



# BART Police Department Annual Military Equipment Report

CALENDAR YEAR 2023



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# Executive Summary

On September 30, 2021, the Governor of the State of California approved AB-481, requiring law enforcement agencies to obtain approval (for the funding, acquisition, or use of military equipment) of the applicable governing body (BART Board of Directors) by adoption of a military equipment use policy. As a result, the BART Police Department is now required to seek the BART Board of Directors' approval of their military equipment use procedure by ordinance at a regular open meeting prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined.

The bill allows the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The ordinance is subject to an annual Board of Directors review to determine whether, based on an annual military equipment report and a public meeting for community input, the standards set forth in the military equipment ordinance have been met. The BART Board of Directors may renew the authorizing ordinance, disapprove authorization for approved equipment where standards have not been met, or require modifications to the military equipment use policy. The military equipment ordinance also requires that the BART Police Department, within 30-days of submitting the annual report, shall hold a well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual Military Equipment Report and the law enforcement agency's funding, acquisition, or use of military equipment. The BART Police Department works in collaboration with the BART Citizen's Review Board (CRB) to hold the required public meeting as part of a regularly scheduled CRB meeting.

Finally, the bill requires the Department's website to publish the military equipment use policy and the annual military equipment report. The policy and report must be posted at least 30 days before they are presented to the BART Board of Directors.

AB-481, Section 7072 states the following:

(a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, 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.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

In addition to maintaining the highest levels of public safety, the BART Police Department is committed to transparency, public trust, community partnerships, and compliance with the law. As such, the Department has authored the following 2023 Annual Military Equipment Report in accordance with annual reporting requirements set forth in AB-481.

# Introduction

The BART Police Department (BART PD) retains and employs a variety of military equipment, as defined by California State law, to assist with achieving the furtherance of its mission statement: "To ensure a safe environment within our transit system, reduce crime through a highly visible police presence, and proactive enforcement of the law, and to promote public confidence by working in partnership with our stakeholders and the communities we serve."

The BART Police Department recognizes that critical incidents are unpredictable and can be very dynamic in nature. A variety of military equipment options can greatly assist incident commanders, officers, and specific units in bringing those incidents to a swift resolution in a safe manner. The use of military equipment is restricted to use only in certain instances and, in some cases, only by certain units. The use of the Department's military equipment is continuously evaluated, and the use of such equipment by department personnel is influenced by the totality of the circumstances, public safety, officer safety, civil rights, State law, and information available at the time of use.

The BART Police Department policies and training give incident commanders, supervisors, individual officers, and specialized teams the tools to recognize the particular circumstances wherein military equipment should be employed to enhance the safety of the public and officers and bring a critical incident to a safe resolution.

This Annual Military Equipment Report outlines a summary of military equipment usage guidelines, inventory, fiscal impact, and complaints for 2023.

In addition, the BART Police Department conducted internal audits during 2023. While there were no known violations of the Specialized or Military Equipment Use policy, there were four inventory amounts that were determined to have minor errors from the previous year, resulting in an increase of two rifles and a quantity of two types of 40mm ammunition that were not included in the original inventory. Those inventory amounts were corrected in this report.

During the calendar year 2023, the BART Police Department received no complaints concerning Specialized or Military Equipment and/or their use by members of the department.

# Summary of Military Equipment

The inventory of military equipment, particularly consumable material (ammunition, diversionary devices, chemical agents, etc.) fluctuates regularly. This is based on a variety of factors, including but not limited to operational usage, operational deterioration, training, maintenance, and expiration and replenishment guidelines. The BART Police Department is committed to transparency in disclosing its military equipment inventory and related information to our community and elected officials in compliance with the law. The Department strives its utmost to provide the most accurate military equipment inventory and information at the time of this report's publication.

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

- Unmanned, remotely piloted, powered aerial or ground vehicles (Category 1).
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded (Category 2).
- 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. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are excluded (Category 3).
- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion (Category 4).
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units (Category 5).
- Weaponized aircraft, vessels, or vehicles of any kind (Category 6).
- 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 (Category 7).
- Firearms and ammunition of .50 caliber or greater. However, standard issue shotguns are specifically excluded (Category 8).
- Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded (Category 9).
- Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Penal Code § 30510 and Penal Code §30515, with the exception of standard-issue service weapons and ammunition of less than .50 caliber that are issued to officers (Category 10).

- Any firearm or firearm accessory that is designed to launch explosive projectiles (Category 11).
- “Flashbang grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service issued pepper spray (Category 12).
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs) (Category 13).
- The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullets, and specialty impact munition (SIM) weapons (Category 14).
- Any other equipment as determined by a governing body or a state agency to require additional oversight (Category 15).

# Qualifying Equipment Owned/Utilized by the Bay Area Rapid Transit Police Department

## 1. AR-15 Style Semiautomatic Rifle – CA Government Code 7070(c)(10) (Category 10)

### a. Equipment Capabilities, Quantity and Lifespan:

AR-15 style firearms owned by this department that can fire .223/5.56mm caliber projectiles accurately over 100 yards.

Quantity Owned: 93—The current policy shows 92 in error. One rifle was in transit during the original audit and discovered during the 2023 inventory audit.

Price Per Unit: Approximately \$1,500 dollars

Lifespan: Approximately 15 Years

### b. Manufacturer Product Description:

The AR-15 style rifles the department owns are the Colt LE 6920 and Sig Sauer M400. It features a 16" barrel and a free-float M-Lok Handguard. The Sig Sauer M400 also features ambidextrous controls for right-handed and left-handed users. It is topped with a Sig Sauer Romeo Red Dot sight, which aids in achieving accurate shots.

### c. Purpose/Authorized Uses:

Members may deploy the patrol rifle in any circumstance where the member 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:

- a. Situations where the member reasonably anticipates an armed encounter.
- b. When a member is faced with a situation that may require accurate and effective fire at long range.
- c. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- d. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- e. When a member reasonably believes that a suspect may be wearing body armor.



- f. When authorized or requested by a supervisor.
- g. When needed to euthanize an animal.

**d. Fiscal Impacts:**

Replacement parts required for regular maintenance are expected to cost less than \$1,000 per year. In calendar year 2023, costs for operating and maintaining this equipment were \$0.00.

**e. Legal/Procedural Rules Governing Use:**

All applicable federal, state, and local laws governing police use of force, and various Bay Area Rapid Transit Police Department (BART PD) policies regarding use of force and firearms. Refer to BART PD Policies 312 and 432, for more information on the use and training of Patrol Rifles.

**f. Training Required:**

Any officer authorized to use an AR-15-style rifle must complete a CA POST-certified Patrol Rifle Operator Course and regular departmental training and qualifications as required by law, policy, and accreditation guidelines.

**g. Other Notes:**

For clarification purposes only, these rifles are standard issue service weapons for members of the BART Police Department. As such, **they are exempted** from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in the District's Military Equipment Ordinance in the interest of transparency.

## 2. Bolt Action Precision Rifles - CA GC §7070(c)(10) (Category 10)

### a. **Equipment Capabilities, Quantity and Lifespan:**

Bolt action style rifles chambered in .308/7.62mm x 51 caliber, can fire rounds accurately out to 1,000 yards.

Quantity Owned: 7—The current policy shows 6 in error. One rifle was in transit during the original audit and discovered during the 2023 inventory audit.

Price Per Unit: Approximately \$5,000 dollars with accessories

Lifespan: Approximately 15 Years

### b. **Manufacturer Product Description:**

The department owns the Remington Model 700 SPS Tactical bolt-action rifles. The Remington 700 Sniper Rifle is a bolt-action, precision-fire weapon system that fires 7.62 x 51mm (.308 caliber) ammunition. It is capable of firing at greater distances and with greater accuracy than department-issued patrol rifles.

### c. **Purpose/Authorized Uses:**

SWAT members are allowed to utilize firearms chambered in .308. SWAT members may deploy the rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the bolt action rifle may include, but are not limited to:

- a. Situations where the member reasonably anticipates an armed encounter.
- b. When a member is faced with a situation that may require accurate and effective fire at long range.
- c. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- d. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- e. When a member reasonably believes that a suspect may be wearing body armor.
- f. When authorized or requested by a supervisor.

**d. Fiscal Impacts:**

Replacement parts required for the regular maintenance are expected to be less than \$1,000 per year. The calendar year 2023 costs were \$0.00 for the operation and maintenance of this equipment during this reporting period.

**e. Legal/Procedural Rules Governing Use:**

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART Police Department Policies 300 and 312, for more information on the use and training of Bolt Action Precision Rifles.

**f. Training Required:**

Any SWAT officer authorized to use the bolt-action style rifle must complete a CA POST-certified Basic SWAT Operator Course and a CA POST-certified Basic SWAT Sniper/Designated Marksman Course. Additionally, SWAT snipers attend monthly training and must successfully complete a bi-annual qualification course, as well as any training and qualifications required by law, policy, and accreditation guidelines.

**g. Other Notes: None.**

### 3. Suppressors (Surefire SOCOM556 & SOCOM762) - CA GC §7070(c)(15) (Category 15)

**a. Equipment Capabilities, Quantity and Lifespan:**

Reduces the visual and audible sound signatures of rifles, protecting the hearing of the user.

Quantity Owned: 6 (4 SOCOM556 & 2 SOCOM762)

Price Per Unit: \$1,099 dollars (SOCOM556), \$1,199 dollars (SOCOM762)

Lifespan: 15 years

**b. Manufacturer Product Description:**

The SureFire Mini has maximum sound attenuation and employs SureFire Total Signature Reduction® technology to virtually eliminate the first round flash and reduce sound and dust signatures.

**c. Purpose/Authorized Uses:**

The SureFire SOCOM suppressors are authorized for use by SWAT operators in training, patrol, and tactical scenarios.

