

## Military Equipment

### 708.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

The Menlo Park Police Department ("MPPD") does not possess any tactical equipment that it has obtained from the military, nor does it possess any equipment that was designed for military use. MPPD also does not possess any equipment through military surplus programs such as the 1033 Program. Notwithstanding the foregoing, California Government Code § 7071(b) requires that law enforcement agencies submit a proposed Military Equipment Use Policy to their governing board for approval.

California Government Code § 7070 provides a list of equipment types that are considered to be "military equipment" for purposes of this policy requirement, and this Military Equipment Use Policy includes information for any such equipment types that are possessed by the MPPD, or reasonably likely to be deployed in Menlo Park by other law enforcement partners.

#### 708.1.1 DEFINITIONS

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

**Governing body** – The elected or appointed body that oversees the 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.

# Menlo Park PD Policy Manual

Law Enforcement Policy

## *Military Equipment*

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- 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.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

### **708.2 POLICY**

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

### **708.3 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 Menlo Park 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 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.

## *Military Equipment*

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### **708.4 MILITARY EQUIPMENT INVENTORY**

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

- Attachment 1: qualifying equipment that is owned and/or utilized by the Menlo Park Police Department.
- Attachment 2: qualifying equipment that is not owned or regularly utilized by the MPPD, but which is known to be owned and/or utilized by law enforcement agencies which the MPPD collaborates and/or participates for law enforcement purposes.

### **708.5 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 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.

### **708.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

### **708.7 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).

## *Military Equipment*

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The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department 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 inventory.

### **708.8 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.

**ATTACHMENT 1**  
**MENLO PARK MILITARY EQUIPMENT USE POLICY**  
**EQUIPMENT OF MENLO PARK PD APPLICABLE TO GOV CODE 7070\***

The Menlo Park Police Department has not obtained any equipment from military surplus programs, known as 1033 Programs, it does not possess any tactical equipment that it has obtained from the military, and it does not possess any equipment that was designed for military use.

That said, California Government Code Section 7070 provides a list of sixteen (16) types of equipment that are to be considered "Military Equipment" for the purpose of compliance with AB 481 and the associated California Government Codes, and the Police Department does possess and use some of these listed types of equipment. Of the sixteen (16) types of equipment specified, the Police Department possesses only two (2) types – four (4) items total. The list of the sixteen (16) types of Military Equipment per California Government Code Section 7070 and the items possessed by the Menlo Park Police Department is included as follows:

- Equipment types that the Police Department possesses are noted in **bold type**.
  - Equipment listed by legislation but not in possession of this department has been stricken through.
- ~~1. Unmanned, remotely piloted, powered aerial or ground vehicles.~~
  - ~~2. Mine resistant ambush protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.~~
  - ~~3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one half ton trucks, five ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.~~
  - ~~4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.~~
  - ~~5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.~~
  - ~~6. Weaponized aircraft, vessels, or vehicles of any kind.~~
  - ~~7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.~~
  - ~~8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.~~
  - ~~9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.~~
  - ~~10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.~~

- a) \* While the following equipment is exempt from this reporting process per California Government Code Section 7070(c)(10), we have included it in the interests of transparency. Every Menlo Park Patrol Officer is issued .223 caliber, Colt AR-15/ M4 Carbine rifles. The Patrol Rifles have been standard deployed equipment for our Patrol Personnel since about 2005. They may be deployed in special circumstances, such as when the subject is known to possess or is suspected of possessing a deadly weapon or firearm; the subject is beyond the effective range of issued handguns; the subject is known to wear, or is suspected of wearing, body armor; the subject is barricaded, and perimeter officers are at moderate to long distances from the target; the subject is barricaded behind cover that issued handgun ammunition may not effectively penetrate; a field supervisor or watch commander orders the rifle to be deployed; any other situation in which, based on his/her experience and training, the officer deems the deployment of the Patrol Rifle as necessary. Additionally, the Menlo Park Police Department possesses three .308 caliber semi Semi-Automatic rifles. These rifles are in the inventory for use by our SWAT snipers. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

~~11. Any firearm or firearm accessory that is designed to launch explosive projectiles.—~~

42. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.

