

# 2023 Annual Report



## AB 481 - Military Equipment

## **Background**

On September 30, 2021, Governor Gavin Newsom signed a series of eight (8) policing reform bills including Assembly Bill 481 (AB 481), which regulated the acquisition and use of military equipment by local law enforcement agencies.

On September 27, 2022, in accordance with AB 481, the Palo Alto City Council adopted Ordinance No. 5562, approving Palo Alto Police Department Policy 716: Military Equipment.

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## **Summary**

The Palo Alto Police Department (PAPD) had equipment in 5 of the 15 categories requiring reporting by AB 481 in 2022. The equipment has been used minimally, largely related to training and certification.

The City has not received any complaints, audits, or policy violations regarding the use or acquisition of the equipment. PAPD has diligently followed the established Department Policy (716), ensuring transparency and accountability in its operations. Plans for future equipment purchases meeting the reporting requirements of AB 481 are minimal and mostly focused on replacing or replenishing equipment used throughout the year. Planned purchases are anticipated to be made using the Department's general fund budget.

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## **Introduction**

As required by AB 481, City Ordinance 5562, and PAPD Policy 716, PAPD must prepare an annual report on the use of each type of military equipment approved in the Policy over the last year. Subsequently, the City Council must review the Ordinance, Policy, and AB 481 Annual Report and determine whether PAPD's use of the defined military equipment in the past year complied with the Policy and whether to renew the Ordinance.

## AB 481 Categories

PAPD has equipment meeting 5 of the 15 categories set forth in AB 481 and PAPD Policy 716, in **bold**:

1. Unmanned, remotely piloted, powered aerial or ground vehicles
2. Mine-resistant ambush-protected vehicles or armored personnel carriers
3. 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
4. Tracked armored vehicles that provide ballistic protection to their occupants
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
8. Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns
9. Ammunition of .50 caliber or greater, excluding standard-issue shotgun ammunition
10. **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 service weapons and ammunition of less than .50 caliber**
11. Any firearm or firearm accessory that is designed to launch explosive projectiles
12. **Noise-flash diversionary devices, explosive breaching tools or munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray**
13. **TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices**
14. **Kinetic energy weapons and munitions**
15. Any other equipment as determined by a governing body or a state agency to require additional oversight

## **Annual Reporting Requirements**

AB 481 requires that police departments identify, at a minimum, six elements in their annual reports for each type of equipment:

1. Summary of how each type of equipment was used and the purpose of that use;
2. Quantity possessed of each type of equipment;
3. Annual costs for each type of equipment;
4. Summary of complaints or concerns received for each type of equipment;
5. Information disclosing violations of military equipment policies and actions taken in response, as well as the result of internal audits; and;
6. Plans to acquire additional military equipment in the coming year, and the quantity sought.

The table on the following pages provide this information in the categories of Quantity, Costs, Summary Use and Purpose, Complaints, Policy Violations, and Future Purchases.

The reporting period for this report is from the adoption of the use policy ordinance on September 27, 2022 to June 30, 2023 (the end of Fiscal Year 2023). Future reports will align with the City's fiscal year to aid in reporting costs and planned purchases.

| Equipment Name   | Qty | Reporting Period Costs                              | Summary of Use & Purpose  | Complaints | Policy Violations | Planned Future Purchases  |
|--|-----|---|---|------------|-------------------|---|
| <b>Category 5: Command and Control Vehicles</b>                                  |     |   |   |            |                   |   |
| MEOC   | 1   | Approx. \$13,000 in maintenance and equipment costs | <p>The MEOC serves as a resource for public safety and coordinates with other such vehicles operated by other agencies. It is deployed to “all hazards” ranging from natural disasters, wildfires, crime, special events, and planned and unplanned disruptions to 9-1-1 and Emergency Operations Center systems and facilities.</p> <p>The MEOC was deployed, operationally, once in 2023, in support of a presidential visit.</p> | None       | None              | Maintenance and equipment costs not expected to exceed \$25,000   |
| <b>Category 10: Specialized Firearms and Ammunition of less than .50 caliber</b> |     |   |   |            |                   |   |
| Bolt Action Rifle  | 1   | None  | <p>This rifle is authorized for use by a specially-trained, SWAT marksman only and may be deployed in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed.</p> <p>Equipment was not deployed in 2023, other than for SWAT training purposes.</p>  | None       | None              | Replacement ammunition as needed to support training and operational use, not expected to exceed \$2500 |

