

Hayward Police Department

April 2023-March 2024

Annual Military Equipment Use Report

Attachment III



300 W. Winton Ave Hayward, CA 94544
www.hayward-ca.gov/police-department

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OUR MISSION, VISION, AND CORE VALUES

MISSION

To enhance partnerships and trust with our community, reduce crime and improve the quality of life for those we serve.

VISION

To have a highly trained and supported police department that helps build a safe and connected community where people can live, work, and thrive.

CORE VALUES

Our core values define us and provide a framework for how we operate. They say who we are and what we will and will not stand for as a department.

The seven core values of the Hayward Police Department include:

- Accountability
- Employee Wellness
- Humility
- Integrity
- Leadership
- Professionalism
- Trust and Respect

In addition to these seven core values, it is important to recognize that each of these core values are made up of other values and behaviors. For example, we recognize that for an officer to be professional, they must be ethical and honest. Being a team player and communicating effectively are fundamental parts of each of the seven core values.

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PREFACE:

The Hayward Police Department (HPD) 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 No. 481, Government Code § 7072 and HPD Military Equipment Use Policy. In July 2022, the Hayward City Council approved the HPD's use of the listed equipment. This document reports on information covering the period of April 2023-March 2024. 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 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; and
6. The additional military equipment HPD intends to acquire in the next year, and the quantity sought for each type of military equipment.

EQUIPMENT OVERVIEW:

The term "military equipment," as used in the legislation, does not necessarily indicate equipment used by the military. Items deemed to be "military equipment," include, but are not limited to equipment such as unmanned vehicles, command and control vehicles, armored vehicles, less lethal shotguns, and noise flash diversionary devices. These types of equipment, as well as others considered "military equipment" under AB No. 481, are commonly used, and employed by law enforcement agencies across the country to enhance community members' and officer's safety.

It is the policy of the Hayward Police Department that members of the department comply with the provisions of Government Code § 7071 with respect to qualifying "military equipment." "Military equipment" shall be used by members of the Department who have completed applicable training, including training required by the Commission on Peace Officer Standards and Training (POST).

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EQUIPMENT OVERVIEW CONT'D:

"Military equipment," which has been approved for use by the governing body, shall be used in accordance with all other applicable department policies and laws. These policies and laws include, but are not limited to:

- Hayward Police Department Policy 300 (Use of Force)
- Hayward Police Department Policy 302 (Control Devices and Techniques)
- California Assembly Bill No. 481
- California Penal Code Section 13652 (Use of Kinetic Energy Projectiles and Chemical Agents)

The Hayward Police Department acknowledges the historical use of certain police equipment to intimidate and oppress certain communities and groups more than others, including those that are defined by a common race, ethnicity, religion, national origin, income level, sexual orientation, or political perspective. As such, this policy expressly prohibits the use of "military equipment" on individuals or groups solely based on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

BACKGROUND - ASSEMBLY BILL 481:

On September 30, 2021, Governor Newsom signed a series of eight (8) pieces of policing reform legislation aimed at increasing transparency around policing. AB No. 481, authored by Assembly Member David Chiu (D-San Francisco), was one of those pieces of legislation. AB No. 481, which became effective on January 1, 2022, was created to address transparency issues in the funding, acquisition, and use of law enforcement equipment that lawmakers have designated as "military equipment."

AB No. 481, codified in Government Code section(s) 7070 through 7075, requires law enforcement agencies to obtain approval of the applicable governing body (City Council), by adoption of a written Military Equipment Use Policy, via ordinance, at a public hearing, before law enforcement agencies may take certain actions relating to the funding, acquisition, or use of military equipment, as defined by the legislature.

Once approval is granted, AB No. 481 requires law enforcement agencies to submit an annual Military Equipment Use Report to the City Council, summarizing the use of each type of equipment, complaints received, internal audits and information about violations of the Military Equipment Use Policy, the cost of military equipment, and other similar information. This annual Military Use Report must be posted to the law enforcement agency's website and the law enforcement agency must hold at least one community engagement meeting for the general public to discuss the Report. On an annual basis, the City Council must review the Military Use Policy and ordinance as well as the Military Equipment Use Report and vote on whether to renew the ordinance.

