

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2023 MEU Community Recommendation #6

DISCUSSED BY SCPRC	
RECEIVED BY SPD	02/12/2024
RETURNED TO SCPRC	09/09/2024

APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	X
PARTIAL IMPLEMENTATION		DENIED	

SCPRC RECOMMENDATION

GO 410.06 Military Equipment Use

AB 481 is clear that there must be a mechanism to ensure compliance with the military equipment use policy, including which independent person or entities have oversight authority and what legally enforceable sanctions are put in place for violations of the policy. SPD’s current policy comply with the requirement.

Changes to Existing Policy(s): Designate independent oversight authority to the Office of Public Safety and Accountability (OPSA), the Inspector General (IG), and the SCPRC for ensuring SPD’s compliance with this policy and AB 481. OPSA and IG should be responsible for investigating any individual violations of the MEU policy. SCPRC should have authority to review and provide recommendations for remedying nonconforming uses to SPD, the Mayor and City Council before the adoption of any changes to the MEU policy.

Require SPD to publish its disciplinary matrix for all violations under its MEU policy and to publicly report the total number of violations and the disciplinary actions issued in response to policy violations in its annual use reports. Reports should clearly define each infraction and a progressive list of disciplinary actions available for the Department to take against offending officers.

SCPRC RECOMMENDATION RATIONALE

Improves upon 2022 MEU Recommendation #8. AB 481 is clear that a written MEU 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 any oversight entities that are independent from the Department, as well as any legally enforceable sanctions for MEU policy violations. The current MEU policy provides none of these.

During the community forums, a common refrain among the public was that SPD cannot self-certify its compliance with AB 481 or the adopted MEU policy and called for independent oversight authority be designated to the Office of Public Safety and Accountability (OPSA), the Inspector General (IG), and the Community Police Review Commission. The public also called for greater accountability in the form of a clear matrix of progressive disciplinary measures for officers violating the MEU policy and command orders, including a chart or listing of disciplinary actions taken year over year.

In response to community members, SPD verbally identified the City Council (the "governing body" under AB 481) as an "independent oversight entity" and to whom instances of non-compliance are reported via its annual MEU report. In the MEU policy, SPD’s own Inspections and Standards Unit and Professional Standards Unit are designated as their oversight authorities to refer violations to its Internal Affairs Division. Given all three SPD 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.

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).” Furthermore, SPD has not provided a general disciplinary matrix or minimum baseline for sustained complaints in either the MEU policy or its public list of general orders. 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.

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.

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

This is outside the scope of OPSA and the IG as described in Sacramento City Code 2.22.030.

This is also outside of the scope of the SCPRC as described in Sacramento City Code 2.110.030.

Discipline issued at the conclusion of a personnel investigation stemming from a violation of the military equipment use policy or any other policy shall be in accordance with General Order 220.01 (Personnel Complaints) and Reference Manual 220.01 (Internal Investigations Manual).

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A