



AGENDA STAFF REPORT

Control: 26001329

MEETING DATE: 05/19/2026

LEGAL ENTITY TAKING ACTION: Board of Supervisors

BOARD OF SUPERVISORS DISTRICT(S): All Districts

SUBMITTING AGENCY/DEPARTMENT: County Counsel

DEPARTMENT CONTACT PERSON(S): Leon Page, 714-834-3303
Liz Pejeau, 714-834-3300

SUBJECT: Proposed Uncodified Ordinance Approving Military Equipment Use Policies

CEO CONCUR	COUNTY COUNSEL REVIEW	CLERK OF THE BOARD
Concur	Approve ordinance to form	PUBLIC HEARINGS 3 Votes Board Majority

Budgeted: N/A	Current Year Cost: N/A	Annual Cost: N/A
Staffing Impact: No		Sole Source: No
Current Fiscal Year Revenue: N/A	Funding Source: N/A: 100%	County Audit in Last 3 years: No
Levine Act Review Completed? N/A		

Prior Board Action: 6/24/2025 #83, 5/20/2025 #91, 6/25/2024 #54, 6/4/2024 #48

RECOMMENDED ACTION(S):

1. Read the title of the ordinance.
2. Order further reading of the ordinance be waived.
3. Conduct the public hearing.
4. Receive military equipment reports submitted by the Sheriff’s Department and District Attorney’s Office regarding the use of military equipment during the preceding calendar year and determine that each type of military equipment identified in the reports complies with the standards for approval set forth in Government Code section 7071, subdivision (d).
5. Direct the ordinance be placed on the agenda of the June 23, 2026, Board of Supervisors meeting as a public hearing for adoption.
6. At the June 23, 2026, meeting, conduct the public hearing, consider the matter, and adopt the ordinance.

SUMMARY:

Adoption of the proposed ordinance, receipt of the military equipment reports submitted by the Sheriff and District Attorney, and determination that each type of military equipment identified in the military equipment reports complies with the standards for approval will allow the Sheriff's and District Attorney's continued use of the equipment in accordance with the policies and the law.

BACKGROUND INFORMATION:

Assembly Bill 481 (AB 481) added Government Code sections 7070 through 7075, effective January 1, 2022 (AB 481)(Attachment A). AB 481 is intended to increase transparency, accountability, and oversight surrounding the acquisition and use by state and local law enforcement agencies of equipment that is defined by AB 481 as "military equipment." Last year, Assembly Bill 2546 (AB 2546) was signed into law, amending the definition of "military equipment" in Government Code section 7070 by replacing specific trade names with general descriptions of certain devices.

The Sheriff's Department (Sheriff) and District Attorney's Office (District Attorney) currently own and use equipment that fall under AB 481.

AB 481's Designation of "Military Equipment"

- Unmanned, remotely piloted, powered aerial or ground vehicles (category 1);
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers (category 2);
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached (category 3);
- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion (category 4);
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units (category 5);
- Weaponized aircraft, vessels, or vehicles of any kind (category 6);
- Battering rams, slugs, and breaching apparatuses that are explosive in nature (category 7);
- Firearms of .50 caliber or greater, excluding standard issue shotguns (category 8);
- Ammunition of .50 caliber or greater, excluding standard issue shotgun ammunition (category 9);
- Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency (category 10);
- Any firearm or firearm accessory that is designed to launch explosive projectiles (category 11);

- "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray (category 12);
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices, acoustic hailing devices, and sound cannons (category 13);
- 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons and their associated munitions (category 14);
- Any other equipment as determined by a governing body or a state agency to require additional oversight (category 15)

AB 481's Requirement of a "Military Equipment Use Policy"

As required by Government Code section 7071, subdivision (d)(2), the Sheriff's and District Attorney's military equipment use policies have been posted on their websites, and the policies must remain on their websites for so long as the equipment is available for use by their personnel. The Sheriff's and District Attorney's military equipment use policies address a number of required topics, including the type, quantity, capabilities, purposes and authorized uses of the equipment, the fiscal impact of their acquisition and use, the legal and procedural rules that govern their use, the training required by any officer allowed to use the equipment, the mechanisms in place to ensure policy compliance and the procedures by which the public may submit concerns and complaints.

