



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 24th, 2025

TO: Mayor and Members of the City Council

VIA: Dante Hall, City Manager

SUBMITTED BY: Joseph Vasquez, Chief of Police

SUBJECT: Military Equipment Use and Acquisition

RECOMMENDED ACTION:

(1) Accept the 2025 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 709 and the requirements of state law, and (3) renew Policy 709 and Ordinance No. 547 (Military Equipment) and confirm that both will remain in effect without change.

BACKGROUND:

AB 481 was enacted by the state legislature in 2021 to promote transparency, accountability, and oversight. The bill requires each law enforcement agency's governing body to adopt an ordinance requiring a military equipment use policy. The policy must include certain components and describe the quantity, capabilities, purposes, and authorized uses of each type of military equipment allowed by the agency as well as the cost of acquisition and use. AB 481 further requires the City Council to conduct an annual meeting to provide a report to the Council on the use of previously acquired military equipment and to review and renew the City's adopted ordinance and policy (Policy 709). A summary of AB 481 and Policy 709 are attached to this report. Additionally, the Police Department posted Policy 709 on the City's website beginning on May 12, 2025, in advance of the City Council meeting where the item would be discussed, in compliance with the requirements of AB 481. Staff does not propose any changes to the ordinance or Policy 709 and recommends that the City Council renew them in their current form.

An itemized list of qualifying military equipment currently in HPD's possession is included in this report as well as in Policy 709. Each item's purpose and authorized use is described in specific detail in the attachment to the draft policy section to be included in the Hercules Police Department policy manual. The following are currently in the Hercules Police Department equipment inventory:

- Unmanned, remotely piloted, powered aerial devices **(2 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-issue handguns **(28 - .223 caliber patrol rifles capable of firing 5.56mm ammunition)**
- Noise-flash diversionary devices and explosive breaching tools **(24 Noise Flash Diversionary Devices)**
- Any firearm or firearm accessory that is designed to launch explosive projectiles **(1 – 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 requires the City to establish the procedure for a person to register a complaint or concern regarding the possession or use of military equipment and the process by which such a complaint will be addressed. The City and the Police Department have several avenues in place for filing a complaint with or about the Police Department, including any military equipment complaints.

The Annual Report must include a description of the use of military equipment, any complaints received, any internal audits or other information about violations of Policy 709, the cost of such use and other similar information. This report must be presented to the City Council and posted on the City's webpage in advance of the meeting at which it is considered.

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 to require additional oversight (Equipment Category 15)

In accordance with state law, Policy 709, 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 reviewing this annual report and confirming renewal of Policy 709 and Ordinance No. 547. Should the Police Department desire to purchase new or additional military equipment, Policy 709 and state law require prior approval and authorization by the City Council.

ATTACHMENTS:

1. Policy Section 709; Military Equipment Funding, Acquisition, and Use
2. 2024 Annual Military Equipment Report, Purpose, Use, and Cost
3. AB 481
4. Ordinance No. 547