**d. Fiscal Impacts:**

These items will be requested to be replaced as needed when damaged or at the end of the functional life cycle. There were no expenses for the operation and maintenance of this equipment during this reporting period.

**e. Legal/Procedural Rules Governing Use:**

All applicable federal, state, and local laws governing police use of force, and various BART Police Department policies regarding use of force and firearms. Refer to BART PD Policies 300, 312, and 432 for more information.

**f. Training Required:**

Any officer authorized to use an AR-15-style rifle must complete a CA POST-certified Patrol Rifle Operator Course and regular departmental training and qualifications as required by law, policy, and accreditation guidelines.

**g. Other Notes: None.**

#### 4. Suppressors (Sig Sauer SRD556) - CA GC §7070(c)(15) (Category 15)

**a. Equipment Capabilities, Quantity and Lifespan:**

Reduces the visual and audible sound signatures of rifles, protecting the hearing of the user.

Quantity Owned: 42 (Change due to error in 2022. 41)

Price Per Unit: Approximately \$600 dollars

Lifespan: Varies, depending on usage and handling.

**b. Manufacturer Product Description:**

The SRD556 is an Inconel 718 direct thread suppressor. Inconel 718, a nickel alloy stainless steel, provides the highest level of durability, particularly with short-barreled hosts using supersonic ammunition. The 1/2x28tpi threads match the vast majority of modern rifles in .223/5.56mm on the market today. The rear mount has wrench flats to torque the suppressor to the barrel. These wrench flats can be used as a location to "pin and weld" the suppressor to make a shorter barrel over 16" in total length.

**c. Purpose/Authorized Uses:**

The Sig Sauer SRD556 suppressors are a direct thread attachment to the Sig Sauer M400 patrol rifles and are authorized for use in training, on patrol, and in tactical scenarios.

**d. Fiscal Impacts:**

These items were included in the price of the Sig Sauer M400 patrol rifles. These items will be requested to be replaced as needed when damaged or at the end of the functional life cycle. There were no expenses for the operation and maintenance of this equipment during this reporting period.

**e. Legal/Procedural Rules Governing Use:**

All applicable federal, state, and local laws governing police use of force, and various BART Police Department policies regarding use of force and firearms. Refer to BART PD Policies 300, 312, and 432 for more information.

**f. Training Required:**

Any officer authorized to use an AR-15-style rifle must complete a CA POST-certified Patrol Rifle Operator Course and regular departmental training and qualifications as required by law, policy, and accreditation guidelines.

**g. Other Notes: None.**

## 5. .223/5.56mm Ammunition - CA GC §7070(c)(10) (Category 10)

### a. **Equipment Capabilities, Quantity and Lifespan:**

To be used with AR-15 style firearms owned by this department that can fire .223/5.56mm caliber projectiles accurately over 100 yards.

Quantity Owned: 194 Cases (200 cases when fully stocked, but the amounts may vary due to training)

Price Per Unit: (Case of 1,000) Approximately \$760

Lifespan: N/A

### b. **Manufacturer Product Description:**

**.223 Remington:** (5.56×45mm), also known as .223 Rem or .223, is a small-bore, high-powered, intermediate rifle cartridge. The bullet is approximately .224 inches (5.56 mm) in diameter, and 45 mm in length.

**5.56mm Nato:** The 5.56 NATO cartridge is visually nearly identical to the .223 Remington cartridge, with the exception of the casing headstamp, which usually bears the NATO insignia. It can be fired in some of the same weapons. The 5.56 can use the same projectiles as .223, as well as projectiles developed specifically for 5.56. It is a small-bore, high-powered, intermediate rifle cartridge.

### c. **Purpose/Authorized Uses:**

Members may deploy the patrol rifle in any circumstance where the member 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:

- a. Situations where the member reasonably anticipates an armed encounter.
- b. When a member is faced with a situation that may require accurate and effective fire at long range.
- c. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- d. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- e. When a member reasonably believes that a suspect may be wearing body armor.
- f. When authorized or requested by a supervisor.
- g. When needed to euthanize an animal.

**d. Fiscal Impacts:**

The ongoing costs for munitions will vary depending on usage and ammunition pricing at the time of purchase. The calendar year 2023 costs were \$55,523.36 for the purchase of this ammunition. The source of the funds is the operational budget.

**e. Legal/Procedural Rules Governing Use:**

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 312 for more information.

**f. Training Required:**

Officers must successfully complete a CA POST Academy, which is certified by the Commission on Peace Officer Standards and Training (POST) to present a basic course to peace officers. Additionally, officers must complete a CA POST Patrol Rifle Operator Course and departmental training and qualification courses.

**g. Other Notes:**

For clarification purposes only, this ammunition is for rifles that are standard issue service weapons for members of the BART Police Department. As such, **they are exempted** from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in the District's Military Equipment Ordinance in the interest of transparency.

