



Military Equipment Annual Report

June 14, 2024

In accordance with CA Government Code Sections 7070/7071/7072, the East Palo Alto Police Department is reporting the annual use of Military Equipment

On September 30, 2021, Governor Newsom signed a series of policing reform bills aimed at increasing transparency of peace officer misconduct records, improving policing responsibility and accountability guidelines, raising eligibility standards, banning harmful restraint techniques, and creating a public forum for the purchase of military equipment. Assembly Bill (AB) 481 focused upon law enforcement's acquisition, use, and funding of military equipment.

AB 481 requires law enforcement agencies to produce annual reports and comply with outreach/transparency requirements regarding:

- CA Assembly Bill 481 (AB 481)
 - Requires governing body approval prior to taking certain actions regarding the funding, acquisition, or use of "military equipment" as defined
 - Accomplished through adoption of a Military Equipment Use Policy, by ordinance
 - Requires renewal of authorization annually based upon an Annual Military Equipment Report

- CA Government Code Sections 7070,7071,7072
 - Codify requirements of AB 481
 - Define "Military Equipment" and other terms
 - Establish requirement for a City ordinance
 - Establish requirements of a "Military Equipment Use Policy"
 - Establish an Annual Military Equipment Report requirement
 - Establish public outreach/transparency requirements

- Established in 2022, East Palo Alto Municipal Code Chapter 9.25 complies with state law and established procedures for the annual reporting for use of the military equipment by the East Palo Alto Police Department. The ordinance further establishes procedures for any future acquisition of military equipment as defined in AB 481.
 - 9.25.050 Reports on the Use of Military Equipment.



Military Equipment Annual Report

June 14, 2024

- A. The Department shall submit to Council an annual Military Equipment Report for each approved type of Military Equipment within one year of approval, and annually thereafter for as long as the Military Equipment is available for use.
- B. The Department shall make each annual Military Equipment Report publicly available on its website for as long as the Military Equipment is available for use.
- C. The annual Military Equipment Report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of Military Equipment:
 - A summary of how the Military Equipment was used and the purpose of its use.
 - A summary of any complaints or concerns received concerning the Military Equipment.
 - The results of any internal audits, any information about violations of the Military Equipment Use Policy, and any actions taken in response.
 - 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.
 - The quantity possessed for each type of Military Equipment.
 - If the Department intends to acquire additional Military Equipment in the next year, the quantity sought for each type of Military Equipment.

The East Palo Alto Police Department only possesses two (2) 40mm launchers which fit the definition of "Military Equipment" as defined by Government Code section 7070. The launchers, for the past 20 plus years, have been used to project sponge rounds as a less lethal option to the use of deadly force.



Military Equipment Annual Report

June 14, 2024

While evaluating the use of the 40mm launcher, the department found the equipment had not been used outside of training since 2019. Additionally, the equipment has been in service for over 20 years and has exceeded the life span. The department has taken both 40mm launchers out of circulation and moved them into secure storage pending disposal. We have no plans to replace the 40mm launchers.

Although our thirty-seven (37) patrol rifles do not fit the definition of “Military Equipment” our department recognizes that people commonly envision the rifles as such. Our department is including patrol rifles as part of this report for full transparency. Patrol rifles are assigned individually to sworn personnel, who are responsible for the daily maintenance of the equipment.

The department works in partnership with the San Mateo County Sheriff’s SWAT Team for tactical operations and our personnel assigned to SWAT may be called upon to use Sheriff’s Office equipment. Because the Sheriff’s SWAT Team operates within the City of East Palo Alto in this capacity, we are including the Sheriff’s military equipment as part of our annual report.

The following pages detail the East Palo Alto Police Department’s use of Military Equipment as well as the San Mateo County Sheriff SWAT Team equipment.

