

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2022 MEU Letter #1

|                    |            |                          |   |                         |
|--------------------|------------|--------------------------|---|-------------------------|
| DISCUSSED BY SCPRC | 05/22/2022 | APPROVED AND IMPLEMENTED | X | PENDING FURTHER REVIEW  |
| RECEIVED BY SPD    | 08/26/2022 | APPROVED AND PENDING     |   | SPD UNABLE TO IMPLEMENT |
| RETURNED TO SCPRC  | 08/22/2023 | PARTIAL IMPLEMENTATION   |   | DENIED                  |

## SCPRC RECOMMENDATION

Add specific language to GO 410.06 requiring SPD to produce its annual report using Comparative Reporting and Demographic Reporting.

## SCPRC RECOMMENDATION RATIONALE

AB 481 requires a law enforcement agency to submit an annual military equipment report that at minimum covers the following:

- A summary of how the military equipment was used and the purpose of its use.
- A summary of any complaints or concerns received concerning the military equipment.
- The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- The quantity possessed for each type of military equipment.
- If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

Using the information contained in the annual report, City Council is required to “only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

- (A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- (B) The proposed military equipment use policy will safeguard the public’s welfare, safety, civil rights, and civil liberties.
- (C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- (D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.”<sup>1</sup>

The SCPRC recommends that additional reporting language be added to the General Order requiring SPD to provide information regarding where it uses its military equipment and munitions; who it is used against; and in what context the equipment is used.

According to SPD, its annual report for military equipment use is compiled by its Inspection and Standards Team (IST) which does not track demographic information. However, it does collect this data for its Use of Force Reports which are compiled by the Professional Standards Unit (PSU). If this data is collected in other SPD reports, then those reports or links to them should be incorporated into the annual military equipment use report. Having the information in one place will improve public access and make any deployments visible to the community creating accountability.

Under its current “Summary of Military Equipment Usages,” the department only provides the total number of uses and unauthorized uses under each military equipment category within a broad time period between 12/14/2021 and

4/30/2022, but it fails to summarize *how* equipment was used in these incidents or the purpose for their usage. The department also re-states *when* its usage is authorized without providing additional context. SCPRC believes that in order for future reports to be AB 481 compliant, these must provide information about where the equipment was utilized, who it was used against and the reason SPD thought it necessary.

Only with this additional information will the SCPRC and the City Council be able to meaningfully measure the impacts of this policy and evaluate whether SPD’s use of military equipment genuinely safeguards the public’s welfare, safety, civil rights, and civil liberties as required by AB 481.

1 California Government Code, Section 7071(d)

**SPD RESPONSE**

Added chart (who, what) and beats (where). With augmented staffing approved for FY24, additional details of summary and demographics will be available for the next reporting period (Report Page 10).

| Military Equipment Usage During 26 Uses of Force |                                   |            |                 |               |            |                  |                  |                       |
|--|-----------------------------------|------------|-----------------|---------------|------------|------------------|------------------|-----------------------|
| Equipment Type                                   | Suspect Gender and Race/Ethnicity |            |                 |               |            |                  |                  |                       |
|  | Female Black                      | Male Black | Female Hispanic | Male Hispanic | Male White | Male Multiracial | Male East Indian | Male Pacific Islander |
| PepperBall Munitions                             | 1                                 | 1          | 1               | 1             | 2          |                  | 1                |                       |
| 40mm Exact Impact Sponge Rnd                     |                                   | 1          | 1               |               | 1          | 1                | 1                |                       |
| 40mm Direct Impact OC Crushable Foam Rnd         |                                   |            |                 |               | 1          |                  |                  |                       |
| Super-Sock Bean Bag                              |                                   | 1          | 1               | 3             | 2          | 1                | 1                | 1                     |
| Flameless Tri-Chamber CS Grenade                 |                                   |            |                 | 1             | 1          |                  |                  |                       |
| LWRCI SWAT Operator Pkg IC-DI 10.5" Rifle        |                                   |            |                 |               | 1          |                  |                  |                       |

*\*Not included: One usage of LWRCI SWAT Operator Package IC-DI 10.5" Rifle, occurred during an aggressive animal shooting (further information contained on page 34)*

Additionally, based on community forum feedback, police district and beat maps were added to appendices (Report, Appendix N, SPD District and Beat Maps).

Lastly, further comparison of the last two reporting periods, by equipment type category, will be added to the annual report (Report, Appendix O, Law and Legislation Follow-Up Request Items).

| Equipment Type                     | 2021-2022 AMEUR<br>(4.5 months) | Monthly<br>Average | 2022-2023 AMEUR<br>(12 months) | Monthly<br>Average | % Change |
|------------------------------------|---------------------------------|--------------------|--------------------------------|--------------------|----------|
| UAS                                | 139                             | 30.89              | 449                            | 37.42              | 21%      |
| Robots                             | 6                               | 1.33               | 11                             | 0.92               | -31%     |
| Armored Vehicles                   | 79                              | 17.56              | 237                            | 19.75              | 13%      |
| MIC & CNT Vehicles                 | 2                               | 0.44               | 4                              | 0.33               | -25%     |
| LRAD                               | 34                              | 7.56               | 109                            | 9.08               | 20%      |
| 40mm Launchers & Munitions         | 3                               | 0.67               | 7                              | 0.58               | -13%     |
| Less Lethal Shotguns & Munitions   | 7                               | 1.56               | 11                             | 0.92               | -41%     |
| LC5 Launching Cup                  | 0                               | 0.00               | 0                              | 0.00               | N/A      |
| Diversionary Devices               | 8                               | 1.78               | 8                              | 0.67               | -63%     |
| Rifles & Ammunition                | 0                               | 0.00               | 2                              | 0.17               | N/A      |
| Chemical Agents & Smoke Canisters  | 0                               | 0.00               | 2                              | 0.17               | N/A      |
| Explosive Breaching Tools          | 0                               | 0.00               | 0                              | 0.00               | N/A      |
| PepperBall Launchers & Projectiles | 4                               | 0.89               | 8                              | 0.67               | -25%     |
| O/S Agency Usages                  | 0                               | 0.00               | 1                              | 0.08               | N/A      |

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A