

Fremont Police Department April 2022 - March 2023 Annual Military Equipment Use Report



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OUR MISSION, VISION, AND VALUES

- **Our Mission** is to provide "*Public Safety through Professional Law Enforcement*"
- **Our Vision** is "A continuing Tradition of Excellence"
- **Our Values** are:
 - **Dedication** - Fremont Police employees are loyal to the community, profession, and organization. We fulfill our mission by constantly improving and acting in a selfless manner.
 - **Integrity** - Fremont Police employees are fully forthcoming and honest. We do not hide our mistakes. We derive our authority from the community. Integrity, truthfulness, and justice are the cornerstones of our interaction with each other, with our community, and our profession.
 - **Professionalism** - Fremont Police employees strive to do the right thing all the time, based on our skills and knowledge. We subscribe to a rigorous code of conduct and continued self-development. We represent the organization and the profession in a positive way.
 - **Community Partnership** – Fremont Police employees value our relationship with the community. Effective policing requires public trust and support. We work to build trust, cooperation, and communication with all members of our public.



PREFACE

Fremont Police Department (FPD) is committed to maintaining public trust, community partnership, transparency, accountability, best practices and compliance with the law. As such, the Department has developed and published this Military Equipment Use Report in accordance with Assembly Bill 481, Government Code 7072 and FPD Military Equipment Use Policy. In April 2022, the Fremont City Council approved the FPD's use of the listed equipment. This document reports on information covering the period of April 2022—March 2023. The following information is included in this report (Government Code 7072(a)):

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 violations of the military equipment use policy, and/or any actions taken in response.
4. The total annual costs for each type of military equipment, including acquisitions, 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. The additional military equipment FPD intends to acquire in the next year, and the quantity sought for each type of military equipment.

EQUIPMENT OVERVIEW:

Fremont Police Department does not possess any tactical equipment that it has obtained from the military, nor does it possess any equipment that was designed for military use. FPD does not participate in the Law Enforcement Support Officer (LESO) 10-33 program. The Department does not currently receive or utilize surplus military equipment from the Federal government. It is the policy of Fremont Police Department to acquire and use equipment designed to enhance municipal law enforcement's ability to ensure public safety and welfare.

Items deemed to be "military equipment" by Government Code § 7070 are used as a component of overall best practices for law enforcement agencies throughout the country. These tools have been tested in the field and are used by law enforcement agencies to enhance citizen safety, and officer safety.



The term "military equipment," as used in Government Code § 7070, in fact does not necessarily indicate equipment that has been used by the military. Pursuant to AB 481, items deemed to be "military equipment" include, but are not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper-ball launchers, less lethal shotguns, less lethal 40mm projectile launchers, long range acoustic devices, and distraction devices.

It is the policy of FPD to acquire and use equipment designed to enhance law enforcement's ability to ensure public safety and welfare. It is the policy of FPD that members of this department comply with the provisions of Government Code § 7071 and Fremont Municipal Code Chapter 8.80 with respect to military equipment use. California Government Code § 7070 provides a list of equipment types that are considered to be "military equipment" for purposes of this report, and FPD Military Equipment Use Policy includes information for any such equipment types that are utilized by Fremont Police Department.

BACKGROUND: ASSEMBLY BILL 481

On September 30, 2021, Governor Newsom approved AB-481 requiring law enforcement agencies to obtain approval of the applicable governing body (City Council), by adoption of a military equipment use policy. The Department is required to seek City Council approval of their military equipment use procedure by ordinance at a regular open meeting prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined.

Effective January 1, 2022, AB 481 allows the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The ordinance is subject to annual City Council review to determine whether, based on an annual military equipment use report, the standards set forth in the approving ordinance have been met. The City Council may renew the authorizing ordinance, disapprove authorization for particular military equipment where standards have not been met, or require modifications to the military equipment use policy to address any non-compliance with standards.

Finally, the bill requires publication of the military equipment use policy and the annual military equipment use report on the Department's website. The military equipment use procedure must be posted on the website at least 30 days prior to the Council meeting.

The full text of AB 481 is available at <https://www.fremontpolice.gov/ab481>.



