

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.

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

FILE NO. 220641

The proposed ordinance 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.

As amended in the Rules Committee on July 11, 2022, the proposed ordinance would also approve the Use of Equipment Policy submitted by the Police Department and available in Board File No. 220641.

On December 6, 2022, the Board of Supervisors duplicated the file, and amended the ordinance in File No. 220641 to approve the Use of Equipment Policy, subject to an amendment to the policy that would expressly prohibit the use of unmanned, remotely piloted, powered aerial or ground vehicles (robots) as a deadly force option.

n:\legana\as2022\2200437\01643807.docx