

Military Equipment

703.1 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).

703.1.1 DEFINITIONS

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

Governing body – The Kings County Board of Supervisors.

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.

Kings County District Attorney Investigation Division

Kings County District Attorney Bureau of Investigations Policy Manual

Military Equipment

703.2 POLICY

It is the policy of this Department that members comply with the provisions of Government Code § 7071 with respect to military equipment.

703.3 USE CONSIDERATION

(a) The military equipment acquired and authorized by the Department is:

1. Necessary because there is no reasonable alternative that can archive the same objective of officer and civilian safety.
2. If purchased, 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 after applicable training, including courses required by the Commission on Peace Officer Standards and Training, has been completed, unless exigent circumstances arise.

(c) Military equipment used by other jurisdictions that are providing mutual aid to this Department or operating in conjunction in a law enforcement capacity with this Department, shall comply with their respective military equipment use policies.

703.4 MILITARY EQUIPMENT COORDINATOR

The Chief Investigator should designate a member of the 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 equipment that qualifies as military equipment in the current possession of the Department or the equipment the Department.

703.5 APPROVAL

The Chief Investigator 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 Investigator or authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the Department's 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.

Kings County District Attorney Investigation Division

Kings County District Attorney Bureau of Investigations Policy Manual

Military Equipment

- (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 the District Attorney's 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.

703.6 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief Investigator or 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; Government Code § 7073).

The Chief Investigator or authorized designee should also make each annual military equipment report publicly available on the Department's website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072; Government Code § 7073 for the preceding calendar year for each type of military equipment in the Department's inventory.

703.7 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.

Pursuant to California Government Code section 7070(d)(7), members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment in this policy by any of the following means:

1. In person at the Kings County District Attorney's Office during normal working hours 8:00 am to 5:00 pm Monday - Friday. 1400 W. Lacey Blvd, Hanford Ca., 93230
2. Via telephone at (559) 582-0326
3. Via mail sent to:

Kings County District Attorney's Office

Kings County District Attorney Investigation Division

Kings County District Attorney Bureau of Investigations Policy Manual

Military Equipment

Attention Military Equipment Use Coordinator

1400 W. Lacey Blvd, Hanford, Ca., 93230