

The County of Yuba

Sheriff-Coroner



TO: Board of Supervisors

FROM: Wendell Anderson, Sheriff-Coroner
Nathan Lybarger, Sheriff's Captain

SUBJECT: Sheriff-Coroner: Ordinance - Hold public hearing, waive second reading, and approve ordinance adopting amended Military Equipment Use Policy to Chapter 2.155, Title II (Administration) of Yuba County Ordinance Code (Roll Call Vote) (Five-minute estimate)

DATE: January 9, 2024

NUMBER: 603/2023

Recommendation:

Adopt ordinance to amend 706.13 of the Yuba County Sheriff's Office Military Equipment Use Policy to include one Mine-Resistant Ambush Protected (MRAP) vehicle the proposed amended Military Equipment Use Policy was placed on the Yuba County Sheriff's Office website for public comment on November 15, 2023.

Background & Discussion:

Assembly Bill 481 (AB 481 or the Bill), codified at Government Code sections 7070 through 7075 requires a law enforcement agency (LEA) to obtain approval from the applicable governing body, via adoption of a "military equipment" use policy (the Policy) by ordinance (the Ordinance), prior to the LEA funding, acquiring, or using military equipment. The Yuba County Sheriff's Office (YCSO) seeks the County Board of Supervisors adoption of the attached amended Military Equipment Use Policy – Yuba County Sheriff's Office Policy 706 (Exhibit A), in order to allow YCSO to acquire new vital equipment specified herein.

Items deemed to be "military equipment" by AB 481 are used as a component of overall best practices for LEAs throughout the country. These tools have been tested in the field and are used by LEAs to enhance citizen and officer safety. Loss of these items would jeopardize the welfare of citizens and peace officers within the YCSO.

The term “military equipment”, as used in AB 481, in fact does not necessarily indicate equipment that has been used by the military. Pursuant to AB 481, items deemed to be “military equipment” include, but are not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper balls, less lethal shotguns, less lethal 40mm projectile launchers, long range acoustic devices, and flashbangs. Other items deemed to be “military equipment” via AB 481 include foundational equipment such as rifles. These rifles allow peace officers to address lethal threats from a greater distance and with greater precision.

YCSO is committed to using the most up to date tools and equipment to safeguard the citizens of Yuba County. Many of items deemed to be “military equipment” by AB 481 are in fact employed by YCSO, and LEA’s across the country, in order to specifically reduce risk to community members. These items provide peace officers with the ability to safely resolve volatile situations which otherwise might rise to the level of a lethal force encounter. To that end, the items at issue in this report, and accompanying Military Equipment Use Policy, also provide YCSO’s peace officers with vital tools that facilitate compliance with its stringent use of force policy.

Policy Considerations: The County of Yuba has a long-standing commitment of ensuring the Yuba County Sheriff’s Office has equipment necessary to safeguard the lives of the citizens of Yuba County.

Economic Impacts: None.

Environmental Considerations: Not applicable.

Sustainability: There are no sustainability considerations associated with this report.

Commission/Committee Action: N/A

Rationale for Recommendation: There is significant interest in ensuring that law enforcement continues to have access to equipment that will provide peace officers as many options as possible to safeguard lives, ensure safety, and protect civil liberties. The use of the tools identified below are vital to YCSO’s mission and will continue to be strictly regulated through internal processes and oversight.

The proposed ordinance seeks to approve the YCSO’s Military Equipment Use Policy 706, amending section 706.13. The attached proposed amended YCSO Policy 706 outlines each item identified in Government Code section 7070, which is currently owned by the County as well as the armored vehicle the Yuba County Sheriff’s Office is seeking to acquire from the Defense Logistics Agency 1033 program. The vehicle added to the amended policy at 706.13 is a Mine-Resistant Ambush Protected (MRAP) armored vehicle that seats 10-12 personnel with an open floor plan that allows for the rescue of downed personnel. The vehicle can stop various projectiles, which provides greater safety to citizens and Sheriff’s Office personnel beyond the level of protection provided with personal body armor or

traditional patrol vehicles. Due to the vehicle's elevated platform, it can navigate severe terrain in the rural areas of the county as well as provide additional mobility during high water/flooding incidents. Due to the MRAP armored vehicle's unique characteristics and capabilities, it is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety. Amending the policy to include this new equipment will continue to safeguard the public's welfare, safety, civil rights, and civil liberties. Moreover, there is no financial cost for the County to acquire this armored vehicle. The County has complied with and will continue to comply with the Military Equipment Use Policy. Therefore, the Board of Supervisors should find the attached amended policy meets the criteria set forth under 7071(d)(1)(A)-(D).

Committee Action:

None. This request is brought directly to the full Board of Supervisors for consideration.

Fiscal Impact:

No funding commitment at this time as all items are included in the annual approved budget appropriation as necessary. The addition of the Mine-Resistant Ambush Protected vehicle has no funding commitment as it is provided to the agency via the Defense Logistics Agency 1033 program.

Attachments:

603/2023 Ordinance

603/2023 Yuba County Sheriff's Policy 706 Military Equipment Use