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Executive Summary

On September 30, 2021, California Governor Gavin Newsom approved Assembly Bill 481 requiring California law enforcement agencies to obtain approval of a Military Equipment Use Policy by their applicable governing body (City Council) prior to taking certain actions related to the funding, acquisition, or use of controlled equipment.

Assembly Bill 481 allows the governing body to approve the funding, acquisition, and use of controlled equipment ("Military Equipment") within its jurisdiction if the equipment meets specified standards. The Controlled Equipment Use Policy and an Annual Controlled Equipment Use Report is subject to annual review to affirm the criteria outlined in Assembly Bill 481 have been met.

The format of this report was crafted in a manner that conforms to the statutorily required annual report pursuant to California Government Code section 7072(a) to include the following information:

- 1.) A summary of the military equipment uses and the purpose;
- 2.) A summary of any complaints or concerns concerning the military equipment;
- 3.) The results of any internal audits, information on any violations, and actions taken in response;
- 4.) The total annual cost for each type of equipment;
- 5.) The quantity possessed of each type of equipment;
- 6.) The intent to acquire additional equipment and quantity sought.

***Unless otherwise noted the funds for the equipment, staff costs, training costs, or costs for the use of the equipment, is from the approved existing budget. Tuition cost for outside training courses, even if included in the existing budget, will be noted in the total annual outside training cost section.

The Porterville Police Department recognizes the public's ongoing interest in how controlled equipment is used to protect our community and is committed to maintaining our community's trust in providing professional and responsive police services. As such, the Porterville Police Department has authored the following comprehensive Annual Controlled Equipment Use Report to remain transparent with our community and in accordance with annual reporting requirements set forth by applicable California Law.

Controlled Equipment Categories

Assembly Bill 481 created Government Code 7070 which designated 15 categories of items deemed "military" or more accurately defined as controlled equipment:

Category 1:	Unmanned, remotely piloted, powered aerial or ground vehicles
Category 2:	Mine-resistant ambush-protected vehicles or armored personnel carriers
Category 3:	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
Category 4:	Tracked armored vehicles that provide ballistic protection to their occupants
Category 5:	Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units
Category 6:	Weaponized aircraft, vessels, or vehicles of any kind
Category 7:	Battering rams, slugs, and breaching apparatuses that are explosive in nature
Category 8:	Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition
Category 9:	Ammunition of .50 or greater.
Category 10:	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
Category 11:	Any firearm or firearm accessory that is designed to launch explosive projectiles
Category 12:	Flashbang grenades and explosive breaching tools, "tear gas", "pepperballs", munitions containing tear gas or OC, excluding standard, service- issued handheld pepper spray
Category 13:	TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices
Category 14:	Launch platforms and their associated munitions: 40mm projective launchers "beanbag", rubber bullet, and specialty impact munition (SIM) weapons
Category 15:	Any other equipment as determined by a governing body or a state agency to require additional oversight

Robot (Category 1)a. **Description, quantity, capabilities, and purchase cost:**

Robotex Avatar transportable robot

Quantity: 1.

The Robotex Avatar is a remote-controlled robot, which operates on the ground, and is utilized to enhance safety to law enforcement personnel and the community. The Avatar enhances the capabilities of SWAT and tactical response teams by allowing them to quickly and safely inspect dangerous situations, there is no longer a need to send personnel in before you've had a chance to assess the situation. This equipment is for use during high-risk incidents. Incidents that may qualify for its use include, but are not limited to, a high-risk warrant service, barricaded subject, and hostage negotiation/rescue. Before entering a structure, particularly in a tactically compromised and dangerous situation, knowledge of a subject's location is very important, and the robot can provide that without placing anyone at risk. Cameras can also help determine if a subject is armed and also if there are other subjects inside that need assistance.

b. **Purpose:**

To be used to remotely gain visual information, deliver CRT phone, and clear buildings, or for any other approved law enforcement purpose.

c. **Authorized Use:**

Only personnel who have completed the required department training shall be permitted to operate the robot. Use is established by the Incident Commander or SWAT Commander. All other applicable PPD policies remain in effect, to include, but not limited to, PPD Policy 312 – Search and Seizure, PPD Policy 404 – Special Weapons and Tactics, and PPD Policy 407 – Hostage and Barricade Incidents.

d. **Expected Lifespan:**

8-10 years

Use Reporting 2022

The robot was used during one SWAT deployment.

