Military Equipment

706.1 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).

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

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

**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.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.
706.2 POLICY
It is the policy of the Tulare County District Attorney Bureau of Investigations that members of this office comply with the provisions of Government Code § 7071 with respect to military equipment.

706.2.1 MILITARY EQUIPMENT POLICY COMPLIANCE
The District Attorney will ensure employees comply with this policy. The Administrative Division will conduct an annual audit of all military equipment. All units within the Bureau of Investigations that acquire, possess, or use military equipment shall be responsible to ensure their own compliance with this policy and shall be subject to annual audit by the Administrative Division. The Chief of Investigations will be notified of any policy violations, and, if the District Attorney deems it warranted, the violation(s) will be referred to the Assistant Chief of Administration for subsequent investigation.

706.3 MILITARY EQUIPMENT COORDINATOR
The Chief of Investigations should designate a member of this office 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 office equipment that qualifies as military equipment in the current possession of the Office, or the equipment the Office 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 Tulare County District Attorney 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 office'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 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 Office will respond in a timely manner.

Any member of the public wishing to submit a complaint, concern, or questions regarding the District Attorney’s use of each specific type of military equipment should contact the Assistant Chief of the Administration Division. Complaints, concerns, or questions can be submitted in any form (i.e., in person, telephone, email, etc.) The District Attorney will work diligently to timely respond
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to the public submittal of complaints, concerns, and or questions regarding the District Attorney's use of each specific type of military equipment.

706.4 MILITARY EQUIPMENT INVENTORY
The following constitutes a list of qualifying equipment for the Office:

Tulare County District Attorney's Office AB 481 Equipment List

CATEGORY 10- Specialized firearms and ammunition of less than.50 caliber

RIFLES
Shoulder-fired firearms, with rifling cut into its barrel, intended to cause projectiles to spin, improving accuracy over a long distance.

1. Description, capabilities, quantity, and cost:
   a. AR-15 Style.223/5.56 Rifle- A lightweight, shoulder-fired, magazine-fed, gas operated semi-automatic rifle. Modular accessories aiding in the operation and use may vary on each individual rifle.

   I. Colt M4 Carbine.223/5.56 Rifle equipped with a non-magnified optic, flashlight, modular hand guard and adjustable sling. Cost: $1200, Quantity: (8), Link to Specifications: Colt.com.

   II. Bushmaster XM15 5.56 Rifle. Cost: $0 (Acquired from other agency), Quantity: (1), Link to Specifications: Bushmaster.com.

   III. Armalite M15 5.56 Rifle- Cost: $0 (Acquired from other agency), Quantity: (5), Link to Specifications: Armalite.com.

   IV. PWA Commando 5.56 Rifle- Cost: $0 (Acquired from other agency), Quantity: (1), Link to Specifications: unavailable.

   V. Colt AR-15 5.56 lower receiver- Cost: $0 (Acquired from other agency), Quantity: (2), Link to Specifications: Colt.com.

   VI. Colt Sporter Lightweight.223 Rifle (Inert Training Gun)- Cost: $0 (Acquired from other agency), Quantity: (1), Link to Specifications: Colt.com.

   b. Ammunition.

   I. Training: Winchester FMJ 55gr, Cost: $0.38 per round, Quantity: (4,000 rounds), Link to Specifications: Winchester.com.

   II. Duty: Winchester 55gr Ranger Pointed Soft Point, Cost: $0.52 per round, Quantity: 1,000 rounds, Link to Specifications: Winchester.com.

2. Purpose: A precision weapon used to address a threat with more accuracy at greater distances than a handgun.

3. Authorized Use: District Attorney Investigators deploying a carbine rifle must have received California POST certified training as set forth in the California Penal Code and must meet the
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Tulare County District Attorney's Office qualification requirements which at minimum bi-annual qualification with the rifle. The use of this equipment is also determined by Policy 300 Use of Force and Policy 306 Patrol Rifle. Situations that may warrant the deployment of a shoulder-fire rifle include but are not limited to situations where an officer reasonably anticipates an armed encounter, when an officer reasonably believes that a suspect may be wearing body armor, and or a situation that requires more accurate and effective long-range fire.

4. Expected Lifespan: Estimated to be 20 years, however dependent upon operational usage and wear.

5. Fiscal Impact: Annual maintenance for each rifle is approximately $0 - $100. Due to operational readiness and capabilities in support of District Attorney Investigators' missions, the periodic purchase of ammunition and or carbine rifles may be required during the year.

CHEMICAL AGENTS AND ACCESSORIES

Chemical agents, such as pepper spray (OC) are used in volatile situations, such as a riot where a danger to life and or property exists. They can be used by law enforcement to bring an incident under control where other methods would be ineffective or more dangerous, minimizing the risk or serious injury to suspects, District Attorney Investigators, and others.

Description, capabilities, quantity, and cost:

a. Pepper Ball Launcher- A compact lightweight 0.68 mm semi-automatic projectile launcher which uses high pressure air as a launching mechanism.

I. PepperBall FTC Launcher 0.68mm projectile launcher. Cost: $500, Quantity: (2), Link to Specifications: pepperball.com.

b. Projectiles


II. PepperBall Projectile RED (PAVA), fired from pepper ball launcher to provide small amounts of chemical agent, Cost: $1300, Quantity: 300, Link to Specifications: pepperball.com.

2. Authorized Use: The above listed chemical agents and accessories are infrequently used but are effective in the quelling of combative subjects and or situations, while mitigating serious injury to involved parties. Deployment and use are relegated to POST certified district attorney investigators who have completed POST approved chemical agent training.

3. Life Span: Chemical agent projectiles have a recommended life span of three to five years.

4. Fiscal Impact: Annual maintenance for each launcher is estimated at $0-$150. Due to readiness and operational needs the purchase of projectiles may be required periodically during the year.
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706.5 APPROVAL
The Chief of 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 office 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.
(d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this office.
(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.

706.6 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.

706.7 ANNUAL REPORT
Upon approval of a military equipment policy, the Chief of 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 Investigations or the authorized designee should also make each annual military equipment report publicly available on the 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 office inventory.

706.8 COMMUNITY ENGAGEMENT
Within 30 days of submitting and publicly releasing the annual report, the Office shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Office
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should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.