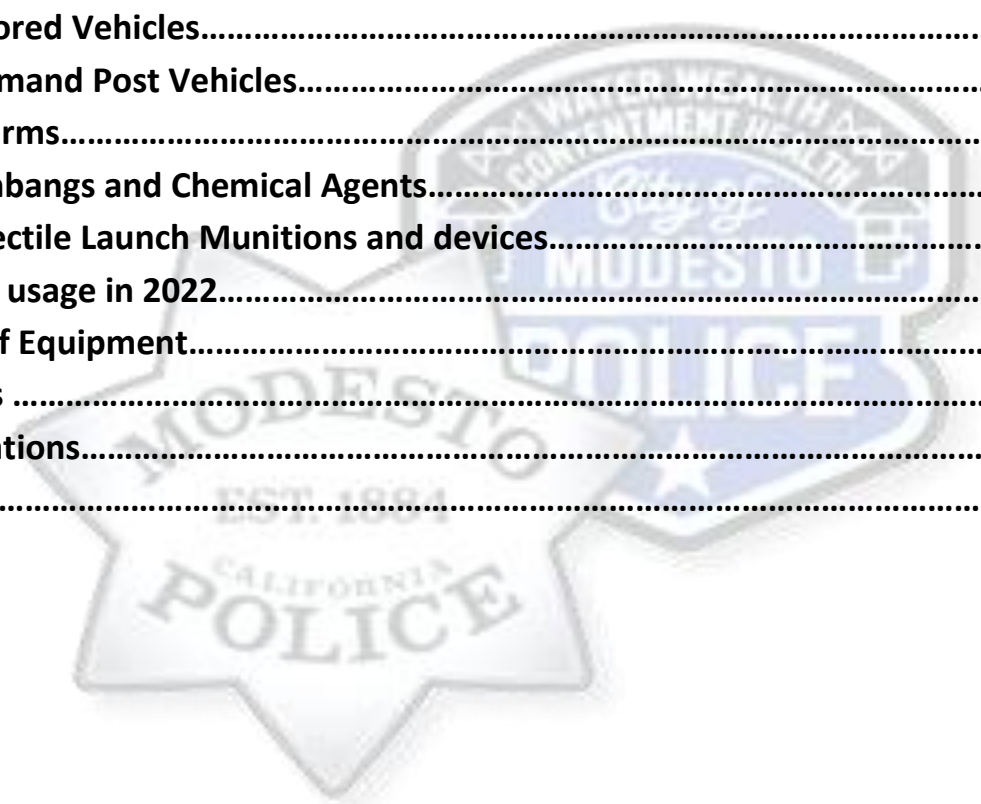


2022 Military Equipment Use Report



Contents

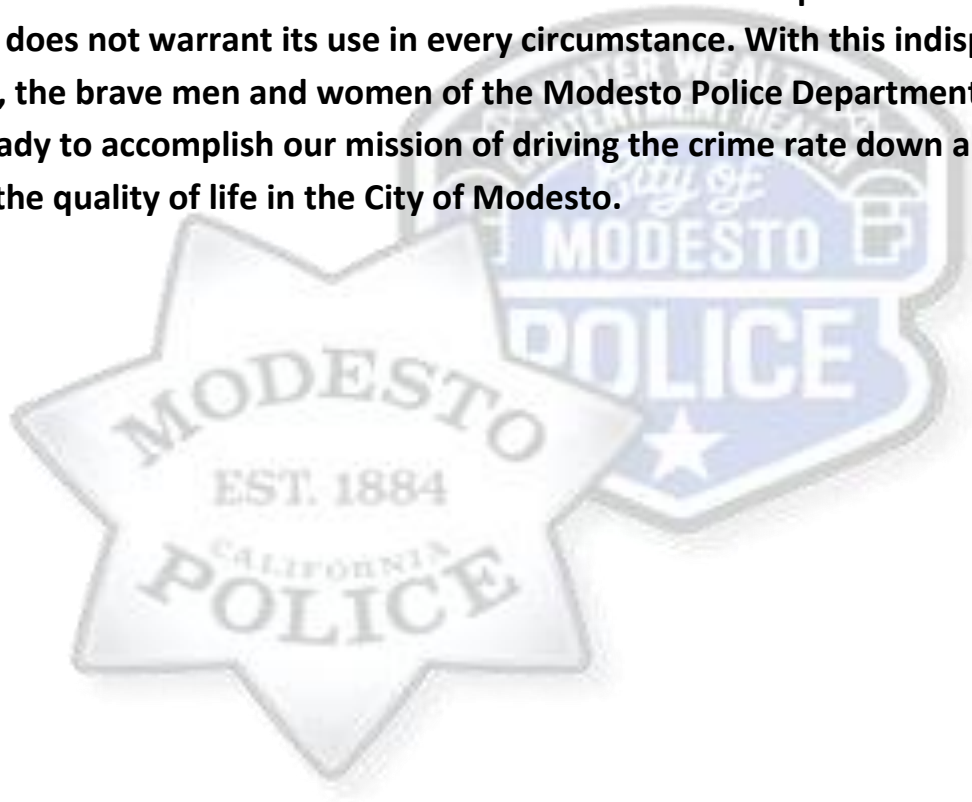
Preface.....	3
Summary of AB481.....	4
Introduction.....	6
Definitions.....	7
Summary of Military Equipment.....	10
Unmanned Vehicles (UAVs and Robots)	10
Armored Vehicles.....	13
Command Post Vehicles.....	14
Firearms.....	16
Flashbangs and Chemical Agents.....	17
Projectile Launch Munitions and devices.....	20
Equipment usage in 2022.....	23
Purchase of Equipment.....	27
Complaints	28
Policy violations.....	29
Conclusion.....	30



