



Oxnard Police Department
2023 Annual Military Equipment Report

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Background

Over the course of the past several years, criticism and debate has spread across the nation concerning the narrative of militarized policing in the United States. On September 30, 2021, California Governor Gavin Newsom signed legislation aimed at reforming law enforcement agency (LEA) funding, acquisition and use of specific types of "military equipment." This legislation, referred to as Assembly Bill 481 (AB 481), was authored by California Assembly member David Chiu (D-San Francisco) to address and regulate the funding, acquisition, and use of military equipment by LEA's.

Enacted into Government Code sections 7070 through 7075 as of January 1, 2022, AB 481's intent is to increase transparency by which California law enforcement agencies fund, acquire, and/or use what this legislation defines as "military equipment."

AB 481 mandates LEA's obtain approval from their governing body via the adoption of a "military equipment" use policy (Policy) by ordinance before the LEA funds, acquires, or uses such equipment. In summary, AB 481 states in Government Code section 7071(a)(1)(A-G), that LEA's shall obtain approval of their governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body prior to engaging in any of the following:

- Requesting military equipment made available pursuant to section 2576a of Title 10 of the United States Code.
- Seeking funds for military equipment.
- Acquiring military equipment.
- Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.
- Using any new or existing military equipment.
- 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.

Government Code section 7070(d) (1-7) also requires that an LEA's military equipment policy address, at a minimum, disclose all of the following:

- A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

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

On June 7, 2022, the Oxnard City Council adopted the Oxnard Police Department's Military Equipment Use Policy, authorizing the Oxnard Police Department to use the equipment specified therein. This policy exists as City of Oxnard Ordinance 3014 (Ordinance), which is codified in Oxnard City Code Section 2-112, and in section 708 of the *Oxnard Police Department's Policy Manual*, (Policy). These went into effect on July 6, 2022.

The Ordinance, Policy, and AB 481 related information are available to the public on the Oxnard Police Department's website at:

(<https://sites.google.com/oxnardpd.org/department-policy-manual/department-policy-manual>).

Standards of Approval

Government Code section 7071(e)(1) requires that an LEA's governing body, in this case the Oxnard City Council, review the ordinance that it adopted that approves the

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funding, acquisition, or use of military equipment, and vote on whether to renew the ordinance at a regular meeting.

Government Code section 7071(e)(2) states that a governing body, in Oxnard's case its Oxnard City Council, shall determine, based on the submitted annual military equipment report submitted whether each type of military equipment identified in that report has complied with the standards for approval. Per Government Code 7071(d)(1)(A-D), the required standards for approval are that:

- The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

Per Government Code section 7071(e)(2), "If the governing body determines that a type of military equipment identified in the LEA's annual military equipment report has not complied with the standards for approval, the governing body shall either disapprove a renewal of the authorization for that type of military equipment, or require modifications to the Military Equipment Use Policy in a manner that will resolve the lack of compliance."

Oxnard Police Department Meets Standards of Approval

The military equipment that the Oxnard Police Department possesses is consistent with law enforcement profession norms in the United States. Such equipment has been tested in the field, has been successfully deployed in the field, and are used by LEA's across the nation for the purposes of enhancing both the safety of peace officers and the public that they serve.

The Oxnard Police Department is committed to using contemporary tools and equipment to safeguard the public that it serves. Many of the items deemed as "military equipment" by AB 481 have been employed by the Oxnard Police Department and LEA's across the nation for a considerable amount of time, in order

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to specifically protect and reduce risk to community members. These items provide peace officers with the ability to safely resolve volatile situations which otherwise might rise to the level of lethal force encounters. To that end, the equipment of discussion in this report, and the accompanying Military Equipment Use Policy, also provide Oxnard Police Department personnel with vital tools that facilitate compliance with its robust use of force policy and reporting procedures.

The Oxnard Police Department's inventory also contains items that are designed to protect officers and members of the public. For example, the armored rescue vehicles (ARV's) are designed to shield officers and members of the public from gunfire or other threats, and have been successfully used to this effect.

