



GENERAL ORDER:	2.21.02
CHAPTER:	Organization, Management, and Administration
SUBJECT:	Military Equipment, Funding, Acquisition, and Use (AB 481)
ISSUED DATE:	September 23, 2022
REVISION DATE:	March 8, 2023
NOTES:	
RELATED ORDERS:	General Orders: 1.05 , 1.08 , 1.21 , 2.21.01 , 2.29 , 2.45 , 3.07.01 , 3.07.02 , 5.07 , 5.30 , 6.15 , & 6.16 SRU P&Ps: 3.03 & 3.04 OES P&P 4.01 CA Gov't Code Sections: 7070 , 7071 , & 7072 Penal Code Sections: 835a , 13652 , 30510 , & 30515
ATTACHMENTS:	<ol style="list-style-type: none"> 1. ACSO Military Equipment Inventory 2. Military Equipment Request Form 3. Assembly Bill 481 (2021) 4. CALIFORNIA PENAL CODE (PC) SECTION 13652 5. Government Code (G.C.) section 7070, subsections (c)(1) through (c)(16) 6. PC sections 30510 and 30515 7. Federal Defense Logistics Agency 8. Section 2576a of Title 10 of the United States Code 9. Special Response Unit (SRU) Policy & Procedure (P&P) 3.02 – Specialized Weapons, Equipment, Munitions and Chemical Agents 10. SRU P&P 3.03 – Tactical Response Vehicles 11. SRU P&P 3.04 – Long Range Acoustical Device (LRAD) 12. POST SWAT Guidelines 13. National Tactical Officers Association Tactical Response and Operations Standard for Law Enforcement Agencies 14. FAA Regulation 14 CFR Part 107 – sUAS Operations 15. ACSO sUAS Operations Manual 16. Assembly Bill 48 17. G.C. 7072 18. G.C. 7071

PURPOSE: To establish guidelines and procedures for the acquisition, funding, use, and reporting of “military equipment,” as the term is defined in California Government Code 7070. This General Order (G.O.) is provided to fulfill the requirements as set forth in Assembly Bill 481 (2021). These requirements include, but are not limited to, seeking approval to procure/possess/use military equipment, annual reporting, inventorying, and public complaints/concerns/questions regarding military equipment.

POLICY: The Alameda County Sheriff’s Office (ACSO) may procure/possess/use “military equipment,” as defined in Government Code 7070, only within the guidelines set forth in

Assembly Bill 481 (AB 481), and as described below. This order does not apply to military equipment used solely for training or promotional/advertisement purposes.

DEFINITIONS:

CALIFORNIA PENAL CODE (PC) SECTION 13652 (AB 48)

- A. Pursuant to PC 13652(a), except as otherwise provided in PC 13652(b), kinetic energy projectiles and chemical agents shall not be used by any law enforcement agency to disperse any assembly, protest, or demonstration.
- B. PC 13652(b): Kinetic energy projectiles and chemical agents shall only be deployed by a peace officer that has received training on their proper use by Commission on Police Officer Standards and Training (POST) for crowd control if the use is objectively reasonable to defend against a threat to life or Great/Serious Bodily Injury (GBI), to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and only in accordance with all of the following requirements:
1. De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
 2. Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
 3. Persons are given an objectively reasonable opportunity to disperse and leave the scene.
 4. An objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of persons.
 5. Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
 6. Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
 7. An objectively reasonable effort has been made to extract individuals in distress.
 8. Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
 9. Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
 10. Kinetic energy projectiles or chemical agents shall not be used by any law enforcement agency solely due to any of the following:

- a. A violation of an imposed curfew
- b. A verbal threat
- c. Noncompliance with a law enforcement directive

11. If the chemical agent to be deployed is tear gas, only a commanding officer at the scene of the assembly, protest, or demonstration may authorize the use of tear gas.

GOVERNING BODY

The elected body that oversees a law enforcement agency. For the ACSO, the governing body is the Alameda County Board of Supervisors (BOS).

MILITARY EQUIPMENT

Pursuant to California Government Code (G.C.) section 7070, subsections (c)(1) through (c)(16), and for purposes of this G.O., military equipment includes any of the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-Resistant Ambush-Protected (MRAP) vehicles or other armored personnel carriers. Law enforcement versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High Mobility Multipurpose Wheeled Vehicles (HMMWV) "Humvees," two and one-half ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.

Un-armored all-terrain vehicles (ATV's) and motorized dirt bikes are specifically excluded from this subdivision

4. Tracked armored vehicles that provide ballistic protection to the 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 operation control and direction of public safety units.

As described above, supervisor patrol vehicles based on standard consumer vehicles equipped as mobile command posts do not fall under this subdivision.

6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature.

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.

Standard issue shotguns are specifically excluded from this subdivision.

9. Ammunition of .50 caliber or greater.

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 PC sections 30510 and 30515.

The exception to this subdivision is any weapon that is a standard issue service weapon and any appropriate ammunition for said weapon that are issued to sworn ACSO members.

