

# Executive Order 13688 - Federally Controlled Equipment

## 703.1 POLICY

The Department shall provide training, oversight, and documentation for the use of federally controlled equipment.

## 703.2 PURPOSE

The purpose of this policy is to identify the strategies and oversight required for the appropriate use of federally controlled equipment. To ensure that federally controlled equipment acquired from the 1033 program (a Federal program that allows the acquisition of Military surplus equipment through Defense Logistics Agency/Law Enforcement Support Office (DLA/LESO) of the Department of Defense (DOD)) is used appropriately and complies with Executive Order 13688, the Department shall embrace a system that supports transparency, supervision, evaluation, and accountability.

## 703.3 DEFINITIONS OF FEDERALLY CONTROLLED EQUIPMENT

Federally controlled equipment is defined as any equipment received or requested from the Defense Logistics Agency/Law Enforcement Support Office (DLA/LESO) under the 1033 program or purchased with federal funds. This includes the following:

1. **Manned Aircraft (Fixed wing):** Powered aircraft with a crew aboard, such as airplanes that use a fixed wing for lift.
2. **Manned Aircraft (Rotary wing):** Powered aircraft with a crew aboard, such as helicopters that use a rotary wing for lift.
3. **Unmanned Aerial Vehicles:** A remotely piloted, powered aircraft without a crew aboard.
4. **Wheeled Armored Vehicles:** Any wheeled vehicle with purpose-built or modified to provide ballistic protection to its occupants, such as Mine Resistant Ambush Protected (MRAP) vehicle or an armored personnel carrier also referred to as armored rescue vehicles (ARV'S).
5. **Wheeled Tactical Vehicle:** A vehicle purposely built to operate on and off road in support of military operations, such as HMMWV (Humvee), 2.5 ton truck, 5 ton truck, or a vehicle with a breaching or entry apparatus attached.
6. **Command and Control Vehicles:** Any wheeled vehicle either purpose-built or modified to facilitate the operational control and direction of public safety units responding to an incident.
7. **Explosives and Pyrotechnics:** Includes explosive breaching tools often used by special operation units.
8. **Breaching Apparatus:** Tools designed to provide law enforcement rapid entry into a building or through a secured doorway. These tools may be mechanical in nature, such as a battering ram, ballistics, or explosive.

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9. **Riot Batons:** Non-expandable baton of greater length (generally in excess of 24 inches) than service issued types and are intended to protect its wielder during melees by providing distance from assailants. These batons offer a greater level of safety for deputies by extending the distance between them and a violent or non-compliant subject.
10. **Riot Helmets:** Helmets designed to protect the wearer's face and head from injury during demonstrations or civil order events from projectiles including rocks, bricks, liquids, etc. Riot helmets include a visor which protects the face.
11. **Riot Shields:** Shields intended to protect wielders from their head to their knees in demonstrations or civil disorder events. Most are designed for the protection of the user from projectiles including rocks, bricks, and liquids. Some afford limited ballistics protection as well.

### **703.4 PROCEDURES**

If any of the following items of federally controlled equipment are acquired by the Department, the equipment may be used in the following manner:

1. **Manned Aircraft (Fixed or rotary wing)** - Routine patrol, situational awareness, and victim location/rescue missions.
2. **Manned Aircraft (Rotary wing)/Unmanned Aerial Vehicles** - Aerial operations requiring low altitude or stationary flight operations, HAZ-MAT, accident reconstruction, situational awareness, or operations posing a risk to human life.
3. **Wheeled Armored Vehicles** - During operations where there is concern for deputies or civilian safety, such as fugitive apprehensions, search warrant service, hostage rescue, and barricaded subject operations. These vehicles provide ballistic protection and subsequently a higher level of safety for both deputies and civilians/victims.
4. **Wheeled Tactical Vehicles** - Rough terrain or inclement weather for search and rescue operations, victim evacuations, disaster supply deliveries, and emergency personnel transportation.
5. **Command and Control Vehicles** - Serve as a centralized location for command decision making, enhanced communication and other situational awareness capabilities.
6. **Explosives and Pyrotechnics** - Create a breach point opening in a structure during a hostage rescue operation or other high risk entry. It may also include devices used to distract or temporarily disorient a suspect prior to law enforcement entry into the structure.
7. **Breaching Apparatus** - To gain rapid entry into a structure that may be fortified or where a suspect refuses entry.
8. **Riot Batons** - Deployed during demonstrations or civil disorder events.
9. **Riot Helmets** - Worn by deputies during demonstrations or civil disorder events where the threat or presence of dangerous projectiles is likely.

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10. Riot Shields - Utilized in conjunction with riot helmets to protect deputies from projectiles and other hazards while trying to contain, move or disperse people during demonstrations or civil disorder events where the threat or presence of dangerous projectiles is likely.

#### **703.5 AUDITING AND ACCOUNTABILITY**

The Department shall maintain all internal auditing procedures and applicable records to ensure that federally controlled equipment is being maintained and utilized as intended. These procedures will include provisions for accountability at the Deputy or Sheriff's Special Officer level to mitigate any misuse or unauthorized use. The Department shall also comply with any reporting requirements mandated by the agency or program which provided the equipment.

#### **703.6 TRAINING AND TRAINING RECORDS**

The Department shall train Members prior to the use or deployment of federally controlled equipment. The training shall address the appropriate and safe use of such equipment. Only Members who have been trained may use the equipment. After the initial training, the Department shall conduct annual training for any Members who use federally controlled equipment. The Department shall maintain these training records in accordance with the requirements of the agency or program which provided the equipment.

#### **703.7 AUTHORIZATION OF DEPLOYMENT AND USE**

Absent exigent circumstances, federally controlled equipment should only be utilized for previously approved purposes and with the appropriate level of supervision. It shall be the policy of this Department that any deployment or use of federally controlled equipment shall be authorized by a supervisor/incident commander. Authorization for use of the equipment in another jurisdiction must be approved in advance by the Sheriff or the Sheriff's designee.

#### **703.8 AFTER ACTION REVIEW**

The Department shall review and document all significant incidents that involve the use of federally controlled equipment. Significant incidents are defined as an incident where there is:

1. A violent encounter among civilians, or between civilians and police.
2. A use of force which results in death or serious bodily injury.
3. A demonstration or other public exercise of First Amendment Rights.
4. An event that draws, or could be reasonably expected to draw, a large number of attendees or participants, such as those where advanced planning is needed.

The Department shall document the following:

1. Identification of the federally controlled equipment used (e.g., categories and number of units of federally controlled equipment used, make/model/serial number).
2. Description of the law enforcement operation involving the federally controlled equipment.

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3. Identification of Members who used the equipment and, if possible, civilians involved in the incident.
4. The result of the federally controlled equipment use (e.g., arrests, use of force, victim extraction, injuries).