

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency

OMB Control Number: 1660-0141
Expiration: 09-30-2016

CONTROLLED EQUIPMENT REQUEST

PAPERWORK BURDEN DISCLOSURE NOTICE
FEMA Form 087-0-0-1

Public reporting burden for this data collection is estimated to average 45 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. This collection of information is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472-3100, Paperwork Reduction Project (1660-0141) NOTE: Do not send your completed form to this address.

A. General Information

Name of Applicant or Recipient:		State or Tribe:
Program:	Program Fiscal Year	Award or Application Number (If known):
Other Program:		
Project Title:		Investment Justification Number:
Project Number:	Is this a law enforcement agency?	Project Address:

B. Applicant or Recipient Point(s) of Contact

Name:	Name:
Address:	Address:
Phone:	Phone:
E-mail:	E-mail:

C. Sub recipient - General Information (If applicable)

Name of Sub recipient (If applicable):	
Project Title:	Investment Justification Number:
Project Number:	Is this a law enforcement agency?
Point of Contact:	Address:
Phone:	E-mail:

D. Policies

Law Enforcement Agencies only - Does the Requesting Agency have policies on the following?

Community Policing:	Community Input:
Constitutional Policing:	Impact Considerations:

ALL Requesting Organizations - Are the following policies in place for the requested controlled equipment?

Appropriate Use:	Effectiveness Evaluation:
Supervision of Use:	Auditing and Accountability:
Unmanned Aircraft Systems:	NOTE: Unmanned Aircraft Systems. Applicants requesting to purchase Unmanned Aircraft Systems (UAS) with FEMA grant funding must have in place, prior to expending funds, policies and procedures to safeguard individuals' privacy, civil rights, and civil liberties.
Transparency and Notice Consideration:	

Does the Requesting Organization have Record Keeping policies on the following?

Training on the use of the controlled equipment:	Significant Incidents:
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E. Controlled Equipment Information

Category of requested equipment:	Authorized Equipment List Number (If known):
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Provide a detailed description of the equipment and the justification for acquiring the requested controlled equipment

Number of units requested:	Number of units currently in inventory:
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List all categories of controlled equipment acquired by the organization through federal programs in the last three (3) years that are currently in inventory.

Fiscal year:	Fiscal year:	Fiscal year:

Any additional that is not listed above (Please include category type and fiscal year acquired):

Can the requested controlled equipment be reasonably accessed by other means?

Has the requesting organization provided training to users of the controlled equipment?

F. Organization Information

Does the requesting organization have written approval from their governing body for the proposed acquisition of the requested controlled equipment?

Has the requesting organization previously requested, have a pending request for, or been denied for this category of controlled equipment by another federal agency?

If previously denied, provide an explanation of why the request was denied, including which federal agency made the denial:

Has the requesting organization ever been in violation of a federal civil rights statute, nondiscrimination provision of any federal program statute (e.g., Sec. 308 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988), or any other programmatic term or condition related to nondiscrimination (e.g., requirements to produce civil rights complaint data or a signed civil rights assurance), or entered into a remedial agreement as a result of a civil rights investigation during the past 3 years?

If yes, specify the disposition and/or corrective action that was ordered and/or was, or will be, provided. Accordingly, applicants must disclose any finding by a Federal court or a Federal government agency, including an agency's civil rights office or the Civil Rights Division of the U.S. Department of Justice, and any efforts taken to cure the violation(s), as well as information regarding any remedial agreements. Applicants must also disclose any admissions of liability they have made regarding violations of Federal civil rights laws in their policing functions.

G. Regional Sharing Agreement

Will the requested controlled equipment provide a regional or multi-jurisdictional capability?

If yes, provide the following information regarding the controlled equipment:

Regional Geographic size to be served (sq mi):	Regional Population to be served:
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Provide the number of individuals with access:

Have all entities within the regional sharing agreement implemented all required protocols, training, records keeping, and information collection and retention requirements prior to their personnel using the requested controlled equipment?

