

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, APRIL 26, 2022**

MINUTE ORDER NO. 29

**SUBJECT: NOTICED PUBLIC HEARING:
DISTRICT ATTORNEY - AN ORDINANCE ADDING ARTICLE LXIV TITLED
DISTRICT ATTORNEY AND NEW SECTION 955 OF THE SAN DIEGO
COUNTY CODE OF ADMINISTRATIVE ORDINANCES FOR APPROVAL OF
THE SAN DIEGO COUNTY DISTRICT ATTORNEY’S BUREAU OF
INVESTIGATION MILITARY EQUIPMENT USE POLICY (DISTRICTS: ALL)**

OVERVIEW

On September 30, 2021, Governor Newsom signed into law Assembly Bill 481 (AB 481). Assembly Bill 481 is intended to increase transparency, accountability, and oversight surrounding the acquisition and use by state and local law enforcement agencies of equipment the state has identified as “military equipment.” AB 481 states that no later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. Today’s request seeks this approval.

Governing body approval under AB 481 must take the form of an ordinance adopting a publicly released, written military equipment use policy, which must address a number of specific topics, including the type, quantity, capabilities, purposes, and authorized uses of each type of equipment, the fiscal impact of their acquisition and use, the legal and procedural rules that govern their use, the training required by any officer allowed to use them, the mechanisms in place to ensure policy compliance, and the procedures by which the public may register complaints.

The District Attorney’s Bureau of Investigation currently owns equipment that falls under the identified types as defined in AB 481. The listed equipment is used to assist in de-escalation, firearms training, education and court related expert testimony, and to enhance officer safety and public safety when conducting enforcement action. The equipment increases the safety of law enforcement personnel and citizens and provides a variety of options for a safe and timely resolution of critical incidents county wide.

Today's request is for the Board of Supervisors to approve an ordinance relating to the military equipment use policy as required by California Assembly Bill 481. Note that per AB 481, the San Diego County District Attorney’s Bureau of Investigation military use policy has been posted on the San Diego County District Attorney's public website for 30 days.

**RECOMMENDATION(S)
DISTRICT ATTORNEY**

On April 26, 2022: Approve the introduction of the Ordinance (first reading), read title, and waive further reading of the Ordinance:

1. AN ORDINANCE ADDING NEW ARTICLE LXIV TITLED DISTRICT ATTORNEY AND NEW SECTION 955 OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES FOR APPROVAL OF THE SAN DIEGO COUNTY DISTRICT ATTORNEY’S BUREAU OF INVESTIGATION MILITARY EQUIPMENT USE POLICY.

2. Receive the San Diego County District Attorney's presentation related to Assembly Bill 481

If, on April 26, 2022, the County of San Diego Board of Supervisors takes action as recommended, then on May 10, 2022, consider and adopt (second reading):

AN ORDINANCE ADDING NEW ARTICLE LXIV TITLED DISTRICT ATTORNEY AND NEW SECTION 955 OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES FOR APPROVAL OF THE SAN DIEGO COUNTY DISTRICT ATTORNEY'S BUREAU OF INVESTIGATION MILITARY EQUIPMENT USE POLICY.

EQUITY IMPACT STATEMENT

Public safety encompasses more than just the enforcement of the laws. The San Diego County District Attorney's Bureau of Investigation provides law enforcement services that aim to protect human rights, liberty, and security of person. It is the policy of the San Diego County District Attorney to be transparent in the purchase and use of equipment the state has defined as military equipment. Decisions regarding the use, procurement and funding of this equipment will take into consideration the public's welfare, safety, civil rights, and allow for public input. The department also strives for equitable outcomes in our communities, which means that the law enforcement services afford our communities a chance to lower crime and improve quality of life throughout the entire jurisdiction. Ensuring that everyone is provided public safety is essential for thriving communities. The department is committed to keeping our communities safe and as crime free as possible.

FISCAL IMPACT

There is no fiscal impact associated with today's requests to receive a presentation related to Assembly Bill 481 and consider and adopt an ordinance approving the San Diego County District Attorney's Bureau of Investigation Military Equipment Use Policy. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors closed the Hearing and took action as recommended, to further consider and adopt the Ordinance on May 10, 2022.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter