

**Los Banos Police Department**  
**Annual Military Equipment Use Report**  
**May-18, 2023- May 17,2024**



AB-481 Report #2

# **Executive Summary:**

## **Los Banos Police Department summary of AB-481 Military Equipment Funding, Acquisition and Use Policy**

On September 30, 2021, Governor Newsom signed policing reform legislation aimed at increasing transparency of peace officer misconduct records, and created a system to decertify peace officers for serious misconduct, improving policing responsibility and accountability guidelines, raising eligibility standards, banning harmful restraint techniques, and creating a public forum for the funding, acquisition and use of military equipment.

AB 481 was authored by Assembly member David Chiu (D- San Francisco) to address the funding, acquisition and use of military equipment.

### **AB 481 definition of military equipment**

The Assembly Bill has designated the following categories of items as military equipment. The Los Banos Police Department has equipment that meets criteria of 5 of the 15 categories (categories 1,5,10,12 and 14):

- Unmanned, remotely piloted, powered aerial or ground vehicles (Equipment Category 1).
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units (Equipment Category 5).
- 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 handguns (Equipment Category 10).
- Munitions containing teargas or OC, excluding standard, service-issued handheld pepper spray (Equipment Category 12).
- Kinetic energy weapons and munitions (Equipment Category 14).

## **The requirements of AB 481**

AB 481 requires each law enforcement agency's governing body to adopt a written military use policy by ordinance in a public forum by April 30, 2022, in order to continue the use of its previously acquired equipment effective May 1, 2022. To help guide this process, the Los Banos Police Department has crafted a summary of AB 481 for our residents, as well as the following required materials:

- Los Banos Police Department 's Lexipol policy 706 is available to review on the city website. The AB 481 defined list of military equipment currently in Los Banos Police Department 's possession is included in the policy, as well as each items purpose, authorized used, and expected lifespan and fiscal impact.
- Establish a concern or complement process. The Los Banos Police Department has created a means for the public to submit commendations, questions and complaints. Additional information is available on the city website.
- Prepare an Annual Report to include the use of military equipment, any complaints received, any internal audits or other information about violations of Los Banos Police Department policy section 706, the cost of such use and other similar information. This webpage will be utilized for distribution of any updates to the above materials as well as the Annual Report. The first Annual Report was distributed on or around May, 2023, and the second Annual Report was completed in May of 2024.

*Note: Los Banos Police Department does not utilize, any equipment procured from the United States Department of Defense through the Law Enforcement support program (also known as the 1028 or the 1033 program).*

## **Public input regarding AB 481**

As required for transparency, the Los Banos Police Department has uploaded multiple written documents on this website 30-days prior to a public meeting to meet the requirements of AB 481.

In compliance with Assembly Bill 481, the Los Banos Police Department presented to city council on May 18, 2022, who adopted an ordinance authorizing the continued use and acquisition of Military Equipment identified in AB 481. Complete agenda packets with backup reports for City Council Meetings are available online.

# **Inventory/Cost by Equipment Type**

## **1. Unmanned Aerial Vehicles (Category 1)**

### **a. Description, quantity, capabilities, and purchase cost:**

The Unmanned Aerial Systems in operation by the Los Banos Police Department are: Matrice 30- Thermal (\$16,898.83) DJI phantom pro-4 (Da-Jiang Innovations) (\$2500), DJI Phantom 3 Standard- (\$800), 3 (DJI) Mavic Mini (\$420.00), 1 DJI (Avata 2) (\$1,303.91) are all commercial/consumer-grade UAS (Unmanned Aerial Systems) commonly used by construction and utility companies for the inspection of buildings, power lines, windmills and other infrastructure, The UAS is a battery powered remote operated device. The controller allows the pilot to control the UAS as well as view live video produced by the onboard camera system the drone is equipped with. Flight time for each battery is approximately 25-30 minutes depending on weather and flight conditions. Drones have been proven to be useful by public safety agencies to conduct pre-operational surveillance, search and rescue missions, and tactical situations where enhancing the view point reduces effect of law enforcement and fire personnel. The Department is currently in the test and evaluation phase of another commercial grade UAS.

### **b. Purpose:**

To be deployed when the view would be enhanced to assist officers or incident commanders with the following situations, which include but are not limited to:

- I. Major collision investigation
- II. Search for missing/wanted persons
- III. Natural disaster management
- IV. Crime scene photography
- V. Tactical or other public safety and life preservation missions
- VI. In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.

### **c. Authorized Use:**

Only assigned operators who have completed the required training shall be permitted to operate the UAV during approved missions. All other applicable LBPDP Policies remain in effect, to include but not limited to, LBPDP Policy 311- Search and Seizure, LBPDP Policy 316- Missing Persons, LBPDP Policy 606- Unmanned Aerial System Operations and LBPDP Policy 703- Vehicle Use.

### **d. Expected Lifespan:**

5 Years

### **e. Fiscal Impact:**

Annual maintenance cost of approximately \$1,000

## 2. Command and Control Vehicles (Category 5)

a. **Description, quantity, capabilities, and purchase cost:**

2011 Bumper pull trailer with a custom interior equipped with electrical supply, generator power source, seating and workspace. The interior is climate controlled and lighted by several recessed florescent lighting fixtures. The rear portion of the trailer is equipped with a cargo-equipment and supply storage area. The Trailer is used on critical incidents to provide additional command and control as well as provide shelter, supply storage, and evidence storage. Approximate cost: \$15,000.00 funded through AVOID Grant- 2011.

b. **Purpose**

To be utilized for critical incident callouts

c. **Authorized Use**

The Command Post Trailer is used by officers and staff who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a California driver license. All other applicable LBPD policies remain in effect to include, but not limited to, LBPD 703- Vehicle use, LBPD Policy- 802- Property and Evidence.

d. **Expected Lifespan:**

20 Years

e. **Fiscal Impact**

Annual maintenance cost of approximately \$2,000.

### 3. Specialized Firearms and Ammunition (Equipment Category 10)

**a. Description, quantity, capabilities, and purchase cost:**

- i. The Carbine Rifle is a firearm capable of accurately stopping an armed subject at various distances. The Carbine Rifle is a lightweight, air-cooled, gas operated, magazine fed, shoulder fired weapon, designated for semi-automatic and selective fire. The Carbine Rifle does not have an expiration and will need to be serviced or replaced with the Rifle fails or breaks. The .223/5.56 cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects. Colt Ar-15/ M4 Approximate Cost \$15,000 Quantity-15 Windham Weaponry R11SFST-7 WW15/AR-15 5.56 Quantity: 14 Cost; Approximately \$13,934.68. Sons of Liberty, Gun Works- Model M4-89 Cost; Approximately \$1,400 (each).
- ii. The Federal American Eagle .223-.62 grain FMJ is the Departments primary training and duty ammunition, the ammunition is deployed during potential leather encounters when shooting from distance or through barriers- Cost: \$3,956.20 Quantity: 10,100 Rounds.
- iii. Remington UMC .223 62 grain CTFB is the Departments secondary training and duty ammunition, the ammunition is deployed during potential lethal encounters when shooting from distance or through barriers. Cost: 1,033.80 Quantity: 2800.

**b. Purpose:**

To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

**c. Authorized Use:**

Only members that are POST certified are authorized to use a rifle. All other applicable LBPD policies remain in effect, to included but not limited to LBPD policy 300- Use of Force, LBPD Policy 306- Firearms Training and Qualifications.