H. Certification Statement

By signing below, the authorized official certifies that the requesting organization:

- Has adopted the required Policies and Protocols Requirements;
- Meets the Training Requirements;
- Will adhere to the Records Keeping Requirements;
- Will adhere to After-Action Report Requirements;
- If applicable, all entities within the regional sharing agreement have implemented or will implement all required protocols, training, records keeping, and information collection and retention requirements prior to acquisition of the controlled equipment.
- Will abide by all applicable federal, state, local, and tribal laws, regulations, programmatic terms and conditions, and all requirements outlined in the Grant Programs Directorate Information Bulletin 407.

Authorizing Official (Print Name):	Signature:	Date:
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I. FEMA Grant Programs Directorate Staff only

<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Signature:	Date:
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Controlled Equipment Request -- Instructions

A. General Information - The information in this section provides background and context for the investment(s) requested or awarded.

- **Program Fiscal Year:** Fiscal year of the grant award or application. (Ex. If you have a 2014 grant award the Program FY is 2014 or if you are applying for a 2016 Grant Award your Program FY is 2016).
- **Recipient:** A non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. The term recipient does not include sub-recipients. See also §200.69 Non-Federal entity. (2 CFR § 200.86).

B. Applicant or Recipient Point of Contact - Identify the organization's Authorizing Official, and primary point of contact for management of the project(s), including contact information.

- **Authorizing Official:** Authorize to sign grant agreement on behalf of the organization.

C. Sub-recipient - Identify sub-recipient if applicable.

- **Sub-recipient:** A non-Federal entity that receives a sub-award from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A sub-recipient may also be a recipient of other Federal awards directly from a Federal awarding agency. (2 CFR § 200.93).

D. Policies - Law Enforcement Agencies and other requesting organizations identify the following policies.

- **Community Policing:** The concept that trust and mutual respect between police and the communities they serve are critical to public safety. Community policing fosters relationships between law enforcement and the local community which promotes public confidence in Law Enforcement Agencies and, in turn, enhances Law Enforcement Agencies ability to investigate crimes and keep the peace. (Recommendations Pursuant to Recommendations Pursuant to Executive Order 13688, page 19).
- **Constitutional Policing:** Protocols emphasize that all police work should be carried out in a manner consistent with the requirements of the U.S. Constitution and federal law. Policies must include protocols on First Amendment, Fourth Amendment, and Fourteenth Amendment principles in law enforcement activity, as well as compliance with Federal and State civil rights laws. (Recommendations Pursuant to Executive Order 13688, page 19).
- **Community Input and Impact:** Protocols must identify mechanisms that Law Enforcement Agencies will use to engage the communities they serve to inform them and seek their input about Law Enforcement Agencies' actions, role in, and relationships with the community. Law enforcement exists to protect and serve the community, so it is axiomatic that the community should be aware of and have a say in how they are policed. Law Enforcement Agencies should make particular efforts to seek the input of communities where controlled equipment is likely to be used so as to mitigate the effect that such use may have on public confidence in the police. This could be achieved through the Law Enforcement Agency's regular interactions with the public through community forums, town halls, or meetings with the Chief or community outreach divisions. (Recommendations Pursuant to Executive Order 13688, page 19).
- **After-Action Review:** (1) Requesting organizations must collect and retain "Required Information" (described below) when law enforcement activity that involves a "Significant Incident" requires, or results in, the use of any Federally-acquired controlled equipment in the requesting organization's inventory (or any other controlled equipment in the same category as the Federally-acquired controlled equipment). (2) When unlawful or inappropriate police actions are alleged and trigger a Federal compliance review, and the Federal agency determines that controlled or prohibited equipment was used in the law enforcement activity under review, the requesting organization must produce or generate a report(s) containing Required Information. (Recommendations Pursuant to Executive Order 13688, page 22).
- **Record-Keeping Requirement:** Requesting Organizations must retain "Significant Incident" reports and Required Information for a period of at least three (3) years and must provide a copy of these records, upon request, to the Federal agency that supplied the equipment/funds. This information also should be made available to the community the requesting organization serves in accordance with applicable policies and protocols including considerations regarding the disclosure of sensitive information. (Recommendations Pursuant to Executive Order 13688, page 23).

