



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: JUNE 6, 2023

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

SUBJECT: PUBLIC SAFETY LEGISLATION - RESOLUTION TO OPPOSE ASSEMBLY BILL 93 AND RESOLUTION TO OPPOSE ASSEMBLY BILL 742

ISSUES:

Adopt a resolution opposing Assembly Bill 93 to add Section 833.6 to the Penal Code related to consensual searches; adopt a resolution opposing Assembly Bill 742 to add Section 13653 to the Penal Code related to the use of police canines.

RECOMMENDATIONS:

That the City Council:

1. Adopt a resolution opposing Assembly Bill 93 to add Section 833.6 to the Penal Code related to consensual searches; and
2. Adopt a resolution opposing Assembly Bill 742 to add Section 13653 to the Penal Code related to the use of police canines.

BACKGROUND:

On March 7, 2023, City Council approved the Riverside Biennial Legislative Platform for 2023-2024 (Platform). The Platform provides policy direction on State and Federal issues and provides a streamline process that enables City officials, staff and legislative advocates to act in a timely manner to take positions on policy issues that affect City operations. The Platform was developed in uniformity with the City's Envision Riverside 2025 Strategic Plan and identifies Legislative Positions and Policy Statements that provide general policy direction when developing a position on pending legislation.

On April 19, 2023, the Safety, Wellness, and Youth Committee received a presentation regarding public safety, law enforcement, and controlled substance legislation from the City's lobbying firm, Arc Strategies. Following the presentation, Councilmember Perry requested a public safety legislation update be made to City Council. Additionally, the Councilmember requested the City's letter of opposition to Assembly Bill (AB) 742 regarding police canines be updated to reflect the City's continued opposition.

On May 23, 2023, City Council received an update on public safety legislation from Arc Strategies, through discussion a motion to continue discussion on public safety bills including bringing forth opposition to AB 93 and AB 742.

DISCUSSION:

The Riverside Biennial Legislative Platform for 2023-2024 was developed in consultation with the City Council, Mayor and City departments to highlight Riverside's legislative priorities and to codify the City's positions on legislation, regulatory proposals, and funding opportunities. The Platform identifies city specific, state legislative, and federal legislative priorities. Platform Legislative Positions and Policy Statement are broken into the following areas:

1. Arts, Culture & Recreation
2. Community Well-Being
3. Economic Opportunity
4. Environmental Stewardship
5. High Performing Government
6. Infrastructure, Mobility & Connectivity.

Legislative Positions and Policy Statements are related to Public Safety are located in Section 2 – Community Well-Being and include:

2.2. Public Safety

- 2.2.1. Allow flexible use of funds for regional fire prevention activities.
- 2.2.2. Enhance Urban Search and Rescue California Task Force 6.
- 2.2.3. Combat fentanyl and other synthetic drug overdose issues.
- 2.2.4. Reduce violent crime and promote safer communities.
- 2.2.5. Expand laws and regulations on vandalism and graffiti to hold violators accountable, while supporting and enhancing programs that allow individuals to clear their record upon completion of community service.
- 2.2.6. Appropriately penalize catalytic converter theft.
- 2.2.7. Provide local government with the necessary tools to effectively serve AB 109, Proposition 47 and Proposition 57 populations.

Assembly Bills

Assembly Bill 93

Assembly Bill 93 (AB 93) is proposing to change consensual searches. The bill would prohibit a peace officer or law enforcement agency from conducting a warrantless search based solely on a person's consent. Existing law authorizes a peace officer to conduct a search without a warrant if they have the voluntary consent of the person.

Lawful consensual searches are used by law enforcement to exonerate the innocent, ensure accountability for offenders, and protect victims of crime. Prohibiting or restricting the use of consensual searches eliminates an individual's right to cooperate with an investigation. Specific to safety at school campuses, the inability to conduct consensual searches would prevent law enforcement from timely resolving active shooter or reports of on campus crime, weapons, or contraband.

Assembly Bill 742

Assembly Bill 742 (742) is proposing to prohibit the use of an unleashed police canine by law enforcement to apprehend or to arrest a person, or to be used for crowd control purposes. AB 742 allows the use of an unleashed police canine to avoid the use of deadly force or to defend against a lethal threat by the person.

Additionally, the bill would attribute the death of or serious bodily injury to a person caused by the police canine to the canine's handler (constituting deadly force). AB 742 would also prohibit law enforcement agencies from authorizing any use or training of a police canine that is inconsistent with the bill.

Canines are meant to be utilized as non-lethal options in circumstances that call for a more robust law enforcement response. An arbitrary ban on the use of canines may not increase public safety but further limit a peace officer's ability to enforce the law. As drafted the measure would leave officers with limited options for prevention or intervention.

The Police Chief concurs with this report.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

Prepared by:	Megan Stoye, Principal Management Analyst
Certified as to availability of funds:	Edward Enriquez, Interim Assistant City Manager Chief Financial Officer/City Treasurer
Approved by:	Mike Futrell, City Manager
Approved as to form:	Phaedra A. Norton, City Attorney

Attachments:

1. Riverside Biennial Legislative Platform 2023-2024
2. Assembly Bill 93
3. Assembly Bill 742
4. Resolution opposing AB 93
5. Resolution opposing AB 742
6. Presentation