Summary of Complaints or Concerns 2022:

No complaints or concerns received.

Internal audits / Violations 2022:

The robot was checked monthly. No violations.

Total annual Cost 2022:

None.

Intended Acquisition in 2023:

None.

Unmanned Aerial Vehicles (Category 1)

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

Unmanned Aerial Systems (UAS) are battery powered, remote operated unmanned aerial devices and the equipment used to control it. Remote controls allow operators to control the UAS and view live feed from UAS-mounted cameras. The UASs have proven to be useful to public safety agencies in firefighting, search and rescue, pre-operational surveillance, and other tactical situations where aerial views enhance the safety and efficiency of law enforcement and fire personnel.

1. DJI MAVIC 2 Enterprise Dual
Quantity: 2.
UAS is able to record color video as well as with thermal imaging and has approximately 30 minutes of flight time.
2. DJI MAVIC 2 Enterprise Zoom
Quantity: 2
UAS that has a color and better zoom capable camera. It is able to record video with approximately 40 minutes of flight time.
3. DJI Mini 2 Fly More
Quantity: 1
UAS with smaller footprint and better capabilities of indoor reconnaissance during tactical deployments. Able to record video and audio with approximately 30 minutes of flight time.
4. DJI M30T
Quantity: 1
UAS that weights approximately 8.3 pounds, features a 640 x 512 px radiometric thermal camera with a 1280 x 1024 infrared super-resolution mode, along with 48 megapixel 1/2" CMOS zoom camera with 5x to 16x optical and 200x digital zoom, a 12 megapixel wide-angle camera, 8k photo 4K/30 fps video resolution, and a laser rangefinder which can give the precise coordinates of objects up to 1,200 meters away, flight time approximately 40 min. and can operate in harsh weather conditions such as rain and snow.

b. **Purpose:**

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

1. Major collision investigations and crime scenes.
2. Search for missing persons and rescue events.
3. Natural disaster management.
4. Anytime a UAS would enhance public safety, improve operational safety, incident stabilization or incident mitigation.
5. SWAT, tactical or other public safety, fire services and life preservation missions.

c. **Authorized Use:**

Only assigned personnel who have completed the required department training shall be permitted to operate any UAS during approved missions. All other applicable PPD policies remain in effect, to include, but not limited to, PPD Policy 312 – Search and Seizure, PPD Policy 604 – Unmanned Aerial System (UAS) Operations.

d. **Expected Lifespan:**

3-5 years

Use Reporting 2022

Collectively the drones were used 117 times, with a total of 80 hours of flight time. Of the 117 times, several of the uses occurred during the same incidents with different drone types or with the same drone after batteries were changed out. The drones were used to search for suspects, barricaded suspects, missing persons, during arson investigations and high-risk search warrants. In May 2022, the UAV unit participated in the Leadership Porterville and Transition and Use Tax Oversight Committee events, where pilots conducted performance tests and flight demonstrations to display the abilities of the UAVs. The drone operators additionally participated in monthly training to maintain proficiency which is tracked but not part of the 117 instances of use.

Summary of Complaints or Concerns 2022:

No complaints or concerns received.

Internal audits / Violations 2022:

Drones were audited monthly. No violations.

Total annual Cost 2022:

- \$18,705.78 DJI M30T (Approved by Council – April 2023).
- \$1,760 - Maintenance, software, registration, repair, battery replacement, and training.