## 6. .308/7.62x51 (Ruag Swiss P Armour Piercing) - CA GC §7070(c)(10) (Category 10)

### a. **Equipment Capabilities, Quantity and Lifespan:**

It provides an accurately fired projectile out to 1,000 yards with the increased capability of defeating hard targets such as reinforced glass and body—and light vehicle armor.

Quantity owned: 200 – last year's amount was 1000 (Amounts may vary, due to training)

Price Per Unit: Approximately \$2.03 dollars per round

Lifespan: N/A

### b. **Manufacturer Product Description:**

To be prepared for every scenario, snipers require a round with high penetration power on hard targets such as reinforced glass and body and light vehicle armor. Because the core stays intact during penetration, it transfers extremely effective residual energy to hard targets. The bullet jacket provides the best accuracy, protects the barrel, and is stripped off upon impact.

### c. **Purpose/Authorized Uses:**

Ruag Swiss P Armour Piercing ammunition is authorized for use in extreme tactical scenarios when the “open-air” round is not believed to be enough to defeat the intended target and for training use.

### d. **Fiscal Impacts:**

The ongoing costs for munitions will vary depending on usage and ammunition pricing at the time of purchase. There were no expenses for the ammunition during this time. The source of the funds is the operational budget.

### e. **Legal/Procedural Rules Governing Use:**

All applicable federal, state, and local laws governing police use of force, and various BART Police Department policies regarding use of force and firearms. Refer to BART PD Policies 300 and 312 for more information.

### f. **Training Required:**

Any SWAT officer who is authorized to use the bolt action style rifle may use the above ammunition. Said members must complete a CA POST-certified Basic SWAT Operator Course as well as a CA POST-certified Basic SWAT Sniper/Designated Marksman Course. Additionally, SWAT snipers attend monthly training and must successfully complete a bi-annual qualification course as well as any trainings and qualifications as required by law, policy, and accreditation guidelines.



**g. Other Notes:** None.

## 7. .308/7.62x51mm (Ruag Swiss P Styx Action – “Open Air”) - CA GC §7070(c)(10) (Category 10)

### a. **Equipment Capabilities, Quantity and Lifespan:**

Provides an accurately fired projectile out to 1,000 yards.

Quantity Owned: 1,200 – (Change due to error in 2022. 1000)

Price Per Unit: Approximately \$2.03 dollars per round

Lifespan: N/A

### b. **Manufacturer Product Description:**

The shot which is taken as a last resort requires the highest hit probability and an absolutely reliable effect on the target (as in hostage rescue situations etc.). The Styx Action (and Final) rounds were specifically designed to transfer maximum energy in the first few centimeters after striking a soft target and reducing the risk of over penetration, and possible collateral damage.

### c. **Purpose/Authorized Uses:**

R Ruag Swiss P Styx Action ammunition is authorized for use in tactical scenarios when patrol rifle ammunition is not believed to be enough to solve the ballistic problem.

### d. **Fiscal Impacts:**

The ongoing costs for munitions will vary depending on usage and ammunition pricing at the time of purchase. For the calendar year 2023, the cost of purchasing this ammunition was \$2685.69. The source of the funds is the operational budget.

### e. **Legal/Procedural Rules Governing Use:**

All applicable federal, state, and local laws governing police use of force, and various BART Police Department policies regarding use of force and firearms. Refer to BART PD Policies 300 and 312 for more information

### f. **Training Required:**

Any SWAT officer who is authorized to use the bolt action style rifle may use the above ammunition. Said members must complete a CA POST-certified Basic SWAT Operator Course as well as a CA POST-certified Basic SWAT Sniper/Designated Marksman Course. Additionally, SWAT snipers attend monthly training and must successfully complete a bi-annual qualification course as well as any trainings and qualifications as required by law, policy, and accreditation guidelines.

### g. **Other Notes:** None.

## 8. Flashbang/Noise Flash Distraction Devices (NFDD) - CA GC Code §7070(c)(12) (Category 12)

### a. **Equipment Capabilities, Quantity and Lifespan:**

The flashbang, sometimes referred to as “stun grenade,” is a diversionary device that delivers a bright flash and loud explosive-type noise when deployed to distract and disorient. This is a non-lethal handheld grenade that does not fragment or produce any shrapnel.

Quantity Owned: 13 - (Consumable item, amounts may vary. One operator left and turned in issued equipment. 2022 amount was 12)

Price Per Unit: Approximately \$50 dollars

Lifespan: 5 Years

### b. **Manufacturer Product Description:**

The distraction device utilizes a standard military-style M201A1 fuse and produces 175 dB of sound output at 5 feet and 6-8 million candelas for 10 milliseconds.

### c. **Purpose/Authorized Uses:**

Flashbangs/NFDDs are designed to distract and disorient occupants of a given location to allow officers to enter a location in the safest manner possible for all involved parties, given the circumstances surrounding an event. They are most often used in tactical scenarios or situations by tactical officers (i.e., SWAT Officers).

