

Military Equipment

707.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

707.1.1 DEFINITIONS

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

Governing body – The elected or appointed body that oversees the Department.

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

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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707.2 POLICY

It is the policy of the El Cerrito 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 Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of El Cerrito Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

707.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department

[ECPD Military Equipment Report March 2022](#)

707.5 APPROVAL

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

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

707.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

707.7 ANNUAL REPORT

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

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

707.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

707.9 COMPLAINT PROCESS

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

Email: Investigations@ci.el-cerrito.ca.us

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Phone: (510) 215-4400

Mail: El Cerrito Police Department, Attn: Military Equipment Use Coordinator, 10900 San Pablo Ave., El Cerrito, CA 94530

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

Attachments

Equipment Report V3.pdf

**El Cerrito Police Department
Military Equipment Inventory
Policy 707
March 31, 2022**

Equipment Owned, Sought and/or Maintained by El Cerrito Police Department

Unmanned Aerial Vehicles – Govt. Code 7070(c)(1)

DJI Mavic Pro – Aerial Drone

Quantity: 1

Cost: \$1,300

Annual Maintenance: \$20

Description: Small, commercially available drone, equipped with a camera.

Description from the manufacturer’s website: “The DJI Mavic Pro is DJI’s smallest flying camera, featuring a fully stabilized camera, Intelligent Flight Modes, and Obstacle Avoidance inside a revolutionary folding design. It captures 4K videos and 12-megapixel videos.”

Use: Overhead Photography and Searches

Lifespan: 3 years

Training/Certification Required: Federal Aviation Administration Certification, POST Unmanned Aircraft Systems Basic Pilots Course – 32 hours

Policy #607 – Unmanned Aerial Systems (UAS) Operations

DJI Mavic 2 Enterprise Advanced – Aerial Drone

Quantity Sought: 1

Cost: \$6,100

Annual Maintenance: \$100

Description: Small, commercially available drone, equipped with dual thermal and visual cameras.

Description from the manufacturer’s website: “Capture accurate details in any mission with the Mavic 2 Enterprise Advanced – a highly versatile yet compact tool that packs a whole lot of performance upgrades. With high-resolution thermal and visual cameras, the M2EA supports up to 32X digital zoom and is capable of centimeter-level positioning accuracy with the RTK module. Provide incident commanders with accurate, real-time insights as missions unfold, empowering decisions to be made with confidence. Rapidly and remotely map, document, and preserve crime scenes, vehicle collisions, and more, while simultaneously keeping operators from harm’s way.”

Use: Overhead Photography and Searches

Lifespan: 5 years

Training/Certification Required: Federal Aviation Administration Certification, POST Unmanned Aircraft Systems Basic Pilots Course – 32 hours

Policy #607 – Unmanned Aerial Systems (UAS) Operations

Command and Control Vehicles – Govt. Code 7070(c)(5)

Ford Transit Panel Van – Incident Command Vehicle

Quantity: 1

Cost: \$52,000

Annual Maintenance: \$1,000

Description: Large, commercially available cargo van, outfitted with desk, chairs and cabinets.
Description from the manufacturer’s website: “Ford Transit Cargo Van offers plenty of cargo space for installing racks and bins as well as convenient storage of tools, supplies, equipment and more.”

Use: Planning and coordination space for major events, critical incidents, and major criminal investigations.

Lifespan: 10 years

Training/Certification Required: California Driver’s License

Policy #704 – Vehicle Use

Specialized Firearms – Govt. Code 7070(c)(10)

Heckler and Koch MP5 Submachine Gun

Quantity: 2

Cost: \$2,000 each

Annual Maintenance: \$10

Description: Automatic sub-machinegun, 9mm caliber, stock configuration

Description from the manufacturer’s website: “The 9 mm MP5 submachine gun uses the same delayed blowback operating system found on the famous HK G3 automatic rifle. Reliability, accuracy, ease of handling, simple maintenance, and safety — all the elements of HK excellence are highlighted on the MP5. Firing from the closed-bolt position in all modes of fire make MP5 submachine guns extremely accurate and controllable.”

