



**MEMORANDUM
DISTRICT ATTORNEY**
County of Placer

TO: Honorable Board of Supervisors **DATE:** May 10, 2022
FROM: Morgan Gire, District Attorney
BY: Mary Green, Investigator - Chief District Attorney
SUBJECT: Assembly Bill 481 Public Safety Equipment Use Policy

ACTION REQUESTED

Adopt an uncodified Ordinance, introduced on April 19, 2022, approving the continued use of public safety equipment acquired prior to January 1, 2022, and the District Attorney's "Military Equipment" policy as required by CA Government Code 7070-7075 for the use of specified equipment.

BACKGROUND

On April 19, 2022, your Board conducted a Public Hearing to introduce an Ordinance approving the continued use of public safety equipment acquired prior to January 1, 2022 and the District Attorney's "Military Equipment" policy as required by CA Government Code 7070-7075 for the use of specified equipment. Assembly Bill 481 entitled the "Funding, Acquisition, and Use of Military Equipment" requires that by May 1, 2022, law enforcement agencies in possession of such equipment commence the process to obtain approval of the applicable governing body to adopt a policy and obtain approval for continued use of the defined equipment obtained prior to January 1, 2022.

In response the Placer County District Attorney's Office has drafted policy 706 titled, "Military Equipment". This policy outlines the acquisition, descriptions, authority funding, and use of the specified equipment to be utilized by the District Attorney's Office as required by law. In addition, CA Government Code §7071 (established under AB 481) requires that law enforcement agency's seeking governing body approval to post the proposed military equipment use policy to the agency's website at least 30 days prior to any hearing concerning the military equipment as defined within the statute. Placer County District Attorney's Office has posted the proposed policy to their website and has an email link for comments/concerns on the associated policy page.

The Placer County District Attorney's Office will utilize their website to communicate information related to the report, and any associated meetings.

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FISCAL IMPACT

There is no fiscal impact as a result of this action.

ATTACHMENTS

Attachment 1 – Ordinance

Attachment 2 – District Attorney’s “Military Equipment” Policy

Before the Board of Supervisors County of Placer, State of California

In the matter of:

An un-codified ordinance to implement the requirements of Assembly Bill 481 – Public Safety Equipment Use Policy as found in the District Attorney’s Office Policy Manual, effective June 10, 2022 and to approve the continued use of public safety equipment acquired prior to January 1, 2022.

Ordinance No.: _____

Introduced: _____

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA,
DOES HEREBY ORDAIN AS FOLLOWS:

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (creating Government Code Section 7070, et seq.), relating to the use of military equipment by California law enforcement agencies;

WHEREAS, AB 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how specified equipment is funded, acquired, or used;

WHEREAS, the Placer County District Attorney’s Office is in possession of certain items of equipment that qualify as “military equipment” under AB 481;

WHEREAS, AB 481 requires that a law enforcement agency possessing and using such qualifying equipment prepare a publicly released, written, equipment use policy document covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process, applicable to the agency's use of such equipment;

WHEREAS, the Policy and supporting information must be approved by the governing body by ordinance, and reviewed annually; and

NOW THEREFORE, BE IT ORDAINED, the Board of Supervisors of the County of Placer, having received the information required under AB 481 regarding the Placer County District Attorney's Office use of equipment as defined in said law, deems it to be in the best interest of the County to approve the continued use of public safety equipment acquired prior to January 1, 2022 and to approve the policy entitled, "Military Equipment", to be added to the Placer County District Attorney's Policy effective June 10, 2022.

Military Equipment

706.1 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).

706.1.1 DEFINITIONS

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

Governing body – The elected or appointed body that oversees the Placer County District Attorney's Office Investigations Unit, which is the Placer County Board of Supervisors (BOS).

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

Military Equipment

706.2 POLICY

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

706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Investigations should designate a member of this Investigations Unit 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 Investigations Unit equipment that qualifies as military equipment in the current possession of the Investigations Unit, or the equipment the Investigations Unit 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 Placer County District Attorney's Office (Government Code § 7071).
- (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 Investigations Unit's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Investigations and ensuring that the report is made available on the Investigations Unit 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 Investigations Unit will respond in a timely manner.

