



**HERCULES POLICE DEPARTMENT
ANNUAL MILITARY EQUIPMENT REPORT
2023**

INTRODUCTION

On September 30, 2021, the Governor of the State of California approved Assembly Bill 481 (codified as Chapter 12.8 of the California Government Code) requiring law enforcement agencies such as the Hercules Police Department to have a military use policy approved by the City Council prior to requesting, seeking funding, acquiring, or using military equipment. Assembly Bill 481 allows the governing body to approve the policy within its jurisdiction only if it determines that the military equipment meets specified standards.

On June 14, 2022, the City of Hercules City Council Approved Ordinance 537 approving Hercules Police Department Policy #709: Military Equipment Funding, Acquisition, and Use. As required by Assembly Bill 481 and the Ordinance, annually the Hercules Police Department must prepare a report on the use of each type of military equipment approved in the Policy over the last year. Subsequently, the City Council must then review the Ordinance, Policy, and Annual Report, and determine whether the Department's use of military equipment in the past year complied with the Policy, and whether to continue the Ordinance and Policy, take action (by ordinance) to modify the Policy or repeal the Ordinance.

As set forth in the Policy, the Hercules Police Department retains and employs limited military equipment to safeguard its community. Hercules officers, certified instructional staff, and specialized units receive training throughout the year on the use of military equipment approved under the Policy.

This Annual Report outlines the Hercules Police Department's military equipment inventory and usage, community complaints over use of military equipment, and internal audits from January 1, 2023, through December 31, 2023. The Department will submit its Military Equipment Annual Report to the City Council after December 31st of every year in compliance with AB 481.

HPD MILITARY EQUIPMENT

1. Unmanned Aerial Vehicles

a. Description, quantity, capabilities and purchase cost:

The unmanned Aerial Vehicle (UAV) is a battery powered remote operated device with a flight time of approximately 30 – 45 minutes per battery, depending on weather and flight conditions. The UAV has been 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.

Mavic 2 Enterprise Advanced UAV, purchase cost was \$6,499
quantity: 2

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:

- i. Major Collisions Investigation
- ii. Search for missing persons
- iii. Natural disaster management
- iv. Crime scene photography
- v. Critical incident, tactical or other public safety life preservation missions
- vi. In response to specific requests from fire authorities for fire response

c. Authorized use

Only assigned operators who have completed the required training, certification, and licensing shall be permitted to use Hercules Police Department's UAVs approved missions.

d. **Expected lifespan**

The expected lifespan of the Mavic 2 UAV is 5 years

e. **Fiscal impact**

Annual maintenance costs of approximately \$0 - \$500

f. All department UAV operators are licensed by the Federal Aviation Administration for UAV operation. Once all operators are completely certified, they will train monthly in the use of UAV's.

2. **Command and Control vehicles**

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

2008 Ford Econoline 350 transport van, Cost \$0 (inner-City transfer from Parks and Recreation), quantity: 1

This is a full-size van modified to transport Special Response Team members and equipment to critical incidents and high-risk entry operations. The van is equipped with emergency lights and sirens. It is painted white with Hercules Police Department (PD) logos on it.

b. **Purpose**

To be used in response to critical incidents and pre-planned operations to transport personnel and equipment.

c. **Authorized use**

The use of the van is limited to trained Hercules Police Department SRT members and department range training equipment transportation.

d. **Expected Lifespan**

10 years

e. **Fiscal Impact**

Annual maintenance cost of approximately \$1,000.

3. Specialized firearms and ammunition

a. Description, quantity, capabilities and purchase cost

Shoulder fired rifle bored firearms capable of firing 5.56mm ammunition from standard- capacity magazines; shoulder fired smooth bored firearms capable of firing beanbag rounds, smoke canisters and CS gas canisters.

