

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF INVESTIGATION**

SUBJECT: MILITARY EQUIPMENT USE	
NO. 5.9	DATE: 3/10/2022
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I. PURPOSE

This policy establishes guidelines for the use, training, approval, and procurement of existing military equipment and future military equipment acquisitions in accordance with California Assembly Bill 481 (AB-481), codified in California Government Code sections 7070-7075. Additionally, this policy outlines the fiscal impact and specific descriptions of existing military equipment within the Bureau's inventory.

II. PHILOSOPHY

It is the policy of the Bureau to conduct law enforcement duties in a transparent manner, including the purchase and use of military equipment. Decisions regarding the use, procurement and funding of military equipment should take into consideration the public's welfare, safety, civil rights and allow for public input.

Before seeking authorization for purchasing military equipment, the Bureau shall make the following considerations:

- The equipment is necessary because there is no reasonable alternative that could provide the same objective of investigator and civilian safety.
- The equipment is reasonably cost effective compared to alternatives that can achieve the same objectives of investigator and civilian safety.

The procurement or use of any new type of military equipment, not already in the Bureau's possession, or approved under this policy, will require the approval of the County Board of Supervisors as outlined in Section 7071(a)(1)(A)- 7071(a)(1)(G).

III. DEFINITIONS

- A. "Governing Body" means the San Diego County Board of Supervisors
- B. "Military equipment" means the following:
 - (1) Unmanned, remotely piloted, powered aerial or ground vehicles.
 - (2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
 - (3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
 - (4) Tracked armored vehicles that provide ballistic protection to their occupants and

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utilize a tracked system instead of wheels for forward motion.

- (5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (6) Weaponized aircraft, vessels, or vehicles of any kind.
- (7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
- (8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
- (9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
- (10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
- (11) Any firearm or firearm accessory that is designed to launch explosive projectiles.
- (12) "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
- (13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
- (14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
- (15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

IV. GUIDELINES FOR USE

The Bureau retains and employs a small amount of "military equipment" as defined above to assist in safely achieving the Bureau's mission to "effectively support the District Attorney in executing the duties and obligations of the office." This mission is accomplished by providing a full range of professional law enforcement and investigative support services and presenting accurate and timely information to support prosecutorial decisions, which ensure continuing public trust in the

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judicial process.

It is the Bureau's primary goal to execute our duties without using force or by using as minimal force as possible. Violations of the Military Equipment Use Policy by members of the Bureau may result in sanctions including suspension or termination. The actions of peace officers may also be subject to review for violations of California law by the San Diego County District Attorney's office and/or the California State Attorney General's Office. Additionally, the U.S. Attorney has the authority to investigate and prosecute violations of federal civil rights laws under color of authority.

The Bureau recognizes enforcement events and mutual-aid incidents can be unpredictable and dynamic in nature. A variety of equipment options can greatly assist supervisors and investigators with resolving these incidents in a safe manner. The below described military equipment is restricted for use only in certain instances and in some cases only by certain individuals. While this procedure is wide-ranging, it is not all inclusive. There may be instances wherein unpredictable critical incidents demand the need for incident commanders to authorize equipment, including military equipment, to be used in a manner not outlined within this procedure. When scrutinizing those instances, the judgment of the incident commander shall be influenced by the totality of the circumstances, public safety, officer safety, civil rights, and information available at the time.

It is incumbent upon incident commanders, supervisors, individual investigators, and specific units to recognize the circumstances wherein military equipment should be employed to enhance the safety of the public and officers, and to bring a critical incident to a safe resolution.

The following are the various types, quantities, capabilities, lifespan, descriptions, purpose, authorized uses, estimated costs, required training, and procedural rules for the use of military equipment currently employed by the Bureau.

A. Specialized Firearms/Ammunition Less Than .50 Caliber

Colt AR-15 Rifle	
Description	Colt AR-15 Rifle (.223/5.56)
Quantity	51
Capability	Provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Additionally, AR-15 rifles offer advantages over handguns, such as increased accuracy potential and the ability