### d. **Fiscal Impacts:**

Due to NFDD being consumable items, fiscal impacts will vary based on usage. There were no expenses for the operation and maintenance of this equipment during this reporting period for the calendar year 2023.

### **Legal/Procedural Rules Governing Use:**

Flashbangs/NFDDs can only be deployed in accordance with all applicable federal, state, and local laws and department policies governing police use of force. For more information, refer to BART PD Policy 312.3.7.

### e. **Training Required:**

Officers must complete a CA POST-certified Basic SWAT Operator Course before being issued flashbangs/NFDDs. Additionally, the Central County SWAT Team provides internal training for members on the use of flashbangs/NFDDs.

f. **Other Notes:** None.

## 9. 40mm Less than Lethal Impact Munitions Systems (LLIMS) Launchers - CA GC Code §7070(c)(14) (Category 14)

### a. Equipment Capabilities, Quantity and Lifespan:

The Defense Technology 40mm LMT is a single-shot launcher capable of firing 40mm kinetic energy munitions, also commonly referred to as specialty impact munitions (SIM), which are less-lethal projectiles.

Quantity Owned: 32 – The new total includes previously approved and purchased launchers.

Price Per Unit: Approximately \$1939.73 dollars

Lifespan: Approximately 15 Years

### b. Manufacturer Product Description:

Defense Tech 40mm LMT Single Launcher: Manufactured exclusively for Defense Technology®, 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.

### c. Purpose/Authorized Uses:

This department is committed to reducing the potential for violent confrontations when uncooperative suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury.

LLIMS are fired from Defense Technology Single Shot 40 mm launchers. Munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

Approved munitions may be used to compel an individual to cease his or her actions when such munitions present a reasonable option for resolving a situation. LLIMS may also be used when dealing with vicious animals.

Officers are not required, or compelled, to use approved munitions in lieu of other reasonable tactics if the involved officer(s) determine that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons, and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior. Operators shall advise dispatch via radio when LLIMS is deployed. If not on scene, sergeants shall respond immediately to assume control of the deployment and use. When an officer is deploying LLIMS, he/she is the officer in charge until the arrival of a supervisor.

Before discharging projectiles, the officer should consider the following factors:

- a. Severity of the crime or incident.
- b. Subject's capability to pose an imminent threat to the safety of officers or others.
- c. If the subject is actively resisting arrest or attempting to evade arrest by flight.
- d. The credibility of the subject's threat, as evaluated by the officers present, and the subject's physical capacity/capability.
- e. The proximity of weapons available to the subject.
- f. The officer's, versus the subject's, physical factors (e.g., age, size, relative strength, skill level, injury/exhaustion, the number of officer(s) versus subject(s)).
- g. The availability of other force options and their possible effectiveness.
- h. Distance and angle to target.
- i. Type of munitions employed.
- j. Type and thickness of subject's clothing.
- k. The subject's actions dictate the need for an immediate response, and the use of control devices appears appropriate.

**d. Fiscal Impacts:**

\$38,000 dollars has been approved from the operational budget to purchase 15 additional LLIMS Launchers and ammunition. This purchase was approved by the Board of Directors on the prior Military Equipment request. With the additional LLIMS launchers, the department plans to train all its Police Officers in the use and deployment of LLIMS. There were no expenses for the operation and maintenance of this equipment during this reporting period. The source of the funds is the operational budget.

**e. Legal/Procedural Rules Governing Use:**

LLIMS launchers may only be used in accordance with all federal, state, and local laws and department policies regarding police use of force. For more information, refer to BART PD Policies 300, 308, and 459.

**f. Training Required:**

All officers who are allowed to use the LLIMS launcher and approved munitions, must successfully complete the 3-hour department training course and a 2-hour training/qualification course annually.

**g. Other Notes:** None.

## 10. 40mm CS Ferret Barricade Round - CA GC Code §7070(c)(12) (Category 12)

### a. **Equipment Capabilities, Quantity and Lifespan:**

The equipment listed in this section is designed to temporarily distract or temporarily incapacitate an individual through the introduction of a chemical irritant impacting the eyes, nose, and skin. To be used with LLIMS Launcher to effect a less than lethal point-of aim, point of impact direct-fire capability as an intermediate force option.

Quantity Owned: 8 – last year's amount was 13 (Consumable item, amounts may vary. ACSO Academy requires one per recruit)

Price Per Unit: \$52.50 dollars

Lifespan: 5 Years

### b. **Manufacturer Product Description:**

The Ferret 40mm Barricade Penetrating Round is filled with CS 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, wallboards, and thin plywood. Upon impact, the nose ruptures and instantaneously delivers the agent payload inside a structure or vehicle.

