RECOMMENDATION SUBMISSION AND RESPONSE FORM

2022 MEU Letter #2

DISCUSSED BY SCPRC	05/20/2022	APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW	
RECEIVED BY SPD	08/26/2022	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	09/09/2024	PARTIAL IMPLEMENTATION		DENIED	

SCPRC RECOMMENDATION

Add specific language to GO 410.06 stating the limits and conditions for when military equipment can be used and cannot be used in compliance with AB 48 and AB 481.

SCPRC RECOMMENDATION RATIONALE

If the current MEU policy can describe situations where equipment can be used, the proposed policy should also specify the situations in which it *cannot* be used. We recommend that City Council add clear language stating the specific situations where SPD is unauthorized to use military equipment.

While SCPRC appreciates the removal of some ambiguous language and the addition of governing policies for each type of military equipment, the inclusion of phrases such as "crowd control" and "circumstances where a tactical advantage can be obtained" are so broad that SPD could authorize military equipment use for virtually any situation, even when reasonable or cost-effective alternatives may exist. For instance, the current draft describes specific situations for the authorized use of 40MM Launchers and Rounds, stating:

"Approved situations for use of these less lethal weapon systems include:

1. Self-destructive, dangerous and/or combative individuals.
2. Riot/crowd control and civil unrest incidents.
3. Circumstances where a tactical advantage can be obtained.
4. Potentially vicious animals.
5. Training exercises or approved demonstrations."

The lack of clear limitations for using military weapons and equipment is among the most serious concerns raised by community members, civil rights advocates, and members of City Council. These concerns arise from documented history of racial bias and discriminatory outcomes in SPD practices and procedures, which 3 separate studies over the last 20 years confirmed to disproportionately impact Black residents.2 Following the 2020 George Floyd protests in Sacramento, video documentation shared at City Council was alarming enough for the Mayor and City Council to direct OPSA and SCPRC to investigate potential misuses of military equipment against peaceful protesters.3 That response is currently the subject of ongoing lawsuits calling into question whether SPD's prior military equipment policies were followed and whether the policies avoided excessive use of force.4

Given this history and the questions these incidents raise, it is important for the City Council to require SPD to clearly define unauthorized usage of its military equipment to show the public that corrective action has been taken to remedy prior nonconforming uses and ensure future compliance with AB 481.

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2 See Center for Policing Integrity, The National Justice Database City Report, Sacramento Police Department, 2014 - 2019, https://public.tableau.com/app/profile/center.for.policing.equity/viz/SacramentoPDCPE2021/1_SUMMARY. See Dr. John C. Lamberth, The Vehicle Stop Data Analysis Project, August 2008, https://www.cityofsacramento.org/Police/Transparency/Vehicle-Stop-Data-History-and-Information#:~:text=Vehicle%20Stop%20Data%20Analysis%20Project. See Dr. Howard P. Greenwald,

3 See Discussion Item 16, Police Department Presentation on Protest Activity, Sacramento City Council Meeting, January 19, 2021 (video shared during Sacramento City Councilmember Katie Valenzuela's comments) https://sacramento.granicus.com/MediaPlayer.php?view_id=22&clip_id=4822&meta_id=612705

4 See Garza v. City of Sacramento, ED. Cal. Case No. 2:20-cv-01229-WBS-EFB (ongoing lawsuit alleging excessive use of force by SPD using military weapons and equipment) and White v. City of Sacramento, ED. Cal. Case No. 2:21-cv-02211-JAM-DB (ongoing lawsuit alleging discriminatory use of force and harassment by SPD using military weapons and equipment).

SPD RESPONSE

The proposed policy contains an appendix with details, including "Authorized Uses, Legal, and Procedural Rules" for each consumable and non-consumable piece of department military equipment. This section contains references to department general orders and reference manuals that all department employees are required to follow. Additionally, other requirements for specific department military equipment contain more stringent licensing and certification requirements. Each corresponding departmental general order or reference manual or additional requirements contain deployment considerations, prohibited uses, or other mandates prior to use.

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A