

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 Ventura County Board of Supervisors which is the elected body that oversees the Ventura County District Attorney's 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.
- Chemical agents 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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703.2 POLICY

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

703.3 MILITARY EQUIPMENT COORDINATOR

The Chief Investigator 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 Bureau of Investigation equipment that qualifies as military equipment in the current possession of the Ventura County District Attorney's Office, or the equipment the Ventura County District Attorney's 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 the Ventura County District Attorney's Office (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 Ventura County District Attorney's Office funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief Investigator and ensuring that the report is made available on the Ventura County District Attorney's 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 Ventura County District Attorney's Office will respond in a timely manner. This information will be posted on the Ventura County District Attorney's website along with this policy.

703.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Ventura County District Attorney's Office:

SEE SECTION 703.10

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 the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the Ventura County District Attorney's Office

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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.

703.6 COORDINATION WITH OTHER JURISDICTIONS

On occasion, the Ventura County District Attorney's Office may be required to assist or be assisted by other law enforcement agencies in a formal law enforcement mutual aid request or in support of day-to-day operational collaboration. In those circumstances, it may be necessary for members to utilize military equipment in order to fulfill an assigned mission. When this occurs, the following shall apply:

- (a) Members of the Ventura County District Attorney's Office are required to adhere to this policy, regardless of the operational jurisdiction.

703.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief Investigator 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 by July 1st of each year for as long as the military equipment is available for use (Government Code § 7072).

The Chief Investigator or the authorized designee should also make each annual military equipment report publicly available on the Ventura County District Attorney's 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 the Ventura County District Attorney's Office inventory.

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703.8 COMMUNITY ENGAGEMENT

At least 30 days prior to the governing body review of the annual report, the Ventura County District Attorney's Office shall post the report on their website and hold at least one well-publicized and conveniently located community engagement meeting, at which the Ventura County District Attorney's Office should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

703.9 TEST AND EVALUATION OF MILITARY EQUIPMENT

While the department's current inventory of military equipment is wide ranging and versatile, advancement in technology, tactics, and operational effectiveness may necessitate the expansion or complete replacement of certain items of military equipment.

From time to time, certain equipment vendors and/or manufacturers may loan certain military equipment items to the Ventura County District Attorney's Office for testing by various units to conduct assessments of their products. This process is commonly referred to as "testing and evaluation." During this process, various units and/or subject matter experts conduct assessments of the equipment to determine whether or not the equipment should be considered for purchase. In these circumstances, the Ventura County District Attorney's Office will only use the loaned equipment in a training environment and will not deploy any equipment that is inconsistent with this policy during enforcement action without the approval of the Chief Investigator and the Board of Supervisors.

703.10 INTENTION TO ACQUIRE ADDITIONAL MILITARY EQUIPMENT

In order to maintain essential availability of needed equipment for operational efficiency and training, the Ventura County District Attorney's Office intends to replenish the stock of the below listed categories of equipment throughout the year. These are perishable items which have a shelf life and/or are consumed through deployment in law enforcement activities and/or training. The Ventura County District Attorney's Office is not seeking additional funds for these purchases as they have historically been made through the existing budgets.

- (a) Rifle ammunition, including 5.56mm, and .223 mm,
- (b) Chemical agents containing tear gas or OC, including chemical agent canisters and Pepperball projectiles
- (c) Kinetic energy munitions, including 40mm rounds and beanbag rounds
- (d) Simunition training rounds

703.11 MILITARY EQUIPMENT INVENTORY

Unmanned, remotely piloted, powered aerial or ground vehicles:

- Remotely piloted aerial vehicle (RPAV): A remotely piloted aerial vehicle capable of providing live and recorded video images captured from aerial positions.

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Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers:

NONE IN THE POSSESSION OF THE DISTRICT ATTORNEY'S OFFICE

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:

NONE IN THE POSSESSION OF THE DISTRICT ATTORNEY'S OFFICE

Tracked armored vehicles that provide ballistic protection to their occupants

NONE IN THE POSSESSION OF THE DISTRICT ATTORNEY'S OFFICE

Command and Control vehicles that are either built or modified to facilitate the operational control and direction of public safety units:

NONE IN THE POSSESSION OF THE DISTRICT ATTORNEY'S OFFICE

Weaponized aircraft, vessels, or vehicles of any kind:

NONE IN THE POSSESSION OF THE DISTRICT ATTORNEY'S OFFICE

Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram:

NONE IN THE POSSESSION OF THE DISTRICT ATTORNEY'S OFFICE

Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition:

