

<b>Contra Costa County</b> <b>Office of the Sheriff</b>  <b>General Policy and Procedure</b>	<b>CCCSO</b>	<b>NUMBER: 1.07.30</b>
	<b>RELATED ORDERS:</b> Government Code §§ 7070-7075; Appendix 16	
<b>ISSUE DATE:</b> 4-29-2022 <b>REVISION DATE:</b>	<b>CLEARANCE:</b> <p style="text-align: center;"><b>Office of the Sheriff</b></p>	
<b>CHAPTER:</b> <b>Equipment and Property Management</b>	<b>SUBJECT:</b> <b>Government Code § 7070 Defined Equipment</b>	

**I. POLICY.**

- A. The Office of the Sheriff shall conduct its public safety functions in an atmosphere of openness in its relationship with the public. The provisions in this policy are to ensure each piece of equipment listed in Assembly Bill 481 (“AB 481”) (Government Code §§ 7070-7075) as “military equipment” is used in accordance with department policies and the law. Decisions regarding use and acquisition of military equipment will take into consideration the public’s welfare, safety, and civil rights, and allow for community input and engagement.
- B. This policy has been created in accordance with the requirements of AB 481 and is designed to meet the requirements of reporting and accountability required by AB 481. These requirements include, but are not limited to, seeking Governing Body approval of specific items deemed to be military equipment and requirements related to use, compliance, annual reporting, cataloging, complaints, and community engagement regarding these items.

**II. DEFINITIONS.**

- A. **GOVERNING BODY:** The Contra Costa County Board of Supervisors.
- B. **MILITARY EQUIPMENT:** Any of the items as listed in California Government Code section 7070, subsections (c)(1) through (c)(16).
- C. **DEPLOYMENT AND USE:** The deployment or use of military equipment shall refer to the use of the military equipment for an authorized purpose. The handling of a firearm or a less lethal device is not considered a deployment. These primer-based items must be fired during an incident to be considered a deployment. Training with any of the items listed in Government Code §7070(c)(1) through (c)(16) is excluded and is not considered a “deployment” or “use” pursuant to Government Code section 7072.

**III. PROCEDURE.**

- A. The Office of the Sheriff shall obtain approval of the Governing Body annually prior to engaging in any of the following activities:
  - 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.
  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 Governing Body.
  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.
- B. In seeking the approval of the Governing Body, the Office of the Sheriff shall submit a proposed military equipment use policy, or subsequent amendment(s), to the Governing Body and the public via the Office of the Sheriff's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.
- C. The military equipment acquired and authorized by the Office of the Sheriff is:
1. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
  2. Reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- D. The Office of the Sheriff shall submit an annual military equipment report to the Governing Body.
1. The annual military equipment report shall, at a 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 deployed and the purpose of its deployment.
    - b. A summary of any complaints or concerns received regarding the military 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 for each type of military equipment, including acquisition, personnel, training, maintenance, 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 Office of the Sheriff intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.
  - 2. The Office of the Sheriff shall also make each annual military equipment report publicly available on its internet website for as long as the military equipment is available for use.
  - 3. Within 30 days of submitting and publicly releasing an annual military equipment report, the Office of the Sheriff 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 Office of the Sheriff's funding, acquisition, or use of military equipment.
- E. All military equipment kept and maintained by the Office of the Sheriff shall be cataloged in a way to address each of the following requirements:
  - 1. The manufacturer's description of the equipment.
  - 2. The capabilities of the equipment.
  - 3. The purposes and authorized uses for deployment by trained Office of the Sheriff personnel.
  - 4. The expected lifespan of the equipment.
  - 5. The fiscal impact of the equipment, both initially and for on-going maintenance.
  - 6. The quantity of the equipment, whether maintained or sought.
  - 7. The training requirements for the particular equipment.
- F. Any member of the public can register a question or concern regarding military equipment by contacting the Sheriff's Office via email at [webmaster@so.cccounty.us](mailto:webmaster@so.cccounty.us) or by mail attention of the Professionals Standards Division at 1850 Muir Road, Martinez CA 94533. A response to the question or concern shall be completed by the appropriate Division and routed to the Professional Standards Captain in a timely manner.
- G. Any member of the public can register a complaint regarding military use equipment by using the Citizen Report Procedure Form which can be found at <https://www.cocosherriff.org/community-information/citizen-complaint-form>. All complaints received will be sent to Internal Affairs for handling.

#### **IV. EQUIPMENT USE**

- A. Each Division Commander, or designee, will ensure that each deployment or use of a piece of military equipment covered by this policy will be documented in a report. Each completed report will be forwarded to the Professional Standards Division Commander for tracking.
- B. All confirmed instances of non-compliance will be reported to the Governing Body via the annual military equipment report.

#### **V. MUTUAL AID**

- A. The Office of the Sheriff acknowledges that all critical incidents are unique, and incidents may arise which overwhelm local resources. These incidents may make

it necessary to call on outside agencies for assistance. Nothing in this policy shall restrict the Office of the Sheriff from calling on the assistance of allied agency partners, whether they be federal, state, county, or local agencies, and their resources being used during critical incidents. These agencies should have their own Military Equipment Use policies which have been approved by their own governing bodies, with which the agencies are to comply.

**VI. MILITARY EQUIPMENT INVENTORY**

- A. Each Division Commander, or designee, is responsible for ensuring an accurate inventory of each make, model, and quantity of military equipment is maintained for each work location and/or unit under their command.
- B. See Appendix 16 of this policy manual for the equipment inventory.