

Ordinance No. _____

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

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the District Attorney's Office ("District Attorney") currently possesses and uses certain equipment defined as military equipment by AB 481, and may acquire such equipment in the future. AB 481, as codified in Government Code sections 7070-7075, requires that a military equipment use policy be approved by the Board in order for such equipment to be requested, acquired, or deployed by a law enforcement agency.

Section 2. Add a new Article LXIV titled District Attorney

Section 3. Add a new Section 955 of Article LXIV of the San Diego County Code of Administrative Ordinances to read as follows:

SEC. 955. Military Equipment Use Policy

(a) Pursuant to Government Code section 7071, the Board approves and adopts the District Attorney's AB 481 Military Equipment Use Policy, reviewed by the Board and located on District Attorney's public website.

(b) The Board determines that:

(1) The equipment listed in the District Attorney's military equipment use policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;

(2) The District Attorney's military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties;

(3) Purchase of the equipment listed in the District Attorney's military equipment use policy will be reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; and

(4) District Attorney has taken action to remedy any nonconforming uses and ensure that any future use of military equipment will comply with the military equipment use policy.

(b) The Board approves the following actions by the District Attorney with respect to the equipment listed in the District Attorney's military equipment use policy, subject to any applicable local, State, or federal regulations:

(1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code;

(2) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers;

(3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing;

(4) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body;

(5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing Board pursuant to this chapter;

(6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment; or

(7) Acquiring military equipment through any means not provided by Government Code section 7071.

(c) District Attorney shall submit an annual military equipment report as required by Government Code section 7072, as may be amended. The report shall be reviewed by the Board as required by Government Code section 7071, as may be amended.

(d) The policy approved by this section may only be amended by action of the Board.

Section 4. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By Monica W. Hall
Senior Deputy County Counsel