

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2022 MEU #8

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	X
RETURNED TO SCPRC	09/09/2024	PARTIAL IMPLEMENTATION		DENIED	

SCPRC RECOMMENDATION

GO 410.06 Military Equipment Use

SPD policy does not identify who or what entity will exercise independent oversight over the policy and uses of military equipment policy as required by AB 481.

Amend GO 410.06(F): Add written language to clearly designate independent oversight authority to the Office of Public Safety and Accountability (OPSA), the Inspector General (IG), and the SCPRC to ensure SPD's compliance with this policy and AB 481.

SCPRC RECOMMENDATION RATIONALE

Under AB 481, a military equipment use policy must include "the mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy." This requires SPD to identify an independent oversight entity and the legally enforceable sanctions for MEU policy violations, but the current policy provides none of these.

Though the Department describes the procedure for filing and investigating complaints, the policy does not clearly define what "legally enforceable sanctions" are in place for MEU policy violations and only refers violations to be "handled in accordance with RM 220.01 (Internal Investigations Manual)." However, this manual does not provide a general disciplinary matrix or minimum baseline for sustained complaints. This lack of formal disciplinary guidelines has been cited by both the California Attorney General and the SCPRC, which have submitted separate recommendations for addressing this deficiency.

The MEU policy designates SPD's Inspections and Standards Unit and its Professional Standards Unit as their oversight authorities that would refer violations to the Internal Affairs Division and report instances of non-compliance to the City Council via its annual report. Given all three bodies are budgeted under the Department's Office of the Chief, the selection of these three entities raises questions about the independence of these oversight authorities and seems contrary to the minimum requirements of AB 481.

To ensure meaningful accountability under this policy, it is important for the City Council to choose an independent oversight authority separate from SPD that can be impartial and prioritize the public's welfare, safety, civil rights, and civil liberties. To that end, the Commission recommends that the City Council designate OPSA, the Inspector General, and SCPRC as the independent entities responsible for providing meaningful oversight of SPD's compliance with its MEU policy and AB 481.

Supporting Sources:

- i. California Government Code Section 7070(d)
- ii. California DOJ, Review of Sacramento Police Department 2020 Report, pp. 65, <https://oag.ca.gov/system/files/attachments/press-docs/SPD%20Report%20Phase%20II.pdf>
- iii. Sacramento Community Police Review Commission 2020 Disciplinary & Accountability Ad Hoc Recommendations

SPD RESPONSE

GO 410.06 contains an “Independent Oversight Entities” portion that lists the following entities:

- Governing body (city council and mayor) and Office of Public Safety Accountability (which includes the inspector general and in accordance with Sacramento City Code § 2.22).

In accordance with Sacramento City Code § 2.110, the “powers and duties” of the Sacramento Community Police Review Commission does not include *oversight authority*.

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A