

Benicia Police Department
2023 Annual Military Equipment Report
AB 481 – Government Code § 7070 et seq. – BPD Policy 709

In compliance with Assembly Bill 481 (Gov. Code 7070 *et seq.*) and Benicia Police Department Policy 709 (Military Equipment), the Benicia Police Department (“Department”) has prepared this 2023 Annual Military Equipment Report (“Report”). This Report has been submitted to the Benicia City Council and made available to the community on the Department website and disseminated through other channels, and a copy of which is available upon request at the Benicia Police Department. This report has been prepared to assist the Council and the community in understanding how Military Equipment possessed by the Department has been utilized in the past year.

This report follows the Benicia Police Department’s initial compliance with AB 481 Compliance, which includes the completing the following:

- Approval of the Benicia Police Department Military Equipment Policy (“Policy 709”) (Completed October 2022)
- Approval of the Police Acquisition and Use of Military Equipment Ordinance (Completed October 2022, Benicia City Council Ordinance No. 22-08)
- Initial Community Engagement Meeting (October 4th, 2022)
- Current Military Equipment Inventory (Attached)

Annual Report:

As Required by applicable law and Policy, the Department is required to report annually on the inventory, procurement, use of covered military equipment. The annual report is required to include the following:

- (1) A summary of each type of military equipment possessed by the Department was used and the purpose of its use.
- (2) A summary of any complaints or concerns received by the Department concerning the military equipment.
- (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (5) The quantity possessed for each type of military equipment.
- (6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

The Department addresses each item below. Please also find a copy of the Military Equipment Inventory List attached for reference, as the questions below describe the utilization of such equipment possessed by the Department.

(1) A summary of how the military equipment was used and the purpose of its use.

The Department did not deploy any military equipment within the City of Benicia during the reporting period. However, as described below, some of the military equipment was used to assist other agencies while in another jurisdiction. In addition, some equipment was used for training purposes.

Military Equipment deployed in other jurisdictions:

The Benicia Police Department is part of a regional SWAT Team, which includes members of the Solano County Sheriff's Office. The Robotex Avatar Tactical Robot (Tactical Robot), which is owned and maintained by the Benicia Police Department, was deployed on three separate occasions to search the inside of residences for suspects and hazards prior to the SWAT team making entry to serve search warrants/arrest warrants during mutual-aid SWAT response. The Tactical Robot was not deployed within the city of Benicia. The use of the Tactical Robot assisted other agencies in their law enforcement objectives by providing enhanced surveillance without putting officers in danger of direct contact with potentially dangerous suspects. Although not deployed within the City of Benicia, the Tactical Robot was used consistent with the standards and methods of use authorized by the policy.

Training involving Military Equipment

During training exercises, the Department used Military Equipment. Conducting such training ensures that the equipment, if needed, will be deployed in the manner in which it was designed and consistent with Department Policy. The Department used the following Military Equipment during training exercises:

1. Heckler & Koch 5.56mm Semiautomatic Rifles
2. Winchester Ranger .223 Rem 55 Grain Soft Point Rifle Round.
3. 40mm Launchers and Rounds
4. Pepper ball Launcher Tac-SF and Rounds.
5. Less Lethal Shotgun and Rounds
6. Robotex Avatar Tactical Robot

No other military equipment was deployed within the city of Benicia, whether by the Benicia Police Department, or by another agency working in coordination or collaboration with the city.

(2) A summary of any complaints or concerns received concerning the military equipment.

The Department did not receive any complaints or concerns regarding this equipment during the reporting period. The Department does maintain in its policy details on where to send complaints or concerns, as well as on the Department AB 481 website.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

There were no reportable issues identified during any internal audits or any violations of the military equipment policy.

(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.

Equipment Name: Heckler & Koch 5.56mm Semiautomatic Rifles and Ammunition.

Fiscal Impacts: The initial cost of equipment was approximately \$1,476 per rifle. Rifle maintenance is conducted by trained departmental staff at no additional cost. No additional rifles were purchased in 2023.