Preface

The Modesto Police Department is committed to maintaining public safety by providing the highest quality police services to the community we serve. Our Department goal is to reduce crime and the fear of crime.

The equipment listed in this annual report are essential tools that may be required from time to time to aid in deescalating intense situations or bringing volatile conditions and critical incidents to a safe resolution. The mere possession of this equipment does not warrant its use in every circumstance. With this indispensable equipment, the brave men and women of the Modesto Police Department continue to stand ready to accomplish our mission of driving the crime rate down and improving the quality of life in the City of Modesto.



Summary:

On September 30, 2021, the Governor of the State of California 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 Modesto Department was required to seek City Council approval of their military equipment use policy by ordinance at a regular open meeting prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill 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 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 report on the Department's website.

AB-481, Section 7072 states the following: (a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use.

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.

In addition to maintaining the highest levels of public safety, the Modesto Police Department is committed to transparency, public trust, community partnerships, and compliance with the law. As such, the Modesto Police Department has authored the following 2023 Annual Military Equipment Report in accordance with annual reporting requirements set forth in AB-481. This report covers the usage and reporting requirements for the proceeding Calendar year (2022)



Introduction:

The Modesto Police Department retains and employs a wide variety of defined military equipment to assist in safely achieving its mission statement of driving the crime rate down and improving the quality of life in the City of Modesto. While the inventory of military equipment is varied, the mere possession of the equipment does not warrant its use for every incident. The Modesto Police Department recognizes that critical incidents are unpredictable and can be very dynamic in nature. A variety of equipment options can greatly assist incident commanders, officers, and specific units in bringing those incidents to a swift resolution in a safe manner.

The use of military equipment is restricted for use only in certain instances and in some cases only by certain units. While the military equipment policy is wide-ranging, it is not all inclusive. There may be instances wherein unpredictable critical incidents demand the need for incident commanders to authorize defined military equipment to be used in a manner not outlined within Department policy. In scrutinizing those particular instances, the judgment of the incident commander influenced by the totality of the circumstances, public safety, officer safety, civil rights, and information available at the time will be used. It is incumbent upon incident commanders, supervisors, individual officers, and specific units to recognize the particular circumstances wherein military equipment should be employed to enhance the safety of the public and officers, and to bring a critical incident to a safe resolution. This Annual Military Equipment Report outlines a summary of military equipment usage guidelines, inventory, fiscal impact, and complaints for 2022.

Definitions:

Pursuant to AB-481, the following definitions are applicable only to the Department's current military equipment inventory and potential future military equipment acquisitions for operational needs. (For a more detailed list, refer to Government Code section 7070, for "military equipment" as defined within the Assembly Bill.)

"Governing body" means the City Council and Mayor.

"Military equipment" means the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles. This definition applies to the Department's inventory of small Unmanned Aerial Vehicles (UAVs) and SWAT robots.
2. Armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this definition.
3. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
4. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this definition.
5. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this definition.
6. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this definition.

7. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to sworn members.

8. Any firearm or firearm accessory that is designed to launch explosive projectiles.

9. "Flashbang" devices and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld OC. This definition applies to all of the Department's inventory of flashbangs, pepper ball launchers and related ammunition. Additionally, this definition applies to all of the Department's inventory of various chemical agents and chemical agent delivery systems maintained by the SWAT Unit.

10. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bags," and rubber bullets. This definition applies to all of the Department's inventory of 40 mm projectile launchers to include 40 mm multi-launchers and bean bag shotguns and associated munitions.

