



CITY COUNCIL AGENDA REPORT

REPORTS AGENDA ITEM NO. M.8

DATE: June 29, 2023
TO: City Council
FROM: Jason Benites, Police Chief, (805) 385-7624, jason.benites@oxnardpd.org
SUBJECT: Police Department 2022 Military Equipment Use Report. (15 minutes)

RECOMMENDATION

That the City Council receive and file this annual report of the Police Department's military equipment inventory and use.

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/jowPrnbh12U>

BACKGROUND

Beginning on January 1, 2022, AB 481 was codified in Government Code sections 7070 through 7075. AB 481 mandated Law Enforcement Agencies (LEA) to obtain approval from their applicable governing body via the adoption of a "military equipment" use policy by ordinance before the LEA funded, acquired, or used such equipment.

On June 7, 2022, the Oxnard City Council adopted the Oxnard Police Department Military Equipment Use Policy to allow the Oxnard Police Department to continue to use the equipment specified therein. The Policy exists in section 708 of the *Oxnard Police Department's Policy Manual* and went into effect on July 6, 2022. This policy is available to the public on the Oxnard Police Department's website: (<https://sites.google.com/oxnardpd.org/departments-policy-manual/departments-policy-manual>).

California Government Code 7072 requires, after receiving approval for its military equipment use policy, the law enforcement agency must 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 report must include, at a minimum, the following information for the immediately preceding calendar year for each type of military equipment:

- A summary of how the 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 the 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 equipment in the calendar year following submission of the annual military equipment report.
- The quantity possessed for each type of military equipment.
- If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

Since the Oxnard Police Department's military equipment policy did not go into effect until July 6, 2022, this year's report will include information gathered from that date until December 31, 2022. Future reports will include information for entire calendar years.

California Government Code 7070(c)1 - Unmanned, remotely piloted, powered aerial or ground vehicles.

The Oxnard Police Department has deployed unmanned aerial vehicles (UAV) since 2019. UAS systems are easily deployable and can perform many functions that a helicopter would serve at a fraction of the cost. The use of UAVs has proven to be an invaluable tool for the Department and are frequently used for several missions, including; crime scene documentation (photographing, videoing, and creating 3D diagrams), conducting area searches in an attempt to locate missing or wanted individuals, inspecting hazardous materials and or explosives, and providing real-time situational awareness during high-risk SWAT operations.



All of the Oxnard Police Department's Unmanned Aerial Systems (UAS) Unit personnel receive initial and ongoing training to operate this equipment, must pass a certification course, and must earn a certificate from the Federal Aviation Administration. All UAS flights are documented with flight logs, and the Police Department's policy expressly forbids arming or weaponizing such equipment. There are no reasonable alternatives that can perform the functions served by this equipment. Using UAVs has significantly mitigated the risk to officers during high-risk incidents.

During this reporting period, one Sergeant attended the required training course to pilot these aircraft. The cost of this training was \$1,500.00. Except for this training, no other funds were spent on training or equipment. The equipment currently being used by the UAS Unit was purchased before the passage of AB 481.

During this reporting period, the Police Department utilized UAVs fifty-one (51) times. Below is a breakdown of how this equipment was utilized.

July 6, 2022 - December 31, 2022

Field Operation Support (e.g., area searches)	15
Tactical Assists	12
Crime Scene Documentation	12
Special Event Support	4
Search and Rescue	1
Training	7
Total	51

The Department did not receive any complaints regarding the use of this equipment.

Unmanned ground robotic vehicles are small, battery-operated, remote-controlled vehicles equipped with cameras and a two-way communication system.

The Department possesses one of these types of vehicles and is utilized by the SWAT Team. This small robot is used to enter structures to locate violent, often armed, subjects wanted for violent crimes. Using this robot prevents officers from entering a building and potentially becoming engaged in a lethal force encounter. The robot's two-way communications system allows officers to communicate and hopefully negotiate a suspect's surrender. This robot is only used to enter residences after obtaining a search warrant.

There are no ongoing costs associated with this equipment. The required training needed to operate this equipment is provided to SWAT officers by Department members. There were no maintenance costs associated with this item during this reporting period.

The robot was not used during this reporting period, and the Department did not receive any complaints regarding the use of this equipment.