11. Any firearm, or firearm accessory designed to launch explosive projectiles.

12. Light and sound distraction devices and explosive breaching tools, "tear gas," or "pepper balls"

Standard issued Oleoresin Capsicum Spray (OC/pepper spray) is excluded from this subdivision.

13. Taser Shockwave, microwave weapons, water cannons, and any Long-Range Acoustic Devices (LRAD).

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

15. Any other equipment as determined by the 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.

ACSO MILITARY EQUIPMENT INVENTORY (Military Equipment Compliance List)

A detailed list of the military equipment requested/procured/used by the ACSO and its status of approval. The ACSO Military Equipment Inventory will be updated as changes are made, dated accordingly, and attached to this order.

MILITARY EQUIPMENT COORDINATOR

This title will be held by the Planning & Research/Accreditation Lieutenant.

MILITARY EQUIPMENT REQUEST FORM

An internal form used by Agency members to detail the requested military equipment item they wish to procure. This completed form shall be approved by the responsible Division Commander of the unit requesting the new item and provided to the Military Equipment Coordinator. The Military Equipment Request Form includes all the information necessary to comply with the requirements of AB 481.

TYPE

Each item that shares the same manufacturer model number.

ORDER: The Military Equipment Funding, Acquisition, and Use G.O. approval, requests, and annual report process will be accomplished under the direction of the Management Services Division Commander and the responsibility of the Military Equipment Coordinator. All processes will be within the parameters set forth in AB 481.

A. Approval Required: The ACSO shall obtain the approval of the BOS in a regular meeting of the BOS prior to engaging in any of the following:

1. Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code
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

The ACSO has authority to apply for funding prior to obtaining BOS approval in the case of exigent circumstances. The ACSO shall obtain BOS approval as soon as practical

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 territorial jurisdiction of the BOS
5. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the BOS pursuant to this Order
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
7. Acquiring military equipment through any means not provided in above sections 1-6. This includes acquiring military equipment through the various government surplus property programs (refer to G.O. 2.21.01)
8. The approval process will be implemented for all military equipment obtained on or after January 01, 2022. No later than May 1, 2022, the ACSO shall commence a governing body approval process in accordance with this section, if ACSO seeks to continue the use of any military equipment that was acquired prior to January 01, 2022. If the BOS does not approve the continued use of a type of military equipment, the ACSO must not use the equipment beyond 180 days following the BOS decision, absent a later approval
9. All military equipment authorized for use by the BOS may be used by any ACSO member properly qualified and trained in its usage

B. The process for requesting a new military equipment item is as follows:

1. The member requesting the new military equipment item will complete a Military Equipment Request Form, completing all applicable sections and obtaining the approval of their Division Commander.
 2. The completed Military Equipment Request Form will be submitted to the Military Equipment Coordinator.
 3. The Military Equipment Coordinator will add the requested item to the ACSO Military Equipment Inventory, noting the changes.
 4. The Military Equipment Coordinator will ensure the amended ACSO Military Equipment Inventory is uploaded to the Agency website at least 30 days prior to presenting it to the BOS.
 5. The Military Equipment Coordinator will arrange to have the revised ACSO Military Equipment Inventory reviewed by the BOS for approval, in a regular BOS meeting.
 6. Once the amended ACSO Military Equipment Inventory is approved/denied, the Military Equipment Coordinator will notify the Agency member who requested the item and the approving Division Commander of the BOS's decision.
 7. When applicable, the new ACSO Military Equipment Inventory will be uploaded to PowerDMS by Planning & Research.
- C. In seeking the approval from the BOS, the ACSO shall submit a proposed Military Equipment Use G.O. to the BOS and make those documents available on the ACSO's website at least 30 days prior to any public hearing concerning the military equipment at issue.
- Any proposed or final Military Equipment Use G.O. shall be made publicly available on the ACSO's website for as long as the military equipment is available for use.
- D. The ACSO will provide the BOS with a detailed list of military equipment during the approval/requesting process (use attached Military Equipment Request form), including:
1. A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product description from the manufacture
 2. The purposes and authorized uses for which the ACSO proposes to use each piece of military equipment
 3. The fiscal impact for each piece of military equipment, including the initial cost of obtaining the military equipment and the estimated annual cost for use and maintenance of the equipment
 4. The legal and procedural rules that govern each authorized use
 5. Required training for the use of each piece of military equipment, including any course required by POST that must be completed prior to any piece of military equipment being used

6. The mechanisms to ensure compliance with this order, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of this order

Until a defined independent oversight entity is established, the BOS will be responsible for having oversight of the ACSO's use of military equipment and ensure compliance with this order.