11. "Military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

"Military equipment use policy" refers to the Modesto Police Department Policy 710 and means a publicly released, written document governing the use of military equipment by the Department that addresses, at a minimum, all of the following:

1. A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

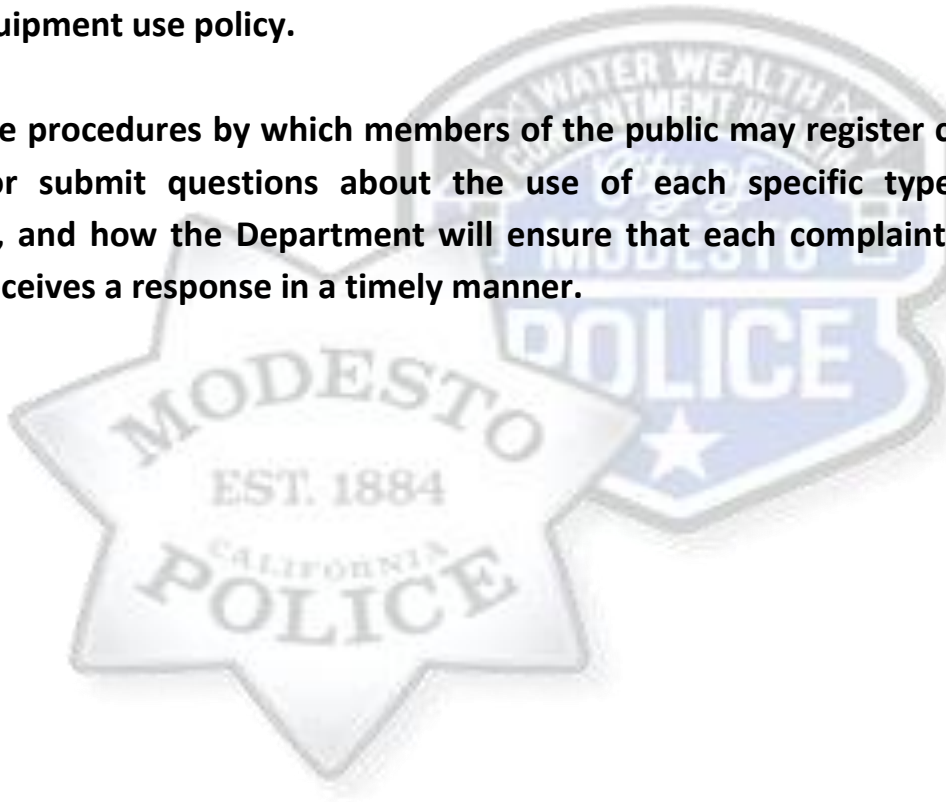
2. The purposes and authorized uses for which the Department proposes to use each type of military equipment.

3. The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

4. The legal and procedural rules that govern each authorized use.

5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any sworn member is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

6. The procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the Department will ensure that each complaint, concern, or question receives a response in a timely manner.



Summary of Military Equipment:

The inventory of military equipment, particularly consumable material (ammunition, diversionary devices, etc.) fluctuates regularly. This is based on a variety of factors including but not limited to operational usage, operational deterioration, training, maintenance, and expiration and replenishment guidelines. The Modesto Department is committed to transparency in disclosing its military equipment inventory and related information to our community and elected officials in compliance with the law. The Department strives its utmost to provide the most accurate military equipment inventory and information at the time of this report's publication.

The following are the various types, descriptions, and guidelines for usage of military equipment currently employed by Modesto Police Department:

Unmanned Aerial Vehicles (UAV): An unmanned aircraft along with the associated Equipment necessary to control it remotely.

a. Description, quantity, capabilities and purchase cost of current UAVS.

1. DJI 200 V2 with Zenmuse XT2 Thermal Camera, Cost: \$15,000 Quantity: 1 Remotely operated aerial vehicle that has video recording and Thermal video capabilities and 25-30 minutes of flight time
2. DJI 200 V1 with Zenmuse Z30 Zoom Camera, Cost: \$16,000 Quantity: 1 Remotely operated aerial vehicle that has video recording capabilities and 27 minutes of flight time
3. DJI Mavic2 Thermal, Cost: \$1,000 Quantity: 2 Remotely operated aerial vehicle that has video recording and Thermal video capabilities and 25-30 minutes of flight time
4. DJI Mavic 2 Zoom, Cost: \$1,000 Quantity: 2 Remotely operated aerial vehicle that has video recording and capabilities and 25-30 minutes of flight time

5. DJI Phantom 4 with Zenmuse XT Thermal Camera and Z3 Zoom Camera, Cost: \$2,500 Quantity: 4 Remotely operated aerial vehicle that has video recording and Thermal video capabilities and 25-30 minutes of flight time
 6. DJI Inspire with Zenmuse XT Thermal Camera and Z3 zoom camera, Cost: \$8,500 Quantity: 1 Remotely operated aerial vehicle that has video recording and Thermal video capabilities and 25-30 minutes of flight time
 7. DJI Mavic Platinum, Cost: \$6,500 Quantity: 1 Remotely operated aerial vehicle that has built in video recording and Thermal imaging capabilities. This UAV is issued to Modesto FD for search and rescue missions
- b. Purpose: UAVs are to be deployed when its use would assist officers or Incident commanders (ICs) with the following situations, which include but not limited to:
1. Major collision investigations
 2. Search for missing persons
 3. Search and rescue operations
 4. Crowd control Situations
 5. Perimeter Searches and security
 6. Natural disaster management
 7. Crime Scene Investigations and photography
 8. SWAT, tactical, or other public safety and life preservation missions
 9. In response to specific requests from local, state, or federal fire authorities for fire response and/or prevention.
- c. Authorized use: Only authorized operators as set forth in Department Policy 613 shall be permitted to operate any UAV and only during approved missions.
- d. Expected life span: All UAV equipment 1-3 years
- e. Fiscal impact: Annual maintenance and battery replacement cost is projected to be approximately \$5,000

- f. Training: all UAV operators must go thru in-service training on UAV systems and operations as well as search and seizure laws as well as ongoing in-service training quarterly.

