



# University of California, San Francisco

## Police Department General Orders

### 2.9.5 Military Equipment Acquisition and Use (Issued: 8/17/22)

#### A. Purpose and Scope

The purpose of this policy is to provide guidance on the acquisition, use and reporting requirements of military equipment.

#### B. Philosophy

The acquisition of military equipment and its use in the community affect public safety and public welfare. The public has the right to be informed about the funding, acquisition and use of military equipment by local government entities and to participate in the decision-making process of those entities to fund, acquire or use military equipment. Decisions on whether or how military equipment will be funded, acquired or used should strongly consider public welfare, public safety, civil rights and civil liberties and be based on meaningful public input.

#### C. Definitions

1. Governing Body: The elected or appointed body that oversees a law enforcement agency
2. Military Equipment includes the following:
  - a. Unmanned, remotely-piloted, powered aerial or ground vehicles
  - b. Mine-resistant, ambush-protected (MRAP) vehicles or armored personnel carriers, excluding police versions of standard consumer vehicles
  - c. High mobility, multipurpose, wheeled vehicles (HMMWV or "Humvees"), two and one-half-ton trucks, five-ton trucks or wheeled vehicles with breaching or entry apparatus attached. Armored all-terrain vehicles (ATVs) and motorized dirt bikes are excluded
  - d. Tracked, armored vehicles that provide ballistic protection to occupants
  - e. Command and control vehicles built or modified to facilitate the operational control and direction of public safety units
  - f. Weaponized aircraft, vessels or vehicles of any kind
  - g. Battering rams, slugs and breaching apparatuses that are explosive in nature. This does not include a handheld ram designed to be operated by one person
  - h. Firearms of 0.50 caliber or greater, excluding standard issue shotguns
  - i. Ammunition of 0.50 caliber or greater, excluding standard issue shotgun ammunition
  - j. Specialized firearms and ammunition of less than 0.50 caliber, including assault weapons as defined in PC §§ 30510 and 30515,



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- with the exception of standard issue service weapons and ammunition of less than 0.50 caliber issued to officers, agents or employees of a law enforcement agency or state agency
- k. Any firearm or firearm accessory that is designed to launch explosive projectiles
  - l. Noise-flash diversionary devices and explosive breaching tools
  - m. Munitions containing tear gas or OC, excluding standard, service-issued, handheld pepper spray
  - n. Taser Shockwave, microwave weapons, water cannons and Long Range Acoustic Devices (LRADs)
  - o. 40 mm projectile, "bean bag," rubber bullet and specialty impact munition (SIM) weapon launch platforms and associated munitions
  - p. Any other equipment determined by a governing body or state agency to require additional oversight as "military equipment."
3. Military Equipment Use Policy: A publicly-released, written document governing the use of a type of military equipment by a law enforcement agency or state agency, that includes, at a minimum, all of the following:
- a. Description of the type of military equipment, quantity sought by the agency and the expected lifespan and manufacturer description of the equipment
  - b. Purpose and authorized uses of the equipment
  - c. Fiscal impact, including the initial cost of obtaining the equipment and annual maintenance costs
  - d. Legal and procedural rules governing authorized use of the equipment
  - e. Training that must be completed before personnel are allowed to use the equipment to ensure full protection of public welfare, safety, civil rights and civil liberties and adherence to the equipment use policy
  - f. Mechanisms to ensure compliance with the use policy, including which independent persons or entities have oversight authority and, if applicable, legally-enforceable sanctions for violations of the policy
  - g. Procedure by which members of the public may register complaints/concerns or submit questions about the use of the military equipment and which ensures the Department will respond to each complaint, concern or question in a timely manner.
4. State Agency: The law enforcement division of every California state office, officer, department, division, bureau, board, commission or other body or agency, except as provided for in Article IV (except for Section 20) or Article VI of the California Constitution.



