

Berkeley Police Department 2022 Annual Military Equipment Report



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Our Mission, Vision and Values

Our **Mission** is to safeguard our diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect.

The Berkeley Police Department **Vision** is:

We will be a team of leaders at every level. We will foster strong relationships with our community, inspiring trust through our service, building on our historic tradition of progressive policing, and dedicated to the safety of all. As members of this community, we will provide proactive law enforcement and problem solving, holding these as our core **Values**:

- **Integrity:** We are ethical, fair, and trustworthy in all we do.
- **Safety:** We strive to keep our community and each other safe.
- **Respect:** We will fulfill our duties with dignity, compassion, and empathy.
- **Diversity:** We value the strength of a diverse workplace and community. We endeavor to reflect the community we service, promoting inclusion and fairness.
- **Professionalism:** We are committed to organizational excellence through progressive training, positive attitude and superior performance.



BACKGROUND

On September 30, 2021, Assembly Bill 481 was approved by California Governor Gavin Newsom, requiring law enforcement agencies to obtain approval of the applicable governing body (Mayor and City Council), by adoption of a military equipment use policy prior to funding, acquisition, or use of military equipment as defined in AB 481. This bill required the same approval process for the continued use of military equipment that law enforcement agencies already possessed. In accordance with the assembly bill, the Berkeley Police Department authored Policy 709, Military Equipment policy, which was approved by the City Council on July 26, 2022.

Furthermore, Assembly Bill 481 requires law enforcement agencies to submit to the governing body an annual report for each type of military equipment. The Annual Report must contain the following information:

- (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 any actions taken in response.
- (4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (5) The quantity possessed for each type of military equipment.
- (6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.



Inventory of Military Equipment

The Berkeley Police Department does not possess any tactical equipment that was obtained from the military nor does the Berkeley Police Department receive surplus military equipment from any organization.

Below is a list and inventory of military equipment (as defined in Assembly Bill 481) that is possessed by the Berkeley Police Department. The list includes consumable military equipment, namely .223 and .308 rounds, 40 MM and FN 303 launcher rounds, and diversionary devices. The inventory of consumable military equipment varies throughout the year due to training. While the Berkeley Police Department strives to be accurate in its reporting, the inventory of consumable equipment in this report are captured in a moment in time and are approximate.

- M4/Patrol Rifle (96)
 - Associated .223 duty and training rounds (123,000)
- Remington 700 Precision Rifle (6)
 - Associated .308 rounds (2,600)
- Barret Model 99 Precision Rifle (1)
 - Associated .50 rounds (520)
- Penn Arms single 40MM launcher (20)
- Milkor LTL 40 MM multi-launcher (2)
 - Associated 40mm rounds (724)
- FN 303 Launcher (8)
 - Associated FN rounds (5,445)
 - Associated FN Pava rounds (150)
- Oleoresin capsicum (OC spray) (190)
- Chlorobenzylidene Malononitrile and Oleoresin capsicum (CS Canister) (204)
- Light/sound Diversionary Device (50)
- Long Range Acoustic Device (LRAD) (2)
- Mobile Command Vehicle (1)
- ReconRobotics Recon Scout XT Robots (2)
- Andros Remotec HD-1 Hazardous Duty Robot (1)



An internal equipment audit was conducted to gather and confirm data for this report. Based on this audit, it was determined that there were no identified violations of equipment use, or any complaints concerning the above listed equipment.

Summary of Military Equipment Usages

The variety of equipment provides the Berkeley Police Department with options that assist in critical incidents and bring dangerous situations to a safe resolution. While the Berkeley Police Department possess the above listed military equipment, officers de-escalated almost all the situations that might have otherwise warranted the use of it. The use of military equipment is governed by Berkeley Police Department Policies and local, state, and federal laws. The use of the military equipment is restricted to only officers who have been trained in the use of the specific equipment.

The Berkeley Police Department responded to 62,245 calls for service in 2022. Of the 62,245 calls the Recon Scout XT Robot was used twice, the LRAD was used three times, and the mobile command vehicle was used only during UC Berkeley football games as a command post.

Additionally, 5,183 stops were conducted by the Berkeley Police Department in 2022. Three of the 5,183 stops resulted in the use of the Penn Arms 40MM launcher, also known as “less lethal.” These statistics illustrate the extremely rare instances (0.00057%) of the time less lethal munitions are used in relation to overall contacts.