- g. Legal procedure rules: use is established under Department Policy 613 and in accordance with MPD's FAA Certificate of Authorization. It is the policy of the Modesto Police Department (MPD) to utilize UAVS only for official law enforcement purposes and in a manner that respects the privacy of our community, Constitutional rights and in a manner pursuant to state and federal law.

Robots: A remotely controlled unmanned ground vehicle, which is used to enhance the safety of officers and the community.

- a. Description, quantity, capabilities and purchase cost of current robots.
 - 1. Robotex A00476 Quantity:1 Cost: \$20,000 The Robotex Tactical robot 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 there has been a chance to assess the situation. The robot can navigate various terrain including stairs, grass and clothing. It has two-way audio and video recording capabilities and is remotely operated.
 - 2. iRobot BB2590 Quantity:1 Cost: \$0 obtained from Government surplus program (LESO). This robot is a multi-mission Tactical robot used to carry out dangerous missions in high threat incidents and is remotely operated.

- b. Purpose: These robots are used to gain visual /audio data in dangerous incidents, deliver communication devices during high risk incidents. They can be used to open doors, disrupt packages and safely clear buildings.

- c. Authorized use: The use of robots shall only be authorized by a designated Incident Commander or the SWAT Commander, based on the specific circumstances of a given critical incident. Robots shall only be used by officers

- trained in their deployment and in a manner consistent with department policy and training.
- d. Expected life span: All unmanned ground vehicles, 5-10 years
 - e. Fiscal impact: Annual maintenance costs and battery replacement costs are projected to be approximately \$3,000
 - f. Training: all operators will be trained with in-service SWAT training on unmanned ground vehicle operations.
 - g. Legal procedure rules: use is established under Department Policy 414 (Hostage or barricaded persons) and policy 409 (Crisis Response Unit). It is the policy of the Modesto Police Department (MPD) to utilize unmanned ground vehicles (Robots) only for official law enforcement purposes and in a manner that respects the privacy of our community, pursuant to state and federal law.

Armored vehicles: Commercially produced wheeled Armored Personnel vehicles utilized for law enforcement purposes.

- a. Description, quantity, capabilities and purchase cost of current armored vehicles.
 - 1. 2004 LenCo Bear cost: \$300,000. The LenCo Bear is an armored vehicle that seats 10-12 personnel with an open floor plan that allows for rescue of downed personnel. The vehicle has ballistic capabilities which provide greater safety to citizens and officers beyond the protection level of Ballistic shields or personal body armor.
 - 2. Peacekeeper Protected Response Vehicle (PRV). Quantity:2 Cost: \$0. Both vehicles obtained from Government surplus program (LESO). The primary use of these two vehicles are to act as overt surveillance stations (Armadillo Program) in areas experiencing quality of life issues or high crimes. The video camera equipment can capture criminal activity as well as help identify those involved in crime. In emergency situations

Peacekeeper vehicles can seat 6-10 people. The vehicle has ballistic capabilities which provide greater safety to citizens and officers beyond the protection level of Ballistic shields or personal body armor.

- B. Purpose: Armored vehicles are to be used in response to Critical Incidents to enhance officer and community safety, improve scene containment and stabilization and assist in resolving critical incidents
- C. Authorized use: The use of Armored vehicles shall only be authorized by a Watch Commander, a designated Incident Commander or the SWAT Commander, based on the specific circumstances of a given critical incident. Armored vehicles shall only be used by officers trained in their deployment and in a manner consistent with department policy and training.
- D. Expected life span: All Armored vehicles, 20 years
- E. Fiscal impact: Annual maintenance costs are projected to be approximately \$20,000
- F. Training: all drivers/operators will be trained with in-service training on vehicle operations and practical driving instruction.
- G. Legal procedure rules: use is established under Department Policy 706 (vehicle use) and policy 707 (Armored vehicles). It is the policy of the Modesto Police Department (MPD) to utilize armored vehicles only for official law enforcement purposes and in a manner pursuant to state and federal law.

Mobile Incident Command Post vehicles (Mobile CP): Truck and trailer used for a mobile office command Center that provides shelter, access to department computer and communication systems and restroom facilities during extended events.