**d. Expected Lifespan:**

- i. Carbine Rifle- No expiration
- ii. Federal American Eagle .223, 62 grain FMJ- No expiration
- iii. Remington UMC .223 62 grain CTFB- No expiration

**e. Fiscal Impact:**

- i. Carbine Rifle- Annual Cost between \$0.00- \$10,000.
- ii. Federal American Eagle .223- 62 grain FMJ- Annual cost between \$0.00 to \$5,000.
- iii. Remington UMC .223 62 grain CTFB- Annual cost between \$0.00 to \$5,000.

## 4. PepperBall Launcher (Category 12)

### a. **Description, quantity, capabilities, and purchase cost:**

System that uses high pressure air to deliver Pelargonic Acid Vanillylamide (PAVA) powder projectiles (similar to a paint ball delivery system). The System is capable of launching projectiles at a subject up to 60'. The System is capable of area saturation up to 160'. This is a non-lethal option to offer law enforcement officers to deliver chemical agents and kinetic energy impacts to subjects in a potentially violent encounter. De-Escalation tool used to avoid further injuries or lethal options on a subject. Approximate Cost: \$2,000.00 Quantity: 4

- i. PepperBall Live Projectile, the basic PepperBall projectile contains 2% PAVA pepper powder, and is designed for direct impact and area saturation, especially in confined, interior spaces. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area saturation of 150=f. The projectile contains 0.5% PAVA powder .8230. Cost: \$3,412.00 Quantity: 1500.

### b. **Purpose:**

To limit the escalation of conflict where deployment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include but, are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/Crowd control and civil unrest indecent
- iii. Circumstances where a tactical advantage van be obtained
- iv. Potentially vicious animals
- v. Training exercises or approved demonstrations

### c. **Authorized Use:**

Only those officers who have been trained in the use of PepperBall launchers are authorized to use the PepperBall launchers. All other applicable LBPDP Policies remain in effect, to included, but not limited to, LBPDP Policy 300- Use of Force

### d. **Expected Lifespan:**

- i. PepperBall Launcher: No expiration
- ii. Live Projectile: 1 year

### e. **Fiscal Impact:**

- i. PepperBall Launcher: Annual cost between \$0 and \$1,000.
- ii. Live Projectile: Annual cost between \$0 and \$2,000.

## 5. Projectile Launch platforms and associated munitions (Category 14)

**a. Description, quantity, capabilities, and purchase cost:**

Lewis Machine & Tool (LMT) Launcher approximate Cost: 4,000. Quantity: 3. The LMT 40mm launcher is not a firearm, but a less-lethal system that uses smokeless powder to deliver 40mm projectiles from a safe distance. The Less-Lethal launcher is capable of launching 40mm munitions at a subject up to 25 yards. The Less-Lethal launcher is a single launcher, which allows the officer to assess after every spent munition. Less-Lethal launcher does not have an expiration and will need to be serviced or replaced with the launcher fails or breaks. The 40mm munition is a direct impact spin stabilized smokeless sponge munition. The sponge baton munition is used as Less-Lethal weapon designed to de-escalate a potentially violent encounter. Approximate Cost: \$3,818 Quantity: 200

**b. Purpose:**

To limit the escalation of conflict where lethal force is prohibited or undesirable.

**c. Authorized Use:**

Situations for use of the less-lethal weapon system may include but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

All other applicable LBPDP Policies remain in effect, to include, but not limited to, LBPDP Policy 300- Use of force.

**d. Expected Lifespan:**

- i. 40mm Launcher- No expiration

**e. Fiscal Impact:**

- i. 40mm Sponge Round: Annual cost between \$0 and \$400.

## 6. Projectile Launch platforms and associated munitions (Category 14)

### a. Description, quantity, capabilities, and purchase cost:

- i. Remington 870 Less-Lethal shotgun, cost \$950 each, quantity: 10. Used to deploy less-lethal impact munitions. The stock and pump grip of the shotgun are bright orange in color to indicate it's use as less lethal.
- ii. 12-gauge Safariland drag stabilized beanbag round, #3027, approximate cost: \$500, quantity 200. A less-lethal 12-gauge shotgun round that launches a ballistic fiber bag filled with 40 grams of lead shot. The effective range of this munition is at least 20 feet up to 75 feet from the target. It does not require a minimum range to "unfold" or "stabilize" and accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator.