The full text of AB No. 481 is available at:

[Military Equipment Use Policy: funding, acquisition, and use | City of Hayward - Official website \(hayward-ca.gov\)](https://www.hayward-ca.gov/office-of-the-city-clerk/military-equipment-use-policy-funding-acquisition-and-use)



SUMMARY AND PURPOSE OF USE OF THE MILITARY EQUIPMENT:

This section outlines the military equipment usage for April 2023-March 2024 by Hayward Police Department. Certain items of military equipment, particularly consumables (ammunition, diversionary devices, chemical agents, etc.) are used throughout the year on a regular basis for training to maintain proficiency. 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. Robot:

The two Avatar tactical robots were utilized [1](#) time during this reporting period. These deployments include:

- Assisting with a search during a Special Response Unit (SRU) operation

2. Unmanned Aircraft Systems (UAS) Program:

The Unmanned Aircraft Systems were utilized a total of [64](#) times during this reporting period. These deployments include:

- Homicide
- Burglaries in progress
- Robberies in progress
- Carjackings
- Search warrant and arrest warrant operations
- Stolen vehicles
- Search for missing persons
- Barricaded suspects
- Subjects armed with a gun
- Kidnapping
- Sideshow activity

3. Armored Personnel Carrier:

The Armored Solutions Armored Rescue Vehicle (ARV) was utilized [19](#) times during this reporting period. These deployments include:

- SRU deployments for operations
- Patrol Division deployments during critical incidents where there is an imminent threat to life

4. Command and Control Vehicle:

The HPD Command Vehicle was utilized [2](#) times during this reporting period.

- Response to high risk and critical incidents.

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SUMMARY AND PURPOSE OF USE OF THE MILITARY EQUIPMENT CONT'D:

5. Breaching Apparatus/Shotgun Slugs:

The Breaching Apparatus/Shotgun Slugs were utilized 0 times during this reporting period.

6. Carbine Rifles (.223 and 5.56 caliber):

The Carbine Rifles were utilized 2 times during this reporting period.

- Patrol response to subject armed with a dangerous weapon

7. H&K MP5 and H&K PDW Entry Rifle (9mm caliber):

The H&K MP5 and H&K PDW Entry Rifle were utilized 0 times during this reporting period.

8. PWS MK216-LE Precision Rifle (.308 caliber):

The PWS MK216-LE Precision Rifle was utilized 0 times during this reporting period.

9. Remington 700 Long Rifle (.308 caliber):

The Remington 700 Long Rifle was utilized 0 times during this reporting period.

10. Noise Flash Diversionary Device:

A Noise Flash Diversionary Device (NFDD), commonly referred to as a “flashbang,” was utilized 2 times during this reporting period. These deployments include:

- SRU response to high-risk, critical incidents including armed robbery/shooting investigations and barricaded subjects

11. Chemical Agents “Tear Gas” (Oleoresin Capsicum):

Chemical Agents were utilized 2 times during this reporting period.

- Two separate robbery/search/arrest warrant services during which the primary offender refused to come out of the residence. The offenders eventually surrendered and were taken into custody without incident.

12. Pepper Powder Less Lethal Launcher (FN 303):

The Pepper Powder Less Lethal Launcher was utilized 0 times during this reporting period.

13. Specialty Impact Munitions Systems and Munitions (40mm Less Lethal):

The Specialty Impact Munitions Systems and Munitions were utilized 0 times during this reporting period.

14. Specialty Ammunition

- Winchester .223 Ranger Power-Point 64 Grain Cartridge
- Winchester 5.56 Full Metal Jacket 55 Grain Cartridge
- Winchester .308 Match King 168 Grain Cartridge

Winchester .223 Ranger Power-Point 64 Grain Cartridge ammunition was used during the incident described above with the Carbine Rifles.



