

MILITARY EQUIPMENT USE POLICY

PURPOSE

This policy establishes guidelines for the acquisition, funding, use and reporting of “military equipment”, as the term is defined in Government Code section 7070. This policy is adopted to fulfill the obligations set forth in Assembly Bill No. 481. These obligations include but are not limited to seeking approval on specific items deemed to be military equipment and requirements related to compliance, annual reporting, cataloging, and complaints regarding these items.

POLICY

It is the policy of the County of Marin Probation Department (“Department”) that legally enforceable safeguards, including transparency, oversight, and accountability measures, be in place to protect the public’s welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

PROCEDURE

A. DEFINITIONS

1. “Governing body” means the Marin County Board of Supervisors.
2. “Military equipment” means the items defined by California Government Code section 7070, subsections (c)(1) through (c)(16).

B. GENERAL

1. The Department shall obtain the approval of the Governing body prior to engaging in any of the following activities:
 - a. Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
 - b. 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.
 - c. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
 - d. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the Governing body.
 - e. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the Governing body pursuant to general order. 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.
2. In seeking the approval of the Governing body, the Department shall submit a proposed military equipment use policy, or subsequent amendments, to the Governing body and the public via the Department’s internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

C. MILITARY EQUIPMENT USE CONSIDERATIONS

1. The military equipment acquired and authorized by the Department is:
 - a. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 - b. If purchased, reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

2. Military equipment shall only be used by a Department employee after applicable training, including any course required by the Commission on Peace Officer Standards and Training, has been completed, unless exigent circumstances arise.

D. MILITARY EQUIPMENT REPORTING CONSIDERATIONS

The Department shall submit an annual military equipment report to the Governing body that addresses each type of military equipment possessed by the Department.

1. The Department 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.
2. 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 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 policy, 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 Department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.
 - i. Within 30 days of submitting and publicly releasing an annual military equipment report, the Department 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 Department's funding, acquisition, or use of military equipment.

E. CATALOGING OF MILITARY USE EQUIPMENT

All military use equipment kept and maintained by the Department shall be cataloged in a way that includes each of the following:

1. The manufacturer's description of the equipment.
2. The capabilities of the equipment.
3. The purposes and authorized uses for which the Department proposes to use the equipment.
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 legal and procedural rules that govern each authorized use.

F. COMPLIANCE

1. The Department will ensure that all Department personnel comply with this policy. The Department will conduct an annual audit with the assistance of the Professional Standards Bureau. The Chief Probation Officer or designee will be notified of any policy violations and, if needed, the violation(s) will be referred for appropriate disciplinary action.
2. Any member of the public can submit a complaint to any member of the Department and in any form (i.e. in person, telephone, email, etc.). Once the complaint is received, it

should be routed to the Chief.

G. FUNDING

The Department shall seek Governing body approval 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.

1. The Department has authority to apply for funding prior to obtaining Governing body approval in exigent circumstances. The Department shall obtain Governing body approval as soon as practicable.

H. MILITARY USE EQUIPMENT

1. **Colt Law Enforcement M4 Carbine AR15.**

- a. Description, quantity, capabilities, and purchase cost: Gas Operated Semi-Automatic .223 Caliber carbine firearm; approx. cost: \$800; quantity: 5.
- b. Purpose: For training so officers can become familiar with handling assault-style firearms when encountered in the field, either during a probation search or in a critical incident with partner agencies.
- c. Authorized Use:
Only authorized for use during scheduled training activities; they are not to be regularly fielded by Department officers.
- d. Lifespan:
Indefinite.
- e. Fiscal Impact
Annual maintenance cost of approximately \$200.
- f. Procedural Rules
Any use shall comply with the procedures and standards set forth in Chapter IX, subdivisions I ("Policy Statement on Firearms") and K ("Policy Statement on Training") of the Marin County Probation Department Manual.