### b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

### c. Authorized Use

Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

All other applicable LBPDP Policies remain in effect, to include, but not limited to, LBPDP Policy 300- Use of force.

### d. Expected Lifespan

- i. Remington 870 less  
Lethal shotgun – 25  
years
- ii. Safari land drag  
stabilized round –No  
expiration

### e. Fiscal Impact

- i. Beanbag Round: Annual cost between \$0 and \$500.

# **Acquisitions/ Fiscal Impact**

Between June 7, 2023 and May 17, 2024 The Los Banos Police Department acquired the following Military Equipment:

- Category# 1- Unmanned Arial Vehicles.
  - 1 DJI Avata 2 (\$1,303.91)
- Category# 5- Command and Control Vehicles
  - No New Acquisitions
- Category# 10- Specialized Firearms and Ammunition.
  - Two Carbine Rifle Platforms (Sons of Liberty, Gun Works- Model M4-89) (\$1,400 Each)
  - Suppressor SKM (\$550 Each)
  - Ammunition
    - ARMSCOR 223 62GR FMJ 1000 RD Case-\$460.00
      - 25 Cases (\$11,500 Total Expended)
- Category# 12- PepperBal Launcher.
  - No new acquisitions
- Category# 14- Projectile launch platforms and associated munitions.
  - No new acquisitions.
- Future Acquisitions.
  - The department will continue to acquire equipment outlined in this assembly bill by use of the general fund, grant funding, and any other funding source available to staff. The amount of future acquisitions will vary upon the needs associated with each listed item. The general assumptions for future acquisitions are consistent with the itemized lists contained in this report.

# **Internal Audits**

The Los Banos Police Department continues to remain transparent. We publicize our policy, training plan and have made our complaint forms available on our website.

The Operation Commander has conducted periodic audits during this report period, the audits have consisted of monitoring each reported use of force to determine if military equipment was used, as well as reviewing each public complaint to determine if there were any reported complaints or comments surrounding the use or acquisition of equipment identified in AB 481 as military equipment.

During this reporting period, there were zero (0) community complaints surrounding the use or acquisition of military equipment. The deployments of military equipment are documented under the “usage” heading in this report.

# **Usage**

- Category # 1
  - During this reporting period there have been over 100 missions flown by our trained UAS pilots the missions range from storm water evaluations, to tactical operations locating wanted subjects. (Equipment Category #1)
- Category # 5
  - During this reporting period the mobile command post has been deployed roughly 5 times ranging from providing remote command posts for critical incidents. (Equipment Category # 5)
- Category # 10
  - During this reporting period there were no applications of the items in LBPD inventory for (Equipment Category# 10). The department purchased additional ammunition after training consumption. The department also purchased two additional Patrol Carbine Rifles due to the need by the LBPD officers assigned to the Merced County Sheriff's Office Special Weapons and Tactics Team.
- Category # 12
  - During this reporting period there were no applications of the items in LBPD inventory for (Equipment Category# 12).
- Category# 14
  - During this reporting period there were no applications of the items in LBPD inventory for (Equipment Category# 14). The department purchased additional ammunition after training consumption.

## **Findings:**

The Los Banos Police Department had zero (0) citizen complaints involving use of military equipment.

The Los Banos Police Department had zero (0) applications of force involving military equipment.

There have been zero (0) reported violations of the military equipment use policy.

# **Conclusion**

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

In a continued effort for greater transparency, the Los Banos Police Department has made its policy procedures available online. Additionally, online you will see a platform for public comment. Public comments are reviewed as they are received and investigated thoroughly.

The Los Banos Police Department will continue to revise its practices to ensure complacency with the evolving legal requirements and community expectations.

This report complies with the requirements of Government Code Section 7072.

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