California Government Code 7070(c)2- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.

The Police Department owns two Lenco Bearcat armored vehicles. The first vehicle was purchased in 2000, and the Oxnard Police Department K9 Foundation donated the second in 2022. These vehicles are purpose-built for civilian police departments and are built on commercially available Ford heavy-duty truck chassis.

These vehicles are invaluable tools for officers during high-risk incidents. These vehicles allow officers to utilize de-escalation tactics utilizing the ballistic protection that these vehicles provide.

The SWAT Team routinely uses both vehicles during high-risk search warrants and other high-risk incidents. The SWAT Team uses personnel from the Oxnard City Fire Department assigned to operate as Tactical Emergency Medical Services (TEMS) personnel. These TEMS personnel are unarmed; however, because of the safety provided by these vehicles, they can closely work with SWAT personnel from the relative safety of these vehicles. Having TEMS personnel located with SWAT personnel allows them to quickly treat any injuries to officers, suspects, or community members.

The only ongoing costs associated with these vehicles are preventative maintenance (brake replacement, oil changes, etc.) and fuel costs. The chart below shows the annual operating costs for these two vehicles. This cost includes maintenance, fuel, and mechanical repairs.

3 Year Cost Review by Department



YTD Costs calculated by: CALENDAR YEAR
 Exclude User Caused Costs: NO
 All Life Cycle Statures
 Equipment Unit(s): 06078, 21800
 Department(s): POLICE-CP
 All Maintenance Classes

		2020	2021	2022	2023	Total
06078	Internal PM Cost	\$0.00	\$143.38	\$304.18	\$176.41	\$623.97
	Internal Repair Cost	\$268.00	\$479.72	\$1,651.55	\$0.00	\$2,399.27
	Cml PM Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Cml Repair Cost	\$4,716.82	\$0.00	\$0.00	\$0.00	\$4,716.82
	Cml Misc Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Fuel Cost	\$201.56	\$509.73	\$457.62	\$416.60	\$1,585.51
21800	Internal PM Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Internal Repair Cost	\$0.00	\$0.00	\$6,393.70	\$0.00	\$6,393.70
	Cml PM Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Cml Repair Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Cml Misc Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Fuel Cost	\$0.00	\$0.00	\$368.49	\$516.48	\$884.97

The Department used these armored vehicles thirteen (13) times during this reporting period. In every instance, they were used by the SWAT Team during high-risk situations, including high-risk search and arrest warrant services and suspect barricades. During several of these incidents, the suspects were wanted for particularly violent crimes, including homicide and assault with a deadly weapon. Using these vehicles allowed officers to bring these incidents to a safe conclusion without using deadly force.



The Department did not receive any complaints regarding the use of this equipment.

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

Although the Department does not have any of these vehicles in its inventory, the Ventura County Sheriff's Department does possess one. It does make it available for use by other agencies in the County, including Oxnard.

The Ventura County Sheriff's Department owns a small Caterpillar front loader called the "Rook." This small tractor is armored, providing high ballistic protection. It is also equipped with several implements, including a large ballistic platform, a device to introduce chemical irritants into structures when dealing with barricaded suspects, and an implement that allows it to open doors and windows forcibly. The Rook is only used during unusually high-risk incidents and often when a suspect is barricaded and believed to be armed with a firearm. The Rook allows SWAT Team officers to safely use various less lethal tools when attempting to take a wanted suspect into custody. Although it is not frequently used, the times it was used proved invaluable, and had it not been available, officers would have had to put themselves into a great deal of danger.

The "Rook" is owned, maintained, and operated by the Ventura County Sheriff's Department; therefore, there is no cost to the City of Oxnard associated with this equipment.

The Oxnard Police Department SWAT Team requested and used the Rook on two (2) occasions during this reporting period. One of those occasions involved a suspect that was wanted in connection with an armed home invasion robbery and homicide who had barricaded himself inside an apartment. The second occasion involved a suspect wanted for criminal threats and for having brandished multiple people with a deadly weapon.

The Department did not receive any complaints regarding the use of this equipment.