AB 481's Requirement of an Ordinance Adopted by the Board

Government Code section 7071, subdivision (a), requires the Board's approval of an ordinance adopting the Sheriff's and District Attorney's military equipment use policies if the Board finds, among other items, the military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety; and the proposed policies will safeguard the public's welfare, safety, civil rights and civil liberties.

The Board's approval of an ordinance adopting the policies is required before the Sheriff and District Attorney may request military equipment made available by the federal government; seek funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state or federal funds, in-kind donations, or other donations or transfers; acquire military equipment either permanently or temporarily, including by borrowing or leasing; collaborate with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body; solicit or respond to a proposal for, or enter into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use or collaborate in the use of military equipment; or acquire military equipment through any other means. The Sheriff and District Attorney will be required to seek Board approval prior to using any new or existing military equipment in a manner, or by a person not previously approved by the Board.

On June 4, 2024, June 25, 2024, May 20, 2025, and June 24, 2025, the Board approved, after the second readings, an uncodified ordinance adopting the Sheriff's and District Attorney's military equipment use policies (Attachment B). The policies include their inventories of the military equipment.

AB 481's Requirements of an Annual Review of the Ordinance and Military Equipment Reports

Government Code section 7071, subdivision (e)(1), requires that the Board review the ordinance annually and vote on whether to renew the ordinance.

As part of the annual review, the Sheriff and District Attorney have each prepared a military equipment report (Attachments C and D). The reports contain a summary of how the equipment was used during the preceding calendar year; a summary of complaints or concerns, if any, received regarding the equipment; any information about violations of the policies, if any, and any actions taken in response; the costs of each type of equipment; the quantity possessed for each type of equipment; and if they intend to acquire additional equipment in the next year, the cost and quantity sought for each type.

Government Code section 7071, subdivision (e)(2) requires the Board to determine, based on the annual military equipment reports submitted, whether each type of military equipment identified in that report has complied with the standards for approval set forth in Government Code section 7071, subdivision (d). Those standards are as follows: The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety; the proposed military equipment use policy will safeguard the public's welfare, safety, civil rights and civil liberties; the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; and prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

If the Board determines that a type of military equipment identified in the annual military equipment report has not complied with the standards for approval set forth in Government Code section 7071, subdivision (d), the Board shall either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance.

In the equipment inventories attached to the proposed ordinance, the Sheriff has equipment that meets the criteria for 11 of the 15 categories (categories 1, 2, 3, 5, 7, 8, 9, 10, 12, 13, and 14) and the District Attorney has equipment that meets the criteria for three of the 15 categories (categories 1, 10 and 14). The District Attorney is adding a new category of equipment (category 5) for the coming fiscal year. No new categories of equipment have been added to the Sheriff's equipment inventory.

New items proposed to be acquired in FY 2026-2027 by the Sheriff include the following, with the manufacturers' descriptions:

- Ten (10) Unmanned Aerial System (Drone), Skydio R10: The Skydio R10 features rugged propeller guards, 5G/LTE connectivity, and NightSense for zero-light obstacle avoidance; it is also equipped with forward facing wide-beam LED lights, a 1-inch camera sensor, and a built in 82 dB speaker with microphone for two-way audio. The R10's primary use is to fly in indoor and tight space environments.
- One (1) Skydio X10: The Skydio X10 is equipped with an onboard NVIDIA Jetson Orin GPU which makes this one of the most intelligent UAVs (Unmanned Aerial Vehicles) on the market. The Skydio X10 Drone is designed, assembled, and supported in the United States of America. It will come

equipped with a camera system which includes a narrow camera, a telephoto camera, as well as a radiometric thermal camera. It will also include obstacle avoidance equipment for day and night missions.