Military Equipment Usages

Penn Arms 40MM Launcher

The purpose of the Penn Arms 40MM is to preserve life, minimize the use of force and allow time for de-escalation. Less lethal projectiles allow the user to maintain a safe distance from a subject who is armed and/or demonstrates the intent to be violent. The ability to maintain a safe distance – while still providing a level of control over the subject – allows officers to employ de-escalation techniques, request additional resources and develop a plan to safely resolve the situation with the least amount of risk. The following are summaries of the three incidents where the Penn Arms 40MM launcher was used:



- 1) A caller reported that his housemate was high on methamphetamine and was destroying the house. The subject was screaming and throwing things. Officers responded and utilized de-escalation tactics. They attempted to negotiate with the subject and calm him, but he displayed the inability to calm down and yelled at the officers to shoot him. The subject yelled "there's a pedo inside the house and I'm going to kill him. I am ready to die." He launched several items at the officers including a wrench and screwdriver. Had the objects hit the officers it could have caused a significant injury. An officer launched a 40mm round at the subject. He immediately complied and was placed on a psychiatric evaluation hold after medical attention was provided.
- 2) At 4:20AM, a caller reported seeing a suspect with bolt cutters cutting a hole in the chain-link fence to a business. The caller was watching this unfold through the security cameras from a remote location. Officers established a perimeter for this burglary in-progress incident. They saw the suspect and gave commands that were ignored. The suspect ran from officers. Officers lost sight of the suspect, but located him hiding in the heavily foliated area of the property. Officers gave more commands and provided ample time for the suspect to comply, but he refused. The suspect's hands were hidden and it was unknown at the time if he was armed. Officers warned the suspect that the 40mm launcher would be utilized, but the suspect continued to ignore the officers. Two officers launched a single 40mm round each at the suspect. One projectile missed and the other hit the suspect's thigh. The suspect immediately surrendered and complied. Medical aid was provided. Officers located two screw drivers and a window smashing tool on the suspect. They also located a single bullet where the suspect was hiding. A records check showed the suspect was on bail for multiple felonies. He was arrested for burglary and possession of fentanyl.
- 3) Investigators were serving an arrest/search warrant for child abuse. The suspect, mother of the reported child abuse case, charged at a detective with a large kitchen knife over her head. She plunged the knife downwards into the detective's chest. The knife did not puncture his Kevlar vest, but broke his body worn camera. 40mm launcher was utilized and hit her, but she held onto the knife. The detective and suspect fell onto the floor where they struggled for the knife. She cut a supervisor's finger before the knife was wrestled out of her hand. She was placed on a psychiatric evaluation hold and subsequently charged with attempted murder of the police detective.



Mobile Command Vehicle (MCV)

This vehicle is used as a mobile command post for any large-scale events or as a communications center in the event the communications center in the Public Safety Building is inoperable. Some examples of large-scale events include Solano Stroll, Juneteenth, 4th of July, Cal Berkeley football games, critical incidents or natural disasters. In 2022, the MCV was utilized as a command post during the Cal Berkeley football games that took place in Berkeley. Below is list of the dates the Cal Berkeley football team played in Berkeley and when the MCV was used:

| |
|--------------------|
| September 3, 2022 |
| September 10, 2022 |
| September 24, 2022 |
| October 22, 2022 |
| October 29, 2022 |
| November 19, 2022 |
| November 25, 2022 |

ReconRobotics Recon Scout XT Robots (Throw Bot)

The Recon Scout XT robot is intended to safely provide police officers valuable information during high-risk, rapidly evolving situations via real-time audio and video footage. It can be operated a distance away, creating space between the officer and potential danger, thus decreasing the likelihood of injury to those involved in the event, or even a violent encounter between police officers and a dangerous subject. This asset furthers our commitment to the sanctity of life by offering time and distance in critical incidents. The following are the two high risk situations in 2022 the throw bot was utilized to safely clear rooms prior to police entry:

- 1) A hotel employee called the police to report a vehicle with extensive damage parked in the hotel lot. Officers arrived and discovered that the car was stolen. Investigations led officers to a hotel room where one of the two suspects slammed the door shut on officers. Further investigation showed one suspect has prior arrest history for firearms and the other has several felony arrest warrants for her arrest. A perimeter was established. The suspect was



contacted via telephone and agreed to exit the hotel room. She was arrested on the arrest warrants and possession of a stolen vehicle. Prior to entry into the hotel room the XT Robot was utilized to partially clear the room. The second suspect was not located in the room.

- 2) An armed robbery occurred where one suspect pointed a gun at the victim's face while a second suspect beat up the victim and stole his property. Investigations lead to several search warrants including a high-risk warrant served by the Special Response Team. Prior to entry into the residence the XT Robot was utilized to partially clear the residence. Two AR-15 pistols and a handgun were located during the warrant service. This case is an on-going investigation.