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

The Police Department currently possesses six (6) vehicles that would fall under the category of "command and control vehicles"; one (1) large mobile command vehicle, one (1) mid-sized SWAT command vehicle, and four (4) Ford Explorer sport utility vehicles. Although these vehicles are technically considered "military equipment" under the statute, these vehicles are commercially sold vehicles used to assist the Department with managing large-scale incidents.

For reporting "use," the Department has only included large-scale, protracted operations such as SWAT incidents when reporting the number of uses for the small command and control vehicles. The Ford Explorers are driven daily and are therefore in "use" in literal terms; however, it is the interpretation of the Police Department that "use" would be defined as explicitly being used for command and control purposes under the spirit of the law.

Command vehicles were used eleven (11) times during this reporting period. This included several incidents involving barricaded suspects and several high-risk warrant services served by the Department's SWAT Team. The Department did not receive any complaints regarding the use of this equipment.

The large mobile command vehicle was used fourteen (14) times during this reporting period. Uses included community events, major crime scene investigations, and DUI checkpoints.



After the initial purchase, the only costs associated with these vehicles are for fuel and maintenance. The City of Oxnard Public Works Fleet Services Division maintains these vehicles.



California Government Code 7070(c)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.

The SWAT Team has two shotguns in its inventory designed to defeat locked doors. These shotguns use a frangible slug composed of clay. This frangible slug is designed to defeat the locking hardware of doors without penetrating past the door. This mitigates the risk to anyone who may be located inside. These devices are used by SWAT Team members to quickly defeat locks during those incidents where officers need to gain quick access to a structure. This would most often be during a hostage or active assailant incident.

The Department conducts the training required to use this equipment, and there is no cost associated

with this training. The SWAT Team has had this equipment in its inventory for many years, requiring little maintenance. There were no costs associated with these shotguns during this reporting period.

During this reporting period, the Police Department did not use any breaching shotguns. The Department did not receive any complaints regarding the use of this equipment.

California Government Code 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.

The Department does utilize 5.56mm rifles. These rifles are assigned to SWAT Team personnel and other sworn personnel who have received the requisite training and completed a qualification course. Officers may deploy these rifles when the circumstances lead officers to reasonably expect that using the rifle may become necessary. Examples of situations, when officers may deploy rifles, include but are not limited to:

Situations where the officer reasonably anticipates an armed encounter

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

Officers assigned to carry rifles must successfully re-qualify with their rifles bi-annually.

During this reporting period, nineteen (19) officers attended a 3-day Peace Officers Standards and Training certified school. This school is a requisite and must be completed by officers assigned to carry a rifle. The Ventura County Sheriff's Department hosted this course at no cost to the Oxnard Police Department. Repairs and maintenance for these weapons are performed by certified armorers from the Oxnard Police Department's Range Safety Unit. The only ongoing cost of these rifles is the ammunition required for training and qualification. The approximate annual cost of the ammunition used by these rifles is \$57,000.

The California Peace Officers Standards and Training (POST) defines the intentional pointing of a firearm at a member of the public as a reportable use of force. Anytime a rifle is intentionally pointed at a member of the public by Department officers, this incident is documented, including the circumstances necessitating the need to point the weapon. All reportable use of force reports is recorded and logged by the Professional Standards Unit.

During this reporting period, eighty-four (84) rifles were pointed on twenty-five (25) occasions. Except for training, these rifles were not fired during this reporting period. The Department did not receive any complaints regarding the use of this equipment.

The SWAT Team has six (6) .308 caliber precision rifles, commonly referred to as "sniper rifles," in its inventory. A small select group of SWAT officers utilizes these rifles. These rifles are used

during high-risk tactical incidents involving armed and violent suspects. Sniper rifles allow SWAT officers to deliver accurate fire from both short and long ranges when deadly force is required to protect the lives of community members and officers, and no other means of force is feasible.

SWAT officers assigned to carry these rifles receive extensive training, including a mandatory POST-certified 40-hour school. Two SWAT officers attended a POST-40-hour Precision Rifle course during this reporting period. The cost of this training was \$350.00 per officer. To maintain proficiency, officers train with and qualify with these rifles monthly.

As is the case with other firearms used by members of the Department, anytime an officer intentionally points this type of rifle at a member of the public. It is considered a reportable use of force and is tracked by the Professional Standards Unit. During this reporting period, precision rifles were pointed four (4) times. Except for training, these rifles were not fired during this reporting period.

