

## **CHAPTER 28 – MILITARY EQUIPMENT**

### **28.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

### **28.2 DEFINITIONS**

Definitions related to this policy include (Government Code § 7070):

Governing body – The Sutter County Board of Supervisors.

Military equipment – Items defined by Government Code § 7070 (c)(1) through (c)(16).

### **28.3 POLICY**

It is the policy of the Sutter County District Attorney's Office that members of this office comply with the provisions of Government Code § 7071 with respect to military equipment.

### **28.4 MILITARY EQUIPMENT COORDINATOR**

The District Attorney should designate a member of this office to act as the military equipment coordinator, typically the Chief Investigator. 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 office equipment that qualifies as military equipment in the current possession of the Office, or the equipment the Office 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 Sutter County District Attorney's Office (Government Code § 7071).
- (e) Preparing the annual military equipment report for submission to the District Attorney and ensuring that the report is made available on the office website (Government Code § 7072).
- (f) Obtaining information for PRA requests or complaints.

## **28.5 MILITARY EQUIPMENT INVENTORY**

The Sutter County District Attorney's Office use of "military equipment" is consistent with the best practices and standards in law enforcement. The following constitutes a list of qualifying military equipment for use by the Office:

- AR-15 style rifles

## **28.6 APPROVAL**

The District Attorney or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the District Attorney or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the office website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment 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 office.
- (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.

## **28.7 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

## **28.8 ANNUAL REPORT**

Upon approval of a military equipment policy, the District Attorney or the authorized designee should 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 District Attorney or the authorized designee should also make each annual military equipment report publicly available on the office 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 office inventory.

## **28.9 COMMUNITY ENGAGEMENT**

In seeking the approval of the Governing body, the Sutter County District Attorney's Office shall submit a proposed military equipment use policy, or subsequent amendments, to the Governing body and the public via the Sutter County District Attorney's Office internet website. This shall be done at least 30 days prior to any public hearing concerning the military equipment at issue.

## **28.10 MAINTENANCE OF MILITARY USE SUPPLY LEVELS**

When stocks of military equipment have reached significantly low levels or have been exhausted, the District Attorney's Office may order up to 10% of stock in a calendar year without Governing Body approval to maintain essential availability for the District Attorney's Office needs. The Sutter County District Attorney's Office is authorized to acquire additional stock of items in the event of an emergency when approved by the District Attorney or designee. The Governing Body further determines that all military equipment previously listed as part of the District Attorney's Office 2021-22 annual budget request, but which has not yet been acquired, is in compliance with this policy, and therefore authorizes and approves such acquisition.