

RESOLUTION NO. 3-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA ACCEPTING THE 2023 ANNUAL MILITARY EQUIPMENT REPORT; DETERMINING THAT THE POLICE DEPARTMENT'S USE OF MILITARY EQUIPMENT IN 2023 COMPLIED WITH THE DEPARTMENT'S MILITARY EQUIPMENT FUNDING, ACQUISITION, AND USE POLICY 707 AND APPLICABLE STATE LAW; AND DETERMINING THAT POLICY 707 WILL BE ACCEPTED WITH THE AMENDED CHANGES.

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 ("AB 481") now codified in California Government Code Sections 7070 through 7075, relating to the use of military equipment by law enforcement in California; and

WHEREAS, requires the Richmond Police Department to have a military equipment use policy approved by the City Council prior to requesting, seeking funding, acquiring, collaborating with other jurisdiction about the deployment of military equipment, or using military equipment; and

WHEREAS, on October 18, 2022, the City Council adopted Ordinance 12-22 approving the Police Department's Policy 707: Military Equipment Use Policy; and

WHEREAS Policy 707 adheres to the requirements of California Government Section 7070 et. seq. with respect to the funding, acquisition, and use of military equipment; and

WHEREAS, Policy 707, Ordinance 12-22, and Government Code Section 7072 requires the City to publish annually a military equipment report for the prior calendar year. This report summarizes the use of each type of military equipment approved by Policy 707, any complaints or concerns received about the military equipment, provides the results of any internal audits and information about violations of Policy 707, and any actions taken in response, provides the total annual cost for each type of approved military equipment and the source of funds for military equipment in the upcoming year, and inventories the quantity of each type of military equipment possessed and listing the quantity to be acquired in the upcoming year; and

WHEREAS, in addition, Policy 707, Ordinance 12-22, and Government Code section 7072 requires the Police Department to hold annually at least one well-publicized and conveniently located community engagement meeting within 30 days of submitting and publicly releasing the military equipment annual report; and

WHEREAS, under Government Code Section 7071(e)(1-2), the City Council must annually review Policy 707 and the military equipment annual report and determine whether each type of military equipment identified in the report has complied with all of the following standards: (1) The military equipment identified in the Policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety; (2) Policy 707 will safeguard the public's welfare, safety, civil rights, and civil liberties; (3) If purchasing equipment identified in the Policy, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; and (4) Prior military equipment use complied with the military equipment policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance; and

WHEREAS, after reviewing the military equipment annual report, and Policy 707, under Government Code Section 7071(e)(1), the City Council must vote annually whether

to continue Policy 707 without change or direct staff to return at a future City Council meeting with a proposed ordinance for the City Council's consideration to amend or repeal Policy 707 and Ordinance 12-22; and

WHEREAS, on February 2, 2024, the Police Department published its 2023 Annual Military Equipment Report to its website; and

WHEREAS, on February 5, 2024, the Police Department presented the 2023 Annual Military Equipment Report to the Richmond Police Department's Community Engagement meeting via Zoom and notice of that meeting was publicized on the City's and Police Department's websites on January 24, 2024; and

WHEREAS, the Police Department retains and employs limited military equipment to safeguard the safety of the public and staff, and there are no tools or resources that are reasonable alternatives to achieve the same safety objectives than use of the military equipment listed in the Policy; and

WHEREAS, Policy 707 safeguards the public's welfare, safety, civil rights, and civil liberties; and

WHEREAS, the Police Department adheres to the City's purchasing policies when purchasing military equipment; and

WHEREAS, an audit of the Police Department's use of military equipment in 2023 concluded that the use fully complied with Policy 707.

NOW, THEREFORE, BE IT RESOLVED that the foregoing recitations are true and correct, and are included herein by reference as findings;

BE IT FURTHER RESOLVED that the City Council of the City of Richmond accepts the 2023 Annual Military Equipment Report;

BE IT FURTHER RESOLVED that based on the 2023 Annual Military Equipment Report, Ordinance 12-22 N.S, and Policy 707, the City Council determines as follows:

1. Each type of military equipment identified in Policy 707 is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
2. Policy 707 will safeguard the public's welfare, safety, civil rights, and civil liberties;
3. The equipment described in Policy 707 is reasonably cost-effective compared to available alternatives that can achieve the same objectives of officer and civilian safety; and
4. The Department's use of military equipment has complied with Policy 707 and the projected acquisition request for 2024 is approved.

BE IT FURTHER RESOLVED that the City Council of the City of Richmond accepts the amended definitions of "Barricaded Suspect" and "High-Risk Warrant Services."

BE IT FURTHER RESOLVED that the City Council of the City of Richmond accepts the amended criteria for SWAT Commander's authorization of Flashbang use.

BE IT FURTHER RESOLVED that the City Council hereby determines that Richmond Police Department Policy 707: Military Equipment Use Policy – which was approved by City Council upon adoption of Ordinance 12-22 on October 18, 2022 – shall be accepted with the amended changes.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held January 7, 2025, by the following vote:

AYES: Councilmembers Bana, McLaughlin, Robinson, Zepeda, Willis, Vice Mayor Jimenez, and Mayor Martinez.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:
EDUARDO MARTINEZ
Mayor

Approved as to form:
DAVE ALESHIRE
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 3-25**, finally passed and adopted by the Council of the City of Richmond at a regular meeting held on January 7, 2025.



Pamela Christian, Clerk of the City of Richmond