Use: Compact alternate weapon for SWAT Team members.

Lifespan: 25 years

Training/Certification Required: SWAT School – 80 hours, Tactical/Patrol Rifle Course – 24 hours

Policy #300 – Use of Force, Policy #306 – Firearms, Policy #417 Patrol Rifle

Gas Based Projectiles – Govt. Code 7070(c)(12)

Defense Technology Han-Ball CS (Tear Gas Canister)

Quantity: 8

Cost: \$20 each

Annual Maintenance: \$0

Description: Hand thrown Tear Gas Canister. Tear gas is a crowd control agent that causes irritation to the eyes, mouth, and skin.

Description from the manufacturer’s website: “The Han-Ball™ CS Grenade is an outdoor use grenade expelling its payload in approximately 15-20 seconds. The rubber ball round has an overall size of 4.8 in. tall, including the fuse head, and 3.1 in. diameter. This launchable grenade holds approximately 1.6 oz. of active agent which is expelled through three ports around the equator of the ball.”

Use: Crowd Control and Training for Academy Recruits

Lifespan: 5 years

Training/Certification Required: Chemical Munitions

Policy #300 – Use of Force, Policy #303 – Control Devices and Techniques, Policy #433 – First Amendment Assemblies

Projectile Launch Platforms and Munitions – Govt. Code 7070(c)(14)

Remington Model 870 Shotgun

Quantity: 6

Cost: \$1,075 each

Annual Maintenance: \$10

Description: Standard shotgun outfitted with orange stock, orange fore end, and sling.

Ammunition is Drag Stabilized Beanbag rounds.

Description from the manufacturer's website: "Pump-action shotgun design - the ultimate in strength, durability, silky-smooth bind-free action, and sleek classical lines"

Use: Less lethal impact weapon. Provides user the ability to deploy a kinetic weapon at a distance. Allows the user to remain behind cover or in a safe position while engaging actively violent and dangerous subjects.

Lifespan: 25 years

Training/Certification Required: Department Use of Force Training

Policy #300 – Use of Force, Policy #303 – Control Devices and Techniques, Policy #306 – Firearms, Policy #433 – First Amendment Assemblies

Defense Technology 1325 40mm Launcher

Quantity: 3

Cost: \$2,250

Annual Maintenance: \$10

Description: A single shot launcher for use with specialty munitions. Ammunition can be sponge, marking sponge, or pepper powder sponge rounds.

Description from the manufacturer's website: "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 40LMTS will fire standard 40mm less lethal ammunition, up to 4.8" in cartridge length."

Use: Less lethal impact weapon. Provides user the ability to deploy a kinetic weapon at a distance. Allows the user to remain behind cover or in a safe position while engaging actively violent and dangerous subjects.

Lifespan: 25 years

Training/Certification Required: Department Use of Force Training

Policy #300 – Use of Force, Policy #303 – Control Devices and Techniques, Policy #306 – Firearms, Policy #433 – First Amendment Assemblies

Defense Technology 1440 40mm 4-shot Launcher

Quantity: 1

Cost: \$4,000

Annual Maintenance: \$10

Description: A four shot launcher, for use with specialty munitions. Ammunition can be sponge, marking sponge, or pepper powder sponge rounds.

Description from the manufacturer's website: "Designed for riot and tactical situations, the Defense Technology® 1440 40mm Tactical 4-Shot Launcher is low-profile and lightweight, providing multi-shot capability in an easy to carry launcher. It features the Rogers Super Stoc™ expandable gun stock, an adjustable Picatinny mounted front grip, and a unique direct-drive system to advance the magazine cylinder."

Use: Less lethal impact weapon. Provides user the ability to deploy a kinetic weapon at a distance. Allows the user to remain behind cover or in a safe position while engaging actively violent and dangerous subjects.

