

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2022 MEU #7

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

SCPRC RECOMMENDATION

GO 410.06 Military Equipment Use

SPD provides no justification for why it needs military equipment or explanation as to how it meets AB 481's minimum requirements.

Amend GO 410.06(D): Require written justifications in each annual MEU report to provide context for why the military equipment in SPD's inventory is necessary and how it will achieve both officer and civilian safety while also safeguarding the welfare, civil rights, and civil liberties of the public. Written justifications should be provided for the following military equipment:

1. Unmanned Aircraft System (UAS) vehicles exceeding a purchase cost of \$1000 or an annual maintenance cost of \$500
2. Robots
3. Armored Vehicles
4. Long Range Acoustic Devices (LRADs)
5. 40MM Launchers and Rounds
6. Less Lethal Shotguns capable of deploying chemical agents defined under California Penal Code 13652(d)(2).
7. Precision Rifles capable of using .308-caliber or Armor-Piercing (AP) ammunition, exceeding a purchase cost of \$1,500 per rifle, or require conversion for police use at a cost exceeding \$50,000.
8. All Ammunition, Canisters, Grenades, Rounds, or Projectiles considered kinetic energy projectiles under California Penal Code 13652(d)(1).
9. All Ammunition, Canisters, Grenades, Rounds, or Projectiles containing any chemical agents defined under California Penal Code 13652(d)(2).
10. All Ammunition, Canisters, Grenades, Rounds, or Projectiles considered AP ammunition or possessing AP capabilities.

SCPRC RECOMMENDATION RATIONALE

Two of four minimum requirements under AB 481 states that City Council only approve a written MEU policy if:

- (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.

During the approval process, SPD did not provide any detailed rationale or justifications for why the department needs its current stock of military equipment or how the equipment will simultaneously achieve both officer and civilian safety while also safeguarding the public's welfare, civil rights, and civil liberties. For example, while current UOF policy governs the use of Armor-Piercing (AP) munitions when suspects are heavily armored in Class level 4 or above, SPD does not have specific use policy related to their usage or justifications for its use. The only justification on record was provided verbally during SPD's presentation to the Law and Legislation Committee, where Deputy Chief Norm Leong cited an LA bank robbery from over 25 years ago as the most recent example for maintaining AP munitions.

Given the clear military applications for AP munitions and other military equipment like the 40MM tactical 4-shot grenade launcher, the SCPRC and community members maintain serious questions and concerns for how it would achieve these goals simultaneously in compliance with AB 481. The Commission recommends adding language that

provides a detailed justification for why the military equipment in its inventory is necessary and how it will achieve officer and civilian safety equitably while also safeguarding the public's welfare, civil rights, and civil liberties.

SPD RESPONSE

The proposed policy contains an appendix with details, including "Purpose and Capabilities" for each consumable and non-consumable piece of department military equipment. This section contains the purpose and capabilities of each type of department military equipment.

In accordance with Government Code § 7071(d)(1), the department's annual report and policy are submitted to the governing body, which shall only approve a military equipment use policy that (§§ [A]-[D]):

- The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- 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.
- 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.

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A