



LESO SPO Addendum Summary

on how to follow Presidential Executive Order (EO) 14074 (Section 12)

from the Illinois Law Enforcement Support Office

MODIFICATION TO DEFINITION OF “CONTROLLED” PROPERTY

This section identifies that there are specific types of property that regardless of the DEMIL type or Integrity Code, will never become property of the Law Enforcement Agency (LEA). It will always remain controlled property and will not be removed from the LEA's inventory, until transfer or turn in.

An example of this is the Command and Control Vehicle. If an LEA receives a camper through LESO, which is normally DEMIL A property, but intends to convert that camper into a Command and Control Vehicle, that camper is now controlled property and will not become property of the LEA, even though it is DEMIL A. The property will remain DEMIL A in the LEA's inventory, but is controlled property. However, if that same camper was acquired to utilize as an office at the firing range, the DEMIL A camper would fall off the LEA's inventory after one year, and become the property of the LEA.

Another example is the HMMWV. In the past, some types of HMMWV's have been classified as Q6 HMMWV's, allowing LEA ownership of the vehicle after one year. Now, all HMMWV's, including Q6's, remain controlled property and will not become property of the LEA.

See the property list in the Addendum for controlled property that the title and ownership remains with the DoD in perpetuity and will not be relinquished to the LEA.

PROHIBITED ITEMS THAT MAY BE ISSUED FOR LIMITED PURPOSES

This section identifies that there are certain prohibited items that when utilized in an authorized manner, the items are authorized and categorized as “controlled” property. They must be annually certified as being used only in authorized manners.

An example would be the Long Range Acoustic Devices (LRAD). If an LEA has or requests an LRAD, an LEA can utilize it as a public address system, but are not authorized to use it for alert, warning, or deterrent tones.

Another example would be Vehicles that do not have commercial application. A commercial vehicle through the LESO program is anything with a DEMIL A or Q6. All other vehicle types would fall under the prohibited category. This includes MRAP's, APC's, and Armored HMMWV's. They are now prohibited, **UNLESS**, they are requested for and utilized for specific authorized uses.

These uses include disaster-related emergencies; active shooter scenarios; hostage or other search and rescue operations; or antiterrorism preparedness, protection, prevention, response, recovery, or relief. **Any other use of these vehicles is not authorized.**

See the property list in the Addendum for prohibited property that may be issued for limited purposes.

ACQUIRING (OR RETAINING) CONTROLLED PROPERTY

This section identifies that in order to request LESO controlled property, LEA's, including elected Sheriff's, must provide written or electronic notification to their community, as well as their civilian governing body (CGB). This notification must be provided at least 30 days prior to requesting the property and be appropriately translated. A template can be provided by the SC/SPOC for LEA notification use. Examples of where the notification can be posted for the community include the LEA website, on the website of the CGB, at the location of the LEA, anywhere that is easily accessible to the public. For the CGB, their notification can be by mail, email, etc., as long as receipt is ensured.

The LESO Program would recommend that LEAs provide a comprehensive list of any controlled property that may be requested throughout the year. It is recommended that the list of controlled property be provided to the local community and local governing body on or before January 1, 2023 and at the beginning of each fiscal year. If this notice of intent does not include a specific controlled property item, such item may not be requested in the LESO Program until 30-days after an updated notice is published.

In cases of disagreement between requesting LEAs and CGB, the Governor appointed LESO Program State Coordinator (SC) will obtain an advisory opinion from the States Attorney General's Office on whether CGBs are authorized by state law to deny the request.

For Campus LEAs operating in Institutions of Higher Education, they must receive explicit approval from the Board of Governors (or equivalent) to acquire LESO property. Campus LEA's must certify that the use of the LESO property will not chill speech, is not disruptive to the educational environment, and does not foster a hostile climate among students. Also, Campus LEA's who receive controlled vehicles are required to remove the militaristic appearance such as painting the vehicle a different color.

See the Addendum for a comprehensive overview of acquiring or retaining controlled property.