706.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Investigations Unit:

[Insert attachment here] [See attachment: Equipment Pursuant to Government Code 7070.pdf](#)

706.5 APPROVAL

The Chief of Investigations 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 Chief of Investigations or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the Investigations Unit 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):

Military Equipment

- (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 Investigations Unit.
- (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.

706.6 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.

706.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Investigations 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 Chief of Investigations or the authorized designee should also make each annual military equipment report publicly available on the Investigations Unit 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 Investigations Unit inventory.

706.8 COMMUNITY ENGAGEMENT

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

Attachments

Equipment Pursuant to Government Code 7070.pdf

Equipment Pursuant to Government Code 7070

GOVERNMENT CODE 7070(c)(1):

DJI Inspire 2 (Investigations Unit): Quantity 1. The Inspire 2 is a publicly obtainable (available for retail purchase by the public) UAV (Unmanned Aerial Vehicle). It is capable of 23 minutes of flight time with preprogrammed or remotely controlled flight. It can travel up to 94 kph, range of up to 7 km, and a maximum altitude of 5000 meters. It has a Zenmuse X5s 20.8MP/4K photo/video camera capable of recording and live streaming, on a three-axis stabilizing gimbal.

1. **Purpose-** The Inspire 2 is mainly utilized by the Placer County DAI Unit for crime scene preservation and documentation, as well as taking photographs and video of scenes/locations/structures/etc for the purpose of presenting that data in criminal court as evidence. It is more cost effective than using a helicopter to obtain aerial photos/videos of crime scenes/locations. The Inspire 2, and its accompanying camera system, is considered to be a “Documentation Use” UAV, versus a “Patrol Use” UAV. In rare instances, and only with a request from an outside law enforcement agency and with Supervising Investigator approval, the Inspire 2 may be used for the following: search and rescue operations, explosive ordinance response, missing persons incidents, disaster response, hostage situations, active shooter incidents, dignity protection operations, high-risk search warrants, fleeing suspect search, and fire response.
2. **Authorized Use-** The Inspire 2 may only be deployed for a law enforcement purpose with Supervising Investigator or higher approval. Only authorized and properly trained operators may use the UAS.
3. **Expected Lifespan-** 5 to 7 years.
4. **Fiscal Impact-** Initial cost \$9,500. Minimal cost of replacement parts as needed. Average annual cost for batteries and propellers is approximately \$150 plus the cost of insurance per Risk Management.
5. **Training-** All agency approved UAV operators are licensed by the FAA. Each operator must attend an 8-hour training, and ongoing operating and observation skills training hosted by either the Placer County Sheriff or Roseville Police Department.
6. **Legal and Procedural Rules-** The Federal Aviation Administration Regulation 14, CFR Part 107, governs the operation of UAS (drones). Placer County District Attorney Investigations Unit employees using drones will follow all state and federal laws, and PCDA policy 606.

Government Code 7070(c)(10)

Daniel Defense DDM4 AR-15 Rifle (Investigations Unit): Quantity **13**. A 5.56/.223 caliber semi-automatic rifle with removable magazine, adjustable stock, 16-inch barrel, and built on a AR-15 style platform.

1. **Purpose-** The rifles are issued to and used by District Attorney Investigators (DAI). They are used to engage with lethal threats, subjects armed with firearms, subjects with body armor, subjects whom are barricaded or have taken a hostage(s), and situations that may require accurate and effective fire at long range.
2. **Authorized Use-** Used by District Attorney Investigators for law enforcement purposes, pursuant to Agency Policy.
3. **Expected Lifespan-** Dependent on Usage
4. **Fiscal Impact-** Original Cost of approximately \$1,500 per firearm. Estimated \$20.00 per firearm for annual maintenance.
5. **Training-** POST approved and mandated 16-hour rifle course is required to be issued and use this equipment. This training consists of familiarization, policy, authorized use, practical training and a qualification course. Instructor led DAI unit training occurs yearly with a yearly qualification.
6. **Legal and Procedural Rules-**DAI's using this firearm will follow all state and federal laws, and PCDAI Unit Policy.

Daniel Defense DDM4 (TRIDENT): Quantity **1**. A 5.56/.223 caliber semi-automatic/full automatic rifle with removable magazine, adjustable stock, 16-inch barrel, and built on a AR-15 style platform.