Armored Personnel Carrier, vehicle with entry apparatus attached

(Category 2 & 3)

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

Lenco Armored Rescue Vehicle (ARV)

Quantity: 1

The ARV is based on a Ford F-550 Super Duty commercial truck chassis and Ford Triton engine. The vehicle has armored steel bodywork and ballistic glass. The ARV is designed to provide ballistic protection during tactical events and is designed to withstand multiple high-powered bullet strikes from small arms fire as well as low level explosions. The ARV is equipped with emergency lights/siren, spotlights, a hydraulic breaching apparatus and a public address system.

b. **Purpose:**

The rescue vehicle would potentially be used in situations to facilitate rescue operations, conduct evacuations, provide emergency medical aid in dangerous environments, during rapidly evolving critical incidents having a potential of injury or death, and for high-risk pre-planned events. The vehicle's ballistic protection would also provide an environment and opportunity for our officers to de-escalate incidents with potentially armed suspects, or for other approved law enforcement purposes.

c. **Authorized Use:**

The use of armored vehicles shall only be authorized by a watch commander, incident commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with department policy and training. All other applicable CPD policies remain in effect, to include, but not limited to, PPD Policy 703 – Vehicle Use.

d. **Expected Lifespan:**

25 years

Use Reporting 2022

The city received our ARV in September of 2020. It was utilized at every SWAT deployment, which was 15 times throughout the year. The ARV was at the National Night Out and several community events for PR purposes. The vehicle has also been used during SWAT trainings.

Summary of Complaints or Concerns 2022:

No complaints or concerns received.

Internal audits / Violations 2022:

No violations

Total annual Cost 2022:

- \$1,540 is the estimated annual maintenance.

Command and Control Vehicles (Category 5)

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

Elite II 24' enclosed trailer

Quantity: 1

Aside from use as a command post for DUI Checkpoints, the mobile command center can also be utilized for other critical incidents, preplanned large events, searching for missing persons, natural disasters, and community events.

b. **Purpose:**

To be utilized for DUI checkpoints, critical incident callouts, as a temporary Emergency Operations Center, or as a backup dispatch center, or for other approved law enforcement purposes.

Authorized Use:

The mobile command post can be used by staff who have been properly trained in the safe handling of the vehicle. All other applicable PPD policies remain in effect, to include, but not limited to, PPD Policy 703 – Vehicle Use.

c. **Expected Lifespan:**

20 Years on chassis. Upgrades may be needed in 5-7 years to maintain IT systems.

Use Reporting 2022

The vehicle was used as an incident command center for all DUI checkpoints during 2022. The vehicle has been used during training exercises for SWAT, CRT, and the drone team.

Summary of Complaints or Concerns 2022:

No complaints or concerns received.

Internal audits / Violations 2022:

No violations

Total annual Cost 2022:

Annual maintenance cost of \$1,581.00

Specialized Firearms and Ammunition (Category 10)

a. Description, quantity, capabilities, and purchase cost

1. The AR-15 is a lightweight, magazine fed, gas operated semi-automatic rifle capable of accurately stopping an armed subject at various distances to include those that exceed the capabilities of a service pistol. 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 (Barrel lengths varying from 10.3 to 16 inches
Quantity: 66

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 PPD policies remain in effect, to include, but not limited to, PPD Policy 300 – Use of Force, PPD Policy 306 – Firearms.

d. Expected Lifespan:

15 years

Use Reporting 2022

The rifles were used during monthly range qualifications and during SWAT training. The carbines were deployed on patrol and SWAT operations per policy but were not discharged.

Summary of Complaints or Concerns 2022:

No complaints or concerns received.

Internal audits / Violations 2022:

No violations

Total annual Cost 2022:

No maintenance cost.

Intended Acquisition in 2023:

The Porterville Police Department will be working to implement an overwatch (“Sniper”) element of the SWAT team. They would deploy with bolt action precision rifles, which would enable the stopping of an armed subject at a safe distance. The Sniper Rifle would need to be serviced or replaced when the Rifle fails or breaks. Only snipers who have completed a certified Sniper course are authorized to use a sniper rifle.