SUMMARY OF COMPLAINTS OR CONCERNS REGARDING THE MILITARY EQUIPMENT:

The Hayward Police Department is committed to responding to complaints, concerns, and questions received through any of the below methods in a timely manner.

There were **2** carbine rifles used in an officer involved shooting investigated by the Hayward Police Department's Internal Affairs Unit during this reporting period.

There were **0** formal complaints related to the use of military equipment investigated by the Hayward 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 the policy by any of the following means:

- By visiting HPD's Internal Affairs Unit's website:
[Internal Affairs Unit | City of Hayward - Official website \(hayward-ca.gov\)](https://www.hayward-ca.gov/internal-affairs)
- By calling 510-293-7059
- By mail sent to: Hayward Police Department, 300 W. Winton Ave., Hayward, CA 94544
- In person to any supervisor or to the Internal Affairs Unit
- By visiting California's Commission on Peace Officer's Standards and Training website:
[Public Complaints \(ca.gov\)](https://www.copsandtraining.ca.gov)

RESULTS OF INTERNAL AUDITS, OR VIOLATIONS OF THE MILITARY EQUIPMENT USE POLICY:

The Hayward Police Department **did not have any** policy violations with the deployment or use of military equipment during this reporting period.

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ANNUAL COSTS:

The following is a breakdown of the costs associated with each piece of equipment, including the cost of acquisition, training, and maintenance.

#	EQUIPMENT	Acquisition	Training	Maintenance
1.	Robot	\$15,901	\$0*	\$0
2.	UAS	\$74,642	\$0*	\$3,335
3.	Armored Personnel Carrier	\$0	\$0*	\$1,242
4.	Command and Control Vehicle	\$0	\$0*	\$542
5.	Breaching Apparatus/Shotgun Slugs	\$0	\$0*	\$0
6.	Carbine Rifles	\$18,020	\$0*	\$0
7.	H&K MP5 and H&K PDW Entry Rifle	\$0	\$0*	\$0
8.	PWS MK216-LE Precision Rifle	\$0	\$0*	\$0
9.	Remington 700 Long Rifle	\$0	\$0*	\$0
10.	Noise Flash Diversionary Device	\$0	\$0*	\$0
11.	Chemical Agents "Tear Gas"	\$0	\$0*	\$0
12.	Pepper Powder Less Lethal Launcher	\$0	\$0*	\$0
13.	Specialty Impact Munitions Systems and Munitions	\$0	\$0*	\$0
14.	Ammunition	\$130,595	\$43,676	\$0
	Total:	\$239,158	\$226,237	\$5,119

*Total personnel costs over this period were \$182,561. This total represents the personnel cost associated with training related to "Military equipment" denoted above with *.

**There were no Storage or Transportation costs associated with owning/possessing equipment defined as "Military equipment" per AB No. 481.