- a. Description, quantity, capabilities and purchase cost of current CP vehicles.
1. 2000 Eagle 5th wheel trailer Cost: \$40,000 This trailer is used for a mobile office command Center by both the Modesto Police and Fire Departments that provides shelter, access to department computer and communication systems and restroom facilities during extended events. This vehicle is marked with the words, Modesto Police Department Command Post and is separated into three areas. The areas include a conference area with white boards and tables, a communications area with radios and computer capabilities and a private interviewing area.
 2. 2001 Ford F550 truck Cost: \$42,159 This Vehicle is used to pull the 5th wheel trailer Mobile command post. And is marked with "Modesto Police" and has emergency lighting.
- b. Purpose: To be used based on the specific circumstances of a given critical incident, large event, natural disaster, community event or for crime scene management.
- c. Authorized use: The use of the command post vehicles shall only be authorized by a Watch Commander, a designated Incident Commander, SWAT Commander or Crisis Response Unit (CRU) Commander, based on the specific circumstances of a given critical incident. Command Post vehicles shall only be used by officers trained in their deployment and in a manner consistent with department policy and training.
- d. Expected life span: vehicles, 20 years
- e. Fiscal impact: Annual maintenance costs are projected to be approximately \$10,000
- f. Training: all drivers/operators will be trained with in-service training on vehicle operations and practical driving instruction and must be properly licensed through the State of California

- g. Legal procedure rules: use is established under Department Policy 706 (vehicle use) and policy 408 (Crisis Response Unit). It is the policy of the Modesto Police Department (MPD) to utilize the mobile command post vehicles only for official law enforcement purposes and in a manner pursuant to state law regarding the operation of motor vehicles.

M16A1 Select Fire Rifles: These rifles are used for training purposes only. When used for training these rifles are outfitted with upper receivers that are not capable of firing live 5.56 projectiles.

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

1. M16A1 select fire rifles. Cost: \$0, Quantity: 52 These rifles were obtained over 20 years ago through the military Surplus program (LESO). These rifles are only used for training. When used for training the rifles are outfitted with upper receivers that are not capable of firing live 5.56 projectiles.

b. Purpose: These rifles are for training purposes ONLY by SWAT team members and designated personnel of the Urban Rifle team (URO). These rifles are not used outside of a training environment.

c. Authorized use: These rifles are for training purposes by SWAT team members and designated personnel of the Urban Rifle team (URO). These rifles are not used outside of a training environment.

d. Expected life span: 40 years

e. Fiscal impact: Annual maintenance costs are projected to be approximately \$500

f. Training: Personnel using these for training have either attended MPD's POST certified 40-hour Urban Rifle course or the POST certified SWAT Basic course

g. Legal procedure rules: use is established under Department policy 312 (Firearms). It is the policy of the Modesto Police Department (MPD) to utilize the M16A1 rifle only for official law enforcement purposes and in a manner pursuant to state and federal law.

Flash Bangs, Tear Gas, pepper balls: Flashbangs are devices used to distract and disorientate dangerous persons. Chemical Agent (tear gas) Canisters contain chemical agents that are released when deployed. Pepper balls are non-lethal projectiles that contain a chemical irritant

- a. Description, quantity, capabilities and purchase cost.
1. Pepper ball FTC Launchers. Cost: \$600 each, Quantity: 5, these launchers are compressed-air powered launchers designed to fire non-lethal Pepper ball projectiles which contain a chemical irritant.
 2. Pepper ball Tippman Carbine Launchers. Cost: \$200 each, Quantity: 2, these launchers are compressed-air powered launchers designed to fire non-lethal Pepper ball projectiles which contain a chemical irritant.
 3. Pepper ball LIVE projectile, Cost: \$2 per projectile Quantity: 3000. The basic pepper ball projectile contains 2% PAVA pepper powder and are designed for direct impact and area saturation, especially in confined interior spaces. the projectile is a non-lethal chemical irritant.
 4. Combined Tactical Systems (CTS) 7290 Mini Flashbang, Cost: \$40 each, Quantity: 44 These are non-bursting, non-fragmenting devices that produce a thunderous bang with intense bright light. They are ideal for distracting dangerous subjects in high risk situations.

5. Combined Tactical Systems (CTS)5230 CS Gas Canister Cost: \$50 each, Quantity: 24, Large diameter canisters that discharge a high volume of smoke and chemical agent through multiple emission ports. Can be thrown or deployed with a launching delivery system.
6. Combined Tactical Systems (CTS)4330 40mm CS Liquid Barricade Ferret rounds. Cost: \$25Each, Quantity: 87, These rounds are CS filled projectiles that are used to penetrate intermediate barriers and deliver irritant agents into adjacent rooms. They are used to dislodge barricaded subjects from confined spaces. The purpose is to minimize risks to all persons through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous persons.
7. Defense Technology 40mm warning/signaling munition #6029WS Cost \$45 each, Quantity:15. These are 40mm launched warning/signaling munitions that deliver 170 dB of sound and bright light
8. CTS 40 MM Aerial Warning Signal Flashbang #4090, Cost: \$40 each Quantity: 8 These are 40mm launched warning/signaling munitions that deliver intense sound and bright light and are fired above a crowd during a riot/Civil disorder situation.
9. CTS #4233 40 mm Riot CS Smoke canisters Cost: \$45 each Quantity: 38 These are 40mm launched CS smoke munitions that emit CS Chemical irritant and smoke during a riot/Civil disorder situation.
10. CTS #6210 White Smoke Canister Cost: \$35 each, Quantity:18 These white smoke canisters are used for obstructing tactical movement and for signaling and marking a landing zone during any air operations. These are thrown manually
11. CTS #6340 OC Aerosol Canisters Cost: \$45 each, Quantity:14 These canisters deliver an invisible OC (Chemical irritant) and renders a