- a) The Police Department possesses two (2) pepper ball launchers. The pepper ball launchers are intended for use as a less lethal use of force option. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

~~13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).~~

44. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.

- a) The Police Department possesses two (2) 40mm less lethal projectile launchers. The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

~~15. Any other equipment as determined by a governing body or a state agency to require additional oversight.~~

46. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

**ATTACHMENT 2**  
**MENLO PARK MILITARY EQUIPMENT USE POLICY**  
**EQUIPMENT OF REGIONAL SWAT APPLICABLE TO GOV CODE 7070**

In addition to Department-specific operations, the Menlo Park Police Department participates in a regional Special Weapons and Tactics (SWAT) team, which possesses and utilizes additional types of equipment that qualify as "Military Equipment" according to California Government Code Section 7070. While the equipment possessed by SWAT is not purchased, owned, or maintained by the Police Department, it could be used in the City of Menlo Park if SWAT is deployed, and is therefore included in the proposed Military Equipment Use Policy. It is important to note that SWAT is generally only deployed in extreme circumstances such as active shooter incidents, hostage situations, and the execution of high-risk search and arrest warrants. The equipment SWAT possesses is rarely deployed but could prove essential to emergency operations when needed.

The list of the sixteen (16) types of Military Equipment per California Government Code Section 7070 is included below.

- Equipment types that the SWAT Team possesses are noted in **bold type**.
  - Equipment listed by legislation but not in possession of SWAT has been stricken through.
1. **Unmanned, remotely piloted, powered aerial or ground vehicles.**
    - a) **The SWAT Team has access to four (4) Robotex Avatar ground robots. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
  2. ~~Mine resistant ambush protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.~~
  3. ~~High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.~~
  4. ~~Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.~~
  5. **Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.**
    - a) **The SWAT Team has access to two (2) command and control vehicles. One is a 2015 Chevy Tahoe and the other is a 2002 Workhorse P42 (Mattman custom built SWAT vehicle). This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
  6. ~~Weaponized aircraft, vessels, or vehicles of any kind.~~
  7. **Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.**
    - a) **The SWAT Team has access to one (1) Remington 870 12 gauge breaching shotgun. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
  8. **Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.**
    - a) **The SWAT Team has access to one (1) Barrett .50 caliber rifle, model 82A1M. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**

9. **Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.**
  - a) **The SWAT Team has access to fifty-two (52) rounds of .50 caliber ammunition. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
10. **Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.**
  - a) **The SWAT Team has access to twelve (12) Colt M4 fully automatic rifles, thirty-one (31) Heckler & Koch MP5 submachine guns, four (4) Ingram M10 .45 caliber machine guns, one (1) Century Arms Zastava AK47 rifle, one (1) Swiss Arms Model SIG SG550 rifle, and one (1) Thompson submachine gun. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
11. ~~Any firearm or firearm accessory that is designed to launch explosive projectiles.~~
12. **"Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.**
  - a) **The SWAT Team has access to sixty-one (61) Defense Technology Flashbangs. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
  - b) **The SWAT Team has access to the following chemical agents. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**

<u>Item</u>	<u>Quantity</u>	<u>Expiration</u>
Riot Control CS Grenade	10	2026
Triple Chaser CS Grenade	5	2026
Spede Heat CS Grenade	4	2026
Tri Chamber CS Flameless Grenade	10	2026
40mm Skat Shell CS	10	2026
40mm Muzzle Blast	10	2026
40mm Ferret CS Liquid	10	2026
40mm Ferret CS powder	10	2026

13. ~~Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).~~
14. **The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.**
  - a) **The SWAT team has access to thirty-eight (38) Defense Technology 40mm launchers and two (2) Defense Technology 37mm launchers. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
15. ~~Any other equipment as determined by a governing body or a state agency to require additional oversight.~~
16. **Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.**