SUMMARY AND QUANTITY OF MILITARY EQUIPMENT

The following constitutes a list of military equipment utilized by the Department that meets the statutory definition of military equipment:

1. Unmanned Aerial Systems (UAS/Drones) (Current Quantity: 17)
2. City of Fremont Mobile Command Vehicle (MCV) (Current Quantity: 1)
3. Lenco BearCat G2 (Current Quantity: 1)
4. Lenco BearCat/MedEvac (Current Quantity: 1) - Shared with San Leandro
5. Ford Transit – 350 Crew (Current Quantity: 1)
6. Icor Caliber T5 Robot (Current Quantity: 1)
7. Defense Technologies Low Roll 12 gram non reloadable distraction device with safety clip (Current Quantity: 75)
8. Deftech LMT 40 mm kinetic energy projectiles with 40 mm projectiles (Current Quantity: 110)
9. Tippmann FTC Pepper-ball launchers (Current Quantity: 14)
10. Remington Breaching Shotgun (Model 870, 12 Gauge) (Current Quantity: 25)
11. Sig Sauer MCX Virtus multi-caliber 223/556/300 black-out rifle and ammunition (Current Quantity: 11)
12. Sig Sauer MCX multi-caliber modular rifle, 300 BLK 5.75" duty barrel, a 5/56 caliber 11" barrel (Current Quantity: 27)
13. Rock River Arms, LAR -15 (Current Quantity: 11)
14. Pepper-ball VKS Launcher (Current Quantity: 6)
15. Defense Technologies CS Gas systems (Current Quantity: Pocket Tactical CS (part #1016)- 23, Spede Heat CS (part #1072)- 20, 40mm Ferret Round CS (part #2262)- 50, Tri-chamber flameless CS (part #1032)- 20, Triple Chaser CS (part #1026)- 44, Han-ball CS (part #1092)- 8, 75 yard 40mm Spede heat (part #6282)- 4)
16. Defense Technologies flashbang systems (Current Quantity: 100 - Meter 40mm Aerial Flashbang- 24, 75 - Meter 40mm Aerial Flashbang- 6)

It should be noted, the numerical inventory of military equipment may fluctuate based upon a variety of reasons. Factors such as operational usage, operational deterioration, training, maintenance, and expiration and replenishment guidelines or schedules may change the quantity of inventory. Fremont Police Department is committed to providing the most accurate military equipment inventory and information at the time of the publication of this report. The current inventory list of FPD military equipment can be found at <https://www.fremontpolice.gov/ab481>.



MILITARY EQUIPMENT USE

This section outlines the military equipment usage for April 2022 - March 2023 by Fremont Police Department. Certain items of military equipment, particularly consumables (ammunition, diversionary devices, pepper balls, chemical agents, etc.) are used throughout the year on a regular basis for training in order to maintain proficiency. Training usage is NOT captured in this section. This section only provides data for the OPERATIONAL USE of military equipment listed within this annual report. The mere possession of the equipment does not warrant its use for every incident.

The following is the data for military equipment usage by category for this reporting period:

1. UNMANNED AERIAL SYSTEMS (UAS/DRONES)

Unmanned Aerial Systems, also commonly referred to as “drones” were utilized a total of **621** times during this reporting period. These deployments include:

- UAS was deployed to conducting overwatch and intelligence gathering for investigative, specialty units, and SRT during critical incidents and investigations.
- Assisting patrol with establishing overwatch during perimeters, search and rescue for missing at-risk persons, and
- Conducted aerial evidence collection for the traffic unit at the scene of major collisions.

2. MOBILE COMMAND VEHICLE (MCV)

The Mobile Command Vehicle (MCV) was deployed a total of **8** times during this reporting period. These deployments include:

- Support for SRT preplanned operations
- Special Events such as shop-with-a-cop.



3. Lenco Bearcat G2

The Bearcat was deployed **18** times during this reporting period. These deployments include:

- SRT deployment for a pre-planned operations
- Patrol deployments during critical incidents where there is imminent threat to life.

4. Lenco Bearcat/MEDEVAC

The Bearcat/Medevac was deployed **2** times during this reporting period. Both deployments were in support of high-risk search/arrest warrants for outside agencies.

5. Ford Transit- 350 Crew (Hostage Negotiator Team)

The Ford Transit van is deployed exclusively with the Hostage Negotiator Team (HNT). The van was deployed **4** times during this reporting period. Some of the deployments include:

- Support for SRT preplanned operations
- Community Safety Faire

6. ICOR Caliber T5 Robot

The ICOR Caliber T5 Robot was deployed **5** times during this reporting period. These deployments include: Assisting with a search during a Special Response Team (SRT) arrest warrants and pre-planned operations

7. Defense Technologies Low Roll 12 Gram Non-Reloadable Distraction Device with Safety Clip (Model: 8902NR)

The Defense Technologies Low Roll 12 Gram Non-Reloadable Distraction Device with Safety Clip has been deployed **0** times during this reporting period.

