



City of Arts & Innovation

City Council Memorandum

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TO: HONORABLE MAYOR AND CITY COUNCIL DATE: SEPTEMBER 17, 2024

FROM: POLICE DEPARTMENT WARD: ALL

SUBJECT: PUBLIC HEARING - ANNUAL REVIEW AND APPROVAL OF THE RIVERSIDE POLICE DEPARTMENT "MILITARY EQUIPMENT" POLICY AS REQUIRED BY ASSEMBLY BILL 481

ISSUE:

Conduct a public hearing for the annual review and approval of the Riverside Police Department Military Equipment Policy required pursuant to Assembly Bill 481 and California Government Code sections 7070 through 7075.

RECOMMENDATIONS:

That the City Council:

1. Conduct a Public Hearing to review the Riverside Police Department Military Equipment Policy;
2. Approve the Riverside Police Department Military Equipment Policy for the approval, acquisition, deployment, and reporting requirements of specialized law enforcement equipment classified under the California Government Code as "military equipment" at the close of the public hearing; and
3. Authorize the Department to send a copy of the Riverside Police Department Military Equipment Policy to the Governor's Office in accordance with Assembly Bill 481.

LEGISLATIVE HISTORY:

Assembly Bill 481 (AB481) was signed into law on September 30, 2021, by California State Governor Gavin Newsom, and became effective on January 1, 2022. This bill classifies certain specialized law enforcement equipment as "military equipment" and requires a governing body to oversee all purchases as well as authorize use of the equipment.

AB481 also requires that a "Military Equipment Use Policy" be adopted by ordinance by the governing body, that it be published on the agency's internet website, and that copies be provided to the Governor or Governor's Designee. The governing body is required to conduct an annual

review of the policy and vote in a public hearing to renew, disapprove, or revise the policy.

BACKGROUND:

On April 26, 2022, the City Council called a hearing to consider introducing an Ordinance regarding Military and Specialized Law Enforcement Equipment related to the adoption of a Riverside Police Department Military Equipment Policy, pursuant to Assembly Bill 481 and California Government Code sections 7070 through 7075. No public comment was received on the matter and the public hearing was closed. Following discussion, it was moved by Councilmember Perry and seconded by Councilmember Conder to (1) receive and order filed a report regarding Military and Specialized Law Enforcement Equipment; and (2) introduce an ordinance regarding Military and Specialized Law Enforcement Equipment. The motion was carried unanimously. Whereupon an Ordinance entitled, "An Ordinance of the City of Riverside, California, adding Chapter 2.70 to the Riverside Municipal Code regarding the Adoption of a Military Equipment Use Policy, otherwise referred to herein as a Specialized Law Enforcement Equipment Policy, pursuant to California Assembly Bill 481 and California Government Code Section 7070 et. seq., for the Riverside Police Department", was presented and introduced.

On May 10, 2022, the City Council presented and adopted, the title having been read and further reading waived, Ordinance No. 7586 of the City of Riverside California, adding Chapter 2.70 to the Riverside Municipal Code regarding the adoption of a Military Equipment Policy, otherwise referred to herein as A Specialized Law Enforcement Equipment Policy, pursuant to California Assembly Bill 481 and California Government Code Section 7070 et. seq., for the Riverside Police Department.

On August 15, 2023, the City Council called a hearing to consider the annual review and approval of the Riverside Police Department Military Equipment Policy required by Assembly Bill 481 and Government Code Sections 7070 through 7075. One person spoke on the matter and the public hearing was officially closed. Following discussion, it was moved by Councilmember Conder and seconded by Councilwoman Plascencia to (1) find that (i) the listed equipment in the staff report is necessary because there is no reasonable alternative that can achieve the same objectives of officer and civilian safety; (ii) the proposed military equipment policy will safeguard the public's welfare, safety, civil rights, and civil liberties; (iii) if purchasing the equipment, the equipment is reasonably cost-effective compared to available alternatives that could achieve the same objectives; (iv) prior military equipment use complied with the military equipment 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; and (2) approve the Riverside Police Department Military Equipment Policy for the acquisition and deployment of law enforcement equipment at the close of the public hearing and authorize the Police Department to send a copy of the policy to the Governor's Office in accordance with Assembly Bill 481. The motion carried with Councilmember Perry absent.

DISCUSSION:

AB 481 identifies certain specialized law enforcement equipment as "military equipment," whether or not any branch of the military uses or has used any of the listed equipment, and whether or not the equipment was acquired from the Federal Government. The legislation requires oversight from a governing body for purchase and usage of certain law enforcement equipment, classified by the legislature as "military equipment." This includes an annual review of the policy by the governing body.

The Riverside Police Department Policy and relevant attachments were updated and uploaded to the Riverside Police Department's internet website for public review. These attachments, as well as an informational video describing each type of equipment, can be found here: <https://www.riversideca.gov/rpd/military-equipment>.

Attached you will find the Police Departments Military Equipment Policy including Attachment A: Military Equipment Inventory and Attachment B: Military Equipment Fiscal Impact, as required by AB481. These documents include descriptions and quantities of the specialized law enforcement equipment, designated as "military equipment" by the California Government Code, currently available for use by the Riverside Police Department. The documents also provide summaries of the purpose and use for each type of equipment, as well as the estimated annual cost from the previous fiscal year.

The listed equipment includes a variety of contemporary law enforcement tools, vehicles, and weapons designed for the preservation of human life in responding to high-risk and critical incidents. The equipment includes such modern commonplace law enforcement equipment as aerial drones, less-lethal weapon systems, mobile command posts, bomb-disposal robots, and search and rescue equipment.

This specialized law enforcement equipment, which is already in use by the Riverside Police Department and other local law enforcement agencies throughout the county, helps limit high-risk encounters with armed violent suspects. This equipment is necessary for de-escalation of violent situations to help prevent threats to the safety of responding law enforcement personnel, the public, and the involved suspect(s).

There were no changes made to the Riverside Police Departments Military Equipment Policy including the equipment inventory over the last year. The Military Equipment Fiscal Impact was updated to reflect estimated costs for fiscal year 2023-24. The Police Department does not plan to acquire additional military or specialized law enforcement equipment over the next year. However, in the event the purchase of military or specialized law enforcement equipment is necessary, the Police Department will obtain appropriate City Council approval as required by the California Government Code.

The Riverside Police Department has not received any complaints or concerns regarding the existing military and specialized law enforcement equipment nor has the Department encountered any violations of the Military Equipment Policy in the last year.

The Riverside Police Department is requesting that the City Council consider the reauthorization of the Riverside Police Department's Military Equipment Policy. The Military Equipment Policy operates in conjunction with other policies and continues the Department's high standards for safe and appropriate use of force, use of de-escalation techniques, and transparency following critical incidents.

FISCAL IMPACT:

There is no immediate fiscal impact as the listed equipment is currently in inventory. No additional military equipment is being requested at this time. Anticipated maintenance and replacement costs will be included in existing budget allocations.

Prepared by: Charlie Payne, Police Captain
Approved by: Larry V. Gonzalez, Chief of Police
Certified as to
availability of funds: Kristie Thomas, Finance Director / Assistant Chief Financial Officer
Approved by: Mike Futrell, City Manager
Approved as to form: Phaedra Norton, City Attorney

Attachments:

1. Riverside Police Department Policy 705 – Military Equipment
2. Policy Attachment A: Military Equipment Inventory
3. Policy Attachment B: Military Equipment Fiscal Impact
4. Notice
5. Presentation