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	to defeat soft body armor.
Life Span	20 years
Manufacturer's Desc	Throughout the world today, Colt's reliability, performance, and accuracy provide our Armed Forces the confidence required to accomplish any mission. Colt's LE6920 series shares many features of its combat-proven brother, the Colt M4.
Purpose	The AR-15 can stop threats of great bodily injury or death at close and intermediate ranges. The AR-15 platform is capable of firing more accurately and quicker than a pistol while holding more rounds in the magazine and having better ballistic qualities.
Authorized Usage	May be used to defend against an imminent threat of serious bodily injury or death. AR-15 rifles are not appropriate for every situation and should only be deployed during situations where they enhance officer and civilian safety.
Costs	Initial Cost: \$2500 per firearm Re-Occurring Costs: \$0 Maintenance Costs: \$0-\$500 per firearm every 2 years Year Obtained: 2016 How was it Bought: District Attorney department funds
Required Training	24 hour –Patrol Rifle Course (CA POST). Annual Qualifications
Authority for Authorized Use	Bureau of Investigation P&R Section 5.1: Authorized Equipment Bureau of Investigation P&R Section 4: Use of Force

Weapons Training Unit - Miscellaneous Assault Weapons	
Description	Miscellaneous assault weapons ranging from semi-automatic firearms to an assortment of fully automatic weapons of various calibers, makes, and models.
Quantity	20
Capability	Firearms training and education
Life Span	Varies
Manufacturer's Desc	Varies
Purpose	This small catalog of assault weapons provides Bureau personnel assigned to the Weapons Training Unit a firearms reference library to enhance their overall firearms knowledge and expertise. They also aid with firearms training, education, and court related expert testimony.

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Authorized Usage	Shall not be used in the field or operationally. May be used/handled in a training and/or demonstration environment under the direct supervision of the Range Master and/or designated Weapons Training Unit personnel only.
Costs	Initial Cost: \$0 Recurring Costs: \$0 Maintenance Costs: \$0 Year Obtained: Varies How was it Bought: Varies
Required Training	POST Firearms Instructor POST Firearms/Tactical Rifle Instructor
Authority for Authorized Use	Shall not be used in the field or operationally.

B. Oleoresin Filled Projectiles (Pepper Balls) and Pepper Ball Launchers

Tippman FT-12 Pepper Ball Launcher	
Quantity	4
Capability	Pepper ball launchers provide Bureau personnel the ability to address armed and/or violent individuals with a non-lethal munition that delivers both chemical agent and kinetic energy impact.
Life Span	Two (2) year limited manufacturer warranty.
Manufacturer's Desc	The Tippmann FT-12 paintball marker incorporates modular internals to help reduce maintenance time by 75 percent. The FT-12 is a groundbreaking rental marker for field owners that can be serviced in less than 60 seconds without tools. The FT-12 is a compact marker with an ergonomically positioned front vertical grip, which is ideal for a wide range of players. The marker's patent-pending design makes gaining access to internals significantly easier.
Purpose	De-escalation tool not likely to inflict serious injury. To safely resolve critical situations involving armed and/or violent individuals.
Authorized Usage	May be used to address armed and/or violent individuals or crowds, limited instances of violent civil unrest, suicidal subjects, and individuals believed to possess or have immediate access to a deadly weapon. May also be used to drive individuals

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	from confined spaces or vehicles or contain them in a confined space to enhance officer and community safety.
Costs	Initial Cost: \$140 per unit Recurring Costs: \$0 Maintenance Costs: None Year Obtained: 2020 How was it Bought: District Attorney department funds
Required Training	4 hour – BOI Less Lethal Course (Not CA POST) taught by CA POST Certified Less Lethal Weapons Instructor. Annual qualifications.
Authority for Authorized Use	Bureau of Investigation P&R Section 5.1: Less-Lethal Weapons Bureau of Investigation P&R Section 4: Use of Force

<i>Pepper Ball LIVE-X or equivalent</i>	
Quantity	3 cases (375 per case)
Capability	Pepper balls provide Bureau personnel the ability to address armed and/or violent individuals with a non-lethal munition that delivers both chemical agent and kinetic energy impact.
Life Span	Five (5) year manufacturer warranty
Manufacturer's Desc	Our most potent and powerful concentration of PAVA pepper powder. One round of LIVE-X contains the equivalent PAVA irritant chemical agent in 10 regular Pepper Ball LIVE rounds.
Purpose	De-escalation tool not likely to inflict serious injury. To safely resolve critical situations involving armed and/or violent individuals.
Authorized Usage	May be used to address armed and/or violent individuals or crowds, limited instances of violent civil unrest, suicidal subjects, and individuals believed to possess or have immediate access to a deadly weapon. May also be used to drive individuals from confined spaces or vehicles or contain them in a confined space to enhance officer and community safety.
Costs	Initial Cost: \$838.09 per case (375 count) Recurring Costs: \$0 Maintenance Costs: As needed Year Obtained: 2020 How was it Bought: District Attorney department funds