Equipment Type: Semiautomatic Rifles and Ammunition

CA Gov't Code §7070(c)(10)

| | |
|--|-----------------------------|
| Quantity Owned/Sought: 37 owned | Lifespan: Indefinite |
| Equipment Capabilities: The semiautomatic rifle is capable of firing 5.56mm / .223 caliber projectiles. | |
| Manufacturer Product Description: Various models The standard issue patrol rifles issued to East Palo Alto Police Department sworn members are AR-15 platform rifles with 10.3 inch barrels. Colt The Colt OEM Series offers a no-compromise solution for consumers and dealers to build and offer customized rifles based on the proven Colt M4 Platform. Handguards, Buttstock, Trigger Guard, Magazine, and Rear Sight have been omitted completely. The OEM1 is ready to accept most aftermarket Drop-In style Handguards that utilize the factory barrel nut and retaining ring. Also Available with Low Profile Gas Block and without Handguard Retaining Ring (LE6920-OEM2). (https://www.colt.com/detail-page/colt-le6920-oem1-556-161-a2-blk) Smith and Wesson M&P15 Rifles are the ideal modern sporting rifle. Built to perform multiple uses under various conditions, M&P15 Rifles are as versatile as they are reliable. Engineered for a wide variety of recreational, sport shooting and professional applications, M&P15 Rifles are easy to accessorize, but hard to put down. M&P15 Rifles are lightweight and rugged embodying the best combination of function and form. (https://www.smith-wesson.com/product/mp-15-sport-ii) Bushmaster The Heart Of Every Bushmaster™, M4 Patrolman's™ is a staple in every collector's set. Handcrafted in America, Quality Control, and Proven to Perfection. (https://www.bushmaster.com/m4-patrolmans-ca) | |
| Purpose/Authorized Uses: Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to: <ol style="list-style-type: none">a. Situations where the member reasonably anticipates an armed encounter.b. When a member is faced with a situation that may require accurate and effective fire at long range.c. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.d. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.e. When a member reasonably believes that a suspect may be wearing body armor.f. When authorized or requested by a supervisor. | |

g. When needed to euthanize an animal.

(Excerpt from East Palo Alto Police Policy 305)

Fiscal Impacts: The initial cost of equipment varied as the equipment was purchased incrementally. The current replacement cost for a single patrol rifle is approximately \$1200.00. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various San Bruno Police Department Policies on Use of Force and Firearms.

Training Required: Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.

Other Notes: These rifles are standard issue service weapons for our officers and therefor exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (C)(10). They have been included in this document in an abundance of caution and in the interest of transparency.

Use during FY 2023/24: Training only

Complaints during FY 2023/24: None

Internal Audits & Violations of policy during FY 2023/24: None

Approximate maintenance cost (personnel, training, etc): \$15,000.00 (Training and ammunition)

Plan to acquire additional equipment: None

Equipment Type: 40mm Less Lethal Launchers and Kinetic Energy Munitions

CA Gov't Code §7070(c)(14)

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|---|---|
| Quantity Owned/Sought: 2 owned | Lifespan: Approximately 20 years |
| Equipment Capabilities: The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, which are essentially rubber projectiles. | |
| Manufacturer Product Description: Manufactured exclusively for Defense Technology®, the 40LMTS is a tactical single shot launcher that features an expandable ROGERS Super Stoc and an adjustable Integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two point sling attachment. The 40LMTS will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems. (https://www.defense-technology.com/product/40mm-lmt-tactical-single-launcher-expandable-stock/) The eXact iMPact™ 40 mm Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40 mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent. Used for Crowd Control, Patrol, and Tactical Applications. (https://www.defense-technology.com/product/exact-impact-40-mm-standard-range-sponge-round/) | |
| Purpose/Authorized Uses: The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option. | |
| Fiscal Impacts: The replacement cost of a 40mm launcher is currently \$1,035.00. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff. | |
| Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various San Bruno Police Department Policies on Use of Force and Crowd Control. | |
| Training Required: Officers must complete a department certified 40mm course as well as regular training and qualifications as required by law and policy. | |
| Other Notes: None. | |
| Use during FY 2023/24: None | |
| Complaints during FY 2023/24: None | |
| Internal Audits & Violations of policy during FY 2023/24: None | |
| Approximate maintenance cost (personnel, training, etc): None | |
| Plan to acquire additional equipment: None | |