Equipment Name: Winchester Ranger .223 Rem 55 Grain Soft Point Rifle Round.

Fiscal Impact: Cost \$767.00 per case of 1000. 7 cases were purchased for a total of \$5,369.00. The funds used to make the purchase were obtained from the annual Benicia Police Department budget.

Equipment Name: .308 Bolt Action Rifle- Barrett MRAD and Ammo

Fiscal Impacts: The initial cost of the equipment was approximately \$5,970. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff at no cost.

Equipment Name: .308 Winchester Supreme 168 grain Ammunition

Fiscal Impacts: Cost is \$44.89 per box of 20 rounds. No additional rounds were purchased in 2023.

Equipment Name: 40mm Launchers and Rounds

Direct Impact 40mm Model 6326 Marking Crushable Foam Round Quantity 0 rounds purchased, \$24.46 per round.

Exact Impact 40mm Model 6325 Standard Range Sponge Round. Quantity- 12 rounds purchased, \$28.95 per round.

Fiscal Impacts: The initial cost of this equipment was approximately \$1710 for two 40mm Less Lethal Launchers. The ongoing costs for munitions will vary depending on supply. Maintenance is conducted by departmental staff.

Equipment Name: Pepper ball Launcher Tac-SF and Rounds.

Pepper ball Live-X.68 caliber rounds. Approx. 400 rounds. The current cost is \$1,244 per pack of 375 rounds.

Fiscal Impacts: The initial cost of this equipment was approximately \$1700. The ongoing costs for munitions will vary depending on market costs. Maintenance and training are conducted by departmental staff.

Equipment Name: Less Lethal Shotgun and Rounds

Fiscal Impacts: The initial cost of this equipment was approximately \$4,800 total. The ongoing costs for munitions will vary based on need and market cost. Maintenance is conducted by departmental staff. The current replacement cost for the Remington 870 shotgun is approximately \$675 + tax.

Equipment Name: Combined Tactical System (CTS) 12 gauge Drag Stabilized Bean Bag Round.

Fiscal Impact: Approx. 125 rounds. \$40.70 per 5 rounds replacement cost. Approximate expiration date of 5 years. No additional rounds were purchased in 2023.

Equipment Name: Robotex Avatar Tactical Robot

Fiscal Impacts: The initial cost of this equipment was \$29,999 and was fully purchased through a grant. There were no annual maintenance costs.

(5) The quantity possessed of each type of military equipment.

Equipment Name: Heckler & Koch 5.56mm Semiautomatic Rifles and Ammunition.

Quantity Owned: 6

Equipment Name: Winchester Ranger .223 Rem 55 Grain Soft Point Rifle Round.

Quantity Owned: 14,000 rounds.

Equipment Name: .308 Bolt Action Rifle- Barrett MRAD and Ammo

Quantity Owned: 1 owned.

Equipment Name: .308 Winchester Supreme 168 grain Ammunition

Quantity Owned: Approximately 1000 rounds.

Equipment Name: 40mm Launchers and Rounds

Quantity Owned: 2

Direct Impact 40mm Model 6326 Marking Crushable Foam Round Quantity- 4 rounds in possession

Exact Impact 40mm Model 6325 Standard Range Sponge Round. Quantity- 12 rounds in possession

Equipment Name: Pepper ball Launcher Tac-SF and Rounds

Quantity Owned: 4

Pepper ball Live-X.68 caliber rounds. Approx. 400 rounds.

Equipment Name: Less Lethal Shotgun and Rounds

Quantity Owned: 12 shotguns and Approx. 125 rounds of Combined Tactical System (CTS) 12 gauge Drag Stabilized Bean Bag Rounds.

(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.

None.

Summary

As a result of the 2023 Annual Report, the Department continues to find the following:

- Military equipment in the possession of the Department is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- The military equipment use policy continues to safeguard the public's welfare, safety, civil rights, and civil liberties by providing the Department access to and use – if necessary, of such equipment.
- The Department's use of military equipment has at all times complied with the military equipment use policy and any other applicable policies of the Department.