

REVISED LEGISLATIVE DIGEST

(Amended in Board, 12/6/2022)

[Administrative Code - Funding, Acquisition, and Use of Certain Police Department Equipment]

Ordinance amending the Administrative Code to require Board of Supervisors approval of a policy governing the funding, acquisition, and use of certain law enforcement equipment consistent with the criteria set forth in state law, and approving the Police Department's Use of Equipment Policy relating to the use of unmanned, remotely piloted, powered aerial or ground vehicles.

Existing Law

On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 ("AB 481"), requiring law enforcement agencies to obtain approval from their applicable governing body for a policy governing the funding, acquisition, and use of certain law enforcement equipment. AB 481 requires the Police Department to obtain Board of Supervisors approval of the use of certain existing equipment acquired prior to January 1, 2022.

AB 481 requires the Police Department to submit to the Board of Supervisors a draft Law Enforcement Use of Equipment Policy for approval. Within one year of Board of Supervisors approval of the policy, and annually thereafter for as long as the covered equipment is available for use, the Police Department is required to review the approved Law Enforcement Use of Equipment Policy and submit a report regarding the covered equipment. The Police Department must hold a public hearing on the Use of Equipment Policy and annual report prior to submitting the annual report to Board of Supervisors for its review and approval. The Use of Equipment Policy and annual report shall be publicly available and posted on the Police Department's website for at least thirty days prior to said hearing.

AB 481 requires the Board of Supervisors to annually review any ordinance approving the policy governing the funding, acquisition, or use of covered equipment, and determine whether to renew the ordinance consistent with applicable law. If the Board of Supervisors determines that a type of covered equipment identified in that annual Law Enforcement Equipment Report has not complied with state law, the Board of Supervisors shall either disapprove a renewal of the authorization for that type of equipment or require modifications to the Law Enforcement Use of Equipment Policy to comply with state law.

Amendments to Current Law

On December 6, 2022, the Board of Supervisors duplicated the proposed ordinance in Board File No. 220641, which would require the Police Department to comply with the requirements of AB 481 by obtaining approval from the Board of Supervisors of a policy governing the funding, acquisition, and use of certain law enforcement equipment. And as amended in the Rules Committee on July 11, 2022 and December 6, 2022, the ordinance in Board File 220641 would also approve the Use of Equipment Policy submitted by the Police Department and available in Board File No. 220641, subject to the addition of language that would expressly prohibit the use of robots.

This ordinance is the duplicate of the ordinance in Board File No. 220641. After duplication, the Board amended the duplicate ordinance to approve only Section 1.A.1-8 of the Equipment Policy, as it existed in Board File No. 220641 on December 6, 2022, which addresses the Department's use of robots.

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