



# COUNTY OF SONOMA

575 ADMINISTRATION  
DRIVE, ROOM 102A  
SANTA ROSA, CA 95403

## SUMMARY REPORT

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**Agenda Date:** 5/14/2024

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**To:** Board of Supervisors

**Department or Agency Name(s):** Sheriff's Office

**Staff Name and Phone Number:** Lt. Eric Salkin, Connie Newton 565-2650

**Vote Requirement:** Majority

**Supervisorial District(s):** Countywide

**Title:**

Military Equipment Use Policy 2023 Annual Report

**Recommended Action:**

- A. Receive the Military Equipment Use Policy 2023 Annual Report for calendar year 2023; and
- B. Adopt a resolution making required findings pursuant to Assembly Bill 481 regarding Sonoma County Ordinance No. 6383, military equipment use policy.

**Executive Summary:**

The Sheriff is requesting the Board complete actions necessary to comply with California Government Code sections 7070--7075, as amended by AB 481. Actions include receiving the Military Equipment Use Policy Annual Report from the Sonoma County Sheriff's office for calendar year 2023 and adopting a resolution making required findings pursuant to Assembly Bill 481 regarding Sonoma County Military Equipment Use Ordinance No. 6383 (approved May 24, 2022).

**Discussion:**

**Background**

Governor Gavin Newsom signed Assembly Bill (AB) 481 into law on September 30, 2021 (Cal. Gov't Code sections 7070--7075). The legislative intent behind AB 481 is to increase the public transparency by which California law enforcement agencies fund, acquire, and/or use military equipment, as defined under AB 481. The Assembly Bill outlines requirements needed for law enforcement agencies to continue using equipment listed in AB 481, which included the law enforcement agency's governing body to adopt a written military equipment use policy by ordinance.

On May 24, 2022, the Board approved the Sheriff's Military Equipment Use Policy and Adopted an Ordinance in accordance with the provisions of Cal. Gov't Code sections 7070--7075. The Sheriff's Office Military Equipment Policy ("Policy") is publicly available on the Sheriff Office website at <https://www.sonomasheriff.org/policies-and-training>.

**Annual Report**

Cal. Gov't Code section 7072 requires the Sheriff's Office to submit to the Board an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet

website for as long as the military equipment is available for use.

The following information is required to be included in the annual report, for each type of military equipment:

- (1) A summary of how the military equipment was used and the purpose of its use.
- (2) A summary of any complaints or concerns received concerning the military equipment.
- (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (5) The quantity possessed for each type of military equipment.
- (6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

The Board approved the calendar year 2022 Annual Report on May 24, 2023, which included a request to increase the number of its unmanned aerial vehicle inventory (Item 4. Category 1) by two units, based on advances in technology and existing units eventually needing to be replaced.

The attached Annual Report contains the required information for calendar year 2023. Since the policy was adopted in May 2022, there were no known complaints or concerns reported regarding the use of any of the Sheriff's applicable equipment and there were no violations of the military equipment use policy. There are no requests to acquire new military equipment; however, there are requests for replacement equipment and inventory adjustments.

In 2023, the unmanned aerial vehicle inventory (Item 4. Category 1) was increased by two devices as requested during the 2022 Military Equipment report presentation. The Sheriff's Office is requesting approval of the Titus Explosive Ordinance Disposal robot, that was purchased to replace the Talon robot during 2023 (Item 3. Category 1). The Titus will be used for the same purpose as the Talon which is no longer in service. The Lightfiled Less Lethal munition quantities increase from 200 to 297 (Item 12. Category 14) and the Defense Technology Stinger 32 Caliber Rubber Ball Device quantity increased from 8 to 10 (Item 14. Category 14). Five devices are assigned to Patrol and five are assigned to Detention. Inventories are replenished based on projected training needs and the number of staff needing to train, and therefore may slightly fluctuate year over year. These increases also require Board approval. In regard to the remaining items in inventory, the Sheriff's Office intends to replenish inventories to the levels listed in the report as items are used. In addition, equipment will be replaced if the equipment becomes unrepairable or reaches the end of its useful life. The

