



Legislation Text

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REQUEST FOR CITY COUNCIL ACTION

DATE: 05/03/2023

TO: Honorable Mayor and City Council Members

FROM: Police Department

SUBJECT:

RESOLUTION ACKNOWLEDGING THE SUBMISSION AND PUBLIC RELEASE OF CORONA POLICE DEPARTMENT 2022 ANNUAL MILITARY EQUIPMENT REPORT (POLICY 709 & AB 481) AND RENEWING ORDINANCE NO. 3347 WHICH ADOPTED POLICY 709

EXECUTIVE SUMMARY:

This staff report asks Council to consider the Corona Police Department 2022 annual military equipment report and vote to renew Ordinance No. 3347. Adopting the attached proposed Resolution will acknowledge the Police Department's submission and public release of the 2022 annual report, compliance with Assembly Bill 481, and renewal of Ordinance No. 3347.

RECOMMENDED ACTION:

That the City Council approve the attached resolution acknowledging the submission and public release of the Corona Police Department 2022 Annual Military Equipment Report (Policy 709 and AB 481) and renewing Ordinance No. 3347 which adopted Policy 709.

BACKGROUND & HISTORY:

On September 30, 2021, California Governor Gavin Newsom signed into law Assembly Bill 481 (AB 481), which became effective January 1, 2022, codifying California Government Code Sections 7070 through 7075. The full text to AB481 can be found at:

https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB481

AB 481 required the Police Department to create a Military Equipment Use Policy, post it on its website for at least 30 days, have it considered at a public meeting, and have the City Council approve it by ordinance before it could acquire additional military equipment, collaborate with another law enforcement agency in the use of military equipment, use any new or existing military equipment in a manner not previously approved by the City Council, or enter into an agreement for the funding, receipt, acquisition, use of, or collaboration in the use of military equipment.

In compliance with AB 481, the Police Department prepared its Military Equipment Use Policy (Policy

709), including an exhibit listing the military equipment in possession of the City (Corona Police Department Specialized Equipment Inventory). The Police Department thereafter posted Policy 709 on the City's website for at least 30 days and presented it to the City Council on May 18, 2022 for community and City Council consideration. At that public meeting, the City Council introduced City Ordinance 3347 approving Policy 709, and the City Council subsequently adopted Ordinance 3347 on June 1, 2022.

Ordinance No. 3347 and AB 481 also require the City Council to review Ordinance 3347 at least annually at a regular meeting and to vote on whether to renew the ordinance. In order to do so, the City Council must **consider** an annual military equipment report prepared by the Police Department. Such annual report must include at least 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; and (6) if the City intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

In order to vote to renew Ordinance No. 3347, the City Council must find that each type of military equipment identified in the annual report has complied with the standards for approval set forth in Government Code Section (d)(1) (i.e. the same standards required to initially approve Ordinance No. 3347 in 2022). The Police Department has prepared the following annual report for 2022: Corona Police Department 2022 Annual Military Equipment Report (Policy 709 & AB 481) ("2022 Annual Report")

ANALYSIS:

Staff is seeking approval and support from the City Council for the continued use and deployment of the equipment covered by Policy 709. Such equipment is currently deployed by law enforcement agencies in Riverside County, in neighboring San Bernardino, San Diego, and Orange Counties, as well as throughout the State of California and across the nation.

The equipment covered by Policy 709 is recognized and more appropriately identified by local, state, and federal law enforcement entities as specialized police equipment. Locally, the Association of Riverside County Chiefs of Police and Sheriff (ARCCOPS) have endorsed the list of specialized equipment which is already in use across the county.

The Corona Police Department, Sheriff's Department, Riverside County Probation Department, Riverside County District Attorney's Office, Riverside California Highway Patrol, the county's eleven (11) municipal police departments, three (3) university and school police departments, and members of the Association of Riverside County Chiefs of Police and Sheriff (ARCCOPS), have committed to working cooperatively across jurisdictional boundaries to ensure that all catastrophic events, responses to critical incidents, search and rescue operations, and many other multi-jurisdictional

events that arise from neighboring counties are supported safely and justifiably. Any events which require the use of any of the specialized equipment covered by Policy 709 are conducted in a fair, transparent, and professional manner.

By adopting the proposed resolution attached hereto, the City Council will take the following actions and support the Police Department's continued use and deployment of the equipment covered by Policy 709:

1. 2022 Annual Report - Submission & Public Release: Acknowledge the submission and public release of the 2022 Annual Report.
2. 2022 Annual Report - Continuous Website Public Availability: Require that the 2022 Annual Report shall be made publicly available on the City's website for as long as the military equipment is available for use.
3. Ordinance 3347 - Findings for Renewal: Find and determine that each type of military equipment identified in the 2022 Annual Report has complied with the following standards for approval set forth in Government Code Section (d)(1): (A) The military equipment identified in the 2022 Annual Report is necessary because there is no reasonable alternative that can achieve the same objectives of officer and civilian safety; (B) The 2022 Annual Report and Policy 709 will safeguard the public's welfare, safety, civil rights, and civil liberties; (C) Any equipment identified in the 2022 Annual Report and proposed to be purchased pursuant to Policy 709 is reasonably cost effective compared to available alternatives that can achieve the same objectives of officer and civilian safety; and (D) Military equipment used in 2022 complied with Policy 709 and/or the military equipment use policy that was in effect at the time, or if such uses did not comply with the military use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.
4. Ordinance 3347 - Renewal: Renew Ordinance 3347.
5. Ordinance 3347 - Continuous Website Public Availability: Require that Ordinance 3347 shall remain publicly available on the City's website for as long as the military equipment is available for use.
6. Community Engagement Meeting: Find that the meeting at which the resolution was considered satisfies the requirement to timely hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the 2022 Annual Report and the Corona Police Department's funding, acquisition, or use of military equipment.

FINANCIAL IMPACT:

There is no financial impact from the adoption of this Ordinance. Any future equipment or vehicle purchases would be in adherence with this Ordinance and would be addressed through council action or the normal budget process.

ENVIRONMENTAL ANALYSIS:

This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action simply acknowledges the submission and public release of the 2022 Annual Report and renews Ordinance 3347, and there is no possibility that adopting this Resolution will have a significant effect on the environment. Therefore, no environmental analysis is required.

PREPARED BY: CHAD FOUNTAIN, LIEUTENANT

REVIEWED BY: ROBERT NEWMAN, CHIEF OF POLICE

Attachments:

1. Exhibit 1 - Resolution No. 2023-035, including Corona Police Department 2022 Annual Military Equipment Report (Policy 709 & AB 481)
2. Exhibit 2 - Police Department Policy 709 (Military Equipment)
3. Exhibit 3 - Ordinance No. 3347