### c. **Purpose/Authorized Uses:**

40mm CS Ferret Barricade rounds are used for barricaded subjects in efforts to use non-lethal force to affect an arrest in a tactical environment or in crowd control and civil disobedience situations. This department is committed to reducing the potential for violent confrontations when suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury. LLIMS projectiles are approved by the department and are fired from Defense Technology Single Shot 40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

### d. **Fiscal Impacts:**

Ongoing costs will vary depending on usage and training. The calendar year 2023 costs were \$0.00 for the purchase of this equipment. There were no expenses for the ammunition during this time. The source of the funds is the operational budget.



**e. Legal/Procedural Rules Governing Use:**

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 300, 308, and 459 for more information.

**f. Training Required:**

Officers assigned to SWAT must complete a CA POST-certified Basic SWAT Operator course and a Chemical Munitions Instructor Course.

**g. Other Notes: None.**

## 11. 40mm eXact iMpack Sponge Rounds (Blue Tip) - CA GC Code §7070(c)(14) (Category 14)

### a. **Equipment Capabilities, Quantity and Lifespan:**

40mm eXact iMpack rounds offer a less-than-lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option. To be used with LLIMS Launcher to effect a less than lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option.

Quantity Owned: 117—Previously, the amount was 670. Consumable item. In 2023, the entire department and trainees were trained in LLIMS.

Price Per Unit: Approximately \$19.60 dollars

Lifespan: 5 Years

### b. **Manufacturer Product Description:**

The eXact iMpack 40mm Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consists of a plastic body and sponge nose that is spin-stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant and, therefore, has extremely consistent velocities. It is used for Crowd Control, patrol, and Tactical Applications.

### c. **Purpose/Authorized Uses:**

40mm eXact iMpack rounds offer a less-than-lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option for patrol, crowd control, and tactical officers. This department is committed to reducing the potential for violent confrontations when uncooperative suspects are encountered.

LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury. LLIMS projectiles are approved by the department and are fired from Defense Technology Single Shot 40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

### d. **Fiscal Impacts:**

Due to 40mm eXact iMpack Sponge Rounds being consumable items, fiscal impacts will vary based on usage and training. There were no expenses for the ammunition during this time.

### e. **Legal/Procedural Rules Governing Use:**

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 300, 308, and 459 for more information.

**f. Training Required:**

All officers who are allowed to use the LLIMS launcher and approved munitions, must successfully complete the 3-hour department training course and a 2-hour training/qualification course annually.

**g. Other Notes: None.**

## 12. 40mm Foam Baton - CA GC Code §7070(c)(14) (Category 14)

### a. **Equipment Capabilities, Quantity and Lifespan:**

To be used with LLIMS Launcher to effect a less than lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option.

Quantity Owned: 11 - Last year's amount was 12 (Consumable item, amounts may vary. ACSO Academy requires one per recruit)

Price Per Unit: \$25 dollars

Lifespan: 5 Years

### b. **Manufacturer Product Description:**

The 40 mm Multiple Foam Baton Round is most widely used as a crowd management tool where stand-off distances are limited. It may also prove valuable in riot situations where police lines and protestors are in close proximity. The round contains three foam projectiles. It utilizes smokeless powder and has more consistent velocities and tighter patterns compared to its 37 mm counterpart. The foam projectile allows for closer deployment, while minimizing injury.

### c. **Purpose/Authorized Uses:**

40mm Foam Baton rounds offer a less than-lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option for patrol, crowd control, and tactical officers. This department is committed to reducing the potential for violent confrontations when uncooperative suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury.

LLIMS projectiles are approved by the department and are fired from Defense Technology Single Shot 40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

### d. **Fiscal Impacts:**

These items are purchased for training purposes for recruits attending Police Academies. Fiscal impacts will vary based on usage and training. There were no expenses for the operation and maintenance of this equipment during this reporting period for calendar year 2023.

**e. Legal/Procedural Rules Governing Use:**

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 300, 308, and 459 for more information.

**f. Training Required:**

This munition is primarily used in the police training academy, where all academy recruits are trained in various less lethal impact munitions.

**g. Other Notes: None.**

### 13. 40mm Bean Bag- CA GC Code §7070(c)(14) (Category 14)

#### a. **Equipment Capabilities, Quantity and Lifespan:**

This weapon is to be used with the LLIMS Launcher to effect a less-than-lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option.

Quantity Owned: 0 – Previously, the amount was 5 (Consumable item; amounts may vary. ACSO Academy requires one per recruit)

Price Per Unit: Approximately \$25.55 dollars

Lifespan: 5 Years

#### b. **Manufacturer Product Description:**

The 40 mm Bean Bag Round is most widely used as a crowd management tool by Law Enforcement and Corrections when there is a need to target individual instigators. It has also been successfully used as a dynamic, high-energy single subject round for incapacitation or distraction. The round contains one silica sand-filled bag. It utilizes smokeless powder as the propellant and has more consistent velocities and tighter patterns compared to its 37 mm black powder counterpart.

#### c. **Purpose/Authorized Uses:**

40mm Bean Bag rounds offer a less-than-lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option for patrol, crowd control, and tactical officers. This department is committed to reducing the potential for violent confrontations when uncooperative suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury.

