



Legislation Details (With Board Report)

File #: 22-830 **Name:** Military Equipment Ordinance
Type: General Agenda Item **Status:** Criminal Justice - Consent
File created: 8/31/2022 **In control:** Board of Supervisors
On agenda: 9/13/2022 **Final action:** 9/13/2022
Title: Adopt an ordinance approving a military equipment use policy for the District Attorney’s Office pursuant to Assembly Bill 481.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Military Equipment Ordinance, 3. Military Equipment Policy, 4. Completed Board Order Item No. 33, 5. Ordinance No. 5383

Date	Ver.	Action By	Action	Result
9/13/2022	2	Board of Supervisors	adopted	Pass

Adopt an ordinance approving a military equipment use policy for the District Attorney’s Office pursuant to Assembly Bill 481.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Adopt an ordinance approving a military equipment use policy for the District Attorney’s Office pursuant to Assembly Bill 481.

SUMMARY:

On September 30, 2021, Governor Newsom signed into law Assembly Bill 481. AB 481 addresses the funding, acquisition, and use of items lawmakers deemed to be considered “military equipment.” This bill requires law enforcement agencies, including the District Attorney’s Office, “to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined.” The attached ordinance establishes a military equipment use policy by adding the attached “Military Equipment” policy to the Monterey County District Attorney’s Office Investigation Bureau Policy Manual.

DISCUSSION:

AB 481 requires each law enforcement agency's governing body to adopt a written military equipment use policy by ordinance in a public meeting, in order to continue the use of previously acquired military equipment. The District Attorney’s Office Draft Military Equipment Policy is attached here and is posted on the District Attorney’s website.

The AB 481 defined list of military equipment currently in the District Attorney Investigation Bureau’s possession is included in the draft Military Equipment Policy. In compliance with AB 481, and as a longstanding practice, the District Attorney’s Office has processes in place for the public to submit commendations, questions, concerns and complaints online or in person.

Also in compliance with AB 481, the District Attorney's Office will prepare an Annual Report to include the use of military equipment, any complaints received, any internal audits or other information about violations of its policy, the cost of such use and other similar information. The first Annual Report will be distributed around August or September of 2023.

OTHER AGENCY INVOLVEMENT:

Not applicable.

FINANCING:

The cost of any military equipment is allocated with the District Attorney's budget.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Mark a check to the related Board of Supervisors Strategic Initiatives

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by:

Ryan McGuirk, Chief District Attorney Investigator

Approved by:

Susan K. Blich, Chief Assistant County Counsel

Attachments:

- Board Report
- Draft Ordinance
- Draft Policy