Sheriff's Office 2023 Military Equipment Annual report is publicly available on the Sheriff Office website at <https://www.sonomasheriff.org/publications>

### **Community Engagement Meeting**

In accordance with Gov't Code section 7072(b), the Sheriff's Office held a community engagement meeting within 30 days of submitting and publicly releasing its annual military equipment report for calendar year 2023. As required by AB 481, the meeting was well-publicized and conveniently located and allowed the general public to discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

The Sheriff completed its annual report for calendar year 2023 and posted it on the Sheriff's public website on March 15, 2024. On March 25, 2024, the Sheriff's Community Engagement Team, through its social media platforms, announced the publication of the annual report and announced details of the public community meeting, which was held on April 16, 2024, at the Sheriff's Office. To make the meeting accessible to a broader range of participants, the Sheriff's Office used a "Town Hall" format, similar to an open house, allowing members of the public to participate in the meeting during a time and for a duration that best suited their personal needs. Five members from the public attended the open house. The Sheriff provided a presentation and addressed the participant questions and received feedback from the participants. Some questions and comments were posted on the social medial platforms. These comments are included as an attachment to this report.

### **Making Required Findings for Ordinance No. 6383**

AB 481 (Government Code Section 7071(e)) also requires the Board to review Ordinance No. 6383 annually and, subject to a determination that each type of military equipment identified in the annual military equipment report has complied with the standards for approval set forth in AB 481, vote on whether the Ordinance remains in effect in its current form or needs any amendments to ensure compliance with the standards set forth in AB 481. If the Board of Supervisors would find that a type of military equipment identified in the annual military equipment report has not complied with the standards for approval, the Board of Supervisors shall either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance.

Based on the Sheriff's annual report for calendar year 2023, it is recommended that the Board determines that each type of military equipment identified in the annual military equipment report for calendar year 2023 has complied with the standards for approval set forth in AB 481 (Government Code Section 7071(d)), namely that:

- (A) The military equipment inventoried and presented to the Board is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
- (B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties;
- (C) The equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety (if any);
- (D) Prior military equipment use complied with the applicable equipment use policy (which included equipment now defined as military equipment) that was in effect at the time, or if prior uses did not

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comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance;

It is further recommended that the Board, having made these required determinations, further finds that Ordinance No. 6383 continues to comply with the standards for approval and satisfies the requirements of AB 481. No modifications are required at this time (Government Code Section 7071(e)), and Ordinance No. 6383 shall remain in effect in its current form.

Staff, therefore, recommends that the Board adopt the attached resolution making required findings pursuant to Assembly Bill 481 regarding Sonoma County Ordinance No. 6383, military equipment use policy.

The Sonoma County Sheriff's Office will submit its annual report for calendar year 2024 next year in 2025, and the Board of Supervisors shall review Ordinance No. 6383 again at that time to make the required annual findings pursuant to AB 481.

The Sheriff is requesting the Board accept the annual report, adoption of the resolution, renew the ordinance, and approve the replacement equipment and slight adjustments to munitions inventories.

**Strategic Plan:**

N/A

**Racial Equity:**

**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

No

**Prior Board Actions:**

May 24, 2022 - The Board adopted an uncodified ordinance to approve a Military Equipment Use Policy pursuant to AB 481.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY23-24 Adopted</b>	<b>FY24-25 Projected</b>	<b>FY25-26 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
General Fund Contingencies			
<b>Total Sources</b>			

**Narrative Explanation of Fiscal Impacts:**

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N/A

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

- 2023 Military Equipment Annual Report Resolution
- 2023 Annual Military Equipment Report
- 2023 Military Equipment Report Public Comment on Social Media

**Related Items "On File" with the Clerk of the Board:**

N/A