8. Defense Technologies LMT 40 MM Kinetic Energy Projectiles with 40mm Projectiles

The Defense Technologies LMT 40 MM Kinetic Energy Projectiles was deployed/discharged **7** times during this reporting period. These deployments include the pursuit and apprehension of violently resisting suspects.



9. TIPPMANN FTC PEPPER BALL LAUNCHERS

The Tippmann FTC Pepper Ball Launchers were deployed/discharged **1** time during this reporting period. During that incident a suspect was barricaded and refused to comply with officers when challenged to show his hands.

10. REMINGTON BREACHING SHOTGUN (MODEL 870, 12 GAUGE)

Remington Breaching Shotguns was deployed/discharged **0** times during this reporting period.

11. SIG SAUER MCX VIRTUS MULTI-CALIBER 223/556/300 BLACK-OUT RIFLE AND AMMUNITION

Sig Sauer MCX Virtus Multi-Caliber 223/556/300 Black-out rifles were deployed/discharged **0** times during this reporting period.

12. SIG SAUER MCX MULTI-CALIBER MODULAR RIFLE, 300 BLK 5.75" DUTY BARREL, A 5/56 CALIBER 11" BARREL

Sig Sauer MCX multi-caliber modular rifle were deployed/discharged **0** times during this reporting period

13. ROCK RIVER ARMS, LAR-15

Rock Ricker Arms LAR-15s were deployed/discharged **0** times during this reporting period

14. PEPPER BALL VKS LAUNCHER

Pepper ball VKS Launchers were deployed/discharged **0** times during this reporting period.

15. DEFENSE TECHNOLOGIES CS GAS SYSTEMS

Defense technologies CS gas systems which include: Pocket Tactical CS, Spede Heat CS, 40mm Ferret Round CS, Tri-chamber flameless CS, Triple Chaser CS, Han-ball CS, and 75-yard 40mm Spede heat CS; were deployed **0** times during this reporting period.

16. DEFENSE TECHNOLOGIES FLASHBANG SYSTEMS

Defense technologies flashbang systems which include the 100 Meter 40mm Aerial Flashbang and the 75 Meter 40mm Aerial Flashbang; were deployed **0** times during this reporting period.



SUMMARY OF COMPLAINTS OR CONCERNS

Fremont Police Department is committed to responding to complaints, concerns and/or questions received through any of the above methods in a timely manner.

There were **0** formal complaints, or officer involved shootings related to the use of military equipment as investigated by Fremont Police Department's Internal Affairs Unit during this reporting period.

Pursuant to California Government Code §7070(d)(7), members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment in this policy by any of the following means:

1. Via email to: internalaffairs@fremont.gov
2. Via phone call to: 510-790-6900
3. Via mail sent to: Fremont Police Department, 2000 Stevenson Blvd, Fremont, CA 94538



SUMMARY AND RESPONSES TO MILITARY EQUIPMENT USE POLICY VIOLATIONS

FPD did not have any policy violations with the deployment or use of military equipment; therefore, it did not need to conduct any internal audits.