Noise Flash Diversionary Devices (Category 12)

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

Noise Flash Diversionary Devices (NFDD) is a non-fragmenting device that creates a bright flash and loud sound to temporarily divert the attention of subjects in the immediate area. NFDDs are used to distract and temporarily incapacitate dangerous suspects by overwhelming their senses of vision and hearing. The distraction allows officers to seize a moment of opportunity to take control of high-risk situations.

Quantity: 17

b. **Purpose:**

To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.

c. **Authorized Use:**

Diversionary Devices shall only be used by SWAT officers who have completed a POST approved 80-hour SWAT school and who been trained in their proper use in the following circumstances:

1. In hostage and barricaded subject situations.
2. In high- risk warrant (search/arrest) services where there may be extreme hazards to officers.
3. During other high-risk situations where their use would enhance officer safety or during training.

All other applicable PPD policies remain in effect, to include, but not limited to, PPD Policy 300 – Use of Force, PPD Policy 404 – Special Weapons and Tactics

d. **Expected Lifespan:**

5 years

Use Reporting 2022

NFDDs were deployed seven times during SWAT operations. Nine (9) NFDDs were deployed during training and/or instructor school.

Summary of Complaints or Concerns 2022:

No complaints or concerns received.

Internal audits / Violations 2022:

No violations.

Total annual Cost 2022:

No annual cost other than purchase of replacement devices after deployments.

Intended Acquisition in 2023:

Replacement of expended NFDDs.

Tear Gas (Category 12)

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

Chemical agent munitions, which are commonly referred to as “tear gas,” are used by the Porterville Police Department as a non-lethal tool on barricaded suspects. The Porterville Police Department uses chemical agents which are used by law enforcement across the United States: CS (2-Chlorobenzylidenemalononitrile) and OC (Oleoresin Capsicum) CS is an irritating agent and lachrymator (irritates the eyes and causes tears to flow). CS has been medically tested in the UK and US, specifically by the U.S. Army. There are no known allergic reactions to CS. OC was de-regulated in California in 1996, is endorsed by the FBI, and is available to civilians to legally possess (2.5oz or less). OC is an inflammatory agent which causes involuntary closure of eyes and respiratory inflammation.

1. The CM Spede-Heat CS Grenade is a high volume, continuous burn [device;] it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent.
Quantity: 10
2. The design of the Tri-Chamber Flameless CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately .70 oz. of agent during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections, but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals’ effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure.
Quantity: 9
3. The Triple-Chaser® CS consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart allowing increased area coverage in a short period of time. This grenade can be hand thrown or launched from a fired delivery system. The grenade is 6.5 in. by 2.7 in. and holds an approximately 3.2 oz. of active agent payload. It has an approximate burn time of 20-30 seconds.
Quantity: 9
4. The Ferret® 37 mm OC Round is a frangible projectile filled with chemical agent. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers the .16 oz. agent payload inside a structure. These munitions are 4.8 in. by 1.5 in. and travels at 650fps within an effective range of 50 yards.
Quantity: 14

5. The Ferret® 37 mm CS Round is a frangible projectile filled with chemical agent. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers the .16 oz. agent payload inside a structure. These munitions are 4.8 in. by 1.5 in. and travels at 650fps within an effective range of 50 yards.
Quantity: 4
6. The Ferret® 40 mm Barricade Penetrating Round is filled with a CS powder chemical agent. It is a frangible projectile that is spin stabilized utilizing barrel rifling. It is non-burning and designed to penetrate barriers. Primarily used to dislodge barricaded subjects, it can also be used for area denial. Primarily used by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impact the nose ruptures and instantaneously delivers the agent payload inside a structure or vehicle.
Quantity: 4
7. The CTS White Smoke 5210 Canister is a pyrotechnic smoke grenade used for concealment or as a signaling device.
Quantity: 2
8. The CTS White Smoke 8210 Canister is a small diameter pyrotechnic irritant smoke grenade for outdoor use to disperse crowds. Emits smoke for up to 30 seconds and is small enough to carry in a pocket. Can be hand thrown or launched.
Quantity: 2

b. **Purpose:**

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

1. Self-destructive, dangerous and/or combative individuals.
2. Circumstances where a tactical advantage can be obtained.
3. Potentially vicious animals.
4. Training exercises or approved demonstrations.

