



## SAN DIEGO UNIFIED PORT DISTRICT HARBOR POLICE

### INTER-STAFF COMMUNICATION

**Date:** April 5, 2023  
**To:** Chief Magda Fernandez  
**From:** Captain Jonathan George  
**Subject:** Port of San Diego Harbor Police Annual AB 481 Usage Report: 2022

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Chief,

As required by the passage of California Assembly Bill 481 in 2021, the Port of San Diego Harbor Police must comply with the mandates set forth in Government Code 7070 through 7074. Part of this mandate is to compile an annual report of usage of all equipment listed in the department's approved 481 equipment list (Government Code 7072 et. Al.) For further, the exact language regarding the mandated reporting of military equipment is as follows:

7072. (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.

It is important to note for context that the word “deployed” in each of the following sections describes both situations in which the equipment was physically present, but not used, and situations when the equipment was actually used. For sections 10 (Firearms and Ammunition) and 12 (Flash Bangs), all situations where these pieces of equipment were used were done so in a training environment.

The following information satisfies the requirements set forth in Government Code 7072:

**Military equipment as defined in California State Assembly Bill (AB) 481/Government Code 7070(c):**

1. *Unmanned, remotely piloted, powered aerial or ground vehicles.*

- 1) Small Unmanned Aircraft systems (sUAS) can support first responders in any hazardous incident which would benefit from an aerial perspective. These uses could include search and rescue, barricaded suspects or high-risk tactical operations, disaster response, and video and photographic documentation of crime scenes.

Additionally, Small Unmanned Tracked Robots are to be mainly used by the SWAT unit during high-risk operations. Additionally, the Weapons Training Unit operates a single tracked robot as a training aid for moving targets in range training scenarios.

For further description of any specific make or model of sUAS or unmanned tracked robot, please see the 2022 Equipment List for HPD.

In 2022, this type of equipment was deployed **approximately 64 times** to support HPD patrol, the MARTAC and Dive Teams, training, and special events such as the July 4<sup>th</sup> “Big Bay Boom”.

2) No responsive data

3) No responsive data

- 4) Refer to Appendix A and B of 2022's Annual Equipment List
- 5) Refer to Appendix A
- 6) HPD intends to acquire additional sUAS systems in 2023. See 2023's list for further.

## 2. Armored personnel carriers.

- 1) The Bearcat armored personnel carrier is a 4X4, wheeled, armored personnel carrier capable of providing high ballistic protection, cover, limited breaching capability, and transport of officers and/or civilians at critical incidents and high-risk tactical operations. Bearcat armored vehicles can support first responders in any hazardous, high risk, or critical incident which would benefit from having a vehicle that provides a high level of ballistic protection.

The BearCat is to be used mainly by the SWAT unit but could be deployed by patrol in a critical incident. These uses could include active shooters, armed barricaded suspects, hostage situations, high-risk tactical operations, disaster response, officer/citizen rescues, and CBRNE (Chemical, Biological, Radiological, Nuclear, and Explosive) attacks and detection. Additionally, it has equipment that allows for the breaching of buildings or vehicles.

For further description of any specific make or model of the Bearcat armored vehicle, please see the 2022 Equipment List for HPD.

In 2022, this type of equipment was deployed **approximately 4 times** to support HPD patrol, training and special events such as recruitment demonstrations.

- 2) No responsive data
- 3) No responsive data
- 4) Refer to Appendix A and B of 2022's Annual Equipment List
- 5) Refer to Appendix A
- 6) HPD does not intend to acquire armored vehicles in 2023. See 2023's list for further.

## 3. Humvee type vehicles (HPD does not possess this type of equipment or intend to procure it in 2023)

4. *Tracked armored vehicles (HPD does not possess this type of equipment or intend to procure it in 2023)*

5. *Command and control vehicles*

- 1) A completely self-contained command post designed to provide the Incident Commander with a mobile base of operation, and/or vehicle(s) designed to assist at command post or critical incident scenes by storing extra equipment the SWAT team may need to complete a mission.

