



Napa County

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Legislation Text

File #: 23-0511, Version: 1

TO: Board of Supervisors
FROM: Oscar Ortiz - Sheriff-Coroner
REPORT BY: Wendi Agans - Sheriff's Administrative Manager
SUBJECT: Annual AB 481 Use Policy and Equipment Report

RECOMMENDATION

Sheriff requests the following actions in accordance with California State Assembly Bill 481 and Napa County Ordinance No. 1476:

1. Review of Sheriff's Office Policy 704 - Military Equipment and Annual Military Equipment Report; and
2. Approval of and authorization for continued use of certain law enforcement equipment.

EXECUTIVE SUMMARY

In accordance with Assembly Bill 481 (AB 481) and Napa County Ordinance No. 1476, Sheriff's Office is seeking authorization for continued use of certain law enforcement equipment, which by some of the language in AB 481, could also be described as military equipment.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	No
Is it currently budgeted?	No
Where is it budgeted?	N/A
Is it Mandatory or Discretionary?	Mandatory
Discretionary Justification:	N/A
Is the general fund affected?	No
Future fiscal impact:	N/A
Consequences if not approved:	If not approved, the Sheriff's Office would not be compliant with AB 481 and community safety could be compromised.
County Strategic Plan pillar addressed:	Effective and Open Government

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

California State Assembly Bill 481 (AB 481) was authored by Assemblymember David Chiu (D-San Francisco) to address funding, acquisition and use of certain law enforcement equipment. The intent of AB 481 stems from the Department of Defense Law Enforcement Support 1033 Program (1033 Program), which transfers military equipment to non-military law enforcement agencies. The Sheriff's Office does not participate in the 1033 Program. The legislation, however, also creates more transparency, oversight and accountability in the use and acquisition of other law enforcement equipment that could now be described as "military equipment" by language in AB 481. Governor Gavin Newsom signed AB 481 into law on September 30, 2021.

AB 481 required California law enforcement agencies, including Napa County Sheriff's Office, to obtain applicable governing body approval of a military equipment use policy by ordinance and to seek approval for continued use of any qualifying equipment acquired prior to January 1, 2022 and annually thereafter. On April 19, 2022, the Board of Supervisors conducted a first reading of Ordinance No. 1476, approving the Sheriff's Office military equipment use policy and authorizing the continued use of certain law enforcement equipment. A Second reading and adoption of Ordinance No. 1476 occurred on May 3, 2022.

Since the language of AB 481 appears to extend beyond the 1033 Program, law enforcement agencies across California have to interpret what qualifies for the reporting requirement and what is law enforcement equipment. The United States military, for example, utilizes handcuffs but handcuffs are universally recognized as a piece of law enforcement equipment. Several agencies, including the Sheriff's Office, are taking the position that it is better to "over report" and be fully transparent on all equipment and related use policies, even though the equipment available to the Sheriff's Office and its specialized units is law enforcement equipment for public safety purposes. Since the first equipment report was issued in 2022, the Sheriff's Office has only acquired a bolt action rifle, which not necessarily reportable but in the interest of over-reporting, it has been added to the 2023 report.

In accordance with annual reporting requirements of AB 481, Sheriff's Office is now seeking review of the attached Sheriff's Office Policy 704 - Military Equipment and Annual Military Equipment Report and authorization for continued use of certain law enforcement equipment.