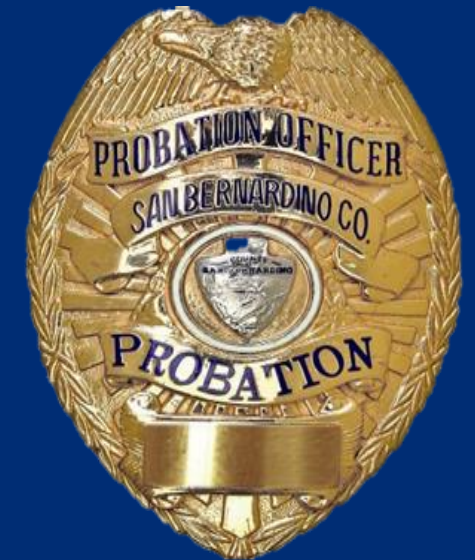




Sheriff/Coroner/Public Administrator
District Attorney's Office
Probation Department

ANNUAL REVIEW

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





January 1, 2022

- Assembly Bill 481 (AB 481) became effective
- Added Government Code section 7070 et seq.
- Requires law enforcement agencies (LE Agencies) and their local governing bodies to follow certain procedures before the LE Agencies fund, acquire, and use military equipment
- Goal of AB 481 is to safeguard the public's welfare, safety, civil rights, and civil liberties whenever LE Agencies use military equipment

“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
- 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 Agency's internet website for at least 30 days prior to the public hearing regarding agency use of military equipment



March 26, 2022

The Military Equipment Use Policy and Annual Military Equipment Report described the LE Agency's military equipment:

- 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

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

At this meeting, the Board adopted Ordinances 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 and
- Prior military equipment use 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 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 30 – 31, 2023

LE Agencies uploaded
Annual Military Equipment Reports for
January 1, 2022—December 31, 2022

May 9, 2023

LE Agencies hold public meeting
during regular Board meeting

May 9, 2023

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 7071, subdivision (d)

At the meeting on May 9, 2023, 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?

