

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2023 MEU Recommendation #2

DISCUSSED BY SCPRC	08/14/2023	APPROVED AND IMPLEMENTED	<input type="checkbox"/>	PENDING FURTHER REVIEW	<input type="checkbox"/>
RECEIVED BY SPD	10/25/2023	APPROVED AND PENDING	<input type="checkbox"/>	SPD UNABLE TO IMPLEMENT	<input type="checkbox"/>
RETURNED TO SCPRC	09/09/2024	PARTIAL IMPLEMENTATION	X	DENIED	<input type="checkbox"/>

SCPRC RECOMMENDATION

SPD policy does not detail the limits or prohibitions of military equipment use in civilian settings.

Amend GO 410.06: Add a standalone section(s) to the General Order that clearly states when and where military equipment or munitions are prohibited for deployment, use or discharge. Add written language that clearly states the actual and inclusive allowed uses for each type of military equipment under its authorized usage section.

SCPRC RECOMMENDATION RATIONALE

Improves upon 2022 MEU Recommendation #6. 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 a documented history of racial bias and discriminatory outcomes in SPD practices and procedures which 3 separate studies over the last 20 years have confirmed to disproportionately impact Black residents. Following the 2020 George Floyd protests in Sacramento, video documentation shared at City Council on January 19th, 2021, was alarming enough for the Mayor and City Council to direct OPSA and SCPRC to investigate potential misuses of military equipment against peaceful protesters. That response is currently the subject of at least 2 ongoing lawsuits calling into question whether SPD's prior military equipment policies were followed and whether the policies avoided excessive use of force.

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. For example, specific situations such as:

- if use of drones for criminal investigations is not authorized without a warrant;
- if use of rubber bullets and chemical agents is not authorized when vulnerable persons are present, or for crowd control;
- if use of armored vehicles for arresting a suspect is not authorized without consideration of alternatives.

Given this history and the questions these incidents raise, it is important for the City Council to require SPD to clearly define authorize and 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.

Supporting Sources:

- i. 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
- ii. Dr. Howard P. Greenwald, *Final Report: Police Vehicle Stops in Sacramento, California*, October 31, 2001, <https://www.cityofsacramento.org/Police/Transparency/Vehicle-Stop-Data-History-and-Information#:~:text=Vehicle%20Stop%20Data%20Analysis%20Project>.
- iii. Dr. John C. Lamberth, *Traffic Stop Data Analysis Project for the Sacramento Police Department*, August 2008, https://www.cityofsacramento.org/-/media/Corporate/Files/Police/Transparency/VSDF/SacramentoPoliceDepartmentFinalReport_8-7-08.pdf?la=en

- iv. Agenda 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
- v. *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)
- vi. *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

Policies regarding the training, use, and deployment of all military equipment already contain this information. Last year, the SPD merged applicable general orders of all military equipment to the annual report to ensure readers had access. Based on the specific nature of each individual piece of military equipment and dynamic situations that equipment may be used, it is impractical to list specific when and where circumstances.

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A