



NATIONAL SHERIFFS' ASSOCIATION

JONATHAN F. THOMPSON
Executive Director & CEO

August 8, 2016

The Honorable Karol Mason
Assistant Attorney General
Office of Justice Programs
U.S. Department of Justice
810 Seventh Street, NW
Washington, DC 20001

Dear Assistant Attorney General Mason:

In follow up to the meeting held by the Law Enforcement Equipment Working Group on July 21, 2016, I write to you today on behalf of the National Sheriffs' Association (NSA) to offer our comments and suggestions for the ongoing discussion over military surplus equipment for state and local law enforcement. We applaud the willingness of the Law Enforcement Equipment Working Group to continuously engage stakeholders and to request input to refine the existing Recommendations.

At the request of the Working Group, included below are suggested definitions for the controlled equipment category within the Recommendations as well as suggested adjustments to the current controlled and prohibited equipment lists.

Definitions

Controlled Equipment

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. 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).
5. Tactical Vehicles, Wheeled: A vehicle purpose-built to operate on and off road in support of military operations, such as a HMMWV ("Humvee"), a 2.5-ton truck, a 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. Specialized Firearms and Ammunition Under .50-Caliber: Weapons and corresponding ammunition for specialized operations or assignment, excluding service-issued weapons and ammunition that are issued or approved by the agency to be used during the course of regularly assigned duties.
8. Explosives and Pyrotechnics: Includes explosive breaching tools often used by special operations units.
9. Breaching Apparatus: Tools designed to provide law enforcement rapid entry into a building or secured doorway which may be mechanical (i.e., battering ram), ballistic (i.e., slugs), or explosives.
10. Riot Batons: Non-expandable baton of greater length (generally in excess of 24 inches) than service-issued types which are intended to protect its wielder during melees by providing distance from assailants.
11. Riot Helmets: Helmets with visor designed to protect the wearer's face and head from injury during demonstrations or civil disorder events from projectiles including rocks, bricks, liquids, etc.
12. Riot Shields: Shields intended to protect wielders from their head to their knees in demonstrations or civil disorder events from projectiles including rocks, bricks, liquids, etc. These shields may afford some limited ballistic protection.

We believe these definitions will offer greater clarity for agencies seeking equipment through federal equipment transfer and grant programs and for granting agencies.

The Working Group also requested comment on the question of changes to the equipment lists. In the year since these Recommendations were adopted, NSA has heard from numerous sheriffs on the many appropriate uses of named equipment. For that reason, NSA encourages the Working Group to remove tracked armored vehicles and grenade launchers from the prohibited list to the controlled equipment list. Tracked armored vehicles have been used successfully and appropriately for search and rescue operations in challenging environments, including operations in heavy snows. Grenade launchers obtained by state and local law enforcement are not used to launch grenades; rather, they are used for less than lethal options to civil disorder events. By shifting these two types of equipment to the controlled list, state and local law enforcement agencies with the most need would be able to acquire the equipment and the granting agencies would retain the oversight desired by the Working Group.

Furthermore, NSA encourages the Working Group to remove the following equipment from the controlled list: command and control vehicles; riot batons; riot helmets; and riot shields. Command and control vehicles offer significant benefit to public safety agencies by serving as a centralized location for command decision making, enhanced communication, and other situational awareness capabilities. Riot batons, riot helmets, and riot shields are personal protective equipment to which all law enforcement officers should have access to in demonstrations and civil disorder events. To restrict this equipment makes it more difficult to respond to appropriately to public safety incidents.

Law enforcement agencies use federal equipment transfer and grant programs to obtain critical equipment that they otherwise would not be able to afford. NSA appreciates the Working Group's willingness to regularly reexamine the Recommendations and to engage stakeholders in the process. Clearer definitions of equipment and adjustments to the prohibited and controlled equipment lists will allow law enforcement to more effectively protect the public safety.

In conclusion, we look forward to continuing the dialogue regarding the Recommendations of the Law Enforcement Equipment Working Group. We welcome working together and serving as a resource for the Department on military surplus equipment as well as other issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan F. Thompson". The signature is written in a cursive style with a large, stylized initial "J".

Jonathan F. Thompson
Executive Director