Lifespan: 25 years

Training/Certification Required: Department Use of Force Training

Policy #300 – Use of Force, Policy #303 – Control Devices and Techniques, Policy #306 – Firearms, Policy #433 – First Amendment Assemblies

FN America 303 Mk2 Less-Lethal Launcher

Quantity Sought: 12

Cost: \$1,750 each

Annual Maintenance: \$50

Description: A 15 round, CO2 powered, launcher system. Primary ammunition is paint or OC based weighted projectiles. Equipped with a Patrol Optic. Not a firearm.

Description from the manufacturer's website: "Built from lightweight, rugged polymer and driven by a compressed CO₂ air tank, the FN 303® Mk2 upgrades FN's less lethal technology for today's officers, delivering increased accuracy with new, adjustable flip up metal sights and a MIL-STD 1913 top rail for optical or red dot sights. The fin-stabilized projectiles deliver optimum accuracy with maximum effectiveness and safety. Officers can quickly change from inert, marking, impact or irritant projectiles, with a clear view of the projectile type and remaining count in the magazine."

Use: Less lethal impact weapon. Provides user the ability to deploy a kinetic weapon at a distance. Allows user to remain behind cover or in a safe position while engaging actively violent and dangerous subjects.

Lifespan: 15 years

Training/Certification Required: Department Use of Force Training

Policy #300 – Use of Force, Policy #303 – Control Devices and Techniques, Policy #433 – First Amendment Assemblies

FN 303 Washable Paint Less-Lethal Projectiles

Quantity Sought: 450

Cost: \$4 each

Annual Maintenance: \$0

Description: A plastic weighted projectile containing washable paint.

Description from the manufacturer: "This projectile is intended for training and for marking suspects and objects with a washable colorant."

Use: Less lethal impact weapon. Provides user the ability to deploy a kinetic weapon at a distance. Allows the user to remain behind cover or in a safe position while engaging actively violent and dangerous subjects. The round also disburses washable paint at the point of impact, assisting officers with identifying violent subjects.

Lifespan: 5 years

Training/Certification Required: Department Use of Force Training

Policy #300 – Use of Force, Policy #303 – Control Devices and Techniques, Policy #433 – First Amendment Assemblies

FN 303 PAVA/OC Powder Less-Lethal Projectiles

Quantity Sought: 150

Cost: \$5 each

Annual Maintenance: \$0

Description: A plastic weighted projectile containing an irritant in the form of PAVA/OC powder. PAVA is an acronym for Pelargonic Acid Vanillylamide, a synthetic capsaicinoid, created from peppers.

OC is an acronym for Oleoresin Capsicum, a powder made from peppers.

Description from the manufacturer: "This projectile is intended as an irritant for individual suspects, point-specific targets, or small-area denial. The active ingredient is 0.5% PAVA/OC in a powder form for ease of storage, deployment, and clean-up."

Use: Less lethal impact weapon. Provides user the ability to deploy a kinetic weapon at a distance. Allows the user to remain behind cover or in a safe position while engaging actively violent and dangerous subjects. The round also disburses PAVA/OC powder at the point of impact, causing discomfort.

Lifespan: 5 years

Training/Certification Required: Department Use of Force Training

Policy #300 – Use of Force, Policy #303 – Control Devices and Techniques, Policy #433 – First Amendment Assemblies

Defense Technology 3027 Drag Stabilized Beanbag Round

Quantity: 200

Cost: \$5 each

Description: A 12-gauge round, holding a ballistic fiber bag containing lead shot as a projectile.

Description from the manufacturer's website: "The Drag Stabilized™ 12-Gauge Round is a translucent 12-Gauge shell loaded with a 40-Gram tear shaped bag made from a cotton and ballistic material blend and filled with #9 shot."

Use: Less lethal impact weapon. Provides user the ability to deploy a kinetic weapon at a distance. Allows the user to remain behind cover or in a safe position while engaging actively violent and dangerous subjects.

