



Military Equipment Annual Report

May 16, 2023

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 is 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.



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- 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.



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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 City Council resolution for 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. East Palo Alto 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 2022/23: Training only

Complaints during FY 2022/23: None

Internal Audits & Violations of policy during FY 2022/23: 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)

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.	
<p>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/)</p> <p>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/)</p>	
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. East Palo Alto 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 2022/23: Training only	
Complaints during FY 2022/23: None	
Internal Audits & Violations of policy during FY 2022/23: None	
Approximate maintenance cost (personnel, training, etc): \$500.00	
Plan to acquire additional equipment: None	

San Mateo County Sheriff's SWAT Team

Definitive Section:	CA Gov't Code §7070(c)(1)	
Equipment Type:	CTS 7290 diversionary flash-bang devices	
Quantity Owned/Sought:	42 owned	Lifespan: Approximately 5 years
Equipment Capabilities: It is an ATF-controlled Class-C explosive device that emits a bright light and thunderous noise to distract potentially dangerous individuals.		
<p>Manufacturer Product Description: 7290 -The CTS 7290 is the standard for diversionary flash-bang devices. The 7290 produces an 175db and 6-8 million candela of light output. The patented design of the 7290, incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. In addition, internal adjustments have greatly reduced smoke output.</p>		
Purpose/Authorized Uses: Flash Bangs are used by special tactical units during hostage rescue and high-risk warrants.		
Fiscal Impacts: The initial costs of equipment is approximately \$40 per device which was purchased though the SMSO SWAT Budget. Ongoing cost associated with the CTS diversionary devices during operation and training is estimated to be approximately \$2000 per year.		
Legal/Procedural Rules Governing Use: The use governing the deployment of diversionary device is located in the SMC Sheriff's Office SWAT/CNU Procedures Section : 2-11B (Use of Diversionary Devices)		
Training Required: Team certified instructors shall complete a POST certified diversionary device instructor course. Each team member shall be instructed by the POST certified trainers on the use, deployment, and storage of diversionary devices.		
Other Notes: None.		

San Mateo County Sheriff's SWAT Team

Definitive Section:	CA Gov't Code §7070(c)(1)
Equipment Type:	40mm Less Lethal Launchers, 37mm Liquid Gas Launcher
Quantity Owned/Sought: 4 owned	Lifespan: Indefinite
<p>Equipment Capabilities: The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, which are essentially rubber projectiles and Liquid CS Gas round. The 37mm Less Lethal Launcher is capable of firing 37mm Liquid Ferret CS Gas round.</p>	
<p>Manufacturer Product Description: Penn Arms 40MM launcher are manufactured using 4140 hardened steel, 6061-T6 mil-spec anodized aluminum and DuPont super tough glass filled nylon. These launchers are light weight, versatile and used worldwide by police and corrections officers. The 40MM launcher family of products is available in single-shot, spring-advance multi, and pump-advance multi-versions.</p> <p>Federal M201-Z Gas Riot Gun (37x122mm) The Federal M201-Z is an upgrade to the Federal L-5 grenade launcher. It's a simple, single-shot, break-open smoothbore launcher intended to fire non-lethal tear gas grenades.</p> <p>Defense Technology 37mm Single Shot Launcher Manufactured exclusively for Defense Technology, launcher that features a fixed rear stock and an Integrated Front Grip (IFG). The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two point sling attachment. It will fire standard 37mm less lethal ammunition,</p>	
<p>Purpose/Authorized Uses: The 40mm and 37mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option.</p>	
<p>Fiscal Impacts: The initial cost of this equipment was approximately \$4,000. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.</p>	
<p>Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. The use governing the deployment of chemical agents and less lethal munitions is located in the SMC Sheriff's Office SWAT/CNU Procedures Section : 2-11c (Use of Chemical Agents) and 2-11d (Use of Less Lethal Munitions)</p> <p>San Mateo County Sheriff's Office Policies including: Lexipol Policy 300 - Use of Force, Conducted Energy Device (Taser), Control Devices and Techniques Lexipol Policy 306 – Firearms Lexipol Policy 426 – First Amendment Assemblies</p>	
<p>Training Required: Team certified instructors shall complete a POST certified Chemical Agent or Less Lethal Instructor Course. Each team member shall be instructed by the POST certified trainers on the use, deployment, and storage of the 40mm and 37mm launchers.</p>	
<p>Other Notes: None.</p>	

