that 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). OC is an inflammatory agent that causes involuntary closure of eyes (open in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).
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: <ul style="list-style-type: none"> <li>• Self-destructive, dangerous and/or combative individuals.</li> <li>• Riot/crowd control and civil unrest incidents.</li> <li>• Circumstances where a tactical advantage can be obtained.</li> <li>• Potentially vicious animals.</li> <li>• Training exercises or approved demonstrations.</li> </ul>
Authorized Use	Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents. All other applicable NBPB policies remain in effect, to include, but not limited



**Appendix A**

**Newport Beach Police Department  
Military Equipment Inventory**

	to, NBPD Policy 300 – Use of Force, NBPD Policy 408 – Crisis Response Unit.
Expected Lifespan	5 years
Fiscal Impact	Between \$0 and \$266 annually, depending on usage.

<b>Tear Gas</b>	
Category	12
Description	Defense Technology 1260 – 40MM Ferret OC Barricade Penetrating Projectile, Liquid
Initial Cost	\$14 each
Year Acquired	Continuously, beginning 10+ years ago
Current Quantity	8
Description/Capabilities	<p>The Ferret 40mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects.</p> <p>Chemical agent munitions, which are commonly referred to as “tear gas,” are used by the Newport Beach Police Department as a non-lethal tool to disperse rioting suspects and on barricaded suspects. The Newport Beach Police Department uses chemical agents that 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). OC is an inflammatory agent that causes involuntary closure of eyes (open in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).</p>
Purpose	<p>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:</p> <ul style="list-style-type: none"> <li>• Self-destructive, dangerous and/or combative individuals.</li> <li>• Riot/crowd control and civil unrest incidents.</li> <li>• Circumstances where a tactical advantage can be obtained.</li> <li>• Potentially vicious animals.</li> <li>• Training exercises or approved demonstrations.</li> </ul>
Authorized Use	Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents. All other applicable NBPD policies remain in effect, to include, but not limited to, NBPD Policy 300 – Use of Force, NBPD Policy 408 – Crisis Response Unit.
Expected Lifespan	5 years
Fiscal Impact	Between \$0 and \$113 annually, depending on usage

<b>Tear Gas</b>
-----------------

**Appendix A**

**Newport Beach Police Department  
Military Equipment Inventory**

Category	12
Description	Defense Technology 1290 – 40MM Ferret OC Barricade Penetrating Projectile, Powder
Initial Cost	\$15 each
Year Acquired	Continuously, beginning 10+ years ago
Current Quantity	3
Description/Capabilities	The Ferret 40 mm Barricade Penetrating Round is filled with an OC powder chemical agent. It is a frangible projectile that is spin stabilized utilizing barrel rifling. It is non-burning and designed to penetrate barriers. Primarily used to dislodge barricaded subjects, it can also be used for area denial. Primarily used by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impact the nose ruptures and instantaneously delivers the agent payload inside a structure or vehicle. Chemical agent munitions, which are commonly referred to as "tear gas," are used by the Newport Beach Police Department as a non-lethal tool to disperse rioting suspects and on barricaded suspects. The Newport Beach Police Department uses chemical agents that 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). OC is an inflammatory agent that causes involuntary closure of eyes (open in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).
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: <ul style="list-style-type: none"> <li>• Self-destructive, dangerous and/or combative individuals.</li> <li>• Riot/crowd control and civil unrest incidents.</li> <li>• Circumstances where a tactical advantage can be obtained.</li> <li>• Potentially vicious animals.</li> <li>• Training exercises or approved demonstrations.</li> </ul>
Authorized Use	Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents. All other applicable NBPD policies remain in effect, to include, but not limited to, NBPD Policy 300 – Use of Force, NBPD Policy 408 – Crisis Response Unit.
Expected Lifespan	5 years
Fiscal Impact	Between \$0 and \$44 annually, depending on usage.

<b>PepperBall Launcher</b>	
Category	12
Description	PepperBall FTC pepperball launcher
Initial Cost	\$412 each
Year Acquired	2021
Current Quantity	8
Description/Capabilities	The FTC pepperball launcher is a system that uses high pressure air to deliver PAVA powder projectiles (similar to a paint ball delivery system). System capable of launching projectiles at a subject up to 60 feet away. System capable of area saturation up to

**Appendix A**

**Newport Beach Police Department  
Military Equipment Inventory**

	160 feet away. Non-lethal option to offer law enforcement officers to deliver chemical agents and kinetic energy impacts to subjects in a potentially violent encounter. De-escalation tool used to avoid further injuries or lethal options on a subject.
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: <ul style="list-style-type: none"> <li>• Self-destructive, dangerous and/or combative individuals.</li> <li>• Riot/crowd control and civil unrest incidents.</li> <li>• Circumstances where a tactical advantage can be obtained.</li> <li>• Potentially vicious animals.</li> <li>• Training exercises or approved demonstrations.</li> </ul>
Authorized Use	Only those officers who have been trained in the use of pepperball launchers are authorized to use the pepperball launchers. All other applicable NBPB policies remain in effect, to include, but not limited to, NBPB Policy 300 – Use of Force.
Expected Lifespan	10 years
Fiscal Impact	Between \$0 and \$1,500 annually, depending on usage

<b>PepperBall Launcher Projectile</b>	
Category	12
Description	PepperBall LIVE X projectile
Initial Cost	\$237 per 90 rounds
Year Acquired	2021
Current Quantity	500
Description/Capabilities	The basic PepperBall projectile contains 0.5% pepper powder, and is designed for direct impact and area saturation. Discharged from a FTC pepperball launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60 feet and an area of saturation of 150+ feet. The projectile contains 0.5% PAVA Powder.
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: <ul style="list-style-type: none"> <li>• Self-destructive, dangerous and/or combative individuals.</li> <li>• Riot/crowd control and civil unrest incidents.</li> <li>• Circumstances where a tactical advantage can be obtained.</li> <li>• Potentially vicious animals.</li> <li>• Training exercises or approved demonstrations.</li> </ul>
Authorized Use	Only those officers who have been trained in the use of pepperball launchers are authorized to use the pepperball launchers. All other applicable NBPB policies remain in effect, to include, but not limited to, NBPB Policy 300 – Use of Force
Expected Lifespan	1 year
Fiscal Impact	Between \$0 and \$1,318 annually, depending on usage.

