



Legislation Details (With Text)

File #: 2023-0516
Type: Regular Calendar Item **Status:** Agenda Ready
File created: 4/14/2023 **In control:** Sheriff's Office
On agenda: 5/16/2023 **Final action:**
Title: Military Equipment Use Policy Annual Report
Sponsors: Sheriff's Office
Indexes:
Attachments: 1. Summary Report, 2. Annual Military Equipment Report, 3. Ordinance No. 6383, 4. Resolution, 5. Public comments, 6. AB 481 PowerPoint.pdf

Date	Ver.	Action By	Action	Result
5/16/2023	1	Board of Supervisors	Approved as recommended	Pass

To: Board of Supervisors

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

Staff Name and Phone Number: James Naugle, Connie Newton 707-565-2650

Vote Requirement: Majority

Supervisory District(s): Countywide

Title:

Military Equipment Use Policy Annual Report

Recommended Action:

Receive the Military Equipment Use Policy 2022 Annual Report for calendar year 2022, 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 2022 and adopting a resolution making required findings pursuant to Assembly Bill 481 regarding Sonoma County Military Equipment Use Ordinance No. 6283 (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 attached Annual Report contains the required information for calendar year 2022. 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. With the exception of the unmanned aerial vehicles, there are no requests to acquire additional military equipment. The Sheriff's Office is requesting authorization to potentially increase 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. Sheriff's staff is still researching options for unmanned aerial vehicle replacements. 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.

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 2022. 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 2022 and posted it on the Sheriff's public website on March 15, 2023. On March 7, 2023, 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 March 21, 2023, at the Town of Windsor's Chambers. 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. Three members from the public and one member from the County's Independent Office of Law Enforcement Review and Outreach attended the three-hour open house. Sheriff's staff provided a presentation and addressed the participant questions. Some questions and comments were posted on the social media 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 2022, it is recommended that the Board determines that each type of military equipment identified in the annual military equipment report for calendar year 2022 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 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 2023 next year in 2024, 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, renewing the ordinance, and approve a potential increase to the unmanned aerial vehicle inventory by two vehicles.

Strategic Plan:

N/A

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

Expenditures	FY 22-23 Adopted	FY23-24 Projected	FY 24-25 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

N/A

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

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

1. Sheriff's Office 2022 Annual Military Equipment Report
2. Ordinance No. 6383, adopted on May 24, 2022
3. Resolution making required findings pursuant to AB 481
4. Public comments received on social media sites

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

N/A