The Oxnard Police Department's inventory of command and control vehicles are unarmed platforms that are vital to coordinating public safety resources in a variety of circumstances, ranging from tactical incidents to natural disasters. They are essential to facilitating the safest outcomes by promoting communication and resource coordination, both of which are essential to protecting the public's welfare, safety, civil rights, and civil liberties.

Denial or loss of the use of these previously approved items would detract from the welfare of community members and peace officers within the Oxnard Police Department, as that would eliminate resources or options that could more safely and peacefully conclude incidents. For example, the loss of an agency to deploy "less lethal" equipment would eliminate an option that could have been used to end a volatile situation without the use of lethal force.

Ongoing maintenance and replacement costs for all the equipment are included in the Police Department's budget and continue to be accounted for there. Expenditures for such equipment are appropriate and seek to minimize the impact to Oxnard's General Fund. The Police Department makes a conscious effort to fund replenishment and new additions with Asset Forfeiture Funds (AFF) and/or Supplemental Law Enforcement Services Funds (SLESF), both of which do not affect the City's General Fund.

There is significant interest in ensuring that law enforcement continues to have access to equipment that will provide peace officers as many options as possible to safeguard lives, ensure safety, and protect civil liberties. The use of the equipment identified in the Policy is vital to the Oxnard Police Department's mission, and will continue to be strictly regulated through internal processes and management oversight.

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To ensure the accuracy of the data, both the Special Operations Division Commander, and the Professional Standards Division staff closely track the use of equipment that meets AB 481's definition of "military equipment." This ensures proper usage and tracking of deployments. In the event of policy violations, management is well positioned to apply corrective action, whether through training and education, and up to the disciplinary process should that become necessary. Of note, there were no community complaints about specific deployments of Oxnard's "military equipment" in 2023, no instances of inappropriate use, and no violations of policy related to the same.

Criteria for "Military Equipment" Designation

Over the past several decades, many LEA's across the United States acquired a variety of military surplus equipment from the federal government, and incorporated their use into law enforcement operations. The federal program that currently hosts this is the Defense Logistics Agency's *1033 Program*. Other forms of this program included the former *Defense Reutilization Marketing Office* (DRMO) Program. Generally speaking, the equipment furnished to LEA's was intended to be necessary or beneficial to operations, intended to improve the safety of officers as well as the public, and helped agencies acquire such equipment in the face of limited budgets. The materials provided by these programs were very diverse, and included items ranging from office furniture/equipment, to gas masks and rifles. These programs also furnished civilian-type vehicles, as well as military-purpose ones such as High Mobility Multipurpose Wheeled Vehicles (Humvees). At some point in the past two decades, a number of LEA's across the nation received larger (12+ ton) Mine Resistant Ambush Protected (MRAP) armored vehicles.

The Oxnard Police Department never requested, nor received, Humvees or MRAP armored vehicles, and no longer requests or procures equipment from such surplus programs. In previous years, the Oxnard Police Department accepted a limited variety of items, including gas masks, helmets, older-generation rifles, and rifle optics. These items are no longer in the Department's inventory.

Under AB 481, the term "military equipment" expands beyond equipment that has a default application to military use. It also expands beyond the equipment offered by the above-mentioned DRMO and 1033 programs. It is important to note that many items qualifying as "military equipment" under AB 481 are not necessarily manufactured specifically for the United States military.

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Some of the items that fall under AB481's definition of "military equipment" can be purchased by civilians in an open market. For example, civilian members of the public can retail purchase an unmanned aerial vehicle, more commonly referred to as a "drone." Under this circumstance, a drone is not considered as "military equipment." However, if an LEA acquires the same piece of equipment in the same manner, it is considered "military equipment" by AB 481. Such is also the case for AR-15 style rifles, which the civilian public can purchase.

Under AB 481, Government Code section 7070(c)(1-15) defines "military equipment" with fifteen (15) specific categories. They are:

1. *Unmanned, remotely piloted, powered aerial or ground vehicles.*
2. *Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.*
3. *High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.*
4. *Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.*
5. *Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.*
6. *Weaponized aircraft, vessels, or vehicles of any kind.*
7. *Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.*
8. *Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.*
9. *Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.*
10. *Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.*

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11. *Any firearm or firearm accessory that is designed to launch explosive projectiles.*
12. *“Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.*
13. *Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).*
14. *The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.*
15. *Any other equipment as determined by a governing body or a state agency to require additional oversight.*

The Oxnard Police Department possesses and/or uses equipment from only seven (7) of AB 481’s fifteen (15) military equipment categories. This report cites an eighth category, for equipment that the Oxnard Police Department does not actually possess, but is deployed by another LEA when requested to assist. The categories and specific equipment currently used by the Oxnard Police Department are listed later in this report, and are further described in the attached “Military Equipment Inventory” which is a part of the *Oxnard Police Department Policy Manual* section 708 (Policy).

Military Equipment Report

California Government Code 7072 (a)(1-6) requires LEA’s to submit an annual military equipment report providing certain required information for each type of military equipment approved by the governing body for as long as the 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:

- The quantity possessed for each type of military equipment.
- A summary of how military equipment was used and the purpose of its use.
- A summary of any complaints or concerns received concerning military equipment.
- The results of any internal audits, information about violations of military equipment use policy, and any actions taken in response.
- 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

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equipment in the calendar year following submission of the annual military equipment report.

- If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

No Community Complaints

There were no specific community complaints or concerns received involving specific deployments of any of the Police Department's "military equipment" in 2023.

No Violations of Policy

There were no instances of inappropriate use of this equipment in 2023.

There were no violations of *Oxnard Police Department Policy Manual* section 708 (Military Equipment Policy) relative to "military equipment" in 2023.

Oxnard Police Department's Military Equipment Inventory

Below is a summary of the Oxnard Police Department's military equipment inventory. The equipment is listed in accordance with the Government Code sections that govern its designation as "military equipment." Additional details are in *Oxnard Police Department Policy Manual* section 708, included as an attachment to this report.

7070(c)(1): Unmanned, remotely piloted, powered aerial or ground vehicles.

- Unmanned aerial vehicles (drones): 7
- Unmanned aerial vehicle (drone) usage: There were 115 drone deployments in 2023, broken down as follows:
 - 25 for field operations support (area searches)
 - 42 for tactical assists (SWAT operations)
 - 20 for crime scene documentation
 - 12 for special events support
 - 9 for area mapping
 - 7 for training
- Annual cost: \$23,677 for drone replacement costs in 2023.
- Remotely piloted ground vehicles: 1
- Remotely piloted ground vehicle usage: Zero (0) deployments in 2023.
- Cost: \$12,433.87 initial purchase.

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7070(c)(3): High mobility multipurpose wheeled vehicles (HMMWV), called Humvees, two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles with a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

- LENCO® Bearcat armored rescue vehicles (ARV): 2
- ARV usage: There were 41 ARV deployments in 2023, broken down as follows:
 - 9 for responses to armed subjects and patrol assists
 - 22 for search warrants
 - 10 for community engagement events
- Annual cost: \$1,100 estimated average annual maintenance per unit in 2023.

7070(c)(4): Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

- The Oxnard Police Department does not possess any equipment from this category in its inventory.
- However, the Ventura County Sheriff's Office possesses a tracked armored skid steer loader (referred to as "The Rook"), which is available to assist other LEAs in Ventura County, including Oxnard. Pursuant to Government Code section 7071(a)(1)(D), an LEA must obtain approval from the governing body when "Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body."
- Rook usage: In 2023, the Ventura County Sheriff's Office assisted the Oxnard Police Department on one (1) occasion, for a SWAT warrant service.
- There were no complaints received concerning the use of this equipment.
- There were no violations of policy concerning the use of this equipment.
- Annual cost: Zero (0) cost to the City of Oxnard in 2023.

7070(c)(5): Command and control vehicles that are either built or modified to facilitate public safety units' operational control and direction.

- Total number of command and control vehicles: 13
 - Large mobile command vehicles: 2
 - Vans: 2
 - DUI enforcement command trailer: 1
 - Police Ford Explorer forward command post vehicles: 8
- Command and control vehicle usage: There were 117 deployments in 2023, broken down as follows:
 - 85 for the Drone unit van.

