

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2022 MEU #2

DISCUSSED BY SCPRC	05/20/2022	APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW
RECEIVED BY SPD	08/17/2022	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT
RETURNED TO SCPRC	09/09/2024	PARTIAL IMPLEMENTATION		DENIED

## SCPRC RECOMMENDATION

GO 410.06 Military Equipment Use

SPD's annual military equipment use (MEU) reports do not require comparative or demographic reporting that would provide measurable data to meaningfully assess how its military equipment is being used.

Amend GO 410.06(D): Add specific language requiring SPD to produce its annual report using Comparative Reporting and Demographic Reporting to provide information that includes, but is not limited to:

1. Where it uses its military equipment and munitions;
2. Who it is used against
3. In what context the equipment is used.

## SCPRC RECOMMENDATION RATIONALE

AB 481 requires a law enforcement agency to submit an annual military equipment report that at minimum covers the following:

- A summary of how the military equipment was used and the purpose of its use.
- A summary of any complaints or concerns received concerning the military equipment.
- The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- 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.
- The quantity possessed for each type of military equipment.

If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment. Using the information contained in the annual report, City Council is required to “only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

- (A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- (B) The proposed military equipment use policy will safeguard the public’s welfare, safety, civil rights, and civil liberties.
- (C) 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.
- (D) 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.”

The City and SPD frequently mentions their desire for data-driven policies, but nothing within the 2021 annual MEU report provides metrics for meaningfully measuring the impacts of this policy or evaluate whether SPD's use of military equipment genuinely safeguards the public's welfare, safety, civil rights, and civil liberties as required by AB 481. The current policy language appears to be vague in its annual reporting requirements and does not require SPD to provide annual metrics for how it uses its military equipment compared with the US military, where it is used, or in hat context. Under its current “Summary of Military Equipment Usages,” the department only provides the total number of uses and

unauthorized uses under each military equipment category within a broad time period between 12/14/2021 and 4/30/2022, but it fails to summarize how

SPD RESPONSE

This is not a Government Code requirement. However, the requested data is contained in the latest annual report:

1. Use and Reporting: All MEU equipment (including munitions) use by police district, city council district, and zip code (including maps).
2. Appendix B: Contains every person military equipment was used against (suspect and other subjects).
3. Appendix B: Contains reason for military equipment use and the conclusion of use.

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A