

LEGISLATIVE DIGEST

(Revised 1/30/2023)

[Administrative Code - Funding, Acquisition, and Use of Certain Sheriff's 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 of the Sheriff's Department consistent with the criteria set forth in state law, and approving the Sheriff's Department's Use of Equipment Policy.

Existing Law

On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 ("AB 481"), codified in California Government Code Sections 7070 *et seq.*, requiring law enforcement agencies to obtain approval by ordinance of an equipment use policy to allow the use of particularly defined new or existing law enforcement equipment for a purpose, in a manner, or by a person not previously approved by the governing body. State law defines the specific equipment subject to this requirement, the minimum requirements for the policy, and the standards for the approval of the governing body. State law requires that the Sheriff submit to the Board an annual equipment report for each type of equipment in their inventory, and annually thereafter for as long as the equipment is available for use. State law requires that, within 30 days of submitting and publicly releasing the required annual equipment report, the Sheriff shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual equipment report and the Sheriff's funding, acquisition, or use of equipment.

Amendments to Current Law

This ordinance would amend Administrative Code Chapter 96H to require Board of Supervisors approval of a policy governing the funding, acquisition, and use of certain Sheriff's Department equipment. In addition, this ordinance would include Board of Supervisors approval of the Sheriff's Department's Use of Equipment Policy. This ordinance would require that, no later than December 13, 2023, the Sheriff submit to the Board the annual equipment report for each type of equipment in their inventory, and annually thereafter for as long as the equipment is available for use. In addition, this ordinance would state that a meeting before the Sheriff's Department Oversight Body satisfies this requirement.

Background

On May 24, 2022, the Mayor introduced an ordinance to add Chapter 96G to the Administrative Code to require Board of Supervisors approval of a policy governing the funding, acquisition, and use of certain Police Department equipment. On December 13,

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2022, the Board adopted the ordinance approving the Police Department's Use of Equipment Policy, the codified portion of which was designated Chapter 96H, including Section 96H.1.

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