1. **Purpose-** Used by the Placer County District Attorney's Office TRIDENT Commander during the planned execution of high-risk search warrants and other high-risk operations. Deployment is restricted to applicable situations.
2. **Authorized Use-** Use by the PCDA TRIDENT Commander for law enforcement purposes, and within Agency Policy.
3. **Expected Lifespan-** Dependent on Usage
4. **Fiscal Impact-** Original Cost of approximately \$2,000 per firearm. Estimated \$20 for annual maintenance.
5. **Training-** POST approved and mandated 16-hour rifle course is required to be issued and use this equipment. This training consists of familiarization, policy, authorized use, practical training and a qualification course. The PCDA TRIDENT Commander

also has experience on a tactical SWAT team, and has successfully completed the POST mandated Tactical Operator course. Instructor led DAI unit training occurs yearly with a yearly qualification.

6. **Legal and Procedural Rules**-DAI's using this firearm will follow all state and federal laws, and PCDAI Unit Policy.

LWRC M6IC Short Barrel Rifle (Investigations Unit): Quantity **1**. A 5.56/.223 caliber semi-automatic rifle with removable magazine, adjustable stock, 10-inch barrel, and built on a AR-15 style platform.

1. **Purpose**- This rifle is used by District Attorney Investigators where the shorter barrel length is needed for close quarter tactical operations (search warrant entry, high-risk arrests). It is used to engage with lethal threats, subjects armed with firearms, subjects with body armor, subjects whom are barricaded or have taken a hostage(s), and situations that may require accurate and effective fire at long range.
2. **Authorized Use**- Used by a District Attorney Investigator for law enforcement purposes, and within Agency Policy.
3. **Expected Lifespan**- Dependent on Usage
4. **Fiscal Impact**- Original Cost of approximately \$1,900. Estimated \$20.00 for annual maintenance.
5. **Training**- POST approved and mandated 16-hour rifle course is required to be issued and use this equipment. This training consists of familiarization, policy, authorized use, practical training and a qualification course. Instructor led DAI unit training occurs yearly with a yearly qualification.
6. **Legal and Procedural Rules**-DAI's using this firearm will follow all state and federal laws, and PCDAI Unit Policy.

5.56/.223 Federal Ammunition (Training Use-DAI Unit): Quantity: Approximately 4,000 rounds. A short-action rifle cartridge with a 55-grain copper jacketed bullet.

1. **Purpose**- Utilized in the AR-15 platform rifle by District Attorney Investigators and the TRIDENT Commander. Used in training and qualification activities to prepare to engage with lethal threats, subjects armed with firearms, subjects with body armor, subjects whom are barricaded or have taken a hostage(s), and situations that may require accurate and effective fire at long range.
2. **Authorized Use**- Used by District Attorney Investigators for law enforcement purposes, and within Agency Policy.
3. **Expected Lifespan**- 15 years.

4. **Fiscal Impact-** \$0.80 to \$1.20 per round. Ongoing purchases as needed. Cost averaged out on a yearly basis is approximately \$750.

5. **Training-** POST approved and mandated 16-hour rifle course is required to be issued and use this equipment. This training consists of familiarization, policy, authorized use, practical training and a qualification course. Instructor led DAI unit training occurs yearly with a yearly qualification.

6. **Legal and Procedural Rules-** DAI using firearms will follow all state and federal laws, and PCDA policies.

5.56/.223 Speer LE Ammunition (Duty Use-DAI Unit): Quantity: Approximately 1,000 rounds. A short-action rifle cartridge with a 62-grain, GDSP bullet.

1. **Purpose-** Utilized in the AR-15 platform rifle by District Attorney Investigators and the TRIDENT Commander. used to engage with lethal threats, subjects armed with firearms, subjects with body armor, subjects whom are barricaded or have taken a hostage(s), and situations that may require accurate and effective fire at long range.

2. **Authorized Use-** Used by a District Attorney Investigator for law enforcement purposes, and within Agency Policy.

3. **Expected Lifespan-** 15 years.

4. **Fiscal Impact-** \$0.80 to \$1.20 per round. Ongoing purchases as needed. Cost averaged out on a yearly basis is approximately \$250.

5. **Training-** POST approved and mandated 16-hour rifle course is required to be issued and use this equipment. This training consists of familiarization, policy, authorized use, practical training and a qualification course. Instructor led DAI unit training occurs yearly with a yearly qualification.

6. **Legal and Procedural Rules-** DAI using firearms will follow all state and federal laws, and PCDA policies.

