

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2022 MEU #6

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 policy uses vague or overly broad terms to allow military equipment to be deployed, but without any clear limits for how it is used in civilian settings.

Amend GO 410.06(H)(1-15): Add written language to clearly state the limits and conditions for SPD's use of each type of military equipment in compliance with AB 48 and AB 481, including specific details for when it is authorized for use and when it is unauthorized for use.

SCPRC RECOMMENDATION RATIONALE

If the current MEU policy can describe situations where equipment can be used, the proposed policy should also specify the situations in which it cannot be used. We recommend that City Council add clear language stating the specific situations where SPD is unauthorized to use military equipment. For example, specific situations such as:

- * if use of drones for criminal investigations is not authorized without a warrant;
- * if use of rubber bullets and chemical agents is not authorized when vulnerable persons are present, or for crowd control;
- * if use of armored vehicles for arresting a suspect is not authorized without consideration of alternatives.

While SCPRC appreciates the removal of some ambiguous language and the addition of governing policies for each type of military equipment, the inclusion of phrases such as "crowd control" and "circumstances where a tactical advantage can be obtained" are so broad that SPD could authorize military equipment use for virtually any situation, even when reasonable or cost-effective alternatives may exist. For instance, the current draft describes specific situations for the authorized use of 40MM Launchers and Rounds, stating:

"Approved situations for use of these less lethal weapon systems include:

- Self-destructive, dangerous and/or combative individuals.
- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations."

The lack of clear limitations for using military weapons and equipment is among the most serious concerns raised by community members, civil rights advocates, and members of City Council. These concerns arise from a documented history of racial bias and discriminatory outcomes in SPD practices and procedures which 3 separate studies over the last 20 years have confirmed to disproportionately impact Black residents. Following the 2020 George Floyd protests in Sacramento, video documentation shared at City Council on January 19th, 2021, was alarming enough for the Mayor and City Council to direct OPSA and SCPRC to investigate potential misuses of military equipment against peaceful protesters. That response is currently the subject of at least 2 ongoing lawsuits calling into question whether SPD's prior military equipment policies were followed and whether the policies avoided excessive use of force.

SPD RESPONSE

The proposed policy contains an appendix with details, including “Authorized Uses, Legal, and Procedural Rules” for each consumable and non-consumable piece of department military equipment. This section contains references to department general orders and reference manuals that all department employees are required to follow. Additionally, other requirements for specific department military equipment contain more stringent licensing and certification requirements. Each corresponding departmental general order or reference manual or additional requirements contain deployment considerations, prohibited uses, or other mandates prior to use.

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A