c. **Authorized Use:**

Only officers who have received POST certification in the use of chemical agents are authorized to use or supervise the use of chemical agents. All other applicable PPD policies remain in effect, to include, but not limited to, PPD Policy 300 – Use of Force, PPD Police 303 – Control Devices and Techniques, PPD Policy 404 – Special Weapons and Tactics, PPD Policy 407 – Hostage and Barricade Incidents.

d. **Expected Lifespan:**

5 years

Use Reporting 2022

There was a total of two (2) deployments of chemical agent munitions during SWAT operations.

Summary of Complaints or Concerns 2022:

No complaints or concerns received.

Internal audits / Violations 2022:

No violations

Total annual Cost 2022:

None.

Intended Acquisition in 2023:

Replacement of expended munitions as necessary.

Projectile Launch platforms and associated munitions (Category 14)

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

The 37mm/40mm less-Lethal launcher is a single shot launcher, which allows the officer to assess after every spent munition. The Less-Lethal launcher does not have an expiration and will need to be serviced or replaced when the launcher fails or breaks.

- 1 . Penn Arms 37mm Multi Launcher is a tactical single-shot launcher that features a fixed butt stock and iron sites. It will fire a standard 37mm less lethal munition.
Quantity: 1
- 2 . Tru Flite 37mm super long range gas gun single shot launcher features a hardwood stock with rubber shoulder pad and rear sites.
Quantity: 1
- 3 . LMT Defense 40LMTS Single-Barrel 40mm Launcher is a tactical 40mm single shot launcher that's features a folding stock and adjustable Integrated Front Grip (IFG) with a light rail. It will fire standard 40mm munitions.
Quantity: 1
4. Remington 870 Less Lethal Shotgun is used to deploy less lethal 12-gauge bean bag rounds up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of de-escalation.
Quantity: 2

b. **Purpose:**

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

c. **Authorized Use:**

By officers who have completed department training. Situations for use of the less lethal weapon systems may include, but are not limited to:

1. Self-destructive, dangerous and/or combative individuals.
2. Riot/crowd control and civil unrest incidents.
3. Circumstances where a tactical advantage can be obtained.
4. Potentially vicious animals.
5. Training exercises or approved demonstrations.

All other applicable PPD policies remain in effect, to include, but not limited to, PPD Policy 300 – Use of Force.

d. **Expected Lifespan:**

25 years

Use Reporting 2022

The 40 mm launchers were used only during training. The 40 mm launchers were deployed on patrol and SWAT operations per policy but were not discharged.

Summary of Complaints or Concerns 2022:

No complaints or concerns received.

Internal audits / Violations 2022:

No violations

Total annual Cost 2022:

None

Intended Acquisition in 2023:

Replacement of expended training ammunition and upcoming training.

Training Costs

The personnel cost of training is absorbed into the Department's operating budget. The cost for staff to attend externally hosted training for 2022 was approximately \$25,923.20.

\$2,881.19 – Tactical Rifle Instructor Course (3 Rangemasters)

\$8,254.92 – 80-hour Basic SWAT Course (2 SWAT Team members)

\$5,273.32 – 40-hour Tactical Team Leader Course/Updates (5 SWAT Team members)

\$1,811.35 – 40-hour SWAT Commander Course (1 SWAT Team member)

\$801.72 – Diversionary Device Instructor Course (1 Instructor)

\$4,088.56 – FAA Part 107 – Drone Basic Pilot Course (3 Drone pilots)

\$2,812.14 – Drone Nighttime Operators Course (2 Drone pilots)