



GENERAL ORDER

Use of Military Equipment

Purpose and Scope

In accordance with Assembly Bill 481 and Government Codes 7070 – 7075, the Sacramento County Probation Department recognizes its legal ability to acquire, maintain, and utilize military equipment.

Affected Personnel

All sworn employees

Authority

California Assembly Bill 481; Statutes of 2021/2022
California Government Code Sections 7070 – 7075
10 USC § 2576a

Effective Date

To be determined

Definitions

Definitions related to this policy include those provided in Government Code section 7070, and are as follows:

Military Equipment: As defined in Government Code section 7070, Subsections (c)(1) through (c)(16):

- Unmanned, remotely piloted, powered aerial, or ground vehicles;
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision;
- 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;
- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion;
- 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. 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;
- Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision;
- Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision;
- 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;
- Any firearm or firearm accessory that is designed to launch explosive projectiles;
- Flashbang grenades and explosive breaching tools, tear gas, and pepper balls, excluding standard, service-issued handheld pepper spray;
- Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD);
- The following projectile launch platforms and their associated munitions: 40mm projectile launchers, 'bean bag,' rubber bullet, and specialty impact munition (SIM) weapons; and
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

I. Military Equipment Coordinator

- A. The Chief Probation Officer or authorized designee shall act as the Military Equipment Coordinator. These responsibilities include but are not limited to:
1. Maintain an inventory of all military equipment at least annually;
 2. Collaborate with other agencies and/or jurisdictions that may utilize military equipment within the jurisdiction of Sacramento County;
 3. Ensure compliance and oversight of military equipment; and
 4. Prepare an annual report and facilitate a community engagement meeting.

II. Training

Military equipment shall only be used by department personnel after completion of applicable training, including any course required by the Commission on Peace Officer Standards and Training (POST).

III. Guidelines for Military Equipment Acquisition and Approval

- A. The Chief Probation Officer or authorized designee shall obtain approval from the Sacramento County Board of Supervisors by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief or authorized designee shall ensure the proposed military equipment policy is submitted to the Sacramento County Board of Supervisors and available on the Probation Department's website at least 30 days prior to any public hearing concerning the military equipment at issue. The military equipment policy must be approved by the Sacramento County Board of Supervisors prior to engaging in any of the following:
1. Requesting military equipment made available pursuant to 10 USC § 2576a;

2. 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;
3. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing;
4. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of the department;
5. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body;
6. 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; and
7. Acquiring military equipment through any means not provided above.

IV. Inventory

The list of qualifying military equipment is available on the Probation Department's [website](#).

V. Annual Report

The department shall submit to the Sacramento County Board of Supervisors an annual military equipment report 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.

VI. Citizen Complaints

All members of the public seeking to file a complaint regarding the use of military equipment can complete a Citizen Complaint Form. Citizen's Complaint forms are available [online](#) or at any Probation Department facility.

Attachments

N/A

Amends/Replaces Previous Procedure

N/A

Authorized By  **Date** 9/25/21
Marlon Yarber, Chief Probation Officer