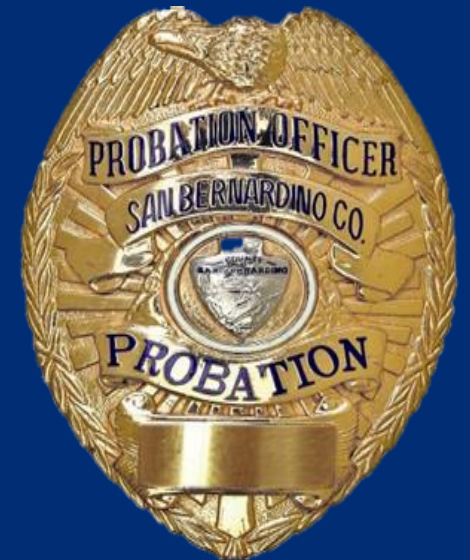




Sheriff/Coroner/Public Administrator  
District Attorney's Office  
Probation Department

## ANNUAL REVIEW

Law Enforcement Military Equipment Funding, Acquisition, and Use  
California Assembly Bill 481



May 7, 2024

[www.SBCounty.gov](http://www.SBCounty.gov)



On January 1, 2022, Assembly Bill 481 (AB 481) became effective and:

- Added Government Code section 7070 et seq.
- Required law enforcement agencies (LE Agencies) and their local governing bodies to follow certain procedures before the LE Agencies fund, acquire, and use military equipment
- Implemented the goal of safeguarding the public's welfare, safety, civil rights, and civil liberties whenever LE Agencies used military equipment

AB 481 defined certain LE equipment as “Military Equipment,” which includes:

- Drones/unmanned, remotely piloted, powered aerial or ground vehicles
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers
- Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached
- Command and control vehicles used to facilitate the operational control and direction of public safety units
- .50 caliber or greater firearms/ammunition (except standard-issue shotguns/shotgun ammunition)





- Less than .50 caliber specialized firearms/ammunition, including assault weapons (except less than .50 caliber standard-issue service weapons/ammunition)
  - Any firearm/firearm accessory designed to launch explosive projectiles
  - Any weaponized aircraft, vessel, or vehicle
  - Battering rams, slugs, and any breaching apparatus that is explosive in nature
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- Flashbang grenades, explosive breaching tools, tear gas, and pepper balls (except standard-issue, handheld pepper spray)
  - Taser shockwave and long-range acoustic devices
  - Projectile launch platforms/munitions, including 40mm projectile launchers, bean bags, rubber bullets, and specialty impact munition weapons
  - Any other equipment as determined by a governing body or a state agency to require additional oversight



On March 26, 2022, each LE Agency created:

- A Military Equipment Use Policy
- An Annual Military Equipment Report

The documents were made publicly available on the LE Agencies' respective internet websites for at least 30 days prior to the public hearing regarding the agencies' use of military equipment.



Each LE Agency's Military Equipment Use Policy and Annual Military Equipment Report created on March 26, 2022, described the following military equipment matters:

- Inventory, including type, quantity, capability, and expected lifespan
- Purposes and authorized uses
- Fiscal impact, including acquisition and maintenance costs
- Legal and procedural rules governing authorized use
- Training required prior to equipment use
- Procedures to ensure military equipment use policy compliance
- Public input procedures to register concerns and questions, and how the LE Agency shall respond

On April 26, 2022, LE Agencies held a community engagement meeting where the public could discuss and ask questions about the Military Equipment Use Policies and Annual Military Equipment Reports, and the LE Agencies' funding, acquisition, or use of military equipment.

**At a regular meeting, the Board of Supervisors (Board) considered an open-session agenda item regarding the LE Agencies' policies and reports (April 26, 2022; Item No. 74) that provided for public comment.**

At this meeting, the Board adopted Ordinance Nos. 4428 (District Attorney), 4429 (Probation), and 4430 (Sheriff), approving each agency's policy and military equipment funding, acquisition, and use.

The Ordinances are subject to annual review.

In adopting the Ordinances on April 26, 2022, the Board found that the LE Agencies had complied with Government Code section 7071, subdivision (d), and that the military equipment:

- Was necessary because there was no reasonable alternative that could achieve the same objective of officer and civilian safety
- Use policies would safeguard the public's welfare, safety, civil rights, and civil liberties
- Was reasonably cost-effective compared to available alternatives that could achieve the same objective of officer and civilian safety
- Prior military equipment use had complied with any military equipment use policy that was in effect at the time





LE Agencies must create and post to the agency's public website the Annual Military Equipment Reports.

- Reports discuss agency's military equipment use, inventory, and fiscal impact for the prior calendar year
- Reports are to be posted at least 30 days before LE Agencies hold a community engagement meeting where the public may discuss and ask questions about the annual reports and LE Agencies' funding, acquisition, and use of military equipment



March 29 & 30 2024

LE Agencies uploaded Annual Military Equipment Reports for January 1, 2023 through December 31, 2023

May 7, 2024

LE Agencies will hold a public meeting during regular Board meeting

Pursuant to Government Code section 7071, subsection (e)(1), the Board shall annually, at a regular meeting and as an open session agenda item that provides for public comment:

- Evaluate and vote on whether it should renew the previously-adopted military equipment use Ordinances; and
- Determine whether each type of military equipment identified in the Annual Military Equipment Reports complies with Government Code section 7051, subdivision (d).

At the meeting on May 7, 2024, if the Board finds that any military equipment identified in a LE Agency's report does not comply with Government Code section 7071, subdivision (d), the Board shall then determine whether it will either:

- Disapprove renewal of authorization for that type of military equipment, or
- Require modifications to the agency's Military Equipment Use Policy that will resolve the lack of compliance.



# Questions?

