

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 Bureau.

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.

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706.2 POLICY

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

706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Investigations should designate a member of this bureau 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 bureau equipment that qualifies as military equipment in the current possession of the Bureau, or the equipment the Bureau 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 Stanislaus County District Attorney's Office Bureau of Investigation (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 bureau'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 bureau 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 Bureau will respond in a timely manner.

706.4 MILITARY EQUIPMENT INVENTORY

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

[See attachment: 2022-10-03 Military Equipment Attachment.pdf](#)

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 bureau website at least 30 days prior to any public hearing concerning the military equipment at issue (Government

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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 bureau.
- (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 bureau 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 bureau inventory.

706.8 COMMUNITY ENGAGEMENT

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

Attachments

2022-10-03 Military Equipment Attachment.pdf

INVENTORY ATTACHMENT
POLICY 706 MILITARY EQUIPMENT

The following is a list of military equipment as defined by Government Code §7070 held/maintained by the Stanislaus County District Attorney's Office Bureau of Investigation

A. MILITARY EQUIPMENT

1. Unmanned Aircraft System (UAS)- An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV) and all supporting or attached systems designed for gathering information through imaging, recording or any other means.

a. Description, quantity, capabilities, and purchase cost

i. DJI Phantom IV cost: \$2,000 quantity: 1

Drone assigned to the Regional Fire Investigation Unit. Drone is equipped with camera and has a flight time of 30 minutes. Purchased through Less Than County Wide Tax.

ii. DJI Mavic II cost: \$3,500 quantity: 4

Drone assigned to the Regional Fire Investigation Unit. Drone is equipped with infrared camera and has a flight time of 30 minutes. Purchased through Less than County Wide Tax.

b. Purpose

i. To be deployed when its view would assist with the following situations including but not limited to

1. Search for missing persons
2. Major Collision investigations
3. Natural Disaster Management
4. Crime Scene Photography
5. Tactical or other public safety and life preservation missions
6. Response to specific requests from local, state, or federal authorities for fire response, investigation, and or prevention.

c. Authorized Use

Only assigned operators who have completed the required training shall be permitted to operate drones during approved missions.

d. Expected Life Span

All UAS equipment, approximately 5-7 years

e. Fiscal Impact

Annual maintenance is approximately \$2,500

f. Training

All UAS operators are licensed by the Federal Aviation Administration (FAA) for UAS operation.

g. Legal and Procedural Rules

Use is established by the Stanislaus County District Attorney Bureau of Investigation Lexipol Policy 606 (Drone Policy) and FAA Regulation 14 CFR Part 107

2. Less Lethal Shotgun- Used to deploy a less lethal 12-gauge drag stabilized beanbag round.

a. Description, quantity, capabilities, and purchase cost

i. Mossberg 590 Less lethal shotgun, Cost: \$600 quantity: 2

Mossberg 500 12-gauge shotgun with orange buttstock and fore end.

ii. CTS 12 Gauge Super-Sock Bean Bag Impact Round, Cost \$7.10 per round quantity: 150. Drag stabilized beanbag round for use in designated beanbag shotgun.

b. Purpose

To limit the escalation of conflict where use of lethal force is prohibited or undesirable.

c. Authorized Use

- Situations for use of the less lethal weapon systems may include, but are not limited to
- Self-destructive, dangerous and or combative individuals.
- Riots and incidences of violent criminal behavior
- Circumstances where a tactical advantage can be obtained.
- Vicious Animals

d. Expected Life Span

Less lethal shotgun- 20 years
Beanbag round- 5 years

e. Fiscal impact

Annual maintenance is approximately \$20 per shotgun.

f. Training

All sworn personnel are trained in the 12-gauge less lethal shotgun by in service training

g. Legal Procedures

Use is established by the Stanislaus County District Attorney Bureau of Investigation Lexipol Policy 300 (Use of Force) and 306(Firearms).