San Mateo County Sheriff's SWAT Team

Definitive Section:	CA Gov't Code §7070(c)(1)	
Equipment Type:	CTS CS Gas and Defense Tech CS liquid	
Quantity Owned/Sought: 134 owned	Lifespan: Approximately 5 years	
Equipment Capabilities: All three CS gas types can be deployed by ARV gas spike, burn box/tomahawk, 37mm launcher, or hand thrown.		
Manufacturer Product Description:		
<p>CTS CS Gas - 5230B – Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire.</p> <p>CTS CS Gas - 8230 – The smallest diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically for outdoor use and it should not be deployed on rooftops, in crawl spaces or indoors due to fire producing capability. Can be hand thrown or launched.</p> <p>CTS CS Gas - 4330 – 40mm CS Liquid Barricade, Spin Stabilized, 4.1" Long, Liquid CS filled projectile penetrates intermediate barriers and delivers irritant agents into an adjacent room.</p> <p>Defense Tech CS liquid - The Ferret® 37 mm CS Round is a frangible projectile filled with chemical agent. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers the .16 oz. agent payload inside a structure. The munitions is 4.8 in. by 1.5 in. and travels at 650fps within an effective range of 50 yards.</p>		
Purpose/Authorized Uses: Chemical agents may be deployed to incapacitate dangerous or hostile subjects, unruly persons, or to overcome resistance to lawful law enforcement actions. SWAT may tactically deploy chemical agents to induce suspect(s) movement or deny or restrict movement and access to areas.		
Fiscal Impacts: The initial costs of equipment is approximately \$40 per device which was purchased though the SMSO SWAT Budget. Ongoing cost associated with the CTS CS Gas devices and Def Tech CS Liquid Ferret rounds during operation and training is estimated to be approximately \$3600 per year.		
Legal/Procedural Rules Governing Use: The use governing the deployment of diversionary device is located in the SMC Sheriff's Office SWAT/CNU Procedures Section : 2-11c (Use of Chemical Agents)		
<p>San Mateo County Sheriff's Office Policies including: Lexipol Policy 300 - Use of Force, Conducted Energy Device (Taser), Control Devices and Techniques Lexipol Policy 306 – Firearms Lexipol Policy 426 – First Amendment Assemblies</p>		
Training Required: Team certified instructors shall complete a POST certified Chemical Agent Instructor Course. Each team member shall be instructed by the POST certified trainers on the use, deployment, and storage of the chemical agents.		
Other Notes: None.		

San Mateo County Sheriff's SWAT Team

Definitive Section:	CA Gov't Code §7070(c)(8)	
Equipment Type:	Firearms of .50 caliber or greater - Barrett	
Quantity Owned/Sought:	4 owned	Lifespan: Indefinite.
Equipment Capabilities: The .50 caliber semi-automatic rifle is capable of firing a .50 caliber bullet.		
<p>Manufacturer Product Description: Barret – various models and configurations – all semi-automatic – all chambered in .50cal</p> <ol style="list-style-type: none"> 1. Hard case storage. 2. Affixed folding sights. 3. Various type and range of magnification scopes. 4. 5 round detachable magazines. 		
<p>Purpose/Authorized Uses: These rifles are authorized for use by Sniper-trained members of the San Mateo County Sheriff's Office SWAT Team. They are for deployment in circumstances where the personnel can articulate a reasonable expectation that the rifle may be needed. Examples for situations that may require the deployment of these rifles include but are not limited to:</p> <ol style="list-style-type: none"> 1. Situations where the personnel reasonably anticipate an armed encounter. 2. Situations where a suspect may need to be engaged at extended distances with accurate fire. 3. Situations where a vehicle may need to be disabled, to include from an extended distance. 4. Situations where personnel reasonably expect the need to exceed a suspect's firepower. 5. Situations where the suspect is wearing body armor. 6. Situations where the suspect is in an armored vehicle. 7. Situations where the suspect has taken a hostage(s). 8. Situations where a barricade, armor or similar barrier needs to be penetrated. 9. When authorized or requested by a supervisor. 		
<p>Fiscal Impacts: The equipment and ammunition was seized over the course of several investigations. The ongoing cost after all ammunition is expended would be the cost of ammunition. Cleaning and maintenance is conducted by the Sniper Team.</p>		

San Mateo County Sheriff's SWAT Team

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing law enforcement use of force. Various San Mateo County Sheriff's Office Policies on the Use of Force and Firearms.

Training Required: In addition to patrol rifle and standard SWAT Operator training, SWAT Snipers must successfully complete a CA POST certified sniper course as well as regular SWAT Sniper training and qualifications as required by law and policy. Snipers currently hold training once a month for 6 hours.

Other Notes: None.

San Mateo County Sheriff's SWAT Team

Definitive Section:	CA Gov't Code §7070(c)(3)	
Equipment Type:	<i>Wheeled vehicles that have a breaching apparatus attachable</i>	
Common Name:	Lenco Bearcat	
Quantity Owned/Sought:	1 owned	Lifespan: 20+ Years
Equipment Capabilities: 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.		
Manufacturer Product Description: The ARV is designed to provide ballistic protection during tactical events (designed to withstand multiple bullet strikes from small arms fire as well as low level explosions). Equipped with nuclear/radiological detection devices, self-contained breathing apparatus, explosive gas detection devices, and thermal imaging camera. Equipped with emergency lights/siren and a public address system. Common uses for the ARV include citizen and officer rescues, evacuations, and the deployment of officers and chemical agents. The ARV is currently deployed at large events in San Mateo County including parades, and festivals. The ARV is a regional mutual-aid asset that has been requested and deployed to allied agencies in San Mateo County. The ARV responded to high profile events and incidents where local officers were injured/killed in the line of duty.		
Purpose/Authorized Uses: The use of armored vehicle shall only be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training. The driver of the vehicle shall have a valid California driver license.		
Fiscal Impacts: Initial cost: \$300,000.00 Annual maintenance cost of approximately \$2,500.		
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. The use governing the operation of the Armored Rescue Vehicle is located in the SMC Sheriff's Office SWAT/CNU Procedures Section : 2-08 (Armored Vehicle (Bear Cat) Operations)		
Training Required: Selected operators will attend a 24 hour POST certified course. SWAT Team members that have attended the POST certified course will instruct SWAT Team member on the operating procedures, mounting and dismounting techniques, firearms deployment procedures, vehicle road operations and ensuring the vehicle is properly serviced and maintained.		
Other Notes: None.		