- Fifteen (15) Skydio X10 (with dock): The Skydio X10 is equipped with an onboard NVIDIA Jetson Orin GPU which makes this one of the most intelligent UAVs (Unmanned Aerial Vehicles) on the market; the dock enables remote operations from anywhere and supports rapid deployment (airborne in about 20 seconds) and integrates with command systems for a real-time response.
- Two hundred (200) BRAVO COMPANY BCM4 AR-15 STYLE 5.56 RIFLES: A lightweight, shoulder-fired, magazine-fed, gas-operated, rifle with a long spirally grooved barrel intended to make a bullet spin and thereby have greater accuracy over a long distance with greater ballistic capabilities than a pistol. Modular accessories aiding in the operation and use may vary on each individual rifle.
- Three (3) PEPPERBALL FULL TACTICAL CARBINE (FTC): Semi-automatic, High Pressure Air (HPA) powered launcher, hopper fed (160 round capacity), smooth bore barrel with top charging handle. The safety is a cross-bolt safety switch. It will launch standard .68 caliber round PepperBall projectiles. The projectiles are fired at a velocity of approximately 280-320 feet per second. It delivers approximately 8-12 foot-pounds of kinetic energy. Effective range for incapacitation is up to 60 feet (18 meters), and a maximum range for area saturation is up to 150 feet (45 meters). It features a MIL-STD-1913 Picatinny rail for accessory mounting.
- Three (3) PENN ARMS SINGLE SHOT LAUNCHER, #L140: The 40MM single-shot, break-open frame, launcher with a rifled barrel, fixed stock and combo rail. Features include: Double-action trigger, trigger lock push button and hammer lock safeties. It will fire standard 40MM less-lethal ammunition, up to 6 inches in cartridge length. It will launch a 40MM less-lethal round up to 150 feet.
- Two (2) PENN ARMS MULTI-SHOT LAUNCHER, #L540: The 40MM multi-shot spring-advance magazine drum launcher with a six-shot capacity, rifled barrel, 6-inch cylinder and break-action loading. Spring cylinder advance actuated by trigger pull. The safety is a push button, cross bolt trigger safety. It will fire standard 40MM less lethal ammunition, up to 6 inches in cartridge length. It will launch a 40MM less lethal round up to 150 feet.

Ten (10) less lethal Tippman Pepperball Full Tactical Carbine (FTC) launchers were inadvertently omitted from the Sheriff's inventory and proposed purchases presented to the Board last year.

New items proposed to be acquired in FY 2026-2027 by the District Attorney for the District Attorney's Bureau of Investigation include the following, with the manufacturers' descriptions:

- Three hundred and seventy-five (375) Pepperball Glass Breaker rounds: A solid polymer projectile used for breaking out residential windows and side-glass of automobiles.
- One (1) Mobile Command Vehicle: 2027 Freightliner M2-106 Plus Conventional, 297-5 Command Vehicle, built by North Star. The vehicle comes with the following: Cummins L9 360EV, Allison transmission, air brake package, and a 36,000 lb. GVWR capacity. It is highly maneuverable, has

plenty of room to conduct interviews and process evidence. The vehicle will be utilized for officer-involved critical incidents, such as officer-involved shooting investigations, search warrant operations, public events, etc.

It is requested that the Board adopt the proposed uncodified ordinance approving the Sheriff's and District Attorney's military equipment use policies and repealing uncodified ordinance no. 25-013 (Attachment E). It is further requested that the Board receive the Sheriff's and District Attorney's military equipment reports and determine that each type of military equipment identified in the reports complies with the standards for approval set forth in Government Code section 7071, subdivision (d).

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

REVIEWING AGENCIES/DEPARTMENTS:

Sheriff-Coroner
District Attorney

ATTACHMENTS:

ATTACHMENT A - Government Code Sections 7070-7075
ATTACHMENT B - Ordinance No. 25-013
ATTACHMENT C - OCSD's AB 481 Annual Report
ATTACHMENT D - DA's AB 481 Annual Report
ATTACHMENT E - Proposed Uncodified Ordinance
ATTACHMENT F - Proposed Uncodified Ordinance with Exhibits
ATTACHMENT G - Redline of OCSD's Policy and Inventory
ATTACHMENT H - Redline of DA's Policy and Inventory