

# FEDERALLY CONTROLLED EQUIPMENT

## SAMPLE POLICY

Developed by the International Association of Chiefs of Police (IACP),  
in collaboration with the Commission on Accreditation for Law Enforcement  
Agencies, Inc. (CALEA) and the National Tactical Officers Association (NTOA)

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*This policy was developed in response to Executive Order 13688 – Federal Support for Local Law Enforcement Equipment Acquisition, released by President Barack Obama on January 16, 2015. The standards follow the guidelines developed by the Law Enforcement Working Group in their Recommendations Pursuit to Executive Order 13688 – Federal Support for Local Law Enforcement Acquisition.*

*The opinions and statements contained herein do not necessarily represent the official position or policies of the International Association of Chiefs of Police (IACP), the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), the National Tactical Officers Association (NTOA), or the members of the Expert Panel and the agencies they represent.*

# Federally Controlled Equipment

## Sample Policy<sup>1</sup>

### I. PURPOSE

It is the purpose of this policy to identify the strategies and oversight this agency will adopt concerning the appropriate use of federally controlled equipment. Federally controlled equipment is defined as only that equipment as outlined in subsection III of this document and issued by the federal government or purchased with federal funds.

### II. POLICY

This agency will provide the appropriate training, oversight and documentation for the use of federally controlled equipment.

### III. FEDERALLY CONTROLLED EQUIPMENT

Federally controlled equipment is defined by the federal government as including the following<sup>2</sup>:

*Manned Aircraft, Fixed Wing:* Powered aircraft with a crew aboard, such as airplanes that use a fixed wing for lift.

*Manned Aircraft, Rotary Wing:* Powered aircraft with a crew aboard, such as helicopters that use a rotary wing for lift.

*Unmanned Aerial Vehicles:* A remotely piloted, powered aircraft without a crew aboard.

*Armored Vehicles, Wheeled:* Any wheeled vehicle either purpose-built or modified to provide ballistic protection to its occupants, such as a Mine-Resistant Ambush Protected (MRAP) vehicle or an Armored Personnel Carrier. Also referred to as Armored Rescue Vehicles (ARVs).

*Tactical Vehicles, Wheeled:* A vehicle purpose-built to operate on and off road in support of military operations, such as a HMMWV (“Humvee”), 2.5-ton truck, 5-ton truck, or a vehicle with a breaching or entry apparatus attached.

*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.

*Explosives and Pyrotechnics:* Includes explosive breaching tools often used by special operations units.

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<sup>1</sup> This sample policy is a baseline framework addressing the fundamental principles consistent with the Working Group’s report that can be adjusted to a LEA’s local circumstances. See *Law Enforcement Equipment Working Group; Recommendations Pursuit to Executive Order 13688, Federal Support for Local Law Enforcement Equipment Acquisitions*.

<sup>2</sup> In the *Working Group Recommendations*, an additional category of federally controlled equipment was included – Specialized Firearms and Ammunition Under .50-Caliber. The authors purposefully excluded this category of equipment in this sample policy, as it has been determined that the overall intention of and exact weapons included in this category have not been adequately defined.

*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); ballistic such as slugs; or explosive.

*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 officers by extending the distance between them and a violent or non-compliant subject.

*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.

*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 ballistic protection as well.

#### **IV. PROCEDURES**

##### **A. Application and Use of Federally Controlled Equipment<sup>3</sup>**

This agency may use certain pieces of federally controlled equipment in the following manner:

1. Manned Aircraft (Fixed and Rotary Wing) - routine patrol, situational awareness and victim location/rescue operations.
2. 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. Armored Vehicles – during operations where there is concern for officer 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 officers and victims.
4. 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 a structure.
7. Breaching Apparatus – to gain rapid entry into a structure that may be fortified or where a suspect refuses entry.

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<sup>3</sup> This policy provides examples of common applications and uses for controlled equipment as defined by the federal government. However, the examples provided are not exhaustive – additional appropriate applications and uses may exist, although not discussed herein and in accordance with applicable state and local law.