Lifespan: 5 years

Training/Certification Required: Department Use of Force Training

Policy #300 – Use of Force, Policy #303 – Control Devices and Techniques, Policy #306 – Firearms, Policy #433 – First Amendment Assemblies

Defense Technology 6325 Exact Impact Sponge

Quantity: 55

Cost: \$5 each

Description: A 40mm round, with a blue foam projectile.

Description from the manufacturer's website: "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."

Use: Less lethal impact weapon. Provides user the ability to deploy a kinetic weapon at a distance. Allows the user to remain behind cover or in a safe position while engaging actively violent and dangerous subjects.

Lifespan: 5 years

Training/Certification Required: Department Use of Force Training

Policy #300 – Use of Force, Policy #303 – Control Devices and Techniques, Policy #306 – Firearms, Policy #433 – First Amendment Assemblies

Defense Technology 6320 Direct Impact OC

Quantity: 6

Cost: \$5 each

Description: A 40mm round, with an orange foam projectile. Projectile contains orange marking and pepper powder.

Description from the manufacturer's website: "40 mm Direct Impact® Round. Lightweight, high-speed projectile consists of a plastic body and a crushable foam nose. The orange foam nose indicates that the round contains an OC powder."

Use: Less lethal impact weapon. Provides user the ability to deploy a kinetic weapon at a distance. Allows the user to remain behind cover or in a safe position while engaging actively violent and dangerous subjects. The round also disburses pepper powder at the point of impact, causing discomfort.

Lifespan: 5 years

Training/Certification Required: Department Use of Force Training

Policy #300 – Use of Force, Policy #303 – Control Devices and Techniques, Policy #306 – Firearms, Policy #433 – First Amendment Assemblies

Defense Technology 6326 Direct Impact Marking

Quantity: 11

Cost: \$5 each

Description: A 40mm round, with a green foam projectile. Projectile contains green marking powder.

Description from the manufacturer's website: "40 mm Direct Impact® Round. This lightweight, high-speed projectile consists of a plastic body and a crushable foam nose. The green foam nose indicates that the round contains a marking agent."

Use: Less lethal impact weapon. Provides user the ability to deploy a kinetic weapon at a distance. Allows the user to remain behind cover or in a safe position while engaging actively violent and dangerous subjects. The round also disbursts green powder at the point of impact, assisting officers with identifying violent subjects.

Lifespan: 5 years

Training/Certification Required: Department Use of Force Training

Policy #300 – Use of Force, Policy #303 – Control Devices and Techniques, Policy #306 – Firearms, Policy #433 – First Amendment Assemblies

**Military Equipment Not Owned, Sought or Maintained by the El Cerrito Police Department
Equipment Owned and/or Utilized by Law Enforcement Agencies with which the El Cerrito Police
Department Collaborates and/or Participates for Law Enforcement Purposes**

Unmanned, Remotely Piloted, Powered Aerial or Ground vehicles – Govt. Code 7070(c)(1)

Various ground robots and aerial drones are deployed by agencies in the San Francisco Bay Area
Quantity: Outside Owned. Not owned or sought by the ECPD, unless otherwise noted in preceding section.

Cost: Unknown

Annual Maintenance: Unknown

Description: Remotely operated robotic vehicles of various types.

Use: Multiple. Aerial drones can be used for overhead photography and searches, including with infrared camera systems. Ground based drones can be used to search, remotely deliver, communicate, or retrieve items, and aid in bomb detection and disarming. Drones are typically used in situations which are too dangerous for humans, as in bomb disarming, or more cost effective than other methods, as in the use of an aerial drone instead of a helicopter.

Lifespan: Varies

Training/Certification Required: Dependent upon agency and drone type.

Policy 409 – Response to Bomb Calls, Policy #607 – Unmanned Aerial Systems (UAS) Operations

Mine-Resistant Ambush-Protected (MRAP) Vehicles or Armored Personnel Carriers - Govt. Code 7070(c)(2)

Various armored vehicles are deployed by agencies in the San Francisco Bay Area

Quantity: Outside Owned. Not owned or sought by the ECPD.

