



Monterey County

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: ORD 22-024

June 07, 2022

Introduced: 5/26/2022

Current Status: Agenda Ready

Version: 1

Matter Type: Ordinance

- a. Adopt an ordinance approving a military equipment use policy for the Office of the Sheriff pursuant to Assembly Bill 481.
- b. Pursuant to the requirements of Assembly Bill 481 adopt a resolution determining that:
 - 1) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 - 2) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
 - 3) If purchasing equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
 - 4) Prior military equipment use complies with the military equipment use policy 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.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Adopt an ordinance approving a military equipment use policy for the Office of the Sheriff pursuant to Assembly Bill 481.
- b. Pursuant to the requirements of Assembly Bill 481 adopt a resolution determining that:
 - 1) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 - 2) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
 - 3) If purchasing equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
 - 4) Prior military equipment use complies with the military equipment use policy 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.

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 Office of the Sheriff, "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 Sheriff’s Office Policy Manual.

AB 481 also requires governing bodies to approve a military equipment use policy upon determining that: 1) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

2)The proposed military equipment use policy will safeguard the public’s welfare, safety, civil rights, and civil liberties. 3)If purchasing equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety. 4)Prior military equipment use complies with the military equipment use policy 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.

This ordinance was introduced on May 24, 2022 and was set for adoption on June 7, 2022.

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 Office of the Sheriff’s Draft Military Equipment Policy is attached here and is posted on the Sheriff’s website.

The AB 481 defined list of military equipment currently in the Sheriff Department’s possession is included in the draft Military Equipment Policy, as well as each items’ purpose, authorized use, expected lifespan and fiscal impact. Also, in compliance with AB 481, and as a longstanding practice, the Sheriff’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 Sheriff’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 on or around May, 2023.

The only new equipment the Office of the Sheriff’s Draft Military Equipment Policy contemplates obtaining is a fixed wing drone and mobile command post. To date, we are unaware of any County rejecting a military equipment use policy. However, the Sacramento County Board of Supervisors directed staff to return with further information before approval.

OTHER AGENCY INVOLVEMENT:

Not applicable.

FINANCING:

The cost of any military equipment is allocated with the Sheriff’s budget.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Legistar File Number: ORD 22-024

Mark a check to the related Board of Supervisors Strategic Initiatives

☐ Economic Development
☐ Administration
☐ Health & Human Services
☐ Infrastructure
☒ Public Safety

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Attachments:

Board Report

Attachment A_Ordinance-AB-481

Attachment B_Military Equipment Policy

Resolution