

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2022 MEU Letter #3

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 designate independent oversight authority to the Office of Public Safety and Accountability (OPSA), the Inspector General, and the SCPRC to ensure SPD's compliance with GO 410.06 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."⁵ We recommend that the City Council designate OPSA, the Inspector General, and SCPRC as the independent entities responsible for providing meaningful oversight to ensure SPD's compliance with the MEU policy.

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 recommendations for addressing this deficiency.⁶

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 independent review of this policy occurs, it is important for the City Council to choose an oversight authority separate from SPD that can be impartial and prioritize the public's welfare, safety, civil rights, and civil liberties, such as OPSA, the Inspector General and the SCPRC.

⁵ California Government Code Section 7070(d)

⁶ See 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>. See Sacramento Community Police Review Commission 2020 Recommendations.

SPD RESPONSE

The draft military equipment use policy identifies the following entities as "independent oversight entities" in accordance with the Government Code and Sacramento City Code (SCC):

- Governing body (city council and mayor).
- Office of Public Safety Accountability (SCC Chapter 2.22).

Additionally, the draft policy identifies the following "review and recommendation entity" in accordance with SCC:

- Sacramento Community Police Review Commission (SCC Chapter 2.110).

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A