As a mobile base of operation and a source of equipment, these vehicles contain specialized command, control, and communications equipment to assist with this mission. Mobile Command Vehicles are to be utilized as an Incident Command Post for planned or unplanned events. Incidents.

For further description of any specific make or model of the Mobile Command vehicle, please see the 2022 Equipment List for HPD.

In 2022, this type of equipment was deployed **approximately 2 times** to support HPD patrol and special events such as the Officer Involved Shooting incident in front of HPD HQ.

- 2) No responsive data
- 3) No responsive data
- 4) Refer to Appendix A and B of 2022's Annual Equipment List
- 5) Refer to Appendix A
- 6) HPD does not intend to acquire additional mobile command vehicles in 2023

6. *Weaponized aircraft (HPD does not possess this type of equipment or intend to procure it in 2023)*

7. *Battering rams, slugs, and breaching apparatuses that are explosive in nature. (HPD does not possess this type of equipment or intend to procure it in 2023)*

8. *Firearms of .50 caliber or greater. (HPD does not possess this type of equipment or intend to procure it in 2023)*

9. *Ammunition of .50 caliber or greater.* (However, standard issue shotgun ammunition is specifically excluded from this definition.) **(HPD does not possess this type of equipment or intend to procure it in 2023)**
10. *Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, except for standard issue service weapons and ammunition of less than .50 caliber that are issued to sworn members.*

Firearms:

- 1) AR-15 Rifles: A semi-automatic or select-fire shoulder-fired long gun that fires a rifle caliber cartridge. The Department-approved AR-15 style weapon system is designed to fire a .223/5.56 caliber projectile. The rifle caliber carbine provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Additionally, AR-15 rifles offer advantages over handguns, such as increased accuracy potential and the ability to defeat soft body armor but are not appropriate for every situation.

.308 Bolt Action Sniper Rifles: A bolt-action shoulder-fired rifle with precision optics that fires a .308 Winchester cartridge. The .308 bolt action Sniper Rifle provides SWAT Snipers the ability to engage hostile suspects at great distances with precision rifle fire.

.308 bolt action Sniper Rifles are to be used exclusively by officers assigned to the SWAT Sniper Team. These rifles are typically deployed with the SWAT Sniper Team during high-risk SWAT operations and special events or instances wherein Sniper Over Watch Teams are needed.

.338 Bolt Action Sniper Rifles: A bolt-action shoulder-fired rifle with precision optics that fires a .338 Lapua cartridge. The .338 bolt action Sniper Rifle provides SWAT Snipers the ability to engage hostile suspects at great distances with precision rifle fire. In some situations when the .308 bolt action rifle platform would not work, such as against vehicles, thick armor, or in very high wind, the .338 platform would be utilized.

.338 bolt action Sniper Rifles are to be used exclusively by officers assigned to the SWAT Sniper Team. These rifles are typically deployed with the SWAT Sniper Team during high-risk SWAT

operations and special events or instances wherein Sniper Over Watch Teams are needed.

For further description of any specific make or model of any firearm from this category, please see the 2022 Equipment List for HPD.

In 2022, this type of equipment was deployed **approximately 20 times** to support HPD patrol, training and special events such as the Wonderfront Festival, and the 7/4 “Big Bay Boom”.

- 2) No responsive data
- 3) No responsive data
- 4) Refer to Appendix A and B of 2022’s Annual Equipment List
- 5) Refer to Appendix A
- 6) HPD intends to acquire additional rifles in 2023. See 2023’s list for further.