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5. Type: Each item sharing the same manufacturer model number.  
(Government Code § 7070)

### D. Military Equipment Use Policy

1. The Chief of Police or his/her designee shall obtain approval for the Department's military equipment use policy from the Regents of the University of California (UC Regents), in the form of an ordinance, prior to engaging in any of the following:
  - a. Requesting military equipment pursuant to Title 10 of the US Code § 2576 (a)
  - b. Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state or federal fund, in-kind donations or other donations or transfers
  - c. Acquiring military equipment, either permanently or temporarily, including borrowing or leasing
  - d. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the Department's jurisdiction
  - e. Allowing the use of any new or existing military equipment in a manner, for a purpose or by a person not previously approved by the UC Regents
  - f. 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 on the use of military equipment
  - g. Acquiring military equipment through any means not listed above.
2. Application for Ordinance
  - a. The Department shall seek approval for a proposed military equipment use policy by submitting an application to the UC Regents.
  - b. Application materials must be posted on the Department website at least 30 days prior to any public hearing concerning the military equipment.
  - c. The UC Regents will only approve the military equipment use policy if the body determines all of the following conditions are true:
    - (1) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety
    - (2) The proposed use policy will safeguard the public's welfare, safety, civil rights and civil liberties



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- (3) The equipment is reasonably cost effective compared to other available alternatives that can achieve the same objective of officer and civilian safety
  - (4) Prior uses of the equipment complied with the use policy in effect at the time or, if prior uses did not comply with the currently proposed use policy, corrective action has been taken to remedy the non-conforming uses and ensure future compliance.
3. The approved military equipment policy is intended to permit the Department to maintain an inventory of military equipment at the quantities outlined in the policy. Under the policy, the Department would be permitted to engage in any of the activities outlined in Section D.1 above without seeking any additional approval, as long as the equipment in the inventory does not exceed the pre-approved quantities.
4. Any proposed or final military equipment use policy shall be made publicly available on the Department website for as long as the equipment is available for use.

(Government Code § 7071)

### E. Military Equipment Coordinator

1. The Chief of Police should designate a member of the Department to function as Military Equipment Coordinator. The responsibilities of the Military Equipment Coordinator include:
  - a. Acting as the liaison to the UC Regents for matters related to military equipment acquisition and use
  - b. Identifying equipment in the Department's possession or equipment that the Department intends to acquire that would be considered military equipment requiring approval of the UC Regents
  - c. Conducting an inventory of all military equipment at least annually
  - d. Collaborating with all other law enforcement agencies that may use military equipment within the jurisdiction of the UCSF Police Department
  - e. Meeting the requirements for an annual military equipment report, as detailed in section F, including:
    - (1) Preparing the report
    - (2) Submitting the report to the Chief of Police
    - (3) Ensuring the report is made available on the Department website
    - (4) Scheduling, coordinating and preparing for an annual community engagement meeting, to include:
      - (a) Publicizing the meeting



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- (b) Preparing to answer questions from the public regarding the annual military equipment report and military equipment.

### F. Annual Military Equipment Report

1. Within one year of the approval of a military equipment policy and annually thereafter, the Chief of Police or his/her designee will submit an annual military equipment report to the UC Regents that addresses each type of military equipment that received use policy approval, for as long as the equipment is available for use.
2. The annual report will include, at a minimum, the following information for the immediately preceding calendar year for each type of military equipment:
  - a. A summary of how the equipment was used and the purpose of the use
  - b. A summary of any complaints or concerns received about the equipment
  - c. The results of any internal audits, any information about violations of the military equipment use policy and any actions taken in response
  - d. The total annual cost of each type of military equipment, including the cost of acquisition, upgrades, training, transportation, maintenance, storage and other on-going expenditures, and from what source funds will be provided in the calendar year following the submission of the annual military equipment report
  - e. The quantity possessed by the Department of each type of military equipment
  - f. If acquisition of additional military equipment is planned for the next year, the quantity sought for each type of equipment.
2. The annual military equipment reports will be made accessible to the public on the Department website for as long as the equipment is available for use.
3. Within 30 days of submitting and publicly releasing an annual military equipment report, the Department will hold a well-publicized, conveniently-located community engagement meeting, where members of the public may discuss the report and ask questions about military equipment.

(Government Code § 7072)

### G. Military Equipment Inventory

The UCSF Police Department is authorized to possess the military equipment itemized in Appendix 2.9-A, "UC Police Military Equipment Inventory."