



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Sheriff
Department No.: 032
For Agenda Of:
Placement: Administrative (set hearing): April 4, 2023
Departmental (first reading): May 2, 2023
Administrative (second reading): May 9, 2023
Estimated Tme: 30 minutes on May 2, 2023
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Bill Brown, Sheriff (805-681-4290)
Director(s)
Contact Info: Joe Schmidt, Lieutenant (805-934-6162)

SUBJECT: Renewal of the Sheriff Office’s Military Equipment Use Ordinance

County Counsel Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

On April 4, 2023:

- a. Set a hearing for May 2, 2023 to consider the introduction (First Reading) of an Ordinance to re-adopt and amend the Santa Barbara County Sheriff’s Office Military Equipment Use Policy; and
- b. Determine that the activity is not a “Project” subject to California Environmental Quality Act (CEQA) review per CEQA Guideline Section 15378(b)(5), since the activity is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment.

On May 2, 2023:

- a. Receive and file a presentation regarding an Ordinance re-adopting the Santa Barbara County Sheriff's Office Military Equipment Use Policy;
- b. Receive and file the annual military equipment report;
- c. Consider and approve the introduction (First Reading) of an Ordinance to re-adopt and amend the Santa Barbara County Sheriff's Office Military Equipment Use Policy;
- d. Read the title of the Ordinance and waive full reading of the Ordinance;
- e. Determine that the activity is not a "Project" subject to CEQA review per CEQA Guideline Section 15378(b)(5), since the activity is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment; and
- f. Continue the time to the Administrative Agenda of May 9, 2023 to consider the adoption (Second Reading) of an Ordinance adopting the Military Equipment Use Policy.

On May 9, 2023:

- a. Consider and approve the adoption of the Ordinance (Second Reading) to re-adopt and amend the Santa Barbara County Sheriff's Office Military Equipment Use Policy; and
- b. Determine that the activity is not a "Project" subject to CEQA review per CEQA Guideline Section 15378(b)(5), since the activity is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment.

Summary Text:

On May 17, 2022, the Board approved the Santa Barbara County Sheriff Office's military equipment use policy (Attachment 1) through the adoption of Ordinance No. 5157 (Attachment 4). Adopting this ordinance allowed the Sheriff's Office to use and acquire military equipment, which is defined under Government Code §7070 and includes armored vehicles, large-caliber firearms, kinetic energy projectiles, breaching tools, or "flashbang" grenades.

To permit the Sheriff Office's use of military equipment, the Board must reconsider the previously adopted ordinance and determine to renew the ordinance [Gov. Code, § 7071(e)].

Background:

Assembly Bill 481 is intended to increase transparency, accountability, and oversight surrounding the acquisition and use of military equipment by state and local law enforcement through the governing body's adoption of an ordinance approving the military equipment use policy.

The policy describes the military equipment, identifies uses for the military equipment, indicates the fiscal impact of the equipment, provides rules governing the authorized use of the equipment, sets forth

the training requirements, details the mechanism to ensure compliance with the policy, and lists procedures by which the public may register complaints about the use of military equipment.

Per Government Code §7071, a law enforcement agency must get approval from a governing body through the adoption of the policy by an ordinance before taking certain actions relating to the funding, acquisition, or use of military equipment, such as requesting military equipment, obtaining funds for military equipment, acquiring military equipment permanently or temporarily, collaborating with another law enforcement agency in use of military equipment, using military equipment for a purpose or by a person that was not previously approved to do so, and soliciting or responding to a proposal for receiving, acquiring, using military equipment.

On May 2, 2023, the Board will consider re-adoption of the ordinance (Attachment 5) approving the military equipment use policy (Attachment 1) and the updated inventory list (Attachment 2).

The Board may re-adopt the ordinance approving the policy if it determines the following:

- Military equipment use is necessary because there is no reasonable alternative that can achieve the same objective of safety.
- Military equipment use policy safeguards the public's welfare, safety, civil rights, and civil liberties.
- Military equipment is reasonably cost effective compared to alternatives that can achieve the same objective.
- Military equipment used before this resolution complied with use policy effective at the time of use, or corrective action is taken to remedy nonconforming uses and ensure future compliance with relevant use policy.

In determining whether the military equipment complied with the military equipment use policy, the Sheriff's Office prepared an annual report (Attachment 3). The report includes the following:

- A summary of how the military equipment was used and its purpose;
- A summary of complaints or concerns received concerning the military equipment;
- The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response; and
- The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment.

The Board's re-adoption of the ordinance will permit the Sheriff's Office use and acquisition of military equipment for the following year.

Fiscal Impacts:

There are no fiscal impacts associated with the recommended actions.

Special Instructions:

On or before April 1, 2023, the Santa Barbara County Sheriff's Office will post the military equipment use policy, annual report, and inventory on the SBSO website. Within 30 days after the posting, SBSO will hold a community engagement meeting regarding this policy.

After the Second Reading on May 9, 2023, direct the Clerk of the Board to:

1. Send a copy of the Minute Order of these actions to the SBSO, attn: Lt. Joe Schmidt - jws3741@sbsheriff.org
2. Clerk of the Board will publish a copy of the Ordinance or summary thereof, with the names of the Board of Supervisors voting for or against the approval within 15 days after adoption.

Attachments:

Attachment 1: Military Equipment Use Policy

Attachment 2: Inventory List

Attachment 3: Military Equipment Annual Report

Attachment 4: Military Equipment Use Ordinance No. 5157

Attachment 5: Military Equipment Use Ordinance

Authored by: Joe Schmidt, Lieutenant