



## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Regular Meeting of May 26<sup>th</sup>, 2026

**TO:** Mayor and Members of the City Council

**VIA:** Patrick Tang, Interim City Manager

**SUBMITTED BY:** Joseph Vasquez, Chief of Police

**SUBJECT:** Military Equipment Use and Acquisition

### RECOMMENDED ACTION:

By minute order, (1) accept the annual military equipment report, (2) determine that the Police Department's use of military equipment for the past year complied with the Department's Policy 706<sup>1</sup> and the requirements of state law, and (3) renew Policy 706 and Ordinance No. 547 (Military Equipment) and confirm that both will remain in effect without change.

### EXECUTIVE SUMMARY:

AB 481 requires each law enforcement agency's governing body to conduct annual meetings every year to continue the use of previously acquired equipment designated as "Military Equipment." To help guide this process, staff have attached a summary of AB 481, and Policy Section to this report. Additionally, the Police Department posted the proposed policy on the City website on April 20, 2026, in advance of the City Council meeting where the item would be discussed, in compliance with the requirements of AB 481. There are no substantive changes proposed to the existing policy except it will be renumbered from 709 to 706.

An itemized list of qualifying military equipment currently in HPD's possession is included in this report as well as in the draft policy. Each item's purpose and authorized use is described in specific detail in the attachment to the draft policy section to be

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<sup>1</sup> Please note that the Policy was previously referred to as Policy 709 but is now numbered Policy 706.

included in the Hercules Police Department policy manual. The following are qualifying items currently in the Hercules Police Department equipment inventory:

- Unmanned, remotely piloted, powered aerial devices **(3 drones)**
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units **(1 Special Response Team van)**
- 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-issued handguns **(33 - .223 caliber patrol rifles capable of firing 5.56mm ammunition)**
- Noise-flash diversionary devices and explosive breaching tools **(30 Noise Flash Diversionary Devices)**
- Any firearm or firearm accessory that is designed to launch explosive projectiles **(2 – Defense Technology Model 1426 40mm LMT Tactical single launcher (Replaced S&W Mod. 226 37mm launcher)**
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray **(10 - 12 ga. “penetrator” rounds capable of delivering powdered OC through thin walls or windows. Officers assigned to the County-wide Mobile Field Force are issued Def-Tech CS gas canisters while in that position)**
- Kinetic energy weapons and munitions **(5 Kinetic Energy shotguns)**

AB 481 states each agency is required to establish a procedure for a person to register a complaint or concern regarding the possession or use of military equipment, and 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. The City and the Police Department already have several avenues in place for filing a complaint with or about the Police Department.

Additionally, each agency must prepare an Annual Report to include the use of military equipment, any complaints received, any internal audits or other information about violations of this Policy, the cost of such use and other similar information. This report must be presented to the City Council and posted to the City’s in advance of the meeting where the City Council considers the Policy and the Annual Report.

## **BACKGROUND:**

On September 30, 2021, Governor Newsom signed a series of policing reform legislation aimed at increasing transparency of peace officer misconduct records, creating a system

to decertify peace officers for serious misconduct, improving policing responsibility and accountability guidelines, raising eligibility standards, banning harmful restraint techniques, and creating a public forum for the funding, acquisition, and use of military equipment.

AB 481, Military Equipment Funding, Acquisition, and Use was authored by Assemblymember David Chiu (D-San Francisco) to address the funding, acquisition, and use of military equipment.

## **ANALYSIS:**

### **AB 481 Definition of Military Equipment**

The Assembly Bill has designated the following categories of items as military equipment. The Hercules Police Department has equipment that meets the criteria for 7 of the 15 categories (1,5,9,10,11,12,14):

- Unmanned, remotely piloted, powered aerial or ground vehicles (Equipment Category 1)
- Mine-resistant ambush-protected vehicles or armored personnel carriers (Equipment Category 2)
- 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 (Equipment Category 3)
- Tracked armored vehicles that provide ballistic protection to their occupants (Equipment Category 4)
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units (Equipment Category 5)
- Weaponized aircraft, vessels, or vehicles of any kind (Equipment Category 6)
- Battering rams, slugs, and breaching apparatuses that are explosive in nature (Equipment Category 7)
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition (Equipment Category 8)

- 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 handguns (Equipment Category 9)
- Any firearm or firearm accessory that is designed to launch explosive projectiles (Equipment Category 10)
- Noise-flash diversionary devices and explosive breaching tools (Equipment Category 11)
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray (Equipment Category 12)
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (Equipment Category 13)
- Kinetic energy weapons and munitions (Equipment Category 14)
- Any other equipment as determined by a governing body or a state agency requires additional oversight (Equipment Category 15)

In accordance with state law, Policy 706, and Ordinance 547, the attached Annual Report provides a description of the City's military equipment in each of the above categories as well as an overview of the equipment's purpose, authorized use, expected lifespan, and fiscal impacts (e.g. annual maintenance costs). As noted in the Annual Report, the Police Department did not receive any complaints or concerns about any of the City's military equipment, nor were any internal investigations related to the use of military equipment conducted in the past year. An internal audit was conducted, and all military equipment was found to be in good shape and working order.

#### **FISCAL IMPACT:**

There is no anticipated fiscal impact in approving this annual report and taking the actions recommended by staff above. Should the Police Department desire to purchase new or additional military equipment, Policy 706 and state law require prior approval and authorization by the City Council.

**ATTACHMENTS:**

1. Policy Section 706; Military Equipment Funding, Acquisition, and Use
2. 2025 Annual Military Equipment Report, Purpose, Use, and Cost
3. AB 481
4. Ordinance No. 547
5. Presentation