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Required Training	4 hour – BOI Less Lethal Course (Not CA POST) taught by CA POST Certified Less Lethal Weapons Instructor. Annual qualifications.
Authority for Authorized Use	Bureau of Investigation P&R Section 5.1: Less-Lethal Weapons Bureau of Investigation P&R Section 4: Use of Force

C. Less Lethal Bean Bag Shotgun and Munitions

<i>12 Gauge Less Lethal Impact Munitions Launcher- Remington</i>	
Description	Remington Pump Action, 12-gauge shotgun.
Quantity	3
Capability	Deploying 12 gauge less lethal flexible baton munitions (CSI-2581 Super sock) with a maximum effective range of sixty (60) feet.
Life Span	Indefinitely
Manufacturer's Desc	The 14" barrel has a fixed cylinder choke for optimum performance with buckshot and slugs at close range. A myriad of aftermarket Remington 870 accessories enables owners to customize the 870 Express for specific purposes. 870 Remington is a receiver milled from a solid billet of steel for maximum strength, and twin action bars that prevent binding and twisting while cycling the action.
Purpose	Deploying 12 gauge less lethal flexible baton (CSI-2581 Super sock) as impact munitions to safely resolve critical situations involving armed and/or violent individuals.
Authorized Usage	May be deployed to impact individuals demonstrating assaultive behavior or life-threatening behavior. May be used to control an actively resistive individual reasonably believed to possess or have immediate access to a deadly weapon.
Costs	Initial Cost: \$500 each Recurring Costs: \$0 Maintenance Costs: As needed Year Obtained: 2000 How was it Bought: District Attorney's department funds
Required Training	4 hour – BOI Less Lethal Course (Not CA POST) taught by CA POST Certified Less Lethal Weapons Instructor. Annual qualifications.

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Authority for Authorized Use	Bureau of Investigation P&R Section 5.1: Less-Lethal Weapons Bureau of Investigation P&R Section 4: Use of Force
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D. Specialty Impact Munitions

<i>Simunition 9mm FX Marking Cartridges</i>	
Quantity	2000 rounds (4 cases of 500 RNDS)
Capability	This is a non-operational munition used for training purposes only. When utilized with a training munition bolt carrier group in a 5.56mm rifle platform, SIMs have an effective range of approximately 27 yards. When utilized in a pistol caliber barrel training platform (9mm), SIMs have an effective range of 25 feet.
Life Span	Two (2) year limited warranty
Manufacturer's Desc	The FX® marking cartridges, which come in six colors, are at the core of the FX® Training System known as "the world's most realistic close-range combat training system". The patented, reduced-energy, non-lethal cartridges leave a detergent-based, water-soluble color-marking compound. The visible impacts allow accurate assessment of simulated lethality.
Purpose	These rounds allow shooters to obtain a visual assessment of round placement during live person training environments.
Authorized Usage	Used for training purposes only.
Costs	Initial Cost: \$400 per case (500 count) Recurring Costs: \$0 Maintenance Costs: \$0 Year Obtained: 2021 How was it Bought: District Attorney department funds
Required Training	Bureau personnel are given extensive firearms handling courses and weapons safety instruction to include the use of SIMs for training purposes.
Authority for Authorized Use	Used for training purposes only.

<i>Simunition 9mm SecuriBlank® Quiet Cartridges</i>	
Quantity	300 rounds
Capability	This is a blank cartridge and does not fire a projectile.

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Life Span	Two (2) year limited warranty
Manufacturer's Desc	The SecuriBlank® Quiet, our most recent training cartridge, sets a new standard as the world's safest, soundless blank cartridge. The SecuriBlank® Quiet Blank round allows for training at extreme close ranges without the effects such as muzzle blast and excessive noise levels.
Purpose	These rounds allow shooters to train at extreme close ranges without the effects of muzzle blast and excessive noise.
Authorized Usage	Used for training purposes only.
Costs	Initial Cost: \$350.00 per case (500 count) Recurring Costs: \$0 Maintenance Costs: \$0 Year Obtained: 2021 How was it Bought: District Attorney department funds
Required Training	Bureau personnel are given extensive firearms handling courses and weapons safety instruction to include the use of SIMs for training purposes.
Authority for Authorized Use	Used for training purposes only.
<i>Force on Force 9mm Blank Cartridges</i>	
Quantity	1000 rounds (2 cases of 500 RNDs)
Capability	This is a blank cartridge and does not fire a projectile.
Life Span	Two (2) year limited warranty
Manufacturer's Desc	This round provides proper noise and weapon cycle signature without firing any projectile.
Purpose	This is a non-operational munition used for training purposes only. This munition provides proper noise and weapon cycle signature without firing any projectile.
Authorized Usage	Used for training purposes only.
Costs	Initial Cost: \$400.00 per case (500 count) Recurring Costs: \$0 Maintenance Costs: \$0 Year Obtained: 2021 How was it Bought: District Attorney department funds
Required Training	Bureau personnel are given extensive firearms handling courses and weapons safety instruction to include the use of SIMs for training purposes.