Cost: Unknown

Annual Maintenance: Unknown

Description: Large truck or Armored Personnel Carrier covered in bullet resistant material.

Use: Transportation of people and equipment in a gunfire protected vehicle. Protected approach during active shooter incident. Protected evacuation of civilians during active shooter incident. Sometimes used in conjunction with a SWAT team call out event.

Lifespan: Varies

Training/Certification Required: Dependent upon agency and vehicle type.

Policy #704 – Vehicle Use

Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units - Govt. Code 7070(c)(5)

Various command vehicles are deployed by agencies in the San Francisco Bay Area

Quantity: Outside Owned. Not owned or sought by the ECPD unless otherwise noted in preceding section.

Cost: Unknown

Annual Maintenance: Unknown

Description: Van or Recreational Vehicle equipped with support equipment, often including chairs, desks, communications equipment, and computers. May contain a bathroom.

Use: Planning and coordination center during major incidents and disasters.

Lifespan: Varies

Training/Certification Required: Dependent upon agency and vehicle type.

Policy #704 – Vehicle Use, Policy #433 – First Amendment Assemblies,

Battering rams, slugs, and breaching apparatuses that are explosive in nature - Govt. Code 7070(c)(7)

Breaching Slugs are equipment used by SWAT teams.

Quantity: Outside Owned. Not owned or sought by the ECPD.

Cost: Unknown

Annual Maintenance: Unknown

Description: Projectile designed to defeat a lock.

Use: Open barricaded doors, gates, windows, or other points of entry, by a SWAT team. Entry using a breaching apparatus will typically be supported by a search warrant, but may be used in the event of an active shooter incident.

Lifespan: Varies

Training/Certification Required: POST Certified Training amongst outside agencies.

Policy #300 – Use of Force, Policy #306 – Firearms

Specialized firearms and ammunition of less than .50 caliber - Govt. Code 7070(c)(10)

Various rifles and accompanying ammunition are used by agencies in the San Francisco Bay Area.

Quantity: Outside Owned. Not owned or sought by the ECPD unless otherwise noted in preceding section.

Cost: Unknown

Annual Maintenance: Unknown

Description: Firearms that may be bolt-action, semi-automatic or automatic. May be equipped with a telescopic sight for high accuracy. An example could be a submachine gun or sniper rifle used by a SWAT team.

Use: Engage a target with lethal force when necessary and high precision is needed.

Lifespan: Varies

Training/Certification Required: POST Certified Training.

Policy #300 – Use of Force, Policy #306 – Firearms, Policy #417 Patrol Rifle

“Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls” - Govt. Code 7070(c)(12)

Various devices are used by SWAT teams in the San Francisco Bay Area.

Quantity: Outside Owned. Not owned or sought by the ECPD, unless otherwise noted in preceding section.

Cost: Unknown

Annual Maintenance: Unknown

Description: Varies. Distraction devices, irritant dispersal, breaching devices. May be deployed through a compressed air powered launcher or a handheld projectile.

Use: Distraction, irritation, or opening barricaded doors.

Lifespan: Varies

Training/Certification Required: Dependent upon agency and type.

Policy: Policy #300 – Use of Force, Policy #303 – Control Devices and Techniques, Policy #306 – Firearms, Policy #433 – First Amendment Assemblies

Long Range Acoustic Device (LRAD) - Govt. Code 7070(c)(13)

Long Range Acoustic Device (LRAD)

Quantity: Outside Owned. Not owned or sought by the ECPD.

Cost: Unknown

Annual Maintenance: Unknown

Description: Sound amplification device

Use: Communication during crowd control, civil emergencies, natural disasters, police incidents and evacuations. May also be used to sound a warning tone.

Lifespan: Varies

Training/Certification Required: Dependent upon agency and type.

Policy #433 – First Amendment Assemblies