NONE IN THE POSSESSION OF THE DISTRICT ATTORNEY'S OFFICE

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 handguns

- Rifle and Rifle Rounds: Shoulder mounted rifles under .50 caliber are designed to have greater accuracy over a longer distance than handguns.
 - Legal and Procedural Rules
 - Rifles and rifle ammunition shall only be used for official law enforcement purposes, and pursuant to the Ventura County District Attorney's Office - Bureau of Investigation Lexipol Policy 300.
 - Training:
 - Sworn Investigators utilizing rifles and rifle rounds are trained in their use with formalized instruction, including a California POST certified instruction course and regular range qualifications.
 - Fiscal Impact:

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- Approximately \$100 for each rifle; primarily consisting of repair and purchase of additional rounds.
- Expected Life Span:
 - Listed Rifles: Approximately 15 years
 - Listed Rifles Rounds: Approximately 20 years
- Purpose/Authorized Use:
 - Investigators may deploy a rifle when they believe a precision weapon is needed to address a threat with greater accuracy from a distance or when addressing an armed subject.
- Description / Quantity / Purchase Cost / Capabilities:
 - Colt M4 LE6920 Carbine Rifles
 - Quantity: 10 (Purchased in 2018)
 - Approximately \$1,160 per unit
 - These semi-automatic rifles are equipped with iron sights and are capable of firing 5.56mm and .223 caliber ammunition.
 - Colt M4 LE 6933 Short-Barrel Rifles
 - Quantity: 5 (purchased in 2018)
 - Approximately \$1,376 per unit
 - These semi-automatic rifles are equipped with iron sights and are capable of firing 5.56mm and .223 caliber ammunition.
 - Federal 5.56 Caliber 55 Grain Full Metal Jacket Rifle Rounds
 - Quantity: Approximately 42,000 rounds
 - Approximately \$170 per case
 - This ammunition is capable of being fired from a 5.56mm rifle platform.
 - Speer Gold Dot .223 Caliber 55 Grain GDSP Rifle Rounds
 - Quantity: Approximately 5,000 rounds
 - Approximately \$270 per case
 - This ammunition is capable of being fired from a 5.56mm or .223 rifle platform.

Any firearm or firearm accessory that is designed to launch explosive projectiles:

NONE IN THE POSSESSION OF THE DISTRICT ATTORNEY'S OFFICE

Noise-flash diversionary devices and explosive breaching tools:

NONE IN THE POSSESSION OF THE DISTRICT ATTORNEY'S OFFICE

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Chemical agents containing tear gas or OC, excluding standard, service-issued handheld pepper spray:

- ◦ Pepperball Launcher: A non-lethal device that discharges small hard plastic projectiles containing a powder chemical agent.
 - Description / Quantity / Purchase Cost / Capabilities:
 - Tippman Pepperball Launcher
 - Quantity: 2
 - Approximately \$350 per unit
 - The Tippman System is a compressed-air powered launcher designed to fire non-lethal pepperball projectiles.
 - Pepperball LIVE Projectile
 - Quantity: Approximately 200
 - Approximately \$2 per projectile
 - The projectile is designed for direct impact and contains PAVA pepper powder. Deployed using a pepperball launcher.
 - Purpose/Authorized Use:
 - Less lethal tool used from a distance in order to compel potentially violent suspects to cease dangerous actions and comply with arrest. May also be used to compel specific individuals in a large, violent, and riotous crowd to disperse from an outdoor area.
 - Expected Life Span:
 - Pepperball Launchers: Approximately 20 years
 - Pepperball Projectiles: Approximately 3 years
 - Fiscal Impact:
 - Approximately \$100.00 annually; primarily consisting of the cost to repair launchers and purchase of additional projectiles.
 - Training:
 - Sworn members utilizing the pepperball launchers are trained in their use with formalized instruction. In addition, sworn members utilizing chemical agents receive California POST certified training and recertification course every three years.
 - Legal and Procedural Rules
 - It is the policy of the Ventura County District Attorney's Office to utilize pepperball launchers and projectiles only for official law enforcement purposes, and pursuant to the Ventura County District Attorney's Office Policy 300 – Use of Force, Policy 302 – Control Devices and Techniques, State and Federal law.

