

# Military Equipment

## 705.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment, as required by East Palo Alto Municipal Code Chapter 9.25 (Government Code § 7070; Government Code § 7071; Government Code § 7072).

### 705.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**City Council** – The elected or appointed body that oversees the Police Department.

**Military equipment** – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

# East Palo Alto Police Department

East Palo Alto Police Department

## *Military Equipment*

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### **705.2 POLICY**

It is the policy of the East Palo Alto Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

### **705.3 MILITARY EQUIPMENT COORDINATOR**

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the department, or the equipment the department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of East Palo Alto Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  1. Publicizing the details of the meeting.
  2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department's website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the department will respond in a timely manner.

### **705.4 MILITARY EQUIPMENT INVENTORY**

The following constitutes a list of qualifying equipment for the department:

- Semiautomatic rifles
- 40mm Less Lethal Launchers and Kinetic Energy Munitions

See attachment: [EPAPD Military equipment descriptions.pdf](#)

Members assigned to participate in the San Mateo County Sheriff's SWAT Team may be tasked to operate military equipment owned and maintained by SWAT. Military equipment currently owned and maintained by the SWAT team include:

- Wheeled vehicles that have a breaching apparatus attached
- Flashbang grenades, explosive breaching tools, tear gas and pepper balls

# East Palo Alto Police Department

East Palo Alto Police Department

## *Military Equipment*

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### **705.5 APPROVAL**

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department's website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

### **705.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

### **705.7 ANNUAL REPORT**

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department's website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department's inventory.

# East Palo Alto Police Department

East Palo Alto Police Department

## *Military Equipment*

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### **705.8 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual report, the department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

## Attachments

## EPAPD Military equipment descriptions.pdf

## Equipment Type: Semiautomatic Rifles and Ammunition

CA Gov't Code §7070(c)(10)

<b>Quantity Owned/Sought:</b> 37 owned	<b>Lifespan:</b> Approximately 15 years
<b>Equipment Capabilities:</b> The semiautomatic rifle is capable of firing 5.56mm / .223 caliber projectiles.	
<b>Manufacturer Product Description:</b> 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.  <b>Colt</b>  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). ( <a href="https://www.colt.com/detail-page/colt-le6920-oem1-556-161-a2-blk">https://www.colt.com/detail-page/colt-le6920-oem1-556-161-a2-blk</a> )  <b>Smith and Wesson</b>  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. ( <a href="https://www.smith-wesson.com/product/mp-15-sport-ii">https://www.smith-wesson.com/product/mp-15-sport-ii</a> )  <b>Bushmaster</b>  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. ( <a href="https://www.bushmaster.com/m4-patrolmans-ca">https://www.bushmaster.com/m4-patrolmans-ca</a> )	
<b>Purpose/Authorized Uses:</b> 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: <ul style="list-style-type: none"><li>a. Situations where the member reasonably anticipates an armed encounter.</li><li>b. When a member is faced with a situation that may require accurate and effective fire at long range.</li><li>c. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.</li><li>d. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.</li><li>e. When a member reasonably believes that a suspect may be wearing body armor.</li><li>f. When authorized or requested by a supervisor.</li></ul>	

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.



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

CA Gov't Code §7070(c)(14)

<b>Quantity Owned/Sought:</b> 2 owned	<b>Lifespan:</b> Approximately 20 years
<b>Equipment Capabilities:</b> The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, which are essentially rubber projectiles.	
<b>Manufacturer Product Description:</b> 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. ( <a href="https://www.defense-technology.com/product/40mm-lmt-tactical-single-launcher-expandable-stock/">https://www.defense-technology.com/product/40mm-lmt-tactical-single-launcher-expandable-stock/</a> )  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. ( <a href="https://www.defense-technology.com/product/exact-impact-40-mm-standard-range-sponge-round/">https://www.defense-technology.com/product/exact-impact-40-mm-standard-range-sponge-round/</a> )	
<b>Purpose/Authorized Uses:</b> The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option.	
<b>Fiscal Impacts:</b> 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.	
<b>Legal/Procedural Rules Governing Use:</b> 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.	
<b>Training Required:</b> Officers must complete a department certified 40mm course as well as regular training and qualifications as required by law and policy.	
<b>Other Notes:</b> None.	