

1 AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, ADDING
2 CHAPTER 2.70 TO THE RIVERSIDE MUNICIPAL CODE REGARDING THE
3 ADOPTION OF A MILITARY EQUIPMENT USE POLICY, OTHERWISE
4 REFERRED TO HEREIN AS A SPECIALIZED LAW ENFORCEMENT
5 EQUIPMENT USE POLICY, PURSUANT TO CALIFORNIA ASSEMBLY
6 BILL 481 AND CALIFORNIA GOVERNMENT CODE SECTION 7070 ET.
7 SEQ., FOR THE RIVERSIDE POLICE DEPARTMENT.

8 The City Council of the City of Riverside does ordain as follows:

9 Section 1. Chapter 2.70 of the Riverside Municipal Code, entitled “Military and
10 Specialized Law Enforcement Equipment” is hereby added as shown in Exhibit “A” attached hereto
11 and incorporated herein reference.

12 Section 2. The City Council has reviewed the matter and, by based upon the facts and
13 information contained in the staff reports, administrative record, and written and oral testimony,
14 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2),
15 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations,
16 Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical
17 change.

18 Section 3. The City Clerk shall certify to the adoption of this ordinance and cause
19 publication once in a newspaper of general circulation in accordance with Section 414 of the
20 Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the
21 date of its adoption.

22 ADOPTED by the City Council this _____ day of _____, 2022.

23 _____
24 PATRICIA LOCK DAWSON
25 Mayor of the City of Riverside

26 Attest:

27 _____
28 DONESIA GAUSE
City Clerk of the City of Riverside

1 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
3 _____ day of _____, 2022, and that thereafter the said ordinance was duly and
4 regularly adopted at a meeting of the City Council on the _____ day of _____, 2022,
5 by the following vote, to wit:

6 Ayes:

7 Noes:

8 Absent:

9 Abstain:

10 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
11 City of Riverside, California, this _____ day of _____, 2022.
12
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14 _____
City Clerk of the City of Riverside
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EXHIBIT “A”

Chapter 2.70 – Military and Specialized Law Enforcement Equipment

Section 2.70.010 – Findings and Purpose.

The City Council finds and declares as follows:

- A. The City Council of the City of Riverside finds that acquisition of “military equipment,” otherwise referred to herein as “specialized law enforcement equipment,” or “equipment,” and its deployment or availability for use by the Riverside Police Department affects the community’s safety and welfare. The acquisition and maintenance of such equipment is often accomplished at public expense, and the public is entitled to be informed and comment about such funding, acquisition, or use of equipment by the Police Department. Decisions regarding these matters should give consideration to the community’s welfare, safety, civil rights and liberties, and should include meaningful consideration of the public’s input. Legally enforceable safeguards, including transparency, oversight, and accountability must be maintained with regard to the funding, acquisition, and use of this equipment.
- B. The City Council of the City of Riverside finds that the Use Policy will apply to specialized law enforcement equipment, classified under Government Code Section 7070 as “Military Equipment,” which was acquired prior to January 1, 2022, and will ensure a high standard of accountability in public safety, while maintaining safeguards to protect the community’s welfare, safety, civil rights, and civil liberties.
- C. The purpose of this ordinance is to establish a funding, use and acquisition policy that is developed with consideration of the public’s concerns about safety, civil rights and the welfare of the community. On September 30, 2021, California Governor Gavin Newsom signed AB 481, which became effective January 1, 2022. AB 481 classifies certain specialized law enforcement equipment as “military equipment,” and requires oversight from the City Council for purchase and use of that equipment. The legislation requires the Riverside Police Department to create a Use Policy that has been adopted by the City Council after holding public meetings to seek the public’s input.
- D. This ordinance is adopted pursuant to AB 481, codified at Chapter 12.8 to Division 7 of Title 1 of the Government Code commencing with Section 7070. These statutes provide for funding, acquisition, and use of “military equipment,” otherwise referred to as “specialized law enforcement equipment,” for law enforcement agencies throughout the State of California.

Section 2.70.020 – Definitions.

- A. “*Military Equipment*” includes all of the specialized law enforcement equipment described in Government Code Section 7070

- B. *"City"* means the City of Riverside.
- C. *"Police Department"* means any division, section, bureau, employee, volunteer and/or contractor of the Riverside Police Department.
- D. *"City Council"* means the governing body that is the Riverside City Council.
- E. *"Military Equipment Use Policy"* means a publicly released, written document that includes, at a minimum, all of the following:
1. A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
 2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
 3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
 4. The legal and procedural rules that govern each authorized use.
 5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Military Equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment use policy.
 6. The mechanisms to ensure compliance with the Military Equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
 7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.
- F. *"Exigent Circumstances"* means a law enforcement agency's good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person is occurring, has occurred, or is about to occur.
- G. *"State agency"* means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.
- H. *"Type"* means each item that shares the same manufacturer model number.