**Newport Beach Police Department  
Military Equipment Inventory**

<b>Projectile Launch Platforms</b>	
Category	14
Description	Defense Technology 40LMTS Tactical 40mm Single Launcher
Initial Cost	\$856 each
Year Acquired	Beginning 15+ years ago.
Current Quantity	38
Description/Capabilities	The 40LMTS is a tactical single shot launcher that features an expandable ROGERS Super Stoc 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. The 40mm launcher is not a firearm, but a less-lethal system that uses smokeless powder to deliver 40mm projectiles from a safe distance. The less-lethal launcher is capable of launching 40mm munitions at a subject up to 25 yards away. This less-lethal launcher is a single launcher, which allows the Officer to assess after every spent munition. Less-lethal launchers do not have an expiration date and will need to be serviced or replaced when the launcher fails or breaks.
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
Authorized Use	<p>Situations for use of the less lethal weapon systems may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Self-destructive, dangerous and/or combative individuals.</li> <li>• Riot/crowd control and civil unrest incidents.</li> <li>• Circumstances where a tactical advantage can be obtained.</li> <li>• Potentially vicious animals.</li> <li>• Training exercises or approved demonstrations.</li> </ul> <p>All other applicable NBPDP policies remain in effect, to include, but not limited to, NBPDP Policy 300 – Use of Force.</p>
Expected Lifespan	25 years
Fiscal Impact	Between \$0 and \$1,000 annually, depending on usage.

<b>Projectile Launch Platforms</b>	
Category	14
Description	Penn Arms PG5 40 mm Multi Launcher
Initial Cost	\$3,336 each
Year Acquired	10+ years ago
Current Quantity	2
Description/Capabilities	The 40mm launcher is a less-lethal system that uses smokeless powder to deliver 40MM projectiles from a safe distance. This piece of equipment features a six-shot, revolving cylinder pump mechanism capable of firing multiple rounds before reloading is necessary. The less-lethal launchers do not have an expiration date and will need to be serviced or replaced when the launcher fails or breaks.
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

## Appendix A

### Newport Beach Police Department Military Equipment Inventory

Authorized Use	<p>Situations for use of the less lethal weapon systems may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Self-destructive, dangerous and/or combative individuals.</li> <li>• Riot/crowd control and civil unrest incidents.</li> <li>• Circumstances where a tactical advantage can be obtained.</li> <li>• Potentially vicious animals.</li> <li>• Training exercises or approved demonstrations.</li> </ul> <p>All other applicable NBPDP policies remain in effect, to include, but not limited to, NBPDP Policy 300 – Use of Force.</p>
Expected Lifespan	No expiration
Fiscal Impact	Between \$0 and \$8,550 annually, depending on usage

Projectile Launcher Associated Munitions	
Category	14
Description	Defense Technology eXact iMPact 40MM Standard Range Sponge Round
Initial Cost	\$34 per round
Year Acquired	Continuously, beginning 15+ years ago
Current Quantity	200
Description/Capabilities	<p>The eXact iMPact 40 mm Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40 mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent. Used for crowd control, patrol, and tactical applications. The munition is used as a less-lethal device designed to de-escalate a potentially violent encounter.</p>
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
Authorized Use	<p>Situations for use of the less lethal weapon systems may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Self-destructive, dangerous and/or combative individuals.</li> <li>• Riot/crowd control and civil unrest incidents.</li> <li>• Circumstances where a tactical advantage can be obtained.</li> <li>• Potentially vicious animals.</li> <li>• Training exercises or approved demonstrations.</li> </ul> <p>All other applicable NBPDP policies remain in effect, to include, but not limited to, NBPDP Policy 300 – Use of Force.</p>
Expected Lifespan	5 years
Fiscal Impact	Between \$0 and \$6,800 annually, depending on usage

Projectile Launcher Associated Munitions	
Category	14
Description	Defense Technology 6326 – Direct Impact 40mm Marking Crushable Foam Round
Initial Cost	\$31 each
Year Acquired	Continuously, beginning 10+ years ago

**Appendix A****Newport Beach Police Department  
Military Equipment Inventory**

Current Quantity	4
Description/Capabilities	The 40mm Direct Impact munition is a point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with a green marking agent, the Direct Impact can be used to indicate the aggressor in a crowd or riot situation to the team on the ground.
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable and to clearly indicate individuals committing or instigating unlawful activities.
Authorized Use	<p>Situations for use of the less lethal weapon systems may include, but are not limited to:</p> <ul style="list-style-type: none"><li>• Self-destructive, dangerous and/or combative individuals.</li><li>• Riot/crowd control and civil unrest incidents.</li><li>• Circumstances where a tactical advantage can be obtained.</li><li>• Potentially vicious animals.</li><li>• Training exercises or approved demonstrations.</li></ul> <p>All other applicable NBPD policies remain in effect, to include, but not limited to, NBPD Policy 300 – Use of Force.</p>
Expected Lifespan	5 years
Fiscal Impact	Between \$0 and \$263 annually, depending on usage