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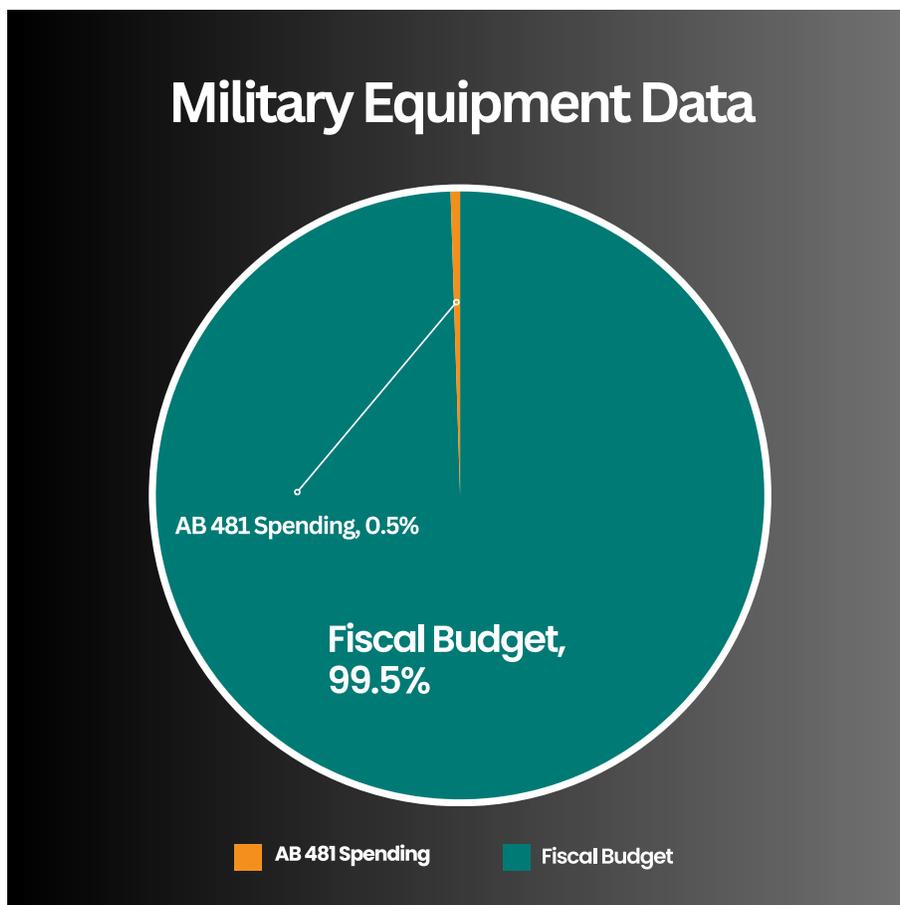


FISCAL IMPACT:

The Hayward Police Department is budgeted for 333.5 full time employees. The operating budget for the department for the 2023-2024 fiscal year is \$93,605,512.

The City of Hayward adopts an operating budget on a fiscal year basis (beginning July 1). The equipment owned and possessed by the department was approved in July of 2023 by the City of Hayward City Council. The cost of equipment purchases and expenditures is reflected in this report for April 2023-March 2024 pursuant to Assembly Bill No. 481.

During this reporting period, the Hayward Police Department spent approximately \$470,514 for equipment and training specified in AB No. 481. The total expenditures represent 0.50% of the Hayward Police Department's operational budget. No grant funding was utilized for training or equipment acquisition during this reporting p for equipment and training specified in AB No. 481. The total expenditures represent 0.50% of the Hayward Police Department's operational budget. No grant funding was utilized for training or equipment acquisition during this reporting period.



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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. Robot (Current Quantity: 3)
2. Unmanned Aircraft Systems (UAS) (Current Quantity: 11)
3. Armored Personnel Carrier (Current Quantity: 1)
4. Command and Control Vehicle (Current Quantity: 1)
5. Breaching Apparatus/Shotgun Slugs (Current Quantity: 1/50)
6. Carbine Rifles (.223 or 5.56 caliber) (Current Quantity: 108)
7. H&K MP5 and H&K PDW Entry Rifle (9mm caliber) (Current Quantity: 2/2)
8. PWS MK216-LE Precision Rifle (.308 caliber) (Current Quantity: 5)
9. Remington 700 Long Rifle (.308 caliber) (Current Quantity: 5)
10. Noise Flash Diversionary Device (Current Quantity: 38)
11. Chemical Agents "Tear Gas" (Oleoresin Capsicum) (Current Quantity: 337)
12. Pepper Powder Less Lethal Launcher (FN 303) (Current Quantity: 2)
13. Specialty Impact Munitions Systems and Munitions (40mm Less Lethal) (Current Quantity: 17)
14. Ammunition
 - a. Winchester .223 Ranger Power-Point 64 Grain Cartridge (Current Quantity: 23,600)
 - b. Winchester 5.56 Full Metal Jacket 55 Grain Cartridge (Current Quantity: 68,000)
 - c. Winchester .308 Match King 168 Grain Cartridge (Current Quantity: 2,000)

It should be noted that 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. The Hayward 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 HPD military equipment can be found at:

[Military Equipment Use Policy: funding, acquisition, and use | City of Hayward - Official website \(hayward-ca.gov\)](#)

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PROJECTED ACQUISITIONS FOR FY 2025:

While some purchases and acquisitions can be anticipated, the unanticipated replacement of existing AB No. 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 needs. These unexpected needs-based acquisitions will be in accordance with department policy and AB No. 481.

Consumable AB No. 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
- Specialty Munitions (40mm and Less Lethal Munitions)

Non-consumables are as follows:

Robot:

One additional robot patrol. The robot is smaller and can be thrown into a structure. It is also small enough to attach to an officer for easier deployment. The Robot is made by Recon Robotics and is called "Throwbot 2." The average cost per robot is \$16,000.

The funding for this purchase has been allocated through HPD's Operating budget to replace the Avatar robot SRU reallocated to the Patrol Division.

UAS:

Based on operational needs and functionality, an additional 6 UAS's need to be purchased in FY 2025. Below is a list of the quantity of each UAS needed, including their capabilities.

- Sxydio X10D (2) UAS that weighs approximately 4.6 pounds and can record video with approximately 25 minutes of flight time. Max flight speed of 45MPH and weather protection IP55, certified against dust and wind (US Manufacturer).
- EXO Blackhawk 3pro (2) UAS that weighs approximately 600g and can record video with approximately 53 minutes of flight time. Max flight speed of 36MPH (US Manufacturer).
- DJI Mini 4PRO (2) UAS that weighs 249g and can record 4K60 video in SDR,HDR, or D-Log M. Supports vertical video and upward camera tilt. Flight time of approximately 34 minutes and Max flight speed of 35MPH.

The total cost for the additional (6) UAS's, including all accessories, batteries, and charging stations is \$75,000.

The funding for this purchase has been allocated through HPD's Operating budget.



PROJECTED ACQUISITIONS FOR FY 2025 CONT'D:

Sniper Rifles:

The Department's Special Response Unit's sniper team anticipates the purchase of 5 new Remington 700 rifles. The current rifles are over 30 years old and need to be replaced. The cost of each rifle is approximately \$1,200 plus accessories. The total cost for the purchase of new rifles will not exceed \$10,000.

Funding for this purchase has been allocated through HPD's Operating budget.

Specialty Ammunition:

There is an annual cost for specialty ammunition used by the department. Each year the cost varies depending on training, schools, and academy recruits. The Department's annual budgeted purchase of specialty ammunition is \$50,000.

Funding for this purchase has been allocated through HPD's Operating budget.

Noise Flash Diversionary Device (NFDD):

The Department plans to purchase a case of 12 NFDD's in FY 2025. The cost for 12 NFDD's is \$1017.12 per case.

Funding for this purchase has been allocated through HPD's Operating budget.

Specialty Impact Munitions Systems and Ammunition:

The recommendation is for the Department to purchase 4 additional 40mm launchers in FY 2025. The 4 launchers will be placed into the Patrol Division's inventory. The cost for this purchase is \$4,740.

Funding for this purchase has been allocated through HPD's Operating budget.

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CONCLUSION:

This Annual Military Equipment Use Report is intended to not only adhere to the law and Hayward Police Department policy, but it also demonstrates our commitment to transparency with information provided to our community and elected officials. The equipment outlined in this report support Hayward 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 enhances 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 unintended or undesirable outcomes. The HPD prides itself on "Excellence and Accountability."

General Contact information:

- By visiting HPD's Internal Affairs Unit's website:
[Internal Affairs Unit | City of Hayward - Official website \(hayward-ca.gov\)](https://www.hayward-ca.gov/internal-affairs)
- By calling 510-293-7059
- By mail sent to: Hayward Police Department, 300 W. Winton Ave., Hayward, CA 94544

For more information on HPD's Military Equipment visit:

[Military Equipment Use Policy: funding, acquisition, and use | City of Hayward - Official website \(hayward-ca.gov\)](https://www.hayward-ca.gov/military-equipment)