This department is committed to reducing the potential for violent confrontations when suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury.

LLIMS projectiles are approved by the department and are fired from Defense Technology Single Shot 40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

#### d. **Fiscal Impacts:**

These items are purchased for training purposes for recruits attending Police Academies. Fiscal impacts will vary based on usage and training. In calendar year 2023, there were no expenses for the ammunition during this time.

**e. Legal/Procedural Rules Governing Use:**

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 300, 308, and 459 for more information.

**f. Training Required:**

This munition is primarily used in the police training academy, where all academy recruits are trained in various less lethal impact munitions.

**g. Other Notes: None.**

## 14. 40mm Stinger 60-Caliber - CA GC Code §7070(c)(14) (Category 14)

### a. **Equipment Capabilities, Quantity and Lifespan:**

This weapon is to be used with the LLIMS Launcher to effect a less-than-lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option.

Quantity Owned: 19 - Previously, the amount was 23 (Consumable item, amounts may vary. ACSO Academy requires one per recruit)

Price Per Unit: Approximately \$30 dollars

Lifespan: 5 Years

### b. **Manufacturer Product Description:**

The Stinger® 40 mm 60-Caliber Round is most widely used as a crowd management tool by Law Enforcement and Corrections. The round contains approximately eighteen 60-Caliber rubber balls. It utilizes smokeless powder as the propellant and has more consistent velocities and tighter patterns compared to its 37 mm counterpart. It is suitable for administering a means of pain compliance over a greater distance than its 32-Caliber Stinger® counterpart. They are used for routing crowds or groups that are mildly resistive.

### c. **Purpose/Authorized Uses:**

40mm Stinger rounds offer a less-than-lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option for patrol, crowd control, and tactical officers. This department is committed to reducing the potential for violent confrontations when uncooperative suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury.

LLIMS projectiles are approved by the department and are fired from Defense Technology Single Shot 40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

### d. **Fiscal Impacts:**

These items are purchased for training purposes for recruits attending Police Academies. Fiscal Impacts will vary based on usage and training. The calendar year 2023 costs: there were no expenses for the ammunition during this time.

### e. **Legal/Procedural Rules Governing Use:**

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 300, 308, and 459 for more information.



**f. Training Required:**

This munition is primarily used in the police training academy, where all academy recruits are trained in various less lethal impact munitions.

**g. Other Notes: None.**

# Projected Military Equipment Acquisition (2024)

1) The Police Department is requesting that 30 additional rifles and suppressors be approved to purchase. The department has elected to transition away from the shotgun for patrol officer use and utilize a more accurate and precise weapon system, the patrol rifle, for sworn personnel use. It is the intention of the department to assign each patrol officer a suppressed rifle for equipment care and accountability. The department owns 93 rifles, as listed in the current Military Equipment List. There are currently at least 17 rifles that are nearing the end of their service lives. For the 2023 calendar year, the BART Police Department purchased 25 rifles and suppressors which fall under Category 10, Specialized Firearms; those rifles will be added to existing inventory. They are still in transit. With the addition of those units, the total number of rifles owned by the department would increase to 118. The purchase of 30 additional rifles and suppressors in the calendar year 2024 would increase the total number of rifles owned by the department to 148, which would equip approximately 68% of the department's sworn personnel.

The estimated purchase price of this equipment is approximately \$75,000. This equipment's operating costs, which include acquisition, personnel time, training facilities, transportation and storage of equipment, equipment upgrades, and other ongoing expenses, are accounted for within the Department's operating budget.

2) The Police Department is requesting the following specialty munitions to be approved for purchase: 100 units of smoke grenades, 100 units of stingball grenades, 100 units of 40mm CS ferret rounds, 100 units of 40mm bean bag rounds, and 100 units of 40mm rubber baton rounds. Each munition has a five-year expiration date.

The Alameda County Sheriff's Office (ACSO) Regional Training Center (RTC) offers a POST-certified (POST Plan IV) Basic Academy course. The academy is about 1,064 hours in length. A portion of the academy includes crowd control tactics and techniques where less lethal munitions are utilized as part of the training. The academy requires each recruit to be supplied specialty less lethal munitions to be supplied by their respective agency. ACSO specifies this in a document provided to BART PD titled, "Academy Ammunition Requirements NO SLUG". According to this document, each student must be supplied with one from each type of specialty munition. ACSO is the only police academy that requires these specialty munitions. Currently, inventory shows these munitions have been depleted. The Police Department anticipates sending 16+ recruits to ACSO each year. To satisfy the academy requirements for the next five years, 100 units of each munition is requested. The estimated purchase price of this request is approximately \$16,687.

