Military Equipment

607.1 PURPOSE AND SCOPE

This policy seeks to set forth guidelines for the approval, acquisition, use, and reporting requirements of military equipment, pursuant to Government Code sections 7070, 7071, and 7072, and is aimed at providing transparency as to the purchase and use of such equipment. Military equipment, as used in the policy, is not limited to equipment that is received as excess property from the military. It refers to the type of equipment outlined below, regardless of the source of acquisition or purchase.

607.1.1 DEFINITIONS

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

Governing body – The elected or appointed body that oversees the Department. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, "governing body" means the board of supervisors of the county.

Standard Issue Equipment - Any equipment item which is authorized and approved by the Department, is consistent with the Department's functions, and for which, the employee has received the requisite training, shall be considered "Standard Issue Equipment" and not subject to use reporting.

Staging - The deployment of any covered equipment item at the scene of an incident or command post configuration without being materially incorporated into the investigative or enforcement mission of the incident, shall be considered a "staging" of the item alone and is not subject to use reporting.

Deployment - The public display of any covered equipment item by Department personnel in response to an incident requiring investigative or enforcement actions shall be considered a "deployment" of the item. Deployment alone is not reportable under this policy.

"Use" for Reporting Purposes - The intentional or unintentional operation, launch, discharge, detonation, activation, ignition, or impact of a covered equipment item with a person or object in response to an incident requiring investigative or enforcement action shall be a reportable "use" of the item. For vehicles- including small, unmanned aerial systems (UAS) and robots- a reportable use occurs when the item performs a function to assist in the mission of the investigative or enforcement action.

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

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- 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.
- Tracked armored vehicles that provide ballistic protection to their occupants.

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- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- 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.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
- Kinetic energy weapons and munitions (e.g. 40mm projectile launcher and munitions).
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

607.2 ACQUISITION AND USE APPROVAL

The Chief or authorized designee shall obtain approval from the Governing Body by way of adopting a military equipment policy. As part of the approval process, the Chief or authorized designee shall ensure the proposed military equipment policy is submitted to the Governing Body and is available on the Department website at least 30 days prior to any public hearing concerning the military equipment at issue, as specified in Government Code section 7071.

The Military Equipment Policy must be approved by the Governing Body prior to engaging in any of the following, as directed in Government Code section 7071:

a. Requesting military equipment made available pursuant to Title 10, United States Code, sections 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.

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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.

f. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, applying to receive, acquire, use, or collaborate in the use of military equipment.

g. Acquiring military equipment through means not provided above.

Sworn Department personnel will ensure they have been formally trained and completed the training requirements set by the Department and/or the California Commission on Peace Officers Standards and Training (POST) prior to the use of the military equipment defined in this policy.

Sworn Department members will adhere to the provision of Government Code section 7071 and the Department's Manual of Policy and Procedures when utilizing and reporting the use of specified equipment.

607.3 EXEMPTION FOR ITEMS PROCURED FOR EVALUATION

The Department occasionally evaluates new items to determine if they would assist in providing policing services. This policy shall not preclude the Department from acquiring and using equipment covered by Government Code sections 7070, 7071, and 7072 and this policy for the limited purpose of testing and evaluation.

Should the Department wish to move beyond the testing and evaluation phase and begin deployment of any new covered equipment item in the community, it shall comply with the existing requirements set forth by this policy. As such, any new equipment item covered by the policy and the Government Code which is determined to be viable for field or specialized use, shall not be placed into service until it is approved by the Governing Body and as directed in this policy.

607.4 MILITARY EQUIPMENT COORDINATOR

The Professional Development Section Lieutenant shall 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 equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department 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 jurisdiction of the Department (Government Code § 7071).

(e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:

1. Publicizing the details of the meeting.

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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 Governing Body and ensuring that the report is made available on the Los Angeles County District Attorney's Office website (Government Code § 7072).

(g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

607.5 MILITARY EQUIPMENT INVENTORY

Please see the Los Angeles County District Attorney's Office website for the list of qualifying equipment and further descriptions.

607.6 MILITARY EQUIPMENT CONSIDERATIONS

The military equipment acquired and authorized by the Bureau is:

a. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

b. Reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

Military equipment shall be used by a Department member only after applicable training, including the completion of any course required by the Commission on Peace Officer Standards and Training, unless exigent circumstances arise.

607.7 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of the Department shall be approved for use and in accordance with Bureau policy. Military equipment used by other jurisdictions that are providing mutual aid to the Department shall comply with their respective military equipment use policies.

607.8 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief or the authorized designee shall submit a military equipment report to the Governing Body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief or the authorized designee shall also make each annual military equipment report publicly available on the Los Angeles County District Attorney's Office website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in Department's inventory. The annual military equipment report shall, at a minimum, include

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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 law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

607.9 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual 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 law enforcement agency's funding, acquisition, or use of military equipment (Government Code section 7072).

The public may register complaints or concerns or submit questions about the use of each specific type of military equipment to the Los Angeles District Attorney's Office, Bureau of Investigation, Professional Standards and Development Division, by mail to 211 West Temple Street #300, Los Angeles, California 90012 (ATTN: Professional Standards and Development Division Captain). The Department's Professional Standards and Development Division will ensure the Department responds in a timely manner.

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