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

Light, sound diversionary devices, commonly called "flashbangs," are used by SWAT Team members and during high-risk incidents. They are a less-lethal tool that emits an intense light and loud sound to disorient a suspect or divert their attention from officers. The Department's SWAT Team has successfully used this tool for several decades. Often, using these devices causes enough of a distraction to suspects that officers can employ other less-lethal tools or de-escalation techniques. These devices are frequently used to distract a suspect's attention away from a door during those incidents, such as a barricaded suspect, where officers must open a door forcibly. This significantly reduces the risk to officers when dealing with potentially violent individuals.

All personnel authorized to use light, sound, and diversionary devices attend mandatory training, which includes a qualification course. POST-certified Department members provide this training. No costs were associated with light, sound, and diversionary devices during this reporting period.

Light and sound diversionary devices were used fourteen (14) times during this reporting period. Incidents where these devices were used, included barricaded suspects and high-risk search and arrest warrant services.

The Department did not receive any complaints regarding the use of this equipment.



The SWAT Team also utilizes chemical agents, more commonly known as teargas. Chemical agents are a less lethal tool that gives officers the ability to force a barricaded suspect from a structure or vehicle, preventing officers from having to enter and potentially becoming involved in a violent encounter. The use of chemical agents is limited to use by the SWAT Team. Exposure to this chemical irritant is physically uncomfortable, but the effects are brief and quickly subside once an individual is moved from the area where it has been introduced.

All SWAT officers receive training on the use of chemical agents and must demonstrate proficiency with this equipment before being authorized to use it. This training is provided by POST-certified Department personnel. There were no costs associated with chemical agents during this reporting period.

During this reporting period, chemical agents were utilized three (3) times. Each incident involved a felony wanted suspect who was barricaded in a residence.



The Police Department received one (1) complaint concerning an incident that occurred on September 2, 2022. On that date, Oxnard SWAT Team members assisted the Ventura County Sheriff's Department with an effort to arrest a suspect who was involved in an armed robbery at a business in Thousand Oaks. The suspect was located at an address in the City of Port Hueneme. The suspect refused to exit the residence, and barricaded himself inside an attic. After numerous unsuccessful attempts to gain the suspect's compliance for him to exit and surrender, chemical agents were introduced into the house. The suspect exited the residence after the chemical agent deployment, and was taken into custody. Although SWAT officers knew there was an elementary school nearby (about a block's distance away), they believed that given the time of day, the school was no longer occupied. Unbeknownst to officers, some staff members were still on campus. Due to the wind conditions, some school staff sensed residual chemical agents in the air. A few staff members were slightly exposed to the chemical agents, resulting in watery eyes and sneezing. These effects subsided quickly and did not require any medical intervention. No students were on campus at the time. Since this incident, the Special Operations Commander has worked with the school districts to develop a protocol to notify schools of future SWAT operations. The SWAT Team is also aware that many schools have after-school programs, and are mindful that campuses may still be occupied even when school is no longer in session.

The Department does utilize the pepperball launcher as one of its less-lethal weapons. Pepperballs are small spheres containing a chemical irritant (OC powder). The spheres are fired from a launcher using compressed air. The spheres are designed to break upon impacting a suspect, exposing the suspect to the chemical irritant. Pepperballs are one of several less-lethal tools used to overcome a

resistant violent suspect without the need to resort to the use of lethal force.

Before carrying this less lethal system, officers must attend a mandatory user course and complete a qualification course. This training is provided by POST-certified Department personnel. There were no costs associated with this equipment during this reporting period.

During this reporting period, the Police Department did not use any pepperballs. The Department did not receive any complaints regarding the use of this equipment.

Government Code 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.

The Oxnard Police Department utilizes several less-lethal weapons, including 40mm projectile launchers and less-lethal shotguns that fire "bean bag" impact munitions. 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.



During this reporting period, officers utilized the less-lethal shotgun on five (5) occasions and the 40mm projectile on three (3) occasions.

