

## Military Equipment

### 806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072). This policy is provided to fulfill the obligations set forth in Assembly Bill 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.

#### 806.1.1 DEFINITIONS

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

**Governing body** – The elected or appointed body that oversees the Department.

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

## *Military Equipment*

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- Any other equipment as determined by a governing body or a state agency to require additional oversight.

### **806.2 POLICY**

It is the policy of the Madera County District Attorney's Office Bureau of Investigations that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

### **806.3 PHILOSOPHY**

The acquisition of military equipment and its deployment in our communities may impact the public's safety and welfare. The public has a right to know about any funding, acquisition, or use of military equipment by local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment. Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

#### **806.3.1 MILITARY EQUIPMENT USE CONSIDERATIONS**

- (a) The military equipment acquired and authorized by the Department 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.
- (b) Military equipment shall only be used by a Department employee only after applicable training, including any course required by the Commission on Peace Officer and Training, has been completed, unless exigent circumstances arise.

### **806.4 APPROVAL**

The Chief of District Attorney Investigations or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Investigations or the 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 (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (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.

## *Military Equipment*

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- (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, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

### **806.5 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.

- (a) 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.
- (b) 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:
  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 use 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 from what source funds will be provided 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 Madera County Office of the District Attorney intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

### **806.6 CATALOGING OF MILITARY USE EQUIPMENT**

All military use equipment kept and maintained by the Madera County Office of the District Attorney shall be cataloged in a way which addresses each of the following:

- (a) The manufacturers description of the equipment.
- (b) The capabilities of the equipment.
- (c) The purpose and authorized uses for which the Department proposes to use the equipment.

## *Military Equipment*

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- (d) The expected lifespan of the equipment.
- (e) The fiscal impact of the equipment, whether maintained or sought.

### **806.7 COMPLIANCE**

- (a) The Department will ensure that all Department members comply with this policy. The Department will conduct an annual audit. The District Attorney or their designee will be notified of any policy violation(s) and, if needed, the violation(s) will be referred to the Internal Affairs Division and handled with Policy 417 (Standards of Conduct). All instances of non-compliance will be reported to the Governing body via the annual military equipment report.
- (b) Any member of the public can register a question or concern regarding military use equipment by contacting the Madera County Office of the District Attorney. A response to the question or concern shall be completed by the Department in a timely manner.
- (c) 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 Internal Affairs Division in accordance with Policy 308 (Personnel Complaints).
- (d) A direct contact will be available via email on the Department's website.

### **806.8 FUNDING**

- (a) The Department shall seek Board of Supervisor 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.
- (b) The Department has authority to apply for funding prior to obtaining Board of Supervisor approval as soon as practicable.

### **806.9 MILITARY EQUIPMENT INVENTORY**

The following constitutes a list of qualifying equipment for the Department:

**Unmanned Aircraft System (UAS):** An unmanned aircraft along with the associated equipment necessary to control it remotely.

#### **806.9.1 DESCRIPTION, QUANTITY, CAPABILITIES, AND PURCHASE COST OF UAS**

- (a) DJI Mavic 3 Fly More Combo (1).
- (b) Weight - 335.5 grams.
- (c) Capable of recording and transmitting audio and video with approximately 46 minutes of flight time.
- (d) Cost - \$2,999.00.

## *Military Equipment*

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### 806.9.2 PURPOSE

To be deployed when its view would assist pre-trial preparation and/or officers or incident commanders with the following situations, which include, but not limited to:

- (a) Documenting post crime scenes for pre-trial/demonstrative exhibits.
- (b) Search for missing persons.
- (c) Natural disaster management.
- (d) SWAT, tactical or other specific requests from local, state, or federal fire authorities for fire response and/or prevention.

### 806.9.3 AUTHORIZED USE

Only assigned operators who have completed the FAA Part 107 required training shall be permitted to operate UASs during approved missions.

### 806.9.4 EXPECTED LIFESPAN

All UAS equipment is 3-5 years.

### 806.9.5 FISCAL IMPACT

Combined annual maintenance and battery replacement cost for all UASs is approximately \$1,000.00.

### 806.9.6 TRAINING

All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation (FAA Part 107). In addition, each operator must regularly attend department training.

### 806.9.7 LEGAL AND PROCEDURAL RULES

Use is established under FAA Regulation 14 CFR Part 107, and in a manner that respects the privacy or out community, pursuant to State and Federal law.

## **806.10 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy. Military equipment used by other jurisdictions that are providing mutual aid to this Department, or operating in conjunction with this Department, shall comply with their respective military equipment use policies in rendering mutual aid.

## **806.11 ANNUAL REPORT**

Upon approval of a military equipment policy, the Chief of District Attorney Investigations or the authorized designee should 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 of District Attorney Investigations or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as

## *Military Equipment*

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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 inventory.

### **806.12 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 Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

### **806.13 MILITARY EQUIPMENT COORDINATOR**

The Chief of District Attorney Investigations should designate a member of this department 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 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) 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 Madera County District Attorney's Office Bureau of Investigations (Government Code § 7071).
- (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 Investigations and ensuring that the report is made available on the department 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.