

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2022 MEU Letter #5

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	08/22/2023	PARTIAL IMPLEMENTATION		DENIED	

SCPRC RECOMMENDATION

Amend GO 410.06 to limit SPD's military equipment stockpile and require City Council approval for all annual procurements, acquisitions, or purchases separately from its annual report or policy updates.

SCPRC RECOMMENDATION RATIONALE

While SPD currently lists its projected acquisitions within its 2021 annual report, the General Order itself also lists an "annual procurement" quantity and cost for each item of equipment. Upon the City Council approving either SPD's annual report or updates to this policy, this may allow SPD to continuously stockpile military weapons and equipment on an annual basis without a cap.

Additionally, SPD creates an ambiguous *lower* limit on its equipment in stock under Section H of the policy, which states: "When stocks of military equipment have reached significantly low levels or have been exhausted, the Department may order up to 10% of stock in a calendar year without city council approval to maintain essential availability for the Department's needs." **This section does not comply with AB 481, which requires all military equipment acquisitions by a law enforcement agency be approved by the governing body without exception.** Furthermore, establishing a lower limit would presume no reasonable alternatives exist for achieving officer and civilian safety, thereby disincentivizing the Department from proactively evaluating its inventory for cost-effective alternatives that achieve the same objective.

We recommend the City Council amend GO 410.06 to reflect the following changes:

1. Remove Section H and any other language that would allow SPD to order, purchase, or acquire military equipment without City Council approval.
2. Add specific language to require all annual procurements, acquisitions, and purchases be considered and approved separately from SPD's annual report or policy updates.

SPD RESPONSE

SPD is required to receive approval for all annual procurements, acquisitions, and purchases. Additionally, "exigent purchase" language has been removed from the 2023 policy.

This has been removed from the 2023 policy. The following section has been removed:

I. MAINTENANCE OF MILITARY USE SUPPLY LEVELS

When stocks of military equipment have reached significantly low levels or have been exhausted, the Department may order up to 10% of stock in a calendar year without city council approval to maintain essential availability for the Department's needs. SPD is authorized to acquire additional stock of items listed here from other law enforcement agencies of CalOES in the event of an emergency when approved by the COP or designee.

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A