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

NONE IN THE POSSESSION OF THE DISTRICT ATTORNEY'S OFFICE

Kinetic energy weapons and munitions:

- ◦ 40 MM Launchers and Rounds: A shoulder mounted launcher designed as a less lethal tool to launch impact rounds.
 - Description / Quantity / Purchase Cost / Capabilities:
 - Defense Technology LMT single 40mm Launcher
 - Quantity: 1
 - \$900 per unit
 - This device is capable of firing a 40mm less lethal round.
 - Defense Technology 40mm Impact Sponge Rounds
 - Quantity: 10
 - Approximately \$20 per unit
 - A less lethal 40mm lightweight plastic and foam projectile capable of being fired from a single or multi-round 40mm launcher.
 - Expected Life Span:
 - 40mm Launchers: Approximately 15 years
 - 40mm Rounds: Approximately 5 years
 - Fiscal Impact:
 - 40mm Launchers: Approximately \$100 annually; primarily consisting of repair/part replacement.
 - 40mm Rounds: Approximately \$100 annually; consisting of the purchase of replacement rounds.
 - Training:
 - Sworn members utilizing 40mm launcher and rounds are trained in their use with formalized instruction.
 - Legal and Procedural Rules
 - It is the policy of the Ventura County District Attorney's Office to utilize 40mm launchers and 40mm rounds only for official law enforcement purposes, and pursuant to the Ventura County District Attorney's Office Policy 300 – Use of Force, Policy 302 – Control Devices and Techniques, State and Federal law.
- ◦ Less Lethal Shotgun and Ammunition: A shotgun used to deploy the less lethal 12-gauge Beanbag Round.

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- Description / Quantity / Purchase Cost / Capabilities:
 - Remington 870 Less Lethal Shotgun
 - Quantity: 3
 - Approximately \$400 per unit
 - The less lethal shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round up to a distance between five and 75 feet.
 - Defense Technology 12-Gauge Super-Sock Beanbag Round
 - Quantity: 50
 - Approximately \$6 per box of ammunition
 - The round is a less lethal 12-gauge shotgun round made of a ballistic fiber bag filled with approximately 40 grams of lead shot that travels at a velocity of 270 to 290 feet per second.
- Purpose/Authorized Use:
 - Less lethal tools used from a distance in order to compel potentially violent suspects to cease dangerous actions and comply with arrest. May also be used to compel specific individuals in a large, violent, and riotous crowd to disperse from an outdoor area.
- Expected Life Span:
 - Remington 870 Less Lethal Shotgun: Approximately 25 years
 - Defense Technology Super-Sock Round: No listed expiration date
- Fiscal Impact:
 - Approximately \$200.00 annually. The cost includes repair, part replacement and purchase of replacement beanbag rounds.
- Training:
 - Sworn members utilizing a less lethal shotgun are trained in their use with formalized instruction, including a California POST certified instruction course and annual range qualifications.
- Legal and Procedural Rules
 - It is the policy of the Ventura County District Attorney's Office to utilize less lethal shotgun and less lethal rounds only for official law enforcement purposes, and pursuant to the Ventura County District Attorney's Office Policy 300 – Use of Force; and Policy 301 – Control Devices and Techniques, and State and Federal law.
- Simunition: A firearm/munition designed to be used for training of high risk and force on force incidents.
 - Description / Quantity / Purchase Cost / Capabilities:

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- Simunition Training Weapon
- Currently the Ventura County District Attorney's Office does not possess any simunition capable training weapons.
- Simunition Training Rounds
 - Quantity: Approximately 500 rounds
 - Approximately \$300 for a box of 500 rounds
 - The rounds are designed to be used with Simunition Conversion Rifle Bolts and Simunition handguns. The rounds are fired from the Simunition weapon system and are designed to be used for force-on-force training scenarios.
- Purpose:
 - The items are used by law enforcement personnel for force-on-force training.
- Authorized Use:
 - Law enforcement members attending simunition training are provided with a safety briefing and safety equipment. In addition, assigned safety officers are present during each of the scenario exercises. The device and rounds may only be used while under the supervision of an instructor assigned to instruct the course.
- Expected Life Span:
 - Simunition firearms and bolt conversion: Approximately 15 years
 - Simunition Training Rounds: 5 years
- Fiscal Impact:
 - Approximately \$650 annually; primarily consisting of repair/ part replacement of simunition firearms and the purchase of simunition replacement rounds.
- Training:
 - Sworn members utilizing the simunitions are trained in their use with formalized instruction.
- Legal and Procedural Rules
 - It is the policy of the Ventura County District Attorney's Office to utilize simunition only for official law enforcement purposes, and pursuant to the Ventura County District Attorney's Office Policy 300 – Use of Force, Ventura County District Attorney's Office Policy 301 – Control Devices and Techniques, State and Federal law.