| Equipment Name   | Qty | Reporting Period Costs | Summary of Use & Purpose  | Complaints | Policy Violations | Planned Future Purchases  |
|--|-----|------------------------|---|------------|-------------------|---|
| <b>Category 12: Noise Flash Diversionary Device and Chemical Munitions</b> |     |                        |   |            |                   |   |
| (CTS-7290)   | 0   | None                   | Capable of creating auditory/visual distractions to distract potentially dangerous individuals.<br><br>The CTS-7290 was not deployed in 2023, other than for SWAT training purposes.              | None       | None              | None. <i>This equipment has been phased out.</i>                        |
| Mini-Bang (CTS-7290M)  | 19  | None                   | Capable of creating auditory/visual distractions to distract potentially dangerous individuals.<br><br>The Mini-Bang (CTS-7290M) was not deployed in 2023, other than for SWAT training purposes. | None       | None              | 12 replacement units to support training and operational use (\$578.28) |
| CS 37mm Liquid Ferret Barricade Round (CTS-3330)                           | 36  | None                   | Capable of deploying tear gas or pepper chemical to distract potentially dangerous individuals.<br><br>Equipment was not deployed in 2023, other than for SWAT training purposes.                 | None       | None              | 32 replacement units to support training and operational use (\$890.56) |
| CS 37mm Liquid Ferret Barricade Round (DT-1162)                            | 1   | None                   | Capable of deploying tear gas or pepper chemical to distract potentially dangerous individuals.<br><br>Equipment was not deployed in 2023, other than for SWAT training purposes.                 | None       | None              | None  |

| Equipment Name                                 | Qty | Reporting Period Costs | Summary of Use & Purpose  | Complaints | Policy Violations | Planned Future Purchases  |
|--|-----|------------------------|---|------------|-------------------|---|
| CS Flameless Tri-Chamber (DT-1032)             | 14  | None                   | Capable of deploying tear gas or pepper chemical to distract potentially dangerous individuals.<br><br>Equipment was not deployed in 2023, other than for SWAT training purposes. | None       | None              | <i>Retire existing units</i> ; replace with safer CTS 5230b Baffled CS (12 units at \$708.30 total)   |
| CS Triple Chaser Separating Canister (DT-1026) | 25  | None                   | Capable of deploying tear gas or pepper chemical to distract potentially dangerous individuals.<br><br>Equipment was not deployed in 2023, other than for SWAT training purposes. | None       | None              | <i>Retire existing units</i> ; replace with safer CTS 5230 Riot CS (15 units at \$515.85)             |
| CS Riot Control (DT-1082)                      | 2   | None                   | Capable of deploying tear gas or pepper chemical to distract potentially dangerous individuals.<br><br>Equipment was not deployed in 2023, other than for SWAT training purposes. | None       | None              | None  |
| Maximum HC (Hexachlorethane) Smoke (DT-1073)   | 6   | None                   | Capable of concealing tactical movement or to route a crowd via non-irritant smoke.<br><br>Equipment was not deployed in 2023, other than for SWAT training purposes.             | None       | None              | <i>Retire existing units</i> ; replace with less expensive CTS 5210 White Smoke (5 units at \$166.85) |

| Equipment Name   | Qty | Reporting Period Costs | Summary of Use & Purpose   | Complaints | Policy Violations | Planned Future Purchases |
|--|-----|------------------------|--|------------|-------------------|--------------------------|
| <b>Category 13: Long-range Acoustic Devices</b>                    |     |                        |  |            |                   |                          |
| Long Range Acoustic Device (LRAD)                                  | 1   | None                   | <p>Primarily used to communicate, from a safe distance, with armed and/or barricaded subjects, for the purpose of negotiation. Can also be used in furtherance of search and rescue operations, and to communicate lawful dispersal orders.</p> <p>The LRAD was not deployed in 2023, other than for Crisis Negotiations Team training purposes.</p> | None       | None              | None                     |
| <b>Category 14: Kinetic Energy Weapons and Specialty Munitions</b> |     |                        |  |            |                   |                          |
| 37mm Less Lethal Launcher  | 30  | None                   | <p>The 37mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option.</p> <p>The 37mm launcher was not used in 2023, other than for training purposes.</p>   | None       | None              | None                     |