



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: OCTOBER 8, 2024

FROM: CITY ATTORNEY'S OFFICE WARDS: ALL
POLICE DEPARTMENT

SUBJECT: ORDINANCE AMENDING RIVERSIDE MUNICIPAL CODE TO ADD CHAPTER 9.53 PROHIBITION ON CARRYING OR POSSESSING SPECIFIED ITEMS WHILE ATTENDING OR PARTICIPATING IN ANY PUBLIC DEMONSTRATION, GATHERING, RALLY, PROTEST, PICKET LINE OR PUBLIC ASSEMBLY

ISSUES:

To ensure the peaceful expression of free speech, several municipalities have adopted provisions to limit the use of certain objects that may be weaponized during public demonstrations, gatherings, rallies, protests, counter-protests, picket lines, marches, or assemblies on public property, in order to safeguard against violence for all citizens. Additionally, bad actors who infiltrate crowds during these events encourage the practice of wearing masks/face coverings with the intent of avoiding identification by law enforcement, when participating in illegal activity and violence.

By adopting content-neutral, time, place and manner regulations, the City of Riverside could better ensure the safety and welfare of all individuals. These regulations (codified with the addition of RMC Chapter 9.53) would allow for the peaceful expression of differing ideas and views while reducing the risk of violent conflict by prohibiting the use or possession of weapons, or objects that may be weaponized during public demonstrations, gatherings, rallies, protests, counter-protests, picket lines, marches, or public assemblies.

RECOMMENDATIONS:

That the City Council:

Introduce and subsequently adopt an ordinance to amend the Riverside Municipal Code to add Chapter 9.53 Prohibition on carrying or possessing specified items while attending or participating in any public demonstration, gathering, rally, protest, picket line, or public assembly.

Delete Section 9.12.065.

BACKGROUND:

Numerous public protests, demonstrations and rallies conducted in cities throughout California, such as Berkeley, Laguna Beach, Riverside, and on college campuses nationwide and locally,

have erupted in violence between demonstrators and counterdemonstrators, and violence against law enforcement personnel.

Individuals, acting alone or in concert with others, have used improvised weapons to inflict injury on members of the public attending these events and law enforcement personnel responding to these events, thereby posing a real and serious threat to life and safety. Various improvised items have been used to injure attendees and harm or incapacitate law enforcement officers, including wood and metal pipes, poles, bats, chains, projectiles (such as rocks, concrete, pellets and ball bearings), glass bottles and containers filled with flammable or noxious substances, and aerosol sprays deployed to cause flames or attack olfactory systems.

With the proliferation of social media, many subversive groups use these platforms to provide instructions to bad actors on tactics and practices to inflict terror in communities and avoid identification and detection by law enforcement. Chiefly among the “instructions” to those intending to engage in criminal activity is the wearing of various masks and face coverings during these events (See attachment 2).

In light of these circumstances and to protect the public safety and welfare, a number of California cities, including Berkeley, Laguna Beach, Los Angeles, Modesto, and Oakland, have put in place ordinances prohibiting, or authorizing the issuance of regulations prohibiting, the carrying at protests, public assemblies, and community events of items such as those listed above that can readily be used as weapons.

The adoption of such an ordinance in Charlottesville, Virginia, was the result of an after-action report that found that weapons carried by demonstrators and counterdemonstrators increased both the quantum and seriousness of violence. If the individuals engaged in the acts of violence had been unarmed, there would have been fewer and less dangerous encounters.

DISCUSSION:

It is imperative that individuals engaging in peaceful expressive public activity, as well as members of the public and law enforcement personnel who encounter such activity, do so without fear of violence and without suffering injury. The proposed addition of Chapter 9.53 to the Riverside Municipal Code provides a narrowly tailored content-neutral, time, place, and manner regulations to ensure for the safety and welfare of all individuals. These regulations allow for the peaceful expression of differing ideas and views while reducing the risk of violent conflict by prohibiting the use or possession of weapons, or objects that may be weaponized during public demonstrations, gatherings, rallies, protests, counter-protests, picket lines, marches, or public assemblies in the City of Riverside.

The proposed regulations will limit items, such as, but not limited to, wooden sticks, metal and plastic pipes, baseball bats, aerosol sprays, weapons, glass bottles, metal containers, shields, gas masks, helmets, body armor, bricks, and rocks that can, and have been weaponized at protests, public assemblies, and community events, while still allowing for peaceful expressive activity.

Face coverings and other disguises, except for coverings worn due to religious beliefs, practices or observances or due to medical necessity, would also be prohibited. When some individuals utilize masks, face coverings and other disguises to prevent identification and detection by law

enforcement, they are encouraged and emboldened to carry out more dangerous and egregious violent behavior without the fear of apprehension or other consequences.

The regulations outlined in the proposed Riverside Municipal Code Chapter 9.53 are necessary in order to protect the public health, safety and welfare by providing a mechanism to limit and prevent violence and promote peaceful assembly. The content-neutral time, place, and manner restrictions allow for peaceful public expressive activity and are narrowly tailored to address the City's interest in safety while leaving ample alternatives for all free speech activities.

STRATEGIC PLAN ALIGNMENT:

This item contributes to **Strategic Priority 2 — Community Well-Being**, specifically, Goal 2.4 to Support programs and innovations that enhance community safety, encourage neighborhood engagement, and build public trust.

The item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** — The ordinance is being proposed to the City Council for the safety of individuals engaging in peaceful expressive public activity, as well as members of the public and law enforcement personnel who encounter such activity.
2. **Equity** — The proposed ordinance with help to ensure that every member of the community will be protected whether participating in peaceful expressive public activity or encountering such activity.
3. **Fiscal Responsibility** — No additional funding is required due to the proposed ordinance.
4. **Innovation** — The City continually analyzes timely and reliable information in order to develop informed policies and implement new programs in order to meet the community's changing needs.
5. **Sustainability & Resiliency** — The proposed ordinance will enhance the City's preparedness for the future.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: Jack Liu, Assistant City Attorney
Approved by: Larry 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. Exhibit "A" – Proposed Ordinance and Municipal Code Chapter 9.53
2. Images
3. Presentation