7. The procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner. (See section IV.F.4 and 5)
- E. Annual Reporting: The ACSO shall submit an Annual Military Equipment Report to the BOS for each type of military equipment approved by the BOS. This annual report shall be the responsibility of the Military Equipment Coordinator and shall be submitted within one calendar year of the previous Annual Military Equipment Report.
1. The Annual Military Equipment Report shall be publicly available on the ACSO website for as long as the military equipment is available for use.
 2. The Annual Military Equipment Report shall, at minimum, include the following information for the immediately preceding calendar year for each type of military equipment:
 - a. A summary of how the military equipment was used and the purpose of its use
 - b. A summary of any complaints or concerns received concerning the military equipment
 - c. The results of any internal audits, any information about violations of the Military Equipment Use G.O., and any actions taken in response
 - d. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the Annual Military Equipment Report
 - e. The quantity possessed for each type of military equipment
 - f. If the ACSO intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment
 3. Within 30 days of submitting and publicly releasing an Annual Military Equipment Report, the ACSO shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the Annual Military Equipment Report and the ACSO's funding, acquisition, possession, or use of military equipment.
- F. If the BOS does not approve the continuing use of military equipment, within 180 days of

submission of the military equipment request to the BOS, the ACSO shall cease its use of the military equipment no later than the 180th day, until it receives the approval of the BOS in accordance with this order.

G. Compliance:

1. Any ACSO member who uses any piece of military equipment shall do so for official law enforcement purposes only, in compliance with all ACSO written directives and State and Federal laws, and in a manner that respects the privacy of our community. The ACSO written directives governing the use and training of military equipment include, but are not limited to:
 - a. G.O. 1.05 – Use of Force
 - b. G.O. 1.08 – Annual Weapons Proficiency Training and Re-Qualification
 - c. G.O. 1.21 – Less Lethal Weapons Systems
 - d. G.O. 2.45 – AR-15 Semi-Automatic Rifle Deployment
 - e. G.O. 5.07 – Special Operations Group
 - f. G.O. 5.30 – Operation of Agency Emergency Vehicles
 - g. G.O. 6.15 – Small Unmanned Aircraft System (sUAS)
 - h. G.O. 6.16 – Special Purpose Vehicles and Animals
 - i. OES P&P 4.01 – Mobile Command Center
 - j. Special Response Unit (SRU) Policy & Procedure (P&P) 3.02 – Specialized Weapons, Equipment, Munitions and Chemical Agents
 - k. SRU P&P 3.03 – Tactical Response Vehicles
 - l. SRU P&P 3.04 – Long Range Acoustical Device (LRAD)
 - m. POST SWAT Guidelines (recommendations, not mandates)
 - n. National Tactical Officers Association Tactical Response and Operations Standard for Law Enforcement Agencies (recommendations, not mandates)
 - o. FAA Regulation 14 CFR Part 107 – sUAS Operations
 - p. ACSO sUAS Operations Manual
 - q. The ACSO will comply with Assembly Bill 48 and PC 13652 when responding to assemblies, protests, demonstrations, or any other crowd management situations.
 - r. PC 835a – Objectively Reasonable Force to Effect Arrest; Use of Deadly Force
2. ACSO members who violate this general order will be subject to progressive discipline

as set forth in G.O. 3.07.01 – Commendations and Discipline and G.O. 3.07.02 – Internal Affairs Complaints and Investigations. All instances of non-compliance will be reported to the BOS via the Annual Military Equipment Report.

3. The responsibilities of the Military Equipment Coordinator, or their designee, include, but are not limited to:
 - a. Acting as a liaison to the BOS for matters related to the requirements of this Order
 - b. Identifying equipment that qualifies as military equipment the ACSO intends to acquire that requires approval by the BOS
 - c. Conducting an inventory of all military equipment, at least annually and submitting the Annual Military Equipment Report, as documented in section E. of this order and in accordance with G.C. 7072
 - d. Collaborating with any allied agency that may use military equipment within the jurisdiction of the ACSO (G.C. 7071)
 - e. Preparing for, scheduling, and coordinating the annual community engagement meeting (G.C. 7072(b)), to include:
 - i. Publicizing the details of the meeting
 - ii. Preparing for public questions regarding the ACSO's funding, acquisition, and use of the military equipment
 - f. Monitoring the acso.mil-equip@acgov.org email address and ensuring timely responses.
 4. Any member of the public can register a question or concern regarding the ACSO's use of military equipment by emailing acso-mil-equip@acgov.org. This email address will be monitored by the Military Equipment Coordinator, or their designee. A response to the question or concern shall be completed by the ACSO in a timely manner. This email address is intended only for questions/concerns regarding the ACSO's use of military equipment. For all other ACSO questions/concerns, the public should refer to the ACSO's website at www.alamedacountysheriff.org.
 5. Any member of the public can submit a complaint, in accordance with G.O. 3.07.02, by visiting the citizen complaint page on the ACSO's website at www.alamedacountysheriff.org/community/citizen-complaint.
 6. Coordination with Other Jurisdictions: Military equipment should not be used by any other law enforcement agency or ACSO member unless the military equipment is approved for use in accordance with this order.
- H. Maintenance/Inventory of Military Equipment Supply Levels: When stocks of approved military equipment have reached critically low levels, or have been exhausted, the ACSO may order up to the previously authorized capacity without BOS approval to maintain essential availability for ACSO needs.

Unit Commanders are responsible for maintaining a current inventory of all approved military equipment within their unit, pursuant to G.O. 2.29 – Fiscal Management.