

LEGISLATIVE DIGEST

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

Ordinance amending the Administrative Code to require Board of Supervisors approval for the funding, acquisition, and use of certain law enforcement equipment consistent with the criteria set forth in state law.

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 the funding, acquisition, and use of certain law enforcement equipment. AB 481 requires the Police Department to obtain Board of Supervisors approval for 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. Thereafter, the Police Department is required to review the approved Law Enforcement Use of Equipment Policy and submit a report regarding the covered equipment within one year of receiving Board of Supervisors approval, and annually thereafter for as long as the covered equipment is available for use. 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 review any ordinance approving the funding, acquisition, or use of covered equipment, annually, 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

This legislation requires the Police Department to comply with the requirements of AB 481 to obtain approval from the Board of Supervisors for the funding, acquisition, and use of certain law enforcement equipment.

n:\govern\as2022\2200437\01600628