

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2023 MEU Community Recommendation #4

DISCUSSED BY SCPRC		APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/12/2024	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 are unclear, lack context, or omit key metrics necessary to meaningfully assess how its military equipment is being used.

Amend GO 410.06(D): Require 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.

SPD to produce its annual MEU reports using less legal jargon to allow it to be accessible to members of the public and City Council, using more widely known synonyms for more technical terms and establishing clear definitions for words without the appropriate synonyms.

Reports should be published alongside summarized pages that provide all measurable data, using comparative and demographic reporting, that includes, but is not limited to:

1. Total number of critical incidents where military equipment was used or deployed in a table or chart format, including the number of officers and civilians involved in these incidents.
2. Total annual cost of its current military equipment inventory that includes the costs of personnel time, training, transportation, maintenance, storage, upgrades, and other ongoing costs in its calculation.
3. Projected amount and cost for all military equipment that may be requested compared with the previous year, including the costs of personnel time, training, transportation, maintenance, storage, upgrades, and other ongoing costs in its calculation.
4. Fiscal impact of this cost upon the overall police budget, using total dollar amounts and percentages.
5. List of dates and locations for all community outreach and engagement events involving military equipment uses or demonstrations, including the total cost for these events.

SCPRC RECOMMENDATION RATIONALE

Improves upon 2022 MEU Recommendation #2. 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.

Using the information contained in the annual report, City Council is required to “only approve a military equipment use

policy pursuant to AB 481 if it determines all of the following:

1. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The proposed military equipment use policy will safeguard the public’s welfare, safety, civil rights, and civil liberties.
3. 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.
4. 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, and the Commission appreciates the inclusion of some demographic data in its annual report and summary for the community forums. However, the 2022 annual MEU report is still missing key metrics and comparative reporting requested by SCPRC and the City Council that would allow for meaningful evaluation and measurement of the impacts of SPD's military equipment usage.

The current policy language is still 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 what context. SCPRC believes that in order for future reports to be AB 481 compliant, these must provide information about where the equipment was utilized, who it was used against, and the reason SPD thought it necessary to deploy military equipment.

SPD RESPONSE

The prior methodology to report on department military equipment use was inhibited by a lack of systems and staff to track all the metrics of individual uses of the various types of equipment. In January 2024, the SPD Inspection and Standards Team hired and onboarded an administrative analyst to solely track and record military equipment usage. As a result, the latest draft report contains an appendix of all incidents involving department military equipment to include:

- Incident number
- Police and council district
- Zip code
- Person demographics
- Equipment used
- Reason for use
- Conclusion of the incident

The draft annual report and policy contain refined and re-organized total annual costs.

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A