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- 10 for the large mobile command post (major crimes and community events)
- 12 for the traffic unit
- 10 for major crime incidents for crime scene mapping
- Annual cost: Approximately \$63,400 for the 13 vehicles each year (fuel and maintenance).

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

- Frangible breaching shotguns: 2
- Breaching shotgun usage: Zero (0) times in 2023.
- Annual cost: No associated costs with this item in 2023.

7070(c)(10): Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard-issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

- Total number of specialized firearms: 169
 - Remington .308 caliber rifles: 5
 - Accuracy International AT .308 caliber rifles: 6
 - Colt .223 caliber rifles: 107
 - Sionics .223 caliber rifles: 51
- Rifle usage: The Police Department deployed rifles in 65 incidents in 2023. It is important to note that these were limited to the pointing of firearms only. There were no instances of Oxnard Police Department personnel discharging a rifle of this type at a member of the public.
- Annual cost: No .223 rifle ammunition was purchased in 2023. Rifle maintenance was approximately \$1,200. .308 caliber rifle ammunition cost \$16,587. Maintenance was unnecessary since the Accuracy International AT rifles were purchased in 2023.

7070(c)(12): "Flashbang" grenades and explosive breaching tools, 'tear gas,' and 'pepper balls,' excluding standard, service-issued handheld pepper spray.

For clarification, the term "flashbang" is commonly used to refer to "light, sound, diversionary devices" (LSDD). "Tear gas" is the term commonly used to describe 2-chlorobenzalmalononitrile gas, also referred to as "CS." The Police Department's inventory includes:

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- *Combined Tactical Systems (CTS) LSDD*: 164
- *CTS 5230B CS gas canisters*: 34
- *Defense Technology Triple Chaser CS gas*: 12
- *Defense Technology Spede-Heat CS gas*: 16
- *Defense Technology CS Ferret rounds*: 18
- *Defense Technology OC/CS vapor*: 12
- *Defense Technology OC vapor*: 10
- *Pepperball launchers*: 13

- *Flashbang usage*: 16 times in 2023.
 - It is important to note that flashbangs deployed alone, without other equipment, successfully gained suspect compliance on 13 of the 16 occasions, eliminating the necessity for any additional force tactics.
- *Annual cost*: \$4,408.18 for replenishment costs in 2023.

- *Gas usage*: The Police Department deployed CS gas 3 times in 2023, under the following circumstances:
 - 1 for a barricaded suspect in a vehicle, in which the suspect refused to exit their vehicle.
 - 2 for warrant services where the suspects refused to exit their residences.
- *Annual cost*: \$2,173 for 2023 replenishment costs.

- *Pepperball usage*: 4 times in 2023.
 - In all 4 instances, the device was successfully used to take a non-compliant suspect into custody.
- *Annual cost*: No associated costs with this item in 2023.

7070(c)(14): The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.

- *Penn Arms 40mm less lethal projectile launchers*: 4
 - 10 direct impact sponge CS rounds
 - 10 direct impact sponge OC rounds
 - *40mm projectile usage*: Zero (0) times throughout the year.
 - *Annual cost*: No associated costs with this item in 2023.

 - *Remington 870 less lethal (“bean bag”) shotguns*: 22
 - *Less lethal shotgun usage*: 1 time in 2023.
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- The less lethal shotgun was deployed in an attempt to take a non-compliant suspect into custody.
- Annual cost: No associated costs with this item in 2023.

Intent to Acquire Additional “Military Equipment”

The Oxnard Police Department intends to maintain sufficient stock of specific equipment to maintain standards and operational readiness. The Police Department routinely orders replacement stock to maintain the levels of equipment enumerated in the “Military Equipment Inventory.”

The sought items shown above are those that are anticipated at the time of this report. Should additional items need to be acquired, they will be brought before the Oxnard City Council at a regularly scheduled meeting for approval consideration.