8. Riot Batons – deployed during demonstrations or civil disorder events.
  9. Riot Helmets – worn by officers during demonstrations or civil disorder events where the threat or presence of dangerous projectiles is likely.
  10. Riot Shields – utilized in conjunction with riot helmets to protect officers 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.
- B. Appropriate Use of Federally Controlled Equipment<sup>4</sup>
1. Prior planning, to include the requirements for deployment and the level of supervisory approval necessary, should precede any use of federally controlled equipment. When, due to exigent circumstances, this is not possible and immediate use of the equipment is necessary for officer safety reasons or lifesaving operations, the involved officers will make appropriate notification to their supervisor as soon as possible after the incident.
  2. Any officer who will utilize federally controlled equipment, or any supervisor who authorizes the use of federally controlled equipment, will receive initial and reoccurring training that addresses the appropriate and safe use of such equipment, or certification when mandated by other local, state or federal law. Only personnel from this agency who have been properly trained may use equipment owned by this agency, even when deployed in other jurisdictions. Authorization for use of equipment in other jurisdictions must be approved by this agency's chief executive or his or her designee(s).
- C. Supervision of Use<sup>5</sup>
1. Absent exigent circumstances, federally controlled equipment should only be utilized for previously approved purposes and with the appropriate level of supervision.
  2. This agency will be responsible for proper deployment and accountability with supporting or neighboring agencies that may request the use of resources and capabilities that are supported with federally controlled equipment from this agency.
- D. Evaluation
1. Agency executives will evaluate the need for continued use of such equipment on a regular basis.
  2. Following each deployment, this agency shall complete an after action report that captures such information as the equipment utilized, the manner in which it was utilized, and the location of the utilization. This information should be made available upon request of the granting federal agency.

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<sup>4</sup> For additional guidance on deployment and use of tactical teams see *Report: Mission Essential Tasks for Tactical Operations* and NTOA's *Tactical Response and Operations Standard for Law Enforcement Agencies*.

<sup>5</sup> The attached Sample Controlled Equipment Use and Approval Matrix can be used to assist the agency with supervision of equipment use and appropriateness.

E. Auditing and Accountability

This agency will establish an internal auditing procedure to ensure that federally controlled equipment is being maintained and utilized as intended. This procedure will include provisions for accountability at the individual officer level to mitigate any misuse or unauthorized use. Such procedures will also support any reporting requirements required by the agency or program that provided the equipment.

F. Transparency and Notice Considerations

This agency and its officers will actively engage the public to inform them of the purpose and intended use of federally controlled equipment. While maintaining operational security needs, the agency should explain the application of certain pieces of equipment and how they will be utilized to protect both citizens and officers. The agency should also provide information regarding the cost realized by local taxpayers as a result of the agency's participation in such federally controlled equipment programs.

### Sample Controlled Equipment Use and Approval Matrix<sup>6</sup>

Equipment Type	Typical Use Scenario	Supervisory Approval Level
Manned Aircraft, Fixed Wing	Routine patrol, field operations, and victim location/rescue operations	Aviation Unit Commander*
Manned Aircraft, Rotary Wing	Routine patrol, field operations and victim location/rescue operations	Aviation Unit Commander*
Unmanned Aerial Vehicles	Field operations, to include situational awareness	Aviation or Tactical Unit Commander*
Armored Vehicles, Wheeled	High risk operations where the threat of gunfire is present, such as fugitive apprehension, search warrant service, hostage rescue and barricaded subject operations	Tactical Unit Commander*
Tactical Vehicles, Wheeled	Search and rescue operations, victim evacuations, disaster supply deliveries and transporting emergency response personnel in rough terrain or inclement weather	Agency Commander or designee
Command and Control Vehicles	Vehicles serve as a centralized location for command decision making, enhanced communication and other situational awareness capabilities	Agency Commander or designee
Explosives and Pyrotechnics	Material or equipment that is used to 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 a structure	Tactical Unit Commander*
Breaching Apparatus	Devices may be utilized to gain rapid entry into a structure that may be fortified or where a suspect refuses entry	Unit Commander*
Riot Batons	Deployed during demonstrations or civil disorder events	Incident Commander*
Riot Helmets	Personal protective equipment worn by officers during demonstrations or civil disorder events where the threat or presence of dangerous projectiles is likely	Incident Commander*
Riot Shields	Utilized in conjunction with riot helmets to protect officers 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	Incident Commander*

\* or rank above

<sup>6</sup> This matrix is provided as a reference only. Each individual agency should develop its own matrix that best addresses the agency's individual needs.

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This project could not have been completed without the professional assistance and oversight of Expert Panel. Our special thanks to the following members of the Panel.

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