

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2022 MEU #12

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|--------------------|------------|--------------------------|---|-------------------------|--|
| 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 does not include personnel time in calculating the total cost of its military equipment as required by AB 481.

Amend GO 410.06(C): Require SPD to include the costs of personnel time, training, transportation, maintenance, storage, upgrades, and other ongoing costs in its calculation the total annual cost and fiscal impact of each type of military weapon and equipment listed in its inventory and annual reports.

SCPRC RECOMMENDATION RATIONALE

AB 841 states that SPD and other law enforcement agencies need to report "the total annual cost for each type of equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs." This is necessary to provide the most accurate and transparent information for the governing body and independent oversight authorities to measure the cost-effectiveness of SPD's military equipment use and hold SPD accountable to comply with state law.

In its 2021 Annual MEU report, SPD states in its most recent annual report that 93% of its Departmental expenditures are for personnel costs. Under Training Costs (pg. 25), SPD lists a total of 6 trainings with costs-per-officer totaling over \$13,800. However, neither the report or the General Order appears to include those training costs under the Fiscal Impact for the relevant types of equipment. Furthermore, SPD does not appear to include the cost of personnel time in tabulating that total annual cost for each type of equipment, nor does it include the costs for transportation, storage, upgrades and other ongoing costs. While we have noticed that multiple law enforcement agencies who have unceremoniously tweaked their total costs to exclude this data, such tweaking appears as a coordinated effort to mislead the public and their governing bodies in such a manner that is both unethical and illegal, which only complaints of noncompliance alleged against SPD and validating the reasons for community members to not trust SPD statements or reporting.

The Commission recommends the City Council amend this General Order to specifically require SPD to include the cost of personnel time, training, transportation, maintenance, storage, upgrades, and any other ongoing costs in its tabulation for the total annual costs and fiscal impacts for each type of military equipment listed in its MEU policy and annual reports. Failure to include this information increases the likelihood for costly litigation against the City that will ultimately be paid by City taxpayers (not their elected representatives or appointed city staff) for SPD's refusal to take their legal obligations seriously.

SPD RESPONSE

In January 2024, an administrative analyst was hired and assigned to the Inspection and Standards Team solely for the purpose of military equipment reporting. Compared to the last reporting period, the department has widened and refined military equipment usage data collection; which includes more refined cost information.

The latest draft of the department's annual report and policy include more refined information pertaining to total annual cost, which includes:

- Annual costs: The approximate and applicable total of acquisition, personnel, training, transportation, maintenance, storage, upgrade, or other ongoing costs.

- Maintenance costs: The cost of routine preventative maintenance, replacement parts, software, licensing, contract fees, and outside vendor services (e.g., labor, parts, and materials). Maintenance completed by employees includes employee salary costs calculated utilizing the average of all employees' pay scales
- Personnel and training costs: The total of an employee's salary incurred during military equipment usage and training. This includes, but is not limited to, course tuition and materials, travel and lodging expenses, certification and licensing, and portions of an employee's salary that is calculated utilizing the average of all employees' pay scales.

It should be noted that the draft report includes all the above listed costs by each category of department military equipment.

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A