Temporary respiratory effect on non-complaint subjects. These are thrown manually

- b. Purpose: Flashbangs are a distraction device used to distract dangerous subjects during hostage recues, room entries or other high-risk situations. They produce atmospheric over-Pressure and brilliant white light and as a result can cause short term (6-8 seconds) sensory deprivation to give officers a tactical advantage and increase officer safety. Chemical agent canisters are designed to limit the escalation of conflict and improve officer safety in high risk situations. Situations for use of Chemical agent systems may include but are not limited to:
1. Self-Destructive, dangerous and/or combative subjects
 2. Riot/crowd control and civil unrest incidents
 3. Circumstances where a tactical advantage can be obtained
 4. Potentially vicious animals
 5. Training exercise and/or approved demonstrations
- c. Authorized use: The use of the Chemical Agent munitions and delivery systems are authorized to be used only by officers who have been trained by POST certified Less Lethal and chemical agent instructors. They can only be used by officers trained in their deployment and in a manner consistent with department policy and training.
- d. Expected life span: Pepper ball Launchers:20 years, Pepper ball projectiles: 2 years, Flashbangs: No expiration date. Chemical Agents/Tear gas: 5 years
- e. Fiscal impact: There are no projected Annual maintenance costs. Supply replacement costs are projected to be \$2,000
- f. Training: The use of the Chemical agent munitions and delivery systems are authorized to be used only by officers who have been trained by POST certified Less Lethal and chemical agent instructors. The use of flashbangs is authorized to be used by officers of the SWAT team and

who are trained in their deployment by POST certified instructors and in a manner consistent with department policy and training.

- g. Legal procedure rules: use is established under Department Policy 300 (use of force) and policy 308 (Control devices). It is the policy of the Modesto Police Department (MPD) to utilize Chemical agents, their delivery systems and flash bangs only for official law enforcement purposes and in a manner pursuant to state and federal law.

Projectile Launch munitions and Platforms: 40mm Launchers are utilized by Department personnel as a Tear gas delivery system and as a Less lethal tool to launch impact rounds. The Less Lethal shotguns are used to deploy the Less Lethal 12-gauge Super-Sock Beanbag Impact round.

- a. Description, quantity, capabilities and purchase cost.
 1. Remington 870 Less Lethal Shotgun, Cost: \$600 each, Quantity: 37, The Remington 870 Less Lethal Shotgun is designated as such with High Visibility Bright Orange Stocks and Foregrips. They are used to deploy the Less Lethal Super-Sock Impact 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.
 2. 12 Gauge Super-sock Bean Bag Impact round, Cost: \$5 per round, Quantity: 350. These rounds are a 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 290 feet per second. These are considered impact weapons and provide accurate and effective performance when fired from the approved distance of not less than 5 feet. Effectiveness depends on many variables such as distance, clothing, stature and the area the projectile impacts.
 3. Defense technology 40mm Single shot launcher Cost: \$1000 each, Quantity: 2, The 40mm Single Shot Launcher is a tactical launcher. It will

fire standard 40mm Less Lethal Ammunition and gas munitions. These are only authorized to be used by SWAT personnel and specifically designated members of the Mobile Field Force (MFF).

4. LMT 40mm Single shot launcher Cost: \$1000 each, Quantity: 4, The 40mm LMT Single Shot Launcher is a tactical launcher. It will fire standard 40mm Less Lethal Ammunition and gas munitions. These are only authorized to be used by SWAT personnel and specifically designated members of the Mobile Field Force (MFF).
 5. CTS 40MM foam baton munition #4557 Cost \$35 each, Quantity 19: These munitions are a 40mm launched, spin stabilized less lethal direct impact munition.
 6. 40 MM Bean Bag Rounds Cost: \$25 each, Quantity: 3, These munitions are a 40mm launched less lethal impact munition. Used for crowd/riot and civil disorder management.
 7. Safariland 40 MM Rubber Baton#6064 Cost: \$25 each, Quantity: 6, These munitions are a 40mm launched less lethal impact munition. Used for crowd/riot and civil disorder management.
 8. Defense technology 40mm Stinger Rubber Ball Rounds Cost: \$25 each, Quantity: 19, These munitions are a 40mm launched less lethal impact munition. Used for crowd/riot and civil disorder management. Each round contains approx. (18) 60mm rubber balls.
- b. Purpose: Less Lethal munitions are designed to limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of less lethal weapon systems may include but are not limited to:
1. Self-Destructive, dangerous and/or combative subjects
 2. Riot/crowd control and civil unrest incidents
 3. Circumstances where a tactical advantage can be obtained
 4. Potentially vicious animals