Section 2.70.030 – Military Equipment Use Policy Requirement.

- A. The Riverside Police Department shall obtain approval of the City Council, by a motion adopting a Military Equipment Use Policy at a regular meeting of the City Council held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) prior to engaging in any of the following:
 - 1. Requesting Military Equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
 - 2. Seeking 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.
 - 3. Acquiring Military Equipment either permanently or temporarily, including by borrowing or leasing.
 - 4. Collaborating with another law enforcement agency in the deployment or other use of Military Equipment within the territorial jurisdiction of the City of Riverside.
 - 5. Using any new or existing Military Equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.
 - 6. Soliciting or responding to a proposal for, or entering 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.
 - 7. Acquiring Military Equipment through any means not provided by this section.
- B. No later than May 1, 2022, if seeking to continue the use of any Military Equipment that was acquired prior to January 1, 2022, the Riverside Police Department shall commence a City Council approval process in accordance with this section. If the City Council does not approve the continuing use of Military Equipment, including by adoption pursuant to a Military Equipment Use Policy submitted pursuant to this code, within 180 days of submission of the proposed Military Equipment Use Policy to City Council, the Riverside Police Department shall cease its use of the Military Equipment until it receives the approval of City Council in accordance with this code.
- C. In seeking the approval of City Council, the Riverside Police Department shall submit a proposed Military Equipment Use Policy to the City Council and make those documents available on the Police Department's internet website at least 30 days prior to any public hearing concerning the Military Equipment at issue.
- D. The City Council shall only approve a Military Equipment Use Policy pursuant to this chapter if it determines all of the following:
 - 1. The Military Equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 - 2. The proposed Military Equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

3. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
 4. 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.
- E. In order to facilitate public participation, any proposed or final Military Equipment Use Policy shall be made publicly available on the internet website of the Police Department for as long as the Military Equipment is available for use.
- F. The City Council shall review this ordinance at least annually and vote on whether to renew it at a regular meeting held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

Section 2.70.040 – Use in Exigent Circumstances.

- A. Notwithstanding the provisions of this Chapter, the Police Department may acquire, borrow and/or use Military Equipment in Exigent Circumstances without following the requirements of this code.
- B. If the Police Department acquires, borrows, and/or uses Military Equipment in Exigent Circumstances, in accordance with this section, it must take all of the following actions:
1. Provide written notice of that acquisition or use to the City Council within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged under local, state or federal law.
 2. If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed amended Military Equipment Use Policy to the City Council within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the City Council.
 3. Include the Military Equipment in the Police Department's next annual Military Equipment Report.

Section 2.70.050 – Reports on the Use of Military Equipment.

- A. The Police Department shall submit to City Council an annual Military Equipment Report for each type of Military Equipment approved by the City Council within one year of approval, and annually thereafter for as long as the Military Equipment is available for use.
- B. The Police Department shall also make each annual Military Equipment Report required by this section publicly available on its internet website for as long as the Military Equipment is available for use.

- C. The annual Military Equipment Report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of Military Equipment:
1. A summary of how the Military Equipment was used and the purpose of its use.
 2. A summary of any complaints or concerns received concerning the Military Equipment.
 3. The results of any internal audits, any information about violations of the Military Equipment Use Policy, and any actions taken in response.
 4. 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 in the calendar year following submission of the annual Military Equipment Report.
 5. The quantity possessed for each type of Military Equipment.
 6. If the law enforcement agency intends to acquire additional Military Equipment in the next year, the quantity sought for each type of Military Equipment.
- D. Within 30 days of submitting and publicly releasing an annual Military Equipment Report pursuant to this section, the Police Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual Military Equipment report and the law enforcement agency's funding, acquisition, or use of Military Equipment.
- E. The City Council shall determine, based on the annual Military Equipment Report submitted pursuant to this section, whether each type of Military Equipment identified in that report has complied with the standards for approval set forth in this code and the Military Equipment Use Policy. If the City Council determines that a type of Military Equipment identified in that annual Military Equipment Report has not complied with the standards for approval, the City Council 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.

Section 2.70.060 – Annual Review.

The City Council shall annually review this ordinance during a public hearing to determine whether each type of military equipment identified has complied with the standards for approval set forth in Riverside Municipal Code Chapter 2.70. If the City Council determines, based upon a review of the annual report, that each type of military equipment identified has not complied with the standards for approval set forth in Chapter 2.70, the Council may either disapprove a renewal of the authorization for a type, as defined, of equipment, or amend the Use Policy where it determines that the equipment does not comply with the above-described standards for approval.

Section 2.70.070 – Severability.

- A. If any section, subsection, sentence, clause, phrase, or word of this Chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Chapter.
- B. The City Council hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.