Long Range Acoustic Device (LRAD)

The LRADs are designed for clear long-range communication. The LRAD's ability to communicate over a long distance is far superior to any megaphone or Public Address (PA) system mounted to a police vehicle. Below are the three times the LRAD was utilized in 2022.

- 1) A volcanic eruption in the southwest Pacific Ocean produced a tsunami that affected the entire Pacific Ocean. A tsunami warning was issued. Police officers responded code-3 (emergency response) to evacuate the marina. The LRAD was utilized to help with the evacuation.

- 2) The Special Response Team served a search warrant in connection to multiple armed robbery cases from Berkeley and from another jurisdiction. The LRAD was used to communicate with occupants in the residence and safely call them out of the residence. Evidence was located during the search warrant service.

- 3) An armed robbery occurred where one suspect pointed a gun at the victim's face while a second suspect beat up the victim and stole his property. Investigations lead to several search warrants including a high-risk warrant served by the Special Response Team. The LRAD was used to communicate with occupants in the residence. Two AR-15 pistols and a handgun were located during the warrant service. This case is an on-going investigation.



Drone/Unmanned Aerial System (UAS)

The Berkeley Police Department does not possess any UAS, also commonly known as a drone, but requested for mutual assistance from the Alameda County Sheriff's Office for a drone in the below two incidents. Drones are used in limited situations to enhance the Department's mission of protecting lives. The use of a drone below was governed by Berkeley Municipal Code 2.99.020. Both uses of drones were approved by the City Manager through the proper chain of command under the exigent circumstances exception. The Department is currently seeking Council approval to implement drone use policies for the City.

It should be noted that reporting on the use of a drone in a mutual assistance capacity in Berkeley is the responsibility of the agency that provided the assistance. The Berkeley Police Department is not required to report on the mutual assistance drone usages to prevent double reporting, but to ensure transparency, below are details of the two incidents where a drone was utilized. The two incidents were also reported in the Berkeley Police Department's Annual Surveillance Technology Report in November of 2022.

- 1) BPD officers responded to an armed robbery with gunfire at 2625 San Pablo Ave. The offenders fled into the 1100 block of Carleton Street. Officers secured the perimeter and requested mutual assistance from the Alameda County Sheriff's Office Drone Team. With the assistance of the Drone Team, officers were able to safely detain and arrest four suspects who were hiding in the block, and recovered four guns (2 ghost guns including a short-barreled rifle, and 2 Glock semi-automatic firearms- all loaded).
- 2) BPD officers attempted to detain a person who was wanted in connection with a murder in another jurisdiction. The offender fled on foot from BPD officers. Officers secured a perimeter and requested mutual assistance including the request for a drone. Alameda County Sheriff's Office responded and assisted BPD. With the assistance of the drone officers were able to locate the suspect in the 1100 block of Chaucer Street. No injuries were sustained by the officers, and the offender had minor injuries as a result of jumping over fences while fleeing from BPD officers, however no injuries were sustained from the detention and arrest.



Fiscal Cost

Funding for all training and ongoing cost in military equipment are sourced from the Berkeley Police Department's existing budget. The only military equipment that was purchased in 2022 was consumable equipment, .223 ammunition and diversionary devices, that was used in training. The projected military equipment acquisitions in 2023 will be for .223 ammunition, .50 caliber ammunition, and diversionary devices.

The Berkeley Police Department conducts in-house training on all specialized equipment that the department possesses. This ensures officers are fully trained to utilize the tools in the department's possession to safeguard our community. The cost of in-house training is staff-time. Some of the training on specialized equipment must be conducted externally. The only fiscal cost on external training related to military equipment in 2022 was the cost from 9 police officers attending M4/patrol rifle training (\$3,370) and one armorer attending armorer school (\$46). Additionally, three police recruits attended the police academy where they received Patrol Rifle training. The cost of the police academy for each police recruit was \$1,576 (\$4,728 total).

M4/Patrol Rifle

Rifle prices, like other firearms, will range depending on current market demand and availability. While M4 rifles purchased several years ago cost between \$1,000 and \$1,200 each, current rifles cost between \$1,400 and \$1,600. It should be expected that these prices will fluctuate and likely increase over time.

Ammunition costs fluctuate with the costs of components (brass, primers, gunpowder, and bullets) and supply/demand. Current costs for .223 Remington range from \$0.50 to \$0.75 a round for training ammunition (55 grain) and \$1.25 to \$1.50 a round for duty ammunition (62 grain). 404 cases of .223 ammunition were acquired in 2022 with a fiscal impact of \$49,279.40. The projected acquisition of .223 ammunition in 2023 is 10,000 rounds for training.