#### Ammunition:

1) .223 Caliber or 5.56mm Rifle Ammunition: Rifle ammunition manufactured specifically for rifles chambered in 5.56mm or .223 Remington. Currently there are two types of .223/5.56mm caliber rifle ammunition in use operationally by the Department. .223 caliber or 5.56mm rifle ammunition used in conjunction with an AR-15 type rifle provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Rifle ammunition fired from AR-15 rifles offer advantages over handguns, such as increased accuracy potential and the ability to defeat soft body armor but are not appropriate for every situation.

.308 Caliber Rifle Ammunition: Rifle ammunition manufactured specifically for rifles chambered in .308 Winchester. Currently there are various types of .308 Winchester caliber rifle ammunition in use by the Department.

Capability: .308 Winchester rifle ammunition used in conjunction with a rifle chambered in .308 Winchester provides SWAT Snipers the ability to engage hostile suspects at great distances with precision rifle fire.

Usage: .308 Winchester ammunition in conjunction with rifles chambered in .308 Winchester is to be used exclusively by officers assigned to the SWAT Sniper Team. This ammunition and .308 rifles are typically deployed with the SWAT Sniper Team during high-risk SWAT operations and special events or instances wherein Sniper Over Watch Teams are needed.

.338 Caliber Rifle Ammunition: Rifle ammunition manufactured specifically for rifles chambered in .338 Lapua. Currently there are various types of .338 Winchester caliber rifle ammunition in use by the Department. .338 Lapua rifle ammunition used in conjunction with a rifle chambered in .338 provides SWAT Snipers the ability to engage hostile suspects at great distances with precision rifle fire. It also allows for greater penetration and speed, which can overcome high wind, heavy armor, and/or vehicle engine blocks.

.338 Lapua ammunition in conjunction with rifles chambered in .338 Lapua is to be used exclusively by officers assigned to the SWAT Sniper Team. This ammunition and .338 rifles are typically deployed with the SWAT Sniper Team during high-risk SWAT operations and special events or instances wherein Sniper Over Watch Teams are needed.

For further description of any specific make or model of any firearm from this category, please see the 2022 Equipment List for HPD.

See above Firearm section for 2022 related ammunition deployment information.

- 2) No responsive data
- 3) No responsive data
- 4) Refer to Appendix A and B of 2022's Annual Equipment List
- 5) Refer to Appendix A
- 6) HPD intends to acquire additional ammunition of this type in 2023. See 2023's list for further.

**11. Any firearm or firearm accessory that is designed to launch explosive projectiles. (HPD does not possess this type of equipment or intend to procure it in**

**2023)**

**12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld OC.**

- 1) Diversionsary Devices aka Flashbangs: Canisters that emit a loud noise and bright light. Diversionsary Devices are capable of releasing large amounts of stored energy in the form of heat, light, pressure, and noise. They are intended to temporarily distract, confuse, and disorient subjects. They can also be used as "attention-getting" devices.

Diversionsary Devices are to be used exclusively by the SWAT Unit. Diversionsary Devices can be used in high-risk tactical operations as an attention getting device. They can also be used during high-risk warrants, hostage rescue incidents, and some mobile field force incidents to provide an added degree of officer safety by disorienting subjects.

For further description of any specific make or model of diversionsary device from this category, please see the 2022 Equipment List for HPD.

In 2022, this type of equipment was deployed **approximately 20 times** to support HPD training and special events such as Wonderfront Festival, and the 7/4 "Big Bay Boom".

- 2) No responsive data
- 3) No responsive data
- 4) Refer to Appendix A and B of 2022's Annual Equipment List
- 5) Refer to Appendix A
- 6) HPD intends to acquire additional diversionsary devices in 2023. See 2023's list for further.
- 1) Chemical Agents and Chemical Agent Delivery Devices: Compounds, devices, and delivery systems utilized by SWAT and not covered by - HPD POLICY 300 Use Of Force. Compounds can include irritants such as Chlorobenzalmalononitrile (CS) or an inflammatory agent such as Oleoresin Capsicum (OC) or Pava

(synthetic OC). Chemical agents can be liquid, powder, or gaseous. Delivery systems can be pyrotechnic, blast dispersion, OC Fogger, or aerosol.

