

**Department of Cannabis Control
Law Enforcement Division**

GENERAL ORDER

Subject: Military Equipment

Order No.: 22-4

Date Issued: December 15, 2022

Bill Jones
Approved: Bill Jones, Chief

PURPOSE AND SCOPE

In the performance of their duties of public safety, officers of the Department of Cannabis Control, Law Enforcement Division (LED), often face critical incidents that require the use of specialized equipment to help protect lives or save property. The purpose of this policy is to adhere to the mandates outlined in Assembly Bill 481 (September 2021) and, provide members of the public a more transparent view of such specialized equipment utilized by the Law Enforcement Division. This policy provides guidelines for the approval, acquisition, and reporting requirements of items defined as "military equipment" which are used to enhance both public and officer safety (Government Code § 7070; Government Code § 7073).

DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Military Equipment – Includes but is not limited to the following:

- (a) Unmanned, remotely piloted, powered aerial or ground vehicles.
- (b) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- (c) High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- (d) Tracked armored vehicles that provide ballistic protection to their occupants.

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- (e) Command and control vehicles that are either 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, one-person ram.
- (h) Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- (i) Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code §30515, with the exception of standard-issue firearms.
- (j) Any firearm or firearm accessory that is designed to launch explosive projectiles.
- (k) Noise-flash diversionary devices and explosive breaching tools.
- (l) Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- (m) TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- (n) Projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
- (o) Any other equipment as determined by a governing body or a state agency to require additional oversight.

POLICY

It is the policy of the Law Enforcement Division for its staff to comply with the provisions of Government Code § 7070 and Government Code § 7073 with respect to the approval, acquisition and reporting requirements of any qualifying, militaristic equipment. In addition, the use of any listed equipment shall be used in accordance with Federal or State law, this Division's policy and with the approval of the Chief of the Division, or their designee.

MILITARY EQUIPMENT CONSIDERATIONS

The primary purpose of the military equipment is for de-escalation and preservation of life. Military equipment shall only be used by a Law Enforcement Division employee only after applicable training, including any course required by the Commission on Peace Officer Standards and Training, has been completed unless exigent circumstances arise. De-escalation techniques should be considered in accordance with Law Enforcement Division Use of Force Policy when appropriate.

MILITARY EQUIPMENT COORDINATOR

The Chief of the Division should designate a member of the Law Enforcement Division to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying Division equipment that qualifies as military equipment in the current possession of the Division, or the equipment the Division intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the territorial jurisdiction of the governing body (Government Code § 7073).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of the Division and, ensuring that the report is made available on the department website (Government Code § 7073).

MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment deemed to be military as defined by this General Order:

FIREARM – RIFLE

Description: Firearm designed and intended to be fired from the shoulder and, designed to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Quantity: 75.

Capabilities: Fires a lethal projectile.

Expected Lifespan: 20+ years.

Product Description: Patrol rifle of .223 or 5.56 caliber.

Purpose and Authorized Use: May be deployed in any circumstance where personnel can articulate a reasonable expectation that the rifle may be needed.

Training Required: 16-hour POST approved course with qualification and annual training with re-qualification.

Initial Cost: \$120,000.

Annual Cost: N/A

40MM PROJECTILE LAUNCHER

Description: Less lethal weapon which uses a propellant cartridge to launch a kinetic energy impact projectile.

Quantity: 5.

Capabilities: Fires a less lethal kinetic energy projectile.

Expected Lifespan: 20+ years.

Product Description: Defense Technologies 40mm Tactical Single Launcher #1425

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Purpose and Authorized Use: Less lethal, intermediate force option (Use of Force Policy).

Training Required: Training and qualification once per year.

Initial Cost: \$5,410.

Annual Cost: N/A

APPROVAL

The use and procurement of military equipment shall be approved by the Chief of LED in any of the following circumstances:

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (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 jurisdiction of this department.
- (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 unless exigent circumstances require such measures.
- (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 in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this Division shall be approved for use and in accordance with this Division policy. Military equipment used by other jurisdictions that are providing mutual aid to this Division or operating in conjunction in a law enforcement

capacity with this Division, shall comply with their respective military equipment use policies in rendering mutual aid.

COMPLAINT PROCEDURES

The Military Equipment Coordinator shall conduct an annual audit of the Division's military equipment. The Chief of the Division, or their designee, will be notified of any policy violations and, if needed, the violation(s) shall be referred to the Division's Professional Standards Unit. All instances of non-compliance shall be included as part of the annual military equipment report. The public may submit questions or complaints regarding this policy to the Department of Cannabis Control email address info@cannabis.ca.gov or by phone 1-844-61-CA-DCC (1-844-612-2322).