The Oxnard Police Department intends to seek approval for, acquire, and use the following items in 2024:

The Police Department intends to acquire a *Transcend Robotics Vantage Robot*, which qualifies as a “remotely piloted ground vehicle.” This device is used to enter structures to locate violent, often armed, subjects wanted for violent crimes. This equipment provides a safer option for officers to get a view into a building or structure through the robot’s camera system, and decreases the likelihood of a lethal force encounter. The robot’s two-way communications system allows officers to de-escalate, communicate, and negotiate compliance or surrender. This robot has the ability to safely deploy Oleoresin Capsicum (OC) and 2-chlorobenzalmalonitrile (CS) gas remotely. This type of gas is used to bring suspects out of hiding, and increases the likelihood that they will comply. Though this item falls under the Government Code's definition of “military equipment,” it is essential to note that it has no weapons, no armor, and no materials furnished by the military. The total cost to purchase this robot is \$62,818, and will be paid for with Supplemental Law Enforcement Services Fund (SLESF). There would be no impact on the City’s General Fund.



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The Police Department intends to acquire nineteen (19) additional 40mm projectile launchers. These less lethal tools allow officers to engage violent, potentially armed suspects from a safe distance, allowing officers to attempt de-escalation techniques. These types of less-lethal projectiles often prevent officers from using lethal force. The addition of these items is intended to increase the availability of this option when needed. The total cost to purchase these 40MM launchers is approximately \$51,240. Five (5) of the launchers will be paid using Asset Forfeiture Funds (AFF), which will be approximately \$19,000, and the remaining fourteen launchers will be paid using Supplemental Law Enforcement Services Fund (SLESF) which will be approximately \$32,240. There would be no impact on the City's General Fund.



The Police Department intends to replace/acquire twenty-two (22) .223 caliber rifles for the department's SWAT team. The rifles currently assigned to the SWAT team are over twenty years old, significantly exceeding their expected lifespan of five to seven years under SWAT team conditions, rendering them overdue for replacement. The SWAT team needs rifles for increased firepower and accuracy in situations that require the ability to engage targets at longer distances, penetrate barriers, and effectively address threats, while minimizing risk to officers and members of the public. These rifles also provide a tactical advantage in addressing high-risk scenarios such as active shooter situations or dealing with heavily armed suspects, allowing SWAT teams to maintain control and respond decisively to potential threats. The total cost to purchase these rifles is \$57,920 and will be paid using Justice Administration Grant funds. There would be no impact on the General Fund.



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The Police Department's 40mm inventory has become depleted over the last year due to expired rounds and use during previous year deployments. Adding new 40mm projectile launchers also increases the need for training and live rounds. To replenish the inventory, the Police Department needs to purchase five hundred (500) exact impact sponge rounds, twenty (20) direct impact sponge rounds with OC gas, twenty (20) direct impact rounds with CS gas, and twenty (20) direct impact sponge rounds (green marking). The cost to purchase these rounds is \$14,799.44, which the General Fund would cover. The Police Department must also purchase eight (8) sponge round training kits. The cost to purchase these training rounds is \$11,432.80, which will be paid using the General Fund.



Oversight

Government Code section 7070(d)(6) requires a declaration of the “mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.”

The attached *Military Equipment Inventory* portion from the Oxnard Police Department Policy Manual section 708 cites requirements to operate items listed in the inventory. Additionally, it cites legal and procedural rules governing their use. These rules span from Police Department policy to the Oxnard City Code, to the adherence to state and federal regulations. Both supervision and management have a fundamental obligation to ensure that Oxnard Police Department personnel ensure compliance. The Chief of Police is responsible to ensure that supervision and management are diligently working to promote and ensure compliance.

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The Oxnard City Council, the governing body for the Oxnard Police Department and City of Oxnard, has not called for any military equipment items to require additional oversight.

Transparency

Government Code section 7071(b) requires any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant LEA for as long as the military equipment is available for use.

This report is available to the public on the Oxnard Police Department's website, at <https://sites.google.com/oxnardpd.org/ab-481/ab-481>.

Attachments

City of Oxnard Ordinance 3014 (Ordinance),

- Codified in Oxnard City Code Section 2-112

Oxnard Police Department's Policy Manual section 708 ("Military Equipment")

- Includes *Inventory of Military Equipment* (section 708.9)