Chemical agent delivery devices consist of the following:

**Gas Ram:** A metal device resembling a handheld pointed battering ram that can be loaded with a chemical agent canister. The gas ram can be used to introduce chemical agents into a location by piercing the wall, door, or roof of a structure.

**Burn Safe:** A cylindrical metal container designed to contain a pyrotechnic chemical agent canister and reduce fire hazard upon deployment into a structure.

Depending on the delivery method, chemical agents are capable of being introduced in close proximity, or from a distance. Depending on the type of delivery system and/or quantity, chemical agents can be used to saturate individual suspects, violent crowds, or areas of varied size.

Chemical agents are to be used exclusively by the SWAT Unit. Generally, during high-risk tactical incidents chemical agents can be used to dislodge a suspect from a stronghold location with the least possible danger to citizens, police, and the suspect. Chemical agents can also be used to prevent an armed suspect from accurately firing at citizens and/or officers. They can also be used in limited instances during civil unrest to disperse violent crowds.

- 2) No responsive data
- 3) No responsive data
- 4) Refer to Appendix A and B of 2022's Annual Equipment List
- 5) Refer to Appendix A
- 6) HPD intends to acquire additional chemical agents in 2023. HPD does not intend to buy any additional delivery devices in 2023. See 2023's list for further.

- 1) Pepper Ball Launchers and Pepper Ball Munitions: A non-lethal munitions system that employs paint ball launchers to fire “pepper balls” that contain powdered OC in place of the paint. The pepper ball delivery system combines chemical agent exposure with kinetic energy impact to aid in its effectiveness in addressing armed and/or violent individuals or crowds. Pepper ball munitions also include glass breaking rounds and marking rounds. Pepper ball launchers give officers the ability to address an armed and/or violent suspect(s) with a non-lethal munition that delivers both chemical agent and kinetic energy impact. This combination can be extremely effective in gaining compliance or reducing threat potential with an armed and/or violent suspect(s). Due to its design, pepper balls can be delivered from a larger standoff distance allowing for an added degree of officer safety. Its high round capability and accuracy allow for its use in a wide variety of operational environments.

Pepper ball launchers and pepper ball munitions are to be used exclusively by Harbor Police Staff who have been trained in their use. Pepper ball launchers and pepper ball munitions can be used to address armed and/or violent individuals or crowds, limited instances of violent civil unrest, suicidal individuals, and individuals believed to possess or have immediate access to a deadly weapon. Pepper ball munitions can be effective in driving suspects from confined spaces or vehicles. Officers encountering a situation that requires the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system deployments where the suspect has been hit.

In 2022, this type of equipment was deployed **approximately 15 times** to support HPD patrol operations and training.

- 2) No responsive data
- 3) No responsive data
- 4) Refer to Appendix A and B of 2022’s Annual Equipment List
- 5) Refer to Appendix A
- 6) HPD intends to acquire additional Pepper ball munitions in 2023. HPD does not intend to buy any additional Pepper ball launchers in 2023. See 2023’s list for further.

**13. *Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).***

- 1) Long Range Acoustic Device (LRAD): The LRAD is a high intensity directional acoustical array for long range, clear speech hailing, and an emergency siren notification warning alert tone. The sound levels of this device are controllable. It is designed to be used as a clear public address speaker and as an acoustic hailing device. The LRAD has the capability of producing an emergency siren notification alert tone that can be used to deter or move subjects from an area.

The Port of San Diego Harbor Police Department may deploy the LRAD communication system for events where necessary to notify the public of large-scale evacuations, convey information to large crowds, hailing in emergency Search and Rescue operations, crisis negotiations, and other critical incidents. The purpose of the LRAD communication system is to communicate clear direction to individuals or groups during critical incidents where traditional communication methods are not feasible. The Port of San Diego Harbor Police will not use the LRAD communication system warning alert function for crowd dispersal or control, unless the crowd is engaged in actions that have a high likelihood of causing injury to officers or uninvolved civilians, and only after the crowd has already been provided a lawful order to disperse and is not compliant.