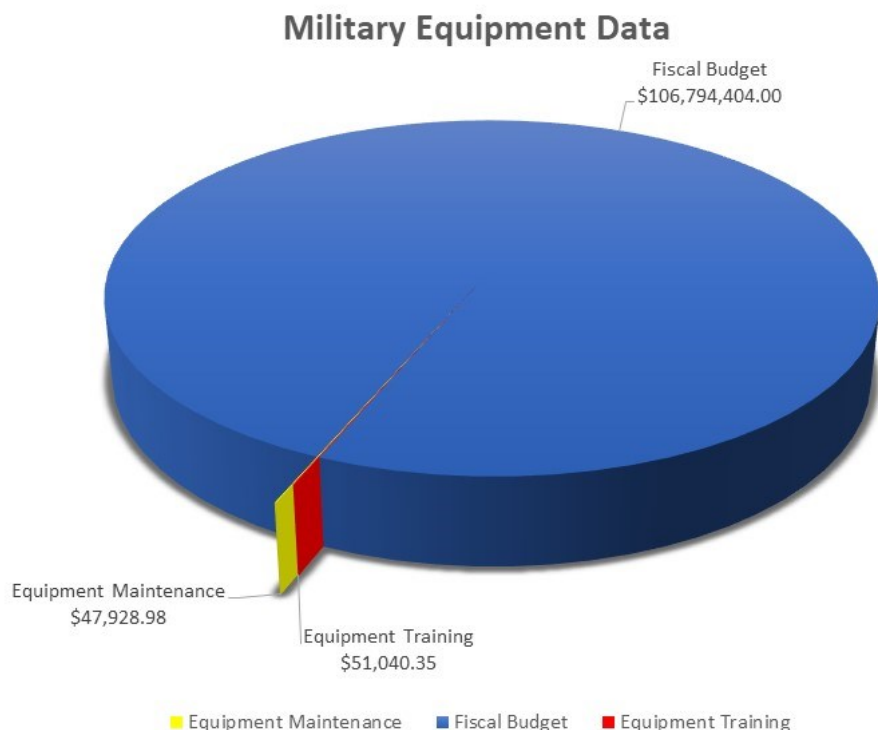


FISCAL IMPACT

Fremont Police Department is budgeted for 202 sworn officers, 17 Community Service Officers (CSOs), 32 dispatchers, and 71.5 full time and part-time professional staff. The operating budget for the department for the 2022-2023 fiscal year is \$106,794,404.00.

The City of Fremont adopts an operating budget on a fiscal year basis (beginning July 1). The equipment owned and possessed by the department was approved in April of 2022 by the City of Fremont City Council. The cost of equipment purchases and expenditures is reflected in this report for April 2022 to March 2023 pursuant to Assembly Bill 481.

During this reporting period, Fremont Police Department spent approximately \$98,969.33 for equipment and training specified in AB 481. The total expenditures represent 0.092% of Fremont Police Department's operational budget. No grant funding was utilized for training or equipment acquisition during this reporting period.





TRAINING SUMMARY

The safe and proficient use of the equipment outlined by AB481 requires countless hours of initial and on-going training as well as required certifications. Most training for department personnel is conducted internally by department personnel to ensure adherence to law and policy. There are times when department personnel are sent to external training courses to enhance and supplement internal trainings and to obtain train the trainer certifications. Consumable and non-consumable equipment are used during training to ensure proficiency and competency during real-life emergencies. Funding sources for all internal and external training are reflected in the Fremont Police Department’s operations budget. <https://www.fremont.gov/government/departments/finance/financial-reports>

TRAINING COSTS

The following is a breakdown of training costs associated with each piece of authorized military equipment. The quantity captured within the “consumable equipment” column indicates equipment that was expended during training. The personnel cost of training is captured in the department’s general operating budget to include line-items in the Training Unit budget as well as individual department units who train to utilize authorized military equipment.

#	Equipment	Consumable Equipment Used	External Training	Total Cost
1.	Unmanned Aerial System (UAS/Drones)	\$0	\$21,476.34	\$21,476.34
2.	City of Fremont Mobile Command Vehicle (MCV)	\$0	\$0	\$0
3.	Lenco BearCat G2	\$0	\$0	\$0
4.	Lenco BearCat/MedEvac	\$0	\$0	\$0
5.	Ford Transit—350 Crew	\$0	\$0	\$0
6.	Icor Caliber T5 Robot	\$0	\$0	\$0
7.	Defense Technologies Low Roll 12 Gram with Safety Clip	\$211.95	\$340.42	\$552.37
8.	Deftech LMT 40 MM Kinetic Energy Projectiles	\$400.00	\$0	\$400.00
9.	Tippmann FTC Pepper-ball Launchers	\$261.50	\$6,893.89	\$7,155.39
10.	Remington Breaching Shotgun (Model 870, 12 Gauge)	\$1,500.00	\$0	\$1,500.00
11.	Sig Sauer MCX Virtus Multi-Caliber 223/556/300	\$18,900.00	\$0	\$18,900.00
12.	Sig Sauer MCX Multi-Caliber Modular Rifle, 300 BLK 5.75	\$0	\$0	\$0
13.	Rock River Arms, LAR—15	\$0	\$0	\$0
14.	Pepperball VKS Launcher	\$0	\$0	\$0
15.	Defense Technologies CS Gas Systems	\$31.25	\$0	\$31.25
16.	Defense Technologies Flashbang Systems	\$1,025.00	\$0	\$1,025.00
	Total:	\$22,329.70	\$28,710.65	\$51,040.35



EQUIPMENT COSTS

The following were the equipment related expenditures for April 2022 to March 2023. Also listed is the projection of expenses in calendar year 2023. Equipment expenditures include the acquisition of new equipment, the replacement or repair of damaged equipment, and the ongoing maintenance of our AB 481 military equipment which are captured in our Annual Maintenance/Replacement column.