In addition to these munitions, the Police Department is also requesting 2805 units of 40mm Exact Impact rounds. This munition has a five-year expiration date. The 40mm Exact Impact rounds are munitions designed to be shot out of a 40mm Less Lethal Impact Munitions System (LLIMS) launcher. These are high-energy sponge rounds designed to target single subjects only, causing temporary incapacitation and/or distraction to violent offenders. Currently, BART PD deploys this munition in the field. The LLIMS is an additional tool used by police officers to help keep the community, as well as themselves, safe. The extended range capabilities of the LLIMS allows officers to engage violent offenders with a less lethal force option from a safe distance. The ability to engage violent offenders from a safe distance helps reduce potential injuries to officers who might otherwise get into a physical altercation with these subjects. Utilizing a LLIMS also helps with de-escalation of violent encounters and helps reduce the likelihood of officers having to resort to lethal force to end a violent confrontation. The estimated purchase price for 2805 units is approximately \$52,565.70. 2805 units should supply patrol and training needs for up to five years or more.

Currently, the LLIMS program requires both Exact Impact sponge rounds and Exact Impact sponge practice rounds. The Exact Impact sponge practice rounds closely duplicate the performance of a normal Exact Impact sponge round but at a lower price point. Exact Impact sponge practice rounds are only authorized for use during training. The estimated purchase price for 5610 units is approximately \$65,087.68. 5610 units are estimated to supply training requirements for up to five years or more.

The Police Department is requesting approval for the purchase of 360 units of 40mm Exact Impact round containing an Oleoresin Capsicum (OC pepper) and marking payload. The Police Department is looking to expand its less lethal force options by adding the 40mm Exact Impact round containing an Oleoresin Capsicum (OC pepper) and marking payload to its current inventory for patrol. The OC/Marking Exact Impact round duplicates the performance and capabilities of the current Exact Impact round, but with an additional incapacitation/distraction element (OC pepper). This round will add a useful tactical option to enhance effectiveness against armed and combative subjects. An additional benefit to this round would be for violent offenders who have barricaded themselves into a vehicle, train car, room, etc. Officers would have the capability to introduce a chemical agent (OC) into the area from a safe distance where traditional handheld/hand thrown chemical agents would not be an option. This round will only be authorized on single subject offenders where they have been isolated away from other bystanders. This round will not be authorized to be deployed in a crowd control setting. The marking round will also assist with identifying subjects if they flee the scene as well as identify where on the body the impact was made by a colored

non-toxic marking agent. The estimated purchase price for 360 units is approximately \$8,514. 360 units are estimated to supply patrol and training requirements for up to five years or more.

These specialty munitions operating costs, which include acquisition, personnel time, training facilities, transportation and storage of equipment, equipment upgrades, and other ongoing expenses, are accounted for within the Department's operating budget.

3) It is anticipated that the BART Police Department may potentially purchase up to four unmanned aerial systems (UAS) pending approval by the Board of Directors. The UAS can be used to assist with the following: Locating and appending subjects of arrest warrants or otherwise lawfully sought by law enforcement, locating missing persons, locating witnesses and victims of crimes, assessing damage and investigating natural and manmade disasters, protecting participants at special events, and protecting critical infrastructure sites.

This Annual Military Equipment Report reaffirms the BART Police Department's commitment to providing transparency and information to our community and elected officials while ensuring compliance with California State law. The equipment, resources, and training outlined in this report allow the BART Police Department's officers to better serve and protect the BART District, passengers, stakeholders, and enhance the safety of officers and the overall BART community by bringing critical incidents to a swift and safe resolution.

## Conclusion

This Annual Military Equipment Report reaffirms the BART Police Department's commitment to providing transparency and information to our riders, communities, and elected officials in addition to ensuring compliance with the law. The equipment, resources, and training outlined in this report allow BART Police Officers to better protect our transit system, communities, and enhance the safety of the public and officers. Additionally, it helps bring critical incidents to a safe resolution. The equipment listed within this report, along with the required training, gives our officers the skills, capability, and capacity to address critical incidents when called upon to do so.

The public has a right to know about any funding, acquisition, or use of military equipment by elected officials, as well as a right to participate in the decision to fund, acquire, or use such equipment. When making decisions regarding how military equipment is funded, acquired, or used, the BART Police Department gives strong consideration to the public's welfare, safety, civil rights, and civil liberties.

In conclusion, this military equipment report has comprehensively analyzed the various types of equipment, their capabilities, and the potential impact on the Bay Area Rapid Transit District. Through the evaluation, we have provided valuable insights into our military equipment. Equipment used at the BART Police Department has significantly enhanced its effectiveness and efficiency, allowing for greater precision, reduced collateral damage, and improved situational awareness.

Furthermore, the report emphasizes the BART Police Department's willingness and commitment to transparency and communication with our elected officials and the community we serve. With the department's growth, there will be a continued need to update this report. To stay ahead in an ever-evolving landscape, the BART Police Department must continually adapt its strategies and equipment. This includes a focus on sharing the knowledge, resources, and technologies we use to enhance public safety with the community we serve.

Lastly, the annual report complies with and exceeds what is required by AB 481. This annual report also shows the readiness and effectiveness of the BART Police Department to face the evolving threats and challenges faced in the communities we serve, now and in the future.