5. Training exercise and/or approved demonstrations

- c. Authorized use: The use of the less lethal munitions and delivery systems are authorized to be used only by officers who have been trained by POST certified Less Lethal instructors. They can only be used by officers trained in their deployment and in a manner consistent with department policy and training.
- d. Expected life span: Bean bag shotguns:25-30 years, Bean bag munitions: 5 years, 40 mm launchers: 20 years
- e. Fiscal impact: Annual replacement/maintenance costs are projected to be approximately \$2,000
- f. Training: The use of the less lethal munitions and delivery systems are authorized to be used only by officers who have been trained by POST certified Less Lethal instructors during in service training.
- g. Legal procedure rules: use is established under Department Policy 300 (use of force) and policy 308 (Control devices). It is the policy of the Modesto Police Department (MPD) to utilize less lethal munitions and delivery systems only for official law enforcement purposes and in a manner pursuant to state and federal law.

Equipment Usage 2022:

This section outlines the military equipment usage for 2022. Certain items of military equipment, particularly consumables (munitions, 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 Equipment Report.

- Several pieces of the listed equipment were used during the Straight Pride 2022 Event that occurred on August 27, 2022. This event was ultimately declared as an unlawful assembly as altercations broke out amongst the attendees. After an unlawful assembly was declared and lawful orders were given to disperse which were ignored, the following deployment of equipment occurred:
 - UAVS were deployed at the event to maintain video surveillance at the event and provide live video of the event to the Command Post.
 - A Peacekeeper Armored Vehicle was used as a transport vehicle for members of the Department's Mobile Field Force (MFF)
 - (3) Aerial Warning Munitions were deployed as the crowd failed to disperse. These munitions were deployed from a 40MM Launcher.
 - The Command POST Vehicles (truck and trailer) were deployed to a strategic location.
 - A Beanbag munition was deployed on a subject who was physically resisting officers of the MFF. This munition was deployed from a Remington Beanbag shotgun.
 - Pepper Ball Projectiles were deployed to disperse the agitated crowd. These projectiles were deployed from listed Pepper ball Launchers.

The following are incidents where designated equipment was deployed:

- MPD had (45) Operational UAV deployments (on many of the Incidents, more than one UAV was deployed to maintain overlapping coverage)

Below is a summary of the deployments:

- Search Warrant/Tactical Operation Area Surveillance- 12 Incidents
- Perimeter search of wanted person where suspect was found- 6 Incidents
- Perimeter search of wanted person where suspect was not found- 13 Incidents
- Recalibration of gear only- 3 Incidents
- Crime scene Aerial Photographing- 4 Incidents
- Calls related to Firearm use. Perimeter check -3 Incidents
- Area/Roof search for Evidentiary items- 2 Incidents
- Roof search for person-1 Incidents
- Straight Pride 2022 Event as described above
- There were (24) deployments of the Lenco armored vehicle. (20) deployments were for SWAT tactical operations (see information on SWAT deployments on page 25-26, not used on #10) The other (4) deployments were for High Risk Incidents where the incident was resolved prior to a SWAT activation as follows:
 1. Deployment to a shooting incident where the suspect barricaded himself inside but eventually surrendered
 2. Subject who was possibly armed and making threats to harm himself.
 3. Assist to Stanislaus County S/O of a shooting suspect who was barricaded inside a home.
 4. Assist to Stanislaus County S/O of an armed suspect who was barricaded inside a home.
- There were (14) deployments of the Peacekeeper armored vehicles. (2) deployments were for SWAT tactical operations (SWAT deployments #14 and 15) and (1) deployment listed above for the Straight Pride Event. The other

deployments were for use in the “Armadillo” Program as described above on Page 13.

- There were (2) deployments of the Command Post vehicles. The deployments were for a SWAT tactical operation (#14) and the deployment listed above for the Straight Pride Event.
- There were (3) deployments of the Chemical Agents (Tear Gas) by SWAT officers. The deployments were for SWAT tactical operations (#11,16, 17). All deployments were from listed launchers and are operational deployments. Chemical agents are the most commonly defined Military equipment used for training purposes. 63 total canisters were used in 2022 for both operational purposes and training purposes.
- There were (4) deployments of Flashbang devices by SWAT officers (#3 ,7, 9, 11). The deployments were for SWAT tactical operations.
- There were (7) deployments of SWAT robots (#4,5,7,8,9,14, 16). The deployments were for SWAT tactical operations.
- There were (4) deployments of less lethal beanbag munitions. The munitions were deployed from Remington Bean Bag guns and were used as described below:
 - SWAT tactical operation (#14) and Bean bag round was used to cause a distraction of a wanted suspect.
 - Used on a wanted subject to gain compliance after a vehicle pursuit where the suspect rammed police cars.
 - Used to break a window in order to deploy Pepper ball munitions on a barricaded suspect.
 - The deployment described above during the Straight Pride Event.
- There were (9) deployments of Pepper ball munitions. The munitions were deployed from listed Pepper ball launchers and were used as described below:
 - (6) deployments described above during the Straight Pride Event.
 - (3) deployments to gain compliance on barricaded suspects.