For further description of any specific make or model of any LRAD device from this category, please see the 2022 Equipment List for HPD.

In 2022, this type of equipment was deployed **0 times**.

- 2) No responsive data
- 3) No responsive data
- 4) Refer to Appendix A and B of 2022's Annual Equipment List
- 5) Refer to Appendix A
- 6) HPD intend does not to acquire additional LRAD devices in 2023. See 2023's list for further.

14. *The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag", rubber bullet, and specialty impact munition (SIM) weapons.*

Launchers:

- 1) 40mm Launchers (Projectile Launch Platforms): A single shot or multi-shot Extended Range Impact Weapon (ERIW) launcher capable for firing a variety of 40mm rounds. 40mm launchers are capable of firing a variety of munitions with a maximum effective range of one hundred twenty (120) feet. 40mm launchers can deliver 40mm munitions in the form of chemical agents, sponge baton rounds, or combined use sponge baton OC chemical agent rounds.

40mm launchers utilized with less lethal sponge baton rounds may be deployed to impact subjects demonstrating assaultive behavior or life-threatening behavior. 40mm launchers utilized with less lethal sponge baton rounds may also be used to control an actively resistive subject reasonably believed to possess or have immediate access to a deadly weapon.

The main objectives that officers attempt to achieve in using an ERIW on a subject exhibiting any of the aforementioned criteria are to effect an investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or protect the officer, the subject, or another person from injury or death. 40mm single launchers combined with less lethal 40mm sponge baton rounds are authorized to be used by any SWAT\_officer that has been trained in its use and maintains current ERIW qualifications.

For further description of any specific make or model of any firearm from this category, please see the 2022 Equipment List for HPD.

In 2022, this type of equipment was deployed **10 times** to support HPD patrol, training and special events such as Wonderfront Festival, and the 7/4 "Big Bay Boom".

2) No responsive data

3) No responsive data

- 4) Refer to Appendix A and B of 2022's Annual Equipment List
- 5) Refer to Appendix A
- 6) HPD does not intend to acquire additional 40mm launchers in 2023. See 2023's list for further.

- 1) Beanbag Shotguns: This kinetic energy projectile / Extended Range Impact Weapon (ERIW) is delivered by a standard Remington Marine Model 870, 12-gauge shotgun that is distinctive in its silver finish.

Beanbag shotguns are capable of firing a 12-gauge beanbag round with a maximum effective range of sixty (60) feet. Beanbag shotguns utilized with beanbag rounds may be deployed to impact subjects demonstrating assaultive behavior or life-threatening behavior, as defined in POLICY 300, Use of Force. Beanbag shotguns utilized with beanbag rounds may also be used to control an actively resistive subject reasonably believed to possess or have immediate access to a deadly weapon.

The main objectives that officers attempt to achieve in using an ERIW on a subject exhibiting any of the aforementioned criteria are: to effect an investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or to protect the officer, the subject, or another person from injury or death. Beanbag shotguns combined with beanbag rounds are authorized to be used by any officer that has been trained in its use and maintains current ERIW qualifications.

In 2022, this type of equipment was deployed approximately **20 times** to support HPD patrol, training, and special events such as Wonderfront Festival, and the 7/4 "Big Bay Boom".

- 2) No responsive data
- 3) No responsive data
- 4) Refer to Appendix A and B of 2022's Annual Equipment List
- 5) Refer to Appendix A

- 6) HPD does not intend to acquire additional Bean Bag shotguns in 2023. See 2023's list for further.