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REGIONAL SHARING AGREEMENTS

This section identifies that if an LEA is in a Regional Sharing Agreement, only LESO participants in the Sharing Agreement are able to utilize the equipment and that the LESO participants who are part of the regional sharing agreement must adhere to the SPO and Addendum requirements. Agencies/activities who are not LESO Program participants may not utilize or direct the use of controlled property obtained via the LESO Program.

Requirements include providing information regarding the size of the region, ensuring property is utilized in accordance with the LESO Program SPO and the SPO Addendum, and ensure that if property is loaned from one LESO participating LEA to another LESO participating LEA, that the State Coordinator approves the loan and an Equipment Custody Record (ECR) is done to record the loan. At the end of the loan, the property shall be returned to the original LEA for accountability.

In addition, if an ECR is done, the LESO participating LEA who has the property currently in their inventory must certify that the LEA that the property is being loaned to has adopted or will adopt the policies/procedures outlined in the SPO Addendum, has or will provide the requisite training outlined in the SPO Addendum and will adhere to the information collection and retention requirements outlined in the SPO Addendum.

The LEA conditionally loaning the controlled property will remain accountable to the LESO Program to ensure the above provisions are met.

See the Addendum for a comprehensive overview of regional sharing agreements.

POLICIES/PROCEDURES

This section identifies that LEAs must establish policies/procedures that are consistent with the standards listed below, in order to request or maintain controlled property.

- LEA's must adopt and comply with general policing standards including Community Policing, Constitutional Policing, and Community Input and Impact
- LEA's must adopt and comply with controlled property standards including Appropriate Use of Controlled Property, Supervision of Use, Effectiveness Evaluation, Auditing and Accountability, Transparency and Notice
- LEA's must adopt and comply with record-keeping requirements for controlled property including providing a copy of the general policing standards and specific controlled property standards that were adopted, to include any related policies/procedures and requiring retention of comprehensive training records for at least 3 years. LEA's must provide a copy of these records, upon LESO request

See the Addendum for a comprehensive overview of policies/procedures.

TRAINING

This section identifies that LEAs that request or have acquired controlled property via the LESO Program must establish written policies/procedures for controlled property use, and all personnel who are authorized to use the controlled property will be trained on these policies/procedures.

LEA's must provide annual training on general policing standards, property standards for those who may use the LESO property, the operational/technical training to LEA personnel to ensure that they are proficient in the use of the controlled property, and provide scenario-based training to personnel that combines constitutional and community policing principles with controlled property specific training.

See the Addendum for a comprehensive overview of training.

DOCUMENTATION REQUIRED FOR "SIGNIFICANT INCIDENTS"

This section identifies that LEAs must collect and retain the information (described below) when any law enforcement activity involves a "Significant Incident" which requires (or results in) the use of controlled property on the LEAs inventory. This report must include name and quantity of the LESO property used, description of the LEA action/operation, LEA personnel who utilized the property, identify civilians who were involved in the action/operation, and the result of the action/operation. Report record must be made available to the community and must be retained in the LEA's records for 3 years.

See the Addendum for a comprehensive overview of Significant Incidents.



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ANNUAL CERTIFICATIONS

This section identifies that there are now multiple certification statements that an LEA must certify annually during inventory certification that are a result of the SPO and SPO Addendum policies/requirements. LEA's will be required to certify compliance with these statements.

See the Addendum for a comprehensive overview of Annual Certifications.

SAVINGS CLAUSE/INTERPRETATION

Nothing in this SPO Addendum shall be construed to impair or otherwise affect the requirements under the existing SPO between the State and LEA (dated February 2021), unless expressly amended herein. To the extent there is a disagreement concerning the interpretation of this SPO Addendum or the extent this SPO Addendum affects requirements under the existing SPO, the disagreement shall be resolved at the exclusive discretion of the LESO Program.

See the Addendum for a comprehensive overview of Savings Clause/Interpretation.

AGREEMENTS OF PARTIES

By signing the SPO Addendum, the State and LEA acknowledges and accepts these changes. The SPO Addendum must be signed by LEAs no later than January 1, 2023 to remain eligible for LESO Program participation.

See the Addendum for a comprehensive overview of Agreements of Parties.