
Military Equipment

712.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment and shall be the (Government Code § 7070; Government Code § 7071; Government Code § 7072). This Policy shall constitute the military equipment use policy required by the Government Code.

712.2 DEFINITIONS

For the purposes of this Policy only, the following definitions apply:

Governing body – The Board of Port Commissioners of the San Diego Unified Port District.

- **Military equipment** – Any of a wide variety of items as defined by Government Code section 7070, subsections (c)(1) through (c)(16).

712.3 POLICY

It is the policy of the Port of San Diego Harbor Police Department that members of this department comply with the provisions of Government Code § 7071 and the provisions of this Policy 712 with respect to military equipment. The Department recognizes that critical incidents are unpredictable and can be very dynamic in nature. While this Policy is wide ranging, it is not all inclusive. There may be instances wherein unpredictable critical incidents demand the need for the use of military equipment in a manner not explicitly outlined within this procedure. Authorized use shall be based on factors including the totality of the circumstances, public safety, officer safety, civil rights, and information available at the time it was used.

712.4 MILITARY EQUIPMENT COORDINATOR

The Chief of Harbor Police shall designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Port of San Diego Harbor Police Department (Government Code § 7071).

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- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Harbor Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

712.5 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

[see attached equipment list]

712.6 APPROVAL

The Chief of Harbor Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment use policy. As part of the approval process, the Chief of Harbor Police or the authorized designee shall ensure the proposed military equipment use policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment use policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) 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.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) 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.
- (g) Acquiring military equipment through any means not provided above.

712.7 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this Department shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are

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providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

712.8 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Harbor Police or the authorized designee shall submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Harbor Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

712.9 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

712.10 COMPLAINTS AND INQUIRIES REGARDING MILITARY EQUIPMENT

In some instances, the application and use of military equipment can cause questions and/or concerns for members of the community. It is of vital importance that community members' questions regarding the application and use of military equipment are addressed.

The San Diego Harbor Police Department is committed to full and fair investigation of citizen complaints. As such, the Department has internal procedures for thorough and impartial investigations of citizen complaints. Resolving complaints in a fair, impartial, and expeditious manner will ensure the consistent high level of integrity and efficiency maintained by the Department.

- A. Complaints directly related to the application or use of military equipment shall be handled in accordance with POLICY 1019 Citizen Complaints.
- B. The San Diego Harbor Police Department values open communication and transparency. Community questions and/or concerns regarding the application and use of specified military equipment should be addressed in the following manner:
 1. Via the "File Citizen Commendation or Complaints" tab links on the Department internet website where the public can email specific military equipment related questions to the Department.
 2. At Community Engagement Meetings related to military equipment.
 3. In all other circumstances, the public should be directed to the Department Military Equipment Use Policy and Annual Military Equipment Report available on the Department's internet website.

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Failures to follow this Policy or the law may result in criminal or administrative investigations or actions. Administrative investigations will be conducted in accordance with 1019 Citizen Complaints. Any corrective action or discipline imposed as a result of violation of this Policy will be administered in accordance with POLICY 1019 Citizen Complaints and state law.