Every officer that is authorized to carry a rifle on duty must attend a minimum 16-hour CA POST approved rifle instruction course before being authorized to carry the rifle on duty. This course may be administered by Berkeley Police Firearm Instructors or by other POST approved agencies. Tuition for the CA POST approved class is dependent on the hosting agency. If conducted in-house the cost only includes the officer's hourly



wage, range fee, and ammunition costs (all vary). Outside agencies charge between \$25 to \$500 depending on the range location and duration (some classes are 32-hours while POST only requires 16-hours.) Additionally, all officers issued a rifle receive specific 8-hour rifle training every two years by POST certified Berkeley Police Department Firearm Instructors.

Typical round count for such classes range between 800 rounds and 1200 rounds per student. Additionally, all officers issued a rifle receive specific 8-hour rifle training every two years by a BPD firearm instructor which constitutes an additional 500 or so rounds per officer.

Maintenance costs vary depending on use over time. Traditionally, various springs and pins need to be replaced every five years and may cost between \$3 and \$30 per rifle. Other parts such as the barrel and bolt need to be replaced around ten years and range between \$150 and \$300 per rifle.

Penn Arms 40MM Single Launcher

Penn Arms 40MM single launchers purchased by the department cost \$815.00 each. Ongoing cost for Penn Arms single launcher should be based on the projectiles used in training and on duty. This will fluctuate based on department trainings, projectile availability and events that unfold in the city and surrounding region.

Every officer authorized to deploy a less lethal launcher must pass a certification course administered by a Berkeley Police Department Firearms Instructor. The certification class consists of classroom, range qualification and scenario application if the venue allows. This class is largely handled in house thus the cost only includes staff time, range fees, and projectile costs, which all vary.

Maintenance costs vary depending on use. Generally, various springs and pins need to be replaced every 5 years which can cost \$3 to \$30.

Milkor LTL Multi-Launcher

Milkor LTL Multi-Launchers purchased by the department cost \$3,950.00 each. The ongoing cost for the Milkor LTL launcher should be based on the projectiles used in training and on duty. This will fluctuate based on department trainings, projectile availability and events that unfold in the city and surrounding region.



Every officer authorized to deploy a less lethal launcher must pass a certification course administered by a Berkeley Police Firearm Instructor. The certification class consists of classroom, range qualification and scenario application if the venue allows. This class is largely handled in house thus the cost only includes the officer's hourly wage, range fees, and projectile costs which all vary.

Maintenance costs vary depending on use. Generally, various springs and pins need to be replaced every 5 years which can cost \$3 to \$30.

FN 303 and FN Pava Impact Projectile

FN 303s purchased by the department cost \$800.00 each. Ongoing cost associated with the FN303 launcher should be based on the projectiles used in training and on duty. This will fluctuate based on department trainings, projectile availability and events that unfold in the city and surrounding region.

Every officer authorized to deploy a less lethal launcher must pass a certification course administered by a Berkeley Police Firearm Instructor. The certification class consists of classroom, range qualification and scenario application if the venue allows. This class is largely handled in house thus the cost only includes the officer's hourly wage, range fees, and projectile costs which all vary.

Maintenance costs vary depending on use. Generally, O-rings need to be replaced every 3,000 rounds and cost \$30 per kit.

OC (Oleoresin Capsicum) Spray

The MK-3 OC spray cost approximately \$19 per unit and the MK-9 OC spray costs approximately \$60 per unit. The manufacturer is Defense Technology and the Berkeley Police Department purchase each unit from Galls Police Supply or LC Action Police Supply. Purchases for these tools are made when inventory gets low which is typically determined by the number of OC spray that has expired and how many new officers are sworn in.

Training is conducted in the police academy and in-house by a Police Officer Standard Training (POST) certified Berkeley Police Chemical agent training officer. The cost of training is staff time.



Chlorobenzylidene Malononitrile and Oleoresin Capsicum (“tear gas”)

The cost for CS canisters ranges from \$20.00 to \$39.00 per unit. The cost for OC canisters ranges from \$36.00 to \$44.00 per unit. Training is conducted by a Police Officer Standard Training (POST) certified Berkeley Police chemical agent training officer. The cost of training is staff time.

Remington 700 Rifle

The initial cost to purchase this rifle with its associated components is approximately \$10,000 dollars each. Their average life span is 10-years at which time it will likely need to be replaced. Ongoing cost for all firearms should be based on the ammunition used in training and on duty and maintenance. This will fluctuate based on training.

The cost associated with training is the staff time, range fees, and cost of spent ammunition. Special Response Team (SRT) members train once a month and, on average, each member shoots approximately 50-rounds. Currently, there are only 4 members shooting at each training day. This equates to approximately 2,400 rounds of ammunition being fired per year. This does not include special training days or attendance to training schools/classes. A single box of 20-rounds costs approximately \$20 dollars or \$1 dollar per round. Authorized and trained Berkeley Police armorers service and provide regular maintenance of the rifles. The cost of maintenance is staff time.

ReconRobotics Recon Scout XT

The initial cost for the Recon Scout XT robot was about \$12,500 per unit in 2010. There are no ongoing costs associated with the use of the Recon Scout XT robot. Being that it is battery operated, there is a nominal cost associated with charging the Recon Scout XT robot’s batteries, and the batteries of the OCU (controller).

The Recon Scout XT robot is fairly simple to operate, thus there is no cost associated with training officers in its use. Generally, the Recon Scout XT robot is robust and does not need regular repair or service. The cost of training is staff time.

Andros Remotec HD-1 Hazardous Duty Robot

The Hazardous Duty Robot was purchased in 2008 for \$214,496. Being that it is battery operated, there is a nominal cost associated with charging the robot. Maintenance of the Hazardous Duty Robot is conducted by the Berkeley Police Bomb Technicians.



Berkeley Police Bomb Technicians are trained during regular bomb squad training sessions and maintain their skills through training scenarios. The cost of training and maintenance is limited to staff time.

Light/Sound Diversionary Device

Diversionary Devices cost approximately \$45 per unit. Purchases for these tools are made when inventory becomes low, based upon critical incident usage and Special Response Team trainings that incorporate live devices. \$1,416.62 was used in 2022 to acquire 24 diversionary devices that replaced ones that expired or were used during training.

Only trained and qualified personnel are permitted to deploy diversionary devices. These trained Berkeley Police officers are typically members of the Berkeley Police Department Special Response Team who receive monthly training which includes training in the deployment of diversionary devices. The cost of training is staff time. A projected military equipment acquisition in 2023 will likely include diversionary devices. The number of diversionary devices to be acquired in 2023 will depend on training and operational use. That number is unknown at this time.

Long Range Acoustic Device (LRADS)

The LRAD 450XL and the LRAD 100X were purchased in 2018. The total cost for both the LRADs, rechargeable battery packs and accessories was \$49,999. Training is conducted by Berkeley Police personnel who are trained in the use and procedures of the LRAD. The cost to train is staff time.

Mobile Command Vehicle (MCV)

The Mobile Command Vehicle was purchased in 2003 for \$230,800. The ongoing cost associated to the MCV is the cost of gasoline and maintenance of the vehicle. Both gasoline and maintenance are received at the City Corporation Yard.

Training is conducted in-house by the Berkeley Police personnel who are trained in the operation of the vehicle. The training cost is staff time.

The expected useful lifespan of the MCV was 15 years and was eligible for replacement in 2018. A replacement fund for the MCV currently amounts to \$383,183.66 with \$10 added into this fund a month. The vehicle is still in functioning, but will need to be replaced in the near future.



Barrett Model 99 Rifle

The retail cost of the Barrett Model 99 Rifle is approximately \$12,500. The Department of Justice provided the Barrett Modell 99 Rifle to the Berkeley Police Department in 2007. The ongoing cost related to this rifle is the cost of ammunition and training.

The ammunition has a retail cost of approximately \$6 dollars per bullet; \$60 for a box of 10 and \$600 for a case of 10 boxes, plus shipping and handling. The cost associated with training is the staff time, range fees, and cost of spent ammunition.



CONCLUSION

This Annual Military Equipment Report not only fulfills the obligations set forth in Assembly Bill 481 and Policy 709, it also reaffirms the commitment the Berkeley Police Department has to transparency with our community and elected officials. Continuing to build upon the trust we have with our community is the cornerstone of the Berkeley Police Department. The training and equipment outlined in this report allow for the Berkeley Police Department to achieve our mission in keeping our community safe.

The Berkeley Police Department will continue to foster strong relationships and safeguard our diverse community. We will continue to share information and be transparent with our community. Any questions, concerns or complaints regarding the equipment can be directed to the Professional Standards Bureau, Internal Affairs Bureau, or the Police Accountability Board.

Professional Standards Bureau:

(510) 981-5734

PLee@cityofberkeley.info

Internal Affairs:

(510) 981-5706

JJones@cityofberkeley.info

Police Accountability Board:

(510) 981-4950

DPA@cityofberkeley.info