- SWAT Tactical Operations- The below information are summaries of SWAT deployments where listed equipment was used:
 1. Assist to Turlock Pd for arrest of a subject wanted for a gang related assault with a deadly weapon.
 2. Search warrant for a large marijuana grow operation
 3. Search warrant for a murder suspect wanted by LAPD
 4. Arrest of a barricaded subject wanted for violent felony
 5. Search and arrest warrant of a barricaded subject wanted for discharging a firearm.
 6. Search warrant for large marijuana grow
 7. Assist to Stan County S/O due to multiple homes having search warrants served at the same time
 8. Search warrant and arrest warrant for subject wanted for a violent felony.
 9. Assist to Stan County S/O for a subject wanted for attempted murder.
 10. Arrest of a subject wanted for violent felony. SWAT was used to arrest the subject as he left his residence. Lenco armored vehicle was not deployed on this operation.
 11. Assist to Ceres PD for a barricaded subject wanted for Assault with a deadly weapon. The Subject pointed a firearm at police during initial contact.
 12. Search warrant related to a murder investigation
 13. Search warrant for large marijuana grow and drug trafficking investigation.
 14. Search warrant of a barricaded subject who was actively firing a gun inside the residence
 15. Search warrant for a subject wanted for a shooting investigation. Subject ultimately came out of residence with a gun to his head and shot himself.
 16. Search/arrest warrant for a barricaded subject wanted for a violent rape
 17. Search warrant for a prison escapee
 18. Search warrant related to a long-term drug trafficking investigation
 19. Search warrant related to a murder investigation
 20. Search warrant related to an attempted murder investigation
 21. Assist to Stan County S/O related to a murder investigation

Purchase of Equipment in 2022:

Pursuant to Modesto Police Policy 710, the following equipment defined as Military Equipment by law was purchased in 2022:

- (8) distractionary devices, commonly referred to as “Flash bangs”, were ordered from LC Action in Dec 2022 at a cost of \$472.56

Policy 710, Section 710.10 states:

710.10 Military Equipment Use Supply Levels:

When stocks of military equipment have reached significantly low levels or have been exhausted, The Department may order up to 10% of stock in a calendar year without city council approval to maintain essential availability for the department’s needs.

After an inventory audit, the below items were not captured under the 2022 audit. They will be added to MPD’s 2023 Military Equipment Inventory Attachment A:

Category 1 – Unmanned Aerial Vehicles: Item #7 – DJI Mavic Platinum – Quantity 1- was added to the MPD inventory as it was determined to be owned by MPD but issued to Modesto Fire Department (MFD) for their use in Search and Rescue Missions. The item was inadvertently not listed in the 2022 Inventory as it was issued and used by MFD only.

Category 14 – Projectile Launch munitions and Platforms: Items #6 – 40mm Bean Bag Rounds - Quantity 3 and #7 – 40mm Rubber Baton#6064 - Quantity 6 were inadvertently not listed in the 2022 Inventory.

Complaints regarding use of Military Equipment:

In some instances, the application and use of military equipment may cause questions and/or concerns for members of the community. It is vitally important that community members' questions regarding the application and use of military equipment are addressed. The Modesto Police Department is committed to full and fair investigation of citizen complaints. As such, the Department has sound internal policies for thorough and impartial investigations of citizen complaints. Resolving complaints in a fair, impartial, and expeditious manner will ensure the consistent high level of integrity and efficiency maintained by the Department. The following is a summary of formal investigations related to the use of military equipment as investigated by the Modesto Police Department's Internal Affairs Unit for 2022

- There were no complaints/investigations regarding the use of Military Equipment in 2022

Summary and responses to Policy 710 violations:

- No violations of Policy 710- Military Equipment use, were reported or known of in 2022.

Conclusion:

This Annual Military Equipment Report reaffirms the Modesto Police Department's commitment to providing transparency and information to our community and elected officials in addition to ensuring compliance with the law. The equipment, resources, and training outlined in this report allow Modesto Police Officers to better protect our community, enhance the safety of the public and officers, and bring critical incidents to a safe resolution. Public safety is and always has remained a shared responsibility. The strength of our Department lies not solely within the actions of the individual officer but within the resilience and willingness of our community to work in partnership with our officers to address crime in their neighborhoods.