- **Appropriate Use of Controlled Equipment:** Requesting organizations should examine scenarios in which controlled equipment will likely be deployed, the decision-making processes that will determine whether controlled equipment is used, and the potential that both use and misuse of controlled equipment could create fear and distrust in the community. Protocols should consider whether measures can be taken to mitigate that effect (e.g., keep armored vehicles at a staging area until needed) and any alternatives to the use of such equipment and tactics to minimize negative effects on the community, while preserving officer safety. (Recommendations Pursuant to Executive Order 13688, pages 19 - 20).
- **Supervision of Use:** The protocols must specify appropriate supervision of personnel operating or utilizing controlled equipment. Supervision must be tailored to the type of equipment being used and the nature of the engagement or operation during which the equipment will be used. Policies must describe when a supervisor of appropriate authority is required to be present and actively overseeing the equipment's use in the in the field. (Recommendations Pursuant to Executive Order 13688, page 20).
- **Effectiveness Evaluation:** The protocols must articulate that the requesting organization will regularly monitor and evaluate the effectiveness and value of controlled equipment to determine whether continued deployment and use is warranted on operational, tactical, and technical grounds. Requesting organizations should routinely review after-action reports and analyze any data on, for example, how often controlled equipment is used or whether controlled equipment is used more frequently in certain law enforcement operations or in particular locations or neighborhoods. (Recommendations Pursuant to Executive Order 13688, page 20).
- **Auditing and Accountability:** There must be strong auditing and accountability provisions in the protocols which state that the requesting organization's personnel will agree to and comply with and be held accountable if they do not adhere to agency, State, local, Tribal, and Federal policies associated with the use of controlled equipment. (Recommendations Pursuant to Executive Order 13688, page 20).
- **Unmanned Aircraft Systems (UAS):** Presidential Memorandum, *Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties, in Domestic Use of Unmanned Aircraft Systems*, issued February 20, 2015, requires that State, local, tribal, and territorial government recipients of Federal grant funding for the purchase or use of UAS for their own operations have in place policies and procedures to safeguard individuals' privacy, civil rights, and civil liberties prior to expending funds. (Section 1(c)(vi) <https://federalregister.gov/a/2015-03727>).
- **Transparency and Notice:** The protocols must articulate that the requesting organization will engage the community regarding acquisition of controlled equipment, policies governing its use, and review of Significant Incidents (see Recommendation 2.3 below), with the understanding that there are reasonable limitations on disclosures of certain information and law enforcement sensitive operations and procedures. (Recommendations Pursuant to Executive Order 13688, page 20).
- **Significant Incident:** Any law enforcement operation or action that involves (a) a violent encounter among civilians or between civilians and the police; (b) a use-of-force that causes death or serious bodily injury; (c) a demonstration or other public exercise of First Amendment rights; or (d) 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. (Recommendations Pursuant to Executive Order 13688, pages 22 - 23).

E. Controlled Equipment Information - Applicant or recipient/sub-recipient identify and describe the requested equipment.

- **Authorized Equipment List:** The Authorized Equipment List (AEL) is a list of approved equipment types allowed under FEMA's preparedness grant programs. <https://www.fema.gov/authorized-equipment-list>.
- **Number of units in inventory:** Is defined as the total number in inventory regardless of how they were acquired.

F. Organization Information - Describe any pending, denied, or current requests for controlled equipment.

- **Corrective Action:** Action taken by the auditee that:
 - (a) Corrects identified deficiencies;
 - (b) Produces recommended improvements; or
 - (c) Demonstrates that audit findings are either invalid or do not warrant auditee action. (2 CFR § 200.26).
- **Governing Body:** The term "governing body" is defined as the institution or organization that has direct budgetary oversight or fiscal/financial control over the requesting organization. For law enforcement agencies where the chief executive is popularly elected (e.g., Sheriffs) such requesting organizations must provide official written notice to, but are not required to obtain approval from their civilian governing body at least 30 days in advance of any request to acquire controlled equipment from the Federal Government.

G. Regional Sharing - Identify regional sharing amongst entities.

- **Regional Sharing:** The requesting organization must indicate whether the requested controlled equipment is being acquired to provide a regional or multi-jurisdictional capability. (Recommendations Pursuant to Executive Order 13688, pages 28 - 29).
- **Regional Geographic:** The geographic size of the area supported by the regional sharing agreement should be given in square miles (sq mi).

H. Certification Statement - Authorizing Official Certification Statement.

- **Authorizing Official:** The Certification Statement is to be completed and signed by the Authorizing Official for the grant recipient or applicant and not the sub-grant recipient.