Munitions:

- 1) 40mm Ammunition: The 40MM ERIW round is a sponge baton cartridge. The sponge round has a blue-colored nose with a black base. The casing is stainless. 40mm ERIW direct impact rounds are capable of impacting a suspect at a maximum effective range of one hundred twenty (120) feet.

40mm ammunition used in conjunction with 40mm launchers may be deployed to impact subjects demonstrating assaultive behavior or life-threatening behavior, as defined in governed HPD Policy 300-Use of Force. 40mm ammunition used in conjunction with 40mm launchers may also be used to control an actively resistive subject reasonably believed to possess or have immediate access to a deadly weapon.

The main objectives that officers attempt to achieve in using an ERIW on a subject exhibiting any of the aforementioned criteria are to effect an investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or protect the officer, the subject, or another person from injury or death. 40mm ammunition used in conjunction with 40mm launchers are authorized to be used by any SWAT officer that has been trained in its use and maintains current ERIW qualifications.

- 2) No responsive data
  - 3) No responsive data
  - 4) Refer to Appendix A and B of 2022's Annual Equipment List
  - 5) Refer to Appendix A
  - 6) HPD does intend to acquire additional 40mm ammunition in 2023. See 2023's list for further.
- 1) Beanbag Ammunition: The 12-gauge ERIW ammunition, commonly known as a beanbag round, consists of a fabric sock containing lead shot contained within a standard 2 ¾ inch shot shell casing. Beanbag shotguns are capable of firing a 12-gauge beanbag round with a maximum effective range of sixty (60) feet.

Beanbag shotguns utilized with beanbag rounds may be deployed to impact subjects demonstrating assaultive behavior or life-threatening behavior. Beanbag shotguns utilized with beanbag rounds may also be used to control an actively resistive subject reasonably believed to possess or have immediate access to a deadly weapon.

The main objectives that officers attempt to achieve in using an ERIW on a subject exhibiting any of the aforementioned criteria are: to effect an investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or to protect the officer, the subject, or another person from injury or death. Beanbag shotguns combined with beanbag rounds are authorized to be used by any officer that has been trained in its use and maintains current ERIW qualifications.

2) No responsive data

3) No responsive data

4) Refer to Appendix A and B of 2022's Annual Equipment List

5) Refer to Appendix A

6) HPD does intend to acquire Bean bag ammunition in 2023. See 2023's list for further.

- 1) Specialty Impact Munitions (SIM): A non-lethal training ammunition used by law enforcement agencies and militaries worldwide to deliver more realistic close-range firearms training. They consist of low energy, non-lethal cartridges, typically manufactured with a water-soluble color marking compound. These rounds allow for shooters to obtain a visual assessment of round placement in live person training environments. When utilized with a training munition bolt carrier group in a 5.56mm rifle platform, SIMs have an effective range of approximately 27 yards. When utilized in a pistol caliber barrel training platform (9mm), SIMs have an effective range of 25 feet.

Rifle caliber SIMs (5.56mm) are used primarily by the SWAT Unit for training purposes only. Pistol SIMs (9mm / .38 special) may be used by the SWAT Unit, In-Service Training Unit, and the Police Academy for training purposes only. These are non-operational rounds and non-operational weapons systems. These munitions provide for realistic close quarters firearms training while allowing the shooter to visually

assess shot placement and accuracy in force-on-force training scenarios.

For further description of any specific make or model of any SIM from this category, please see the 2022 Equipment List for HPD.

In 2022, this type of equipment was deployed **20 times** to support HPD patrol, training and special events such as Wonderfront Festival, and the 7/4 “Big Bay Boom”.

2) No responsive data

3) No responsive data

4) Refer to Appendix A and B of 2022’s Annual Equipment List

5) Refer to Appendix A

6) HPD does intend to acquire additional SIM munitions in 2023. See 2023’s list for further.

**15. Any other equipment as determined by a governing body or a state agency to require additional oversight. (HPD does not possess this type of equipment or intend to procure it in 2023)**