- i. Colt M4 Carbine semi-automatic rifle for patrol use, cost: \$920.00, quantity: 33
- ii. Defense Technology Model 1426 40mm LMT tactical single launcher for deployment of less lethal munitions or gas, cost \$1349.00, quantity: 1
- iii. Remington 870 kinetic energy shotgun for patrol use, cost: \$900.00, quantity: 5
- iv. Defense Technologies 12-gauge powder barricade penetrator OC rounds for barricaded subject critical incidents, cost \$5.94, quantity: 10
- v. Defense Technology 40mm Exact Impact Sponge Round extended range rounds used for patrol use, cost \$29.95, quantity: 25
- vi. Winchester Ranger 5.56mm 77 grain ammunition for patrol rifles, cost \$878.00/1000 rounds, quantity: 10,000
Winchester 5.56mm 55 grain ammunition for patrol rifles, Cost \$359/1000 rounds, quantity: 15,000
- vii. Defense Technology drag stabilized kinetic energy rounds for patrol, cost \$5.35, quantity: 50

b. Purpose

To be used as precision weapons to address known threats from greater distance and behind cover, providing safer response to critical incidents involving heavily armed and protected suspect(s), to defuse volatile incidents with less than lethal force, to bring critical incidents to a close with the least amount of danger to the public, the involved subject(s) and the responding personnel.

c. Authorized use

Only personnel who have attended and passed training and certification courses approved by the Peace Officer Standards and Training (POST) Commission are authorized to possess or deploy patrol rifles, kinetic energy shotguns, or 40mm launcher.

d. Expected Lifespan

i. Colt M4-Carbine Rifle:	15 years
ii. DefTec Mod 1426 40mm launcher:	15 years
iii. Remington 870 kinetic energy shotgun:	15 years
iv. Defense technology OC rounds:	no expiration date
v. Winchester 5.56mm rounds:	no expiration date
vi. Kinetic energy rounds:	no expiration date
vii. Exact Impact Sponge Round:	no expiration date

e. Fiscal impact

Annual maintenance is approximately \$50 for each rifle. Ammunition costs vary by availability. Approximately \$10,000 annually.

4. Noise Flash Diversionary Devices

a. Description, quantity, capabilities and purchase cost

A Noise Flash Diversionary Device (NFDD) is a device that creates a bright flash and a loud explosive sound to divert the attention of subjects in the area and temporarily disorient them to additional sounds and movement. NFDD are used to temporarily incapacitate dangerous subjects by overwhelming their senses of vision and hearing. The momentary distraction allows officers to seize the opportunity to take control of high-risk situations.

- i. Defense Technology Low Roll 12-gram non-reloadable Distraction Device w/safety clip, cost \$79.44, quantity: 30

b. Purpose

To produce atmospheric overpressure 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:

- i. By SRT members who have been trained in their proper handling and use
- ii. In hostage or barricaded subject situations
- iii. In high-risk warrant services where there may be extreme hazards to officers
- iv. During other high-risk situations where their use would enhance officer safety
- v. During training exercises.

d. Expected lifespan

5 years

e. Fiscal impact

There are no maintenance costs associated with the storage of this device.

5. Munitions containing Tear Gas or OC

a. Description, quantity, capabilities and purchase cost

Chemical agent munitions, which are commonly referred to as "tear gas," are used by the Hercules Police Department as a non-lethal tool to disperse rioting suspects and/or barricaded suspects. CS (2-Chlorobenzylidenemalonoi trile) and OC (Oleoresin Capsicum) are commonly used by law enforcement agencies across the United States.

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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 (open 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).

- i. Defense Technologies 12-gauge powder barricade penetrator OC for barricaded subject critical incidents, cost \$5.94, quantity: 10
- ii. Officers assigned to the County-Wide Mutual Aid Mobile Field Force are issued Defense Technology CS gas by the Contra Costa Office of the Sheriff as part of their tactical duty gear when deployed by the MAMFF. They do not carry the CS gas as a part of their regular Patrol equipment in Hercules, however they do possess it in the event they need to respond to emergency deployment(s) elsewhere in the County. Cost \$0, quantity: 2 each.