Any time a less lethal projectile is deployed, regardless of whether or not it strikes the suspect, the circumstances of the incident are thoroughly investigated by the Oxnard Police Department Professional Standards Unit to determine whether or not the use of the weapon was within policy.

The Department did not receive any complaints regarding the use of this equipment.



Future Military Equipment Acquisitions

As part of the annual military equipment use report, Government Code 7070 requires the Police Department to disclose any equipment deemed military equipment under this statute that the Department intends to acquire, including the number and type sought, during the next reporting period.

The Department intends to acquire the following equipment during the 2023 calendar year:

- **Mobile Command Vehicle-** On February 7, 2023, the City Council approved the purchase of a new mobile command vehicle. \$750,000 of American Rescue Plan Act (ARPA) funds were made available for this purchase. This vehicle will replace two existing mobile command vehicles. Due to evolving technologies, the equipment in these vehicles has become antiquated and no longer able to function adequately. Once the Department takes delivery of the new command vehicle, the two existing vehicles will be sold or auctioned.

The City Council approved the acquisition of the following items on April 4, 2023:

- **DUI Enforcement Command Trailer-** The Department will outfit a thirty-foot trailer to serve as a command center during DUI enforcement operations. The Department's Traffic Unit will utilize the trailer. It will assist the Department with its ongoing goal of reducing DUI and drug-related traffic collisions in the City through enforcement and education. The trailer will be outfitted with communications equipment, computers, workstations, lighting, etc. The cost to outfit the trailer will be \$124,286.39 and will be funded using California Highway Patrol Cannabis Tax Fund Grant monies.
- **Unmanned Aerial Vehicle Response Van-** The Department's Unmanned Aerial Systems (UAS) systems unit recently acquired a Mercedes Benz Sprinter Van. This van will be outfitted with communications equipment, computers, and monitors and will serve as a mobile command center for the UAS unit. The van will allow UAS members to respond quickly to incidents and provide a safe and secure work location for unit members to conduct operations. The van will also provide a secure location to store sensitive equipment. The approximate cost to outfit the van is \$35,000 to \$40,000 and will be paid using monies from the California Supplemental Law Enforcement Services Fund (SLESF). Additionally, the UAS Unit intends to purchase batteries and UAVs to replace damaged and worn equipment during the 2023 calendar year. The estimated cost of this equipment is \$25,000. The Police Department will seek Council's approval for these purchases in 2023.
- **Traffic Collision Response Van-** The Traffic Unit will be outfitting a Mercedes Benz Sprinter Van and will be used to respond to major traffic collisions and other significant investigations. This van will be equipped with workstations, computers, radios, and lighting and will store sensitive equipment for documenting crime scenes. The cost to outfit the van will be \$26,693.99 and will be paid using funds from the Ventura County Service Authority for Freeway Emergencies (V.C. SAFE).
- **Patrol Sergeant Command Vehicles-** The Department will purchase three (3) patrol vehicles to serve as patrol sergeant command vehicles. These vehicles will have additional radios, computers, and dry-erase boards. These vehicles will be replacing three (3) existing patrol cars in the Police Department's fleet that have reached the end of their service lives. These vehicles will be purchased through the Enterprise Lease Management Agreement (A-8136) Plan.
- **Precision Rifles-** The Police Department's SWAT Team will purchase three (3) .308 caliber precision rifles, commonly called sniper rifles. These rifles will replace three (3) rifles currently in the SWAT Team's inventory that have reached the end of their service lives. The rifles cost approximately \$20,000 and will be funded using Asset Forfeiture money.

- **Chemical Agents-** The SWAT Team will purchase CS chemical agents, known as tear gas, to replenish its inventory. The cost of these chemical agents is \$2,173.03 and will be paid for by the Oxnard Police Department's Ordinance Budget.

STRATEGIC PRIORITIES

This agenda item supports Public Safety strategy. The purpose of the Public Safety strategy is to restore and modernize the delivery of public safety services to provide for the safety of our neighborhoods and health of our community.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

The Community Services, Public Safety, Housing & Development Committee approved 3-0 on June 13, 2023, to approve the staff recommendation and to forward the item for Council consideration.

Prepared by: Timothy Kelley, Police Commander

ATTACHMENTS

1. 2022 Military Equipment Use Report .pptx (4)