3-06/080.20 - Military Equipment

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.

DEFINITIONS

Governing Body: The elected or appointed body that oversees the Department, which in this case is the Los Angeles County Board of Supervisors.

Military Equipment: As set forth in Government Code section 7070, "military equipment" includes the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.

- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. This does not include police versions of standard consumer vehicles.

- High mobility multipurpose wheeled vehicles (HMMWV, commonly known as Humvees), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. This does not include unarmored all-terrain vehicles (ATVs) and motorized dirt bikes.

- Tracked armored vehicles that provide ballistic protection to their occupants and use a tracked system instead of wheels for forward motion.

- 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 designed to be operated by one person.

- 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 sections 30510 and 30515. This does not include standard-issue service weapons and ammunition of less than .50 caliber.

- Any firearm or firearm accessory that is designed to launch explosive projectiles.

- "Flashbang" grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.

- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).

- 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munitions (SIM) weapons, and their associated munitions.

- Any other equipment as determined by the Los Angeles County Board of Supervisors or a state agency to require additional oversight.

Standard Issue Equipment: Any equipment item (excluding Department-issued and privately purchased assault rifles and Benelli M4 semiautomatic shotguns for on-duty use) which is authorized and approved by the Department’s Uniform and Equipment Committee, is consistent with the Department’s functions, and for which, the employee has received the requisite training (e.g., P.O.S.T., Police Training and Education, Training Division), 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 (sUAS) and robots – a reportable use occurs when the item performs a function to assist in the mission of the investigative or enforcement action.

ACQUISITION AND USE APPROVAL

The Sheriff or the authorized designee shall obtain approval from the Governing Body by way of adopting a military equipment policy. As part of the approval process, the Sheriff 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, section § 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.

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 any means not provided above.

Sworn Department personnel will ensure they have been formally trained and completed the training requirements set by the Department and 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 provisions of Government Code section 7071 and the Department's Manual of Policy and Procedures when utilizing and reporting the use of specified equipment. All reportable uses shall be to the Military Equipment Management System (MEMS).

EXEMPTION FOR ITEMS PROCURED FOR EVALUATION

The Department occasionally evaluates new equipment 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, 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 this policy and the Government Code which is determined to be viable for field or specialized use, shall not be placed into service (e.g., a pilot program) until it is approved by the Governing Body and as directed in this policy.

MILITARY EQUIPMENT COORDINATOR

The Sheriff has designated the Weapons Training Unit as the coordinating body responsible for compliance with this policy and the Government Code provisions. The Weapons Training Unit shall act as the Department's Military Equipment Coordinator, and shall work with the Department's Chief, Special Operations Division and Director, Administrative Services Division, in ensuring compliance. Coordination responsibilities 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 Department 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) Coordinating/conducting an annual inventory of all military equipment.

(d) Collaborating/coordinating with law enforcement agencies who may respond in a mutual aid capacity in conjunction with the Los Angeles County Sheriff's Department.

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

1. Publicizing the details of the meeting.

2. 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 Sheriff and Governing Body; and ensuring the report is made available on the Department website and that it complies with all components of Government Code section 7072.

(g) The Military Equipment Coordinator will ensure the proposal will be available on the Department's internet website at least 30 days prior to the public hearing.

MILITARY EQUIPMENT CONSIDERATIONS

Prior to submitting military equipment for approval to the Board of Supervisors, the Department shall make a determination that the equipment is:

1. Necessary because there is no reasonable alternative that can achieve the same objective of deputy and civilian safety; and

2. 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, as described in applicable Department Policies and Procedures, including the completion of any course required by the Commission on Peace Officer Standards and Training (POST).

MILITARY EQUIPMENT INVENTORY

Please see the Department's website for the current list of qualifying equipment for the Department.

COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this Department shall be in accordance with this policy and all applicable Department policies. Military equipment used by other law enforcement agencies that are providing mutual aid shall comply with that agency's policies. Military equipment sought to be purchased by contract cities to be used by Department Personnel, shall comply with this policy and shall be subject to annual reporting to the Board of Supervisors.

ANNUAL REPORT

Within one year of approval of a military equipment policy, the Department shall submit an annual military

equipment report to the Governing Body for each type of military

equipment approved and shall submit such an annual report each year thereafter. This report shall also be publicly available on the Department website. The report shall include all information required by Government Code section 7072 for the preceding calendar year for each type of military equipment in the Department's inventory.

Each Sheriff's Department unit which has control of military equipment shall complete an annual report containing the below information and submit it to the Military Equipment Coordinator. The Military Equipment Coordinator shall ensure each unit's compliance and compile their military equipment reports as part of the annual report.

The annual report will include the following information for the preceding calendar year:

1. A summary of how the military equipment was used and the purpose of its use.

2. A summary of any complaints or concerns received concerning the military equipment.

3. The results of any internal audits, any information about violations of the military equipment policy, and any actions taken in response.

4. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and the funding source for the military equipment in the calendar year following submission of the annual military equipment report.

5. The quantity possessed for each type of military equipment.

6. If the Department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

Members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment to the Military Equipment Coordinator, at AB481Inquiry@lasd.org or through the Department's complaint system. Military Equipment Coordinator, or the coordinator's designee, shall respond within 90 days. If a complaint is received, it shall be handled in accordance with the Department's Watch Commander's Service Comment Report procedures.

COMMUNITY ENGAGEMENT

The Department shall engage the community regarding the acquisition and use of military equipment, including holding public meetings, making the information publicly available, and responding to community complaints, in accordance with Government Code section 7072.

References:

AB 481

Government Code Section 7070

Government Code Section 7071

Government Code Section 7072