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Authority for Authorized Use	Used for training purposes only.
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V. PROCUREMENT OF NEW EQUIPMENT

The procurement or use of any new type of military equipment, not already in the Bureau's possession, or approved under this policy, will require the approval of the County Board of Supervisors as outlined in California Government Code sections 7071(a)(1)(A)- 7071(a)(1)(G).

VI. INQUIRIES

Inquires may be made in the following ways:

- In person: Any DA facility
- Telephone: (619) 531-4040
- Mail: San Diego County District Attorney, 330 W. Broadway, San Diego, CA 92101
- Email: SanDiegoDA@sdca.org

General questions or concerns will be routed to the Training Commander for response within 30 days. The Training Commander shall track all inquiries and responses for inclusion in the Military Equipment Use Report.

VII. COMPLAINTS

Allegations of misconduct against a member of the San Diego County District Attorney's (DA) office related to the use of military equipment may be registered in the following ways:

- In person: Any DA facility
- Telephone: (619) 531-4040
- Mail: San Diego County District Attorney, 330 W. Broadway, San Diego, CA 92101

Formal complaints, warranting further investigation, will be routed to the Special Operations Division for review and follow-up, in accordance with statute and policy. The Bureau will investigate noncompliance with the Military Equipment Use Policy in accordance with section 832.5 of the California Penal Code, which sets mandatory provisions for complaints made on peace officers as defined by California Penal Code 832 and custodial officers as defined by section 831.5 PC.

The Training Commander, in collaboration with the Weapons Training Unit, will conduct an annual inspection to ensure the Military Equipment Use Policy is followed and the items listed in the Military Equipment Report are utilized within policy and in accordance with applicable laws. Any violation of policy or law will be investigated accordingly and reported in the annual Military Equipment Use Report.

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VIII. ANNUAL ONGOING COSTS

Note: Not every item listed in this document will involve a yearly recurring cost. Some items require repairs or maintenance only when needed. Some listed costs are estimates only and could vary.

Specialized Firearms/Ammunition Less Than .50 Caliber

Maintenance costs could arise to repair or replace broken/damaged or worn-out items. Annual recurring purchases of consumable items used in training, during critical incidents or tactical operations. The District Attorney's budgeted funds cover these costs.

Pepper Spray and Oleoresin Filled Projectiles (Pepper Balls)

Annual recurring purchases of consumable items used in training, during critical incidents or tactical operations. The District Attorney's budgeted funds cover these costs.

Specialty Impact Munitions

Annual recurring purchases of consumable items used in training.

Less Lethal Bean Bag Shotgun and Munitions

Maintenance costs could arise to repair or replace broken/damaged or worn-out items. Annual reoccurring purchases of consumable items used in training, during critical incidents or tactical operations. The District Attorney's budgeted funds cover these costs.

IX. MILITARY EQUIPMENT USE DURING MUTUAL AID EVENTS

It is common practice for local, state, and federal law enforcement agencies to request resources and military equipment for incidents including but not limited to, search warrants, barricaded suspects, large scale crime scenes, search and rescue operations, protests, riots, and other emergency operations conducted to restore public safety. Likewise, the Bureau may temporarily use or borrow equipment from other local, state, and federal law enforcement agencies for incidents including but not limited to those already listed above.

The collaboration with other law enforcement agencies regarding the sharing of military equipment, which has already been approved by each respective governing body, is often necessary to ensure public safety, when all other resources or alternatives have failed or cannot achieve the same objective. The Bureau may collaborate with another law enforcement agency in the deployment or other use of military equipment listed in the Bureau's or aided agency's military equipment use policy within San Diego County. All borrowed military equipment from other law enforcement agencies, shall be used in accordance with Bureau policy, applicable laws and only

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by individuals with proper training.