#	Equipment Type	Acquisitions	Annual Maintenance/ Replacement	Projections
1.	Unmanned Aerial Systems (UAS)	\$0	\$43,631.87	\$64,831.87
2.	Mobile Command Vehicle (MCV)	\$0	\$1,461.38	\$1,461.38
3.	Lenco BearCat G2	\$0	\$1,223.28	\$1,223.28
4.	Lenco BearCat/MedEvac	\$0	\$0 (San Leandro PD pays)	\$0
5.	Ford Transit—350 Crew	\$0	\$344.25	\$0
6.	I-Cor T5 Robot	\$0	\$0	\$0
7.	Defense Technologies Low Roll 12 *Training Devices Included*	\$0	\$1,236.95	\$1,236.95
8.	Deftech LMT 40mm Kinetic Energy	\$0	\$0	\$0
9.	Tippman FTC Pepper-ball Launchers	\$0	\$0	\$0
10.	Remington Breaching Shotgun (870)	\$0	\$0	\$0
11.	Sig Sauer MCX Virtus Multi-Caliber 223/556/300	\$0	\$0	\$10,800.00 Rifle Spring Kit
12.	Sig Sauer MCX Multi-Caliber Modular Rifle, 300 BLK 5.75	\$0	\$0	\$0
13.	Rock River Arms, LAR—15	\$0	\$0	\$0
14.	Pepperball VKS Launcher	\$0	\$0	\$31,176.00
15.	Defense Technologies CS Gas Systems	\$0	\$31.25	\$31.25
16.	Defense Technologies Flashbang Systems	\$0	\$0	\$0
	TOTAL:	\$0	\$47,928.98	\$110,760.73



PROJECTED ACQUISITIONS FOR 2023

While some purchases and acquisitions can be anticipated, the unanticipated replacement of existing AB 481 equipment may be necessary due to damage beyond that of repair. Replacement of these items will be handled on a case-by-case basis dependent on operational and departmental need. These unexpected needs-based acquisitions will be in accordance with department policy and AB 481.

CONSUMABLE MILITARY EQUIPMENT

Consumable AB 481 military equipment acquisitions in the next 12-months will remain consistent with current department replenishment schedules and policies. Acquisitions and purchasing of these consumables will replenish quantities previously approved by the department.

Categories of consumables are as follows:

- Ammunition- all calibers
- Diversionary Devices
- Chemical Agents and Smoke Canisters
- Specialty Munitions (40mm and Less Lethal Munitions)
- VKS Rounds

Non-consumables are as follows:

- Purchase (1) DJI Matrice 30T
 - Approved by council on 12/20/2022
 - Funding source: 2022/23 COPS grant fund 151
- Purchase (2) DJI Mavic 3
 - Approved by council on 12/20/2022
 - Funding source: 2022/23 COPS grant fund 151
- Purchase (18) PepperBall VKS launcher
 - Approved by council on 12/20/2022
 - Funding source: 2022/23 COPS grant fund 151



CONCLUSION

This Annual Military Equipment Use Report is intended to not only adhere to the law and FPD policy, it also demonstrates our commitment to transparency with information provided to our community and elected officials. The equipment, resources, and training outlined in this report support Fremont Police Officers' efforts to protect our communities, and enhance the safety of the public and officers. Our police department firmly believes responsible use of the equipment described in this report enhance our ability to deliver the highest level of professional, efficient and effective service when faced with incidents requiring a thoughtful law enforcement response.

Understanding law enforcement is a partnership between the police and community, we will continue to serve and do all we can to guard against harmful actions of a few individuals. FPD prides itself on providing "Public Safety through Professional Law Enforcement."

General Contact information:

Office of Professional Standards and Accountability

1. Via email to: internalaffairs@fremont.gov
2. Via phone call to: 510-790-6900

For more information on FPD Military Equipment visit: <https://www.fremontpolice.gov/ab481>