



AGENDA REPORT

Police Department

DATE:	January 7, 2025
TO:	Mayor Martinez and Members of the City Council
FROM:	Bisa French, Chief of Police
Subject:	AB 481 "Military Equipment Use" Annual Report
FINANCIAL IMPACT:	n/a
PREVIOUS COUNCIL ACTION:	October 4, 2022 October 18, 2022 May 7, 2024
STATEMENT OF THE ISSUE:	The Military Equipment Annual Report and RPD Policy 707 are subject to annual City Council review. On May 7, 2024, the Richmond Police Department requested Council approval of the 2023 annual report and policy. After a lengthy discussion, the Council directed RPD to modify the policy and return for final approval.
RECOMMENDED ACTION:	ADOPT a resolution accepting the 2023 annual military equipment report, determining that the military equipment in 2023 complied with RPD Policy 707 and determining that policy 707 will be accepted with recommended amendments; and RECEIVE staff recommendations for additional resources- Police Department (Bisa French 510-621-1802). This item was continued from the December 17, 2024, meeting.

DISCUSSION:

Assembly Bill (AB 481) requires each law enforcement agency's governing body to adopt a written military use policy by ordinance and other requirements by the bill. The following are required:

- Publish the draft military equipment use policy to the Police Department's website 30 days before a public hearing to approve the policy.
- Obtain approval by the applicable governing body (Mayor and City Council) by adopting a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. (See definitions below)
- Publish an annual report by the law enforcement agency to include each type of military equipment approved by the governing body.
- Hold at least one well-publicized and conveniently located community engagement meeting within 30 days of submitting and publicly releasing the annual military equipment report.
- The governing body reviews the military equipment use ordinance annually and has the option to either disapprove a renewal of a type of military equipment or amend the policy if it determines that the military equipment does not comply with approval standards.

On May 7, 2024, the City Council reviewed the 2023 Annual Military Equipment Report. After a lengthy discussion, the City Council directed staff to amend the Military Equipment Use Policy (PM 707.4). The amendments include the following:

- expand the definition of "use" to include "deploy, display, and discharge"
- adding the definition of "barricaded subject"
- add the definition for "high-risk warrant services"
- add criteria used to make the determination for when diversion devices are used

The RPD has done a great job implementing all but one amendment. Expanding the definition of "use" to include "deploy, display, and discharge" expands the reporting scope beyond what Assembly Bill 481 originally mandated. AB 481 focuses on deploying and discharging military equipment, not its display. Adding "display" requires documenting every instance where equipment is visible. This would involve extensive tracking the equipment's location, duration, and purpose.

This tracking would significantly impact operational efficiency. Officers would need to document every deployment of each piece of military equipment. With the current limited staffing, including 121 sworn personnel, additional documentation would detract

from their primary role of engaging with the community and responding effectively to calls for service. The added reporting requirements would reduce their availability for active policing and community interaction, impacting the overall effectiveness of our operations and necessitating additional mandatory unbudgeted overtime.

It is proposed that to implement this remaining component of the amended policy the following additional resources are needed:

- Data management reporting system/software
- Additional Crime Analyst staff position(s)
- Additional RPD training
- Additional budget for mandatory overtime (the actual dollar amount is unknown now. RPD will request an additional \$500,000 during the mid-year budget process for FY 2024-25).

Unfortunately, the RPD cannot fully implement the requested changes without the additional resources outlined above.

Recommendations:

1. **Approve the 2023 Annual Military Equipment Report:** This approval will inform the City Council of our current military equipment usage and compliance status.
2. **Approve the Amendments to the Military Equipment Use Policy No. 707 section 707.4 – Military Equipment Inventory:** This approval will maintain the existing policy framework, with amendments reflecting the new definitions and criteria. The proposed amendments are as follows:
 1. **Approve the Definitions of “Barricaded Suspect” and “High-Risk Warrant Services”:** These definitions will provide clarity and guidance on when and how flashbangs can be used.
 2. **Approve the Criteria for SWAT Commander Authorization of Flashbang Use:** This will standardize the decision-making process for deploying flashbangs, ensuring their use is appropriate and effective.
3. **Review and Consider:** continue to review the additional resources needed to implement the final amendment and work with the Finance Department and Human Resources to consider budget appropriations and amendments to position control during the development of the mid-year budgeting.

Conclusion:

Staff recommends approving the 2023 Annual Military Equipment Report and proposed amendments to the military equipment inventory under Policy No. 707 section 707.4 and considering additional resources as requested above.

DOCUMENTS ATTACHED:

- Attachment 1 – RPD Military Equipment Annual Report
- Attachment 2 – RPD Policy 707 (with amendments)
- Attachment 3 – Resolution
- Attachment 4 – Minutes from May 7, 2024, City Council Meeting