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:

- 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.

c. Authorized use

Only Officers who have received POST certification in the use of chemical agents are authorized to use chemical agents.

d. Expected Lifespan

Defense Technology OC rounds: No expiration date

e. Fiscal Impact

There are no maintenance costs associated with the storage of these devices

Equipment Purchase and Training Use

2023 Purchases

Military Equipment	Quantity	Cost	Date of Purchase
Winchester 5.56 77 or BTHP	4000	\$3948.00	8/21/2023 – 10/18/2023
Winchester 5.56 55 or FMJ	11000	\$4818.00	8/21/2023 – 10/18/2023
Defense Technology Model 1426 40mm LMT Tactical single launcher	1	\$1349.00	9/7/2023
Defense Technology 40mm Exact Impact Sponge Round extended range munitions	25	\$647.75	9/7/2023
Defense Technology Low Roll 12-gram non-reloadable Distraction Device w/safety clip	30	\$2383.20	8/31/2023

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2023 Training/ Military Equipment Utilized

Training	Military Equipment	Quantity	Date of Use
Department Quarterly Training	Colt M4 5.56 Ammo	8000	4/13/2023, 7/13/2023, 10/5/2023
Firearms/Rifle Instructor Update Training	Colt M4 5.56 Ammo	2000	11/10/2023
Firearms/Rifle Instructor Training	Colt M4 5.56 Ammo	1000	7/21/2023
Firearms/Rifle Instructor Training	Colt M4 5.56 Ammo	1000	6/16/2023
Department SRT Training	DefTec NSDD	23	9/20/2023
Department SRT Training	Mavic 2 Enterprise Advanced UAV	1	9/20/2023

Community Concerns and Complaints

In some instances, the possession and use of military equipment may cause questions and/or concerns for members of the community. It is vitally important that community members’ questions and/or complaints regarding Hercules Police Department’s possession and use of military equipment are addressed.

The Hercules Police Department is committed to full and fair investigations of community complaints. As such, the Department has sound internal procedures for thorough and impartial investigations of community complaints. Resolving complaints in a fair, impartial, and expeditious manner will ensure the consistent high level of integrity and efficiency maintained by the Department.

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2023 Critical Incident/ Military Equipment Utilized

Case #	Date	Equipment Used	Reason for Use
H23-916	9/8/2023	2008 Ford Econoline 350 transport van	High Risk Search and Arrest Warrant served by HPD Special Response Team
H23-987	9/27/2023	Mavic 2 Enterprise Advanced UAV	Outside Assist CCSO Suspect Search Rodeo, CA
Incident	10/5/2023	Mavic 2 Enterprise Advanced UAV	Community Service Search for Homeless Encampment w/Public Works
Incident	10/16/2023	Mavic 2 Enterprise Advanced UAV	Outside Assist CHP Search and Rescue Vehicle Collision
Incident	10/21/2023	Mavic 2 Enterprise Advanced UAV	Commercial Burglary Alarm Search of Backyard Area
Incident	10/24/2023	Mavic 2 Enterprise Advanced UAV	Outside Assist DOJ Task Force Surveillance
Incident	10/24/2023	Mavic 2 Enterprise Advanced UAV	Outside Assist DOJ Task Force Surveillance
Incident	10/31/2023	Mavic 2 Enterprise Advanced UAV	Outside Assist DOJ Task Force Operation Barricaded Subject
Incident	11/7/2023	Mavic 2 Enterprise Advanced UAV	Outside Assist Pinole PD Suspect Search Pinole, CA
H23-148	11/10/2023	Mavic 2 Enterprise Advanced UAV	Search Warrant served by HPD Investigations
Incident	11/21/2023	Mavic 2 Enterprise Advanced UAV	Outside Assist DOJ Task Force Surveillance/Search Warrant
H23-916	12/7/2023	Mavic 2 Enterprise Advanced UAV	High Risk Search and Arrest Warrant served by HPD Special Response Team
Incident	12/28/2023	Mavic 2 Enterprise Advanced UAV	Outside Assist DOJ Task Force Surveillance

Conclusion

This Annual Military Equipment Report reaffirms the Hercules Police Department’s commitment to providing transparency and information to our communities and elected officials in addition to ensuring compliance with California State law. The equipment, resources, and training outlined in this report allow Hercules Police Officers to better serve and protect Hercules, enhance the safety of officers and community, and bring critical incidents to a safe resolution.