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SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE xxxx

**ORDINANCE RE-APPROVING SAN DIEGO HARBOR
POLICE DEPARTMENT MILITARY EQUIPMENT USE
POLICY AS REQUIRED BY ASSEMBLY BILL 481**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, California Assembly Bill (AB) 481 requires law enforcement agencies, such as San Diego Harbor Police Department (Harbor Police), to annually obtain approval of the applicable governing body (Board of Port Commissioners), by re-adoption of a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment, which are certain types of equipment specifically defined by the bill; and

WHEREAS, Harbor Police is a unique law enforcement agency with several high value points of interest that justify the need for certain pieces of such equipment; and

WHEREAS, the proposed Ordinance would re-adopt and approve San Diego Harbor Police Department Policy 712, Military Equipment, which establishes guidelines for the approval, acquisition, use and reporting requirements of military equipment that is crucial for Harbor Police to maintain public safety, all in accordance with AB481; and

WHEREAS, the proposed policy describes the military equipment Harbor Police currently possesses and intends to obtain, explains the allowable uses and need for such equipment, discusses the costs of such equipment, and processes to monitor the use of such equipment and any complaints related to such equipment; and

WHEREAS, the equipment described in the proposed policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety, the policy will safeguard the public's welfare, safety, civil rights, and civil liberties, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety, and the equipment Harbor Police currently possesses has been used in accordance with the proposed policy; and

WHEREAS, funds for work associated with the preparation of San Diego Harbor Police Department Policy 712, Military Equipment, and the annual military equipment inventory are identified in the Harbor Police Department budgets for FY 2023. Funds are in equipment outlay and various non-personnel budget accounts; and

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WHEREAS, in April 2022, the Board approved the District's first military equipment use policy in accordance with AB 481; and

WHEREAS, staff recommends the Board conduct its annual review of the military equipment use policy; and

WHEREAS, the annual evaluation allows the Board to determine whether or not each piece of military equipment within the inventory is justified, given strong consideration to the public's welfare, safety, civil rights, and civil liberties; and

WHEREAS, staff recommends the Board, based on its review, re-adopt the Military Equipment Use Policy; and

WHEREAS, if the Board re-adopts the policy, in accordance with AB 481, Harbor Police will hold a community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

NOW, THEREFORE, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. The Board finds that the equipment described in the proposed policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety, the policy will safeguard the public's welfare, safety, civil rights, and civil liberties, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety, and the equipment Harbor Police currently possesses has been used in accordance with the proposed policy.

Section 2. The San Diego Harbor Police Department Policy 712 Military Equipment is hereby re-approved, a copy of which is posted on its transparency website, www.portofsandiego.org/public-safety/transparency-disclosures.

Section 3. This Ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11th day of April 2023, by the following vote: