

City of Sacramento
Community Police Review Commission Report
915 I Street Sacramento, CA 95814
www.cityofsacramento.org

File ID: 2025-01020

6/9/2025

Item 3.

Military Equipment Use Policy Community Forum Planning

File ID: 2025-01020

Location: Citywide

Recommendation: Discuss the Sacramento Community Police Review Commission’s outreach and community engagement ideas and efforts for the annual Military Equipment Use Policy Community Forum.

Contact: Kim Carter-Martinez, Chair, Sacramento Community Police Review Commission

Presenter: Kim Carter-Martinez, Chair, Sacramento Community Police Review Commission

Attachments:

1-Description/Analysis

2-2024 Commission Report on its Community Engagement Process (2023 MEU Report included)

3-2024 Commission Community Engagement Process

Description/Analysis

Issue Detail: California Assembly Bill 481 (“AB 481”) codified as California Government Code sections 7070 - 7075, requires a law enforcement agency (“LEA”) to obtain approval from the applicable governing body, via adoption of a “military equipment” use policy by ordinance, prior to the Local Enforcement Agency’s funding, acquiring, or using military equipment. AB 481 requires Local Enforcement Agencies to annually obtain approval of a renewed ordinance adopting its military equipment use (“MEU”) policy for the funding, acquisition, or use of military equipment in addition to any changes in its inventory, policy, and annual reports by the applicable governing body. The Sacramento Community Police Review Commission (“Commission”) began its work on the City’s MEU policy, practices, and report in 2022 (resulting in the 2022 Recommendations for the MEU policy. In August 2022, the Commission sent a letter to Mayor and Council with its concerns about the City’s MEU Policy. (Attachment 3). On September 13, 2022, City Council approved the Sacramento Police Department’s (“SPD”) revised Military Equipment Use (“MEU”) Policy - General Order (GO) 410.06. (As such, SPD may use the military equipment specified therein.) (Ordinance No. 2022-0025) In addition, City Council directed:

“(a) the Annual Military Equipment Use Report must include specific demographic reporting,

including upon whom military equipment has been used (e.g., race and ethnicity), when the military equipment has been used, and where military equipment has been used (e.g., zip code) (with the City Manager and Chief of Police reporting back to the City Council regarding the budget necessary to facilitate that reporting);

(b) the Police Department and the Community Police Review Commission shall develop a process for full community engagement and within 120-180 days report back to the City Council with their recommendations, with that process to included (i) review of individual cases by the Office of Public Safety Accountability and public disclosure of its conclusions to the extent allowed by law and (ii) review of the Police Department's Annual Military Equipment Use Report, inclusive of specific demographic reporting, by the Community Police Review Commission, which shall report back to the City Council regarding any necessary changes; and

(c) the Police Department and the Community Police Review Commission shall, within the next 120-180 days, engage in discussion regarding (i) instances in which the use of any particular item of military equipment is expressly disallowed and (ii) circumstances in which the Police Department must return to the City Council for further approval to procure military equipment." (File No.2022- 01758, Item No. 7)

At the Council's direction, SPD was to do the following:

1) Demographic Reporting - SPD should, through its annual Military Equipment Use reports, provide detailed demographic information about when military equipment is used in the city, including who, when, race and ethnicity, and zip code. If resources are needed for gathering this information, a budget augmentation could be considered.

2) Community Engagement - SPD should work with the SCPRC to solicit community input and provide feedback on the MEU policy with a focus on the following:

- a. What should Office of Public Safety Accountability's role be in reviewing individual instances of military equipment misuse?
- b. SCPRC review of SPD's annual report and data trends and how to address changes it might recommend before its MEU policy is updated?
- c. Discussion on limitations for when military equipment may or may not be appropriate for use in civilian environments.

This item is to discuss ideas and efforts to comply with Council's direction for this year's MEU Policy forum.

Policy Considerations: None.

Economic Impacts: None.

Environmental Considerations:

California Environmental Quality Act (CEQA): The proposed action is not a project under CEQA because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. (CEQA Guidelines §15378(b)(5).)

Sustainability: Not applicable.

Commission/Committee Action: None.

Rationale for Recommendation: None.

Financial Considerations: Not applicable.

Local Business Enterprise (LBE): Not applicable.

City of Sacramento
Sacramento Community Police Review Commission
Report
915 I Street Sacramento, CA 95814
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File ID: 2024-00722

3/11/2024

Discussion Item 3.

SCPRC Community Engagement Process (and Community Response)

File ID: 2024-00722

Location: Citywide

Recommendation: Discuss the advantages and disadvantages of the Sacramento Community Police Review Commission's ("SCPRC") past community outreach efforts, including for the SCPRC's 2023 Community Outreach Plan for the City's Military Equipment Use ("MEU"), and new ideas to further these efforts.

Contact: Keyan Bliss, Chair, Sacramento Community Police Review Commission

Presenter: Keyan Bliss, Chair, Sacramento Community Police Review Commission

Attachments:

1-Description/Analysis

2-2023 MEU SCPRC Community Engagement Report

3-June 2023 Staff Report - SCPRC Community Outreach Plan

Additional Description/Analysis

Issue Detail: California Assembly Bill 481 ("AB 481") codified as California Government Code sections 7070 - 7075, requires a law enforcement agency ("LEA") to obtain approval from the applicable governing body, via adoption of a "military equipment" use policy by ordinance, prior to the LEA funding, acquiring, or using military equipment. AB 481 requires LEA's to annually obtain approval of a renewed ordinance adopting its military equipment use policy for the funding, acquisition, or use of military equipment in addition to any changes in its inventory, policy, and annual reports by the applicable governing body.

The Sacramento Community Police Review Commission ("SCPRC") began its work on the City's MEU policy, practices, and report in 2022 (resulting in the 2022 Recommendations for the MEU policy. In August 2022, the SCPRC sent a letter to Mayor and Council with its concerns about the City's MEU Policy. (Attachment 3). On September 13, 2022, City Council approved the Sacramento Police Department's ("SPD") revised Military Equipment Use ("MEU") Policy - General Order (GO) 410.06. (As such, SPD may use the military equipment specified therein.) (Ordinance No. 2022-0025) In addition, City Council directed:

“(a) the Annual Military Equipment Use Report must include specific demographic reporting, including upon whom military equipment has been used (e.g., race and ethnicity), when the military equipment has been used, and where military equipment has been used (e.g., zip code) (with the City Manager and Chief of Police reporting back to the City Council regarding the budget necessary to facilitate that reporting);

(b) the Police Department and the Community Police Review Commission shall develop a process for full community engagement and within 120-180 days report back to the City Council with their recommendations, with that process to included (i) review of individual cases by the Office of Public Safety Accountability and public disclosure of its conclusions to the extent allowed by law and (ii) review of the Police Department’s Annual Military Equipment Use Report, inclusive of specific demographic reporting, by the Community Police Review Commission, which shall report back to the City Council regarding any necessary changes; and (c) the Police Department and the Community Police Review Commission shall, within the next 120-180 days, engage in discussion regarding (i) instances in which the use of any particular item of military equipment is expressly disallowed and (ii) circumstances in which the Police Department must return to the City Council for further approval to procure military equipment.” (File No.2022- 01758, Item No. 7)

At the Council’s direction, SPD was to do the following:

- 1) Demographic Reporting - SPD should, through its annual Military Equipment Use reports, provide detailed demographic information about when military equipment is used in the city, including who, when, race and ethnicity, and zip code. If resources are needed for gathering this information, a budget augmentation could be considered.
- 2) Community Engagement - SPD should work with the SCPRC to solicit community input and provide feedback on the MEU policy with a focus on the following:
 - a. What should Office of Public Safety Accountability’s role be in reviewing individual instances of military equipment misuse?
 - b. SCPRC review of SPD’s annual report and data trends and how to address changes it might recommend before its MEU policy is updated?
 - c. Discussion on limitations for when military equipment may or may not be appropriate for use in civilian environments.

During the Spring of 2023, a subgroup of Commissioners collaborated with the City and SPD to outline the structure, logistics, and outreach for hosting three community meetings with the goal of creating a welcoming and safe space for the public to voice their thoughts and concerns about the City's MEU policy and community policing in general. In July 2023, SCPRC and SPD held three community meetings for the purpose of seeking input, transparency, and greater understanding of the mutual needs of community and police. In August 2023, the SCPRC produced its own MEU report containing key takeaways, lessons learned, and specific recommendations for changing the MEU policy and improving how the City engages city residents more deeply and thoughtfully on policing in general from these community meetings. Accordingly, the SCPRC should reflect on its previous efforts to increase community outreach for the upcoming review process.

Policy Considerations: SCPRC was established to provide community participation in reviewing and recommending police department policies, practices, and procedures; and monitor the implementation, evaluation, and sustainability of city policing initiatives and programs. (Sacramento City Code section 2.110.020) In accordance with this purpose, the City Council approved the SCPRC 2024 Work Plan. In it, the SCPRC is continuing its review and analysis of the City's MEU policy, procedures, and practices, including City Council direction on September 13, 2022, of community engagement.

One of the clearest takeaways from community participants of the 2023 MEU community engagement process was a strong desire by city residents to be engaged more deeply and thoughtfully on policing in general. When citywide policing changes are made, outside of the two-minute comment periods afforded to the public at City Council meetings, there are not many venues for the public to engage directly with the police department and have concerns voiced. The SCPRC learned valuable lessons from last year's process, including:

- a. The City and SPD must use their resources to advertise SCPRC's public meetings via social media, traditional media outlets, existing listserves of community leaders and organizations, Councilmembers newsletters, websites and District meetings.
- b. Meeting notices, draft MEU Report and attachments should be available to the community 90-120 days in advance of annual community meetings.
- c. SPD should compile more robust statistical data in easy-to-read format(s) for City Council, SCPRC and community consumption.
- d. Data shared with the public should be in "plain speak".

- e. SPD officers attending community meetings are better received when they are not in full duty uniform. Polos and slacks were appreciated by the participants.
- f. Open and less guided discussions showed SPD and SCPRC openness to community input and participation. Third party facilitator may not be needed next year. Open to discussion with City, SCPRC and SPD.
- g. Offering childcare and refreshments was well received at meetings.
- h. Need chart showing SPD district boundaries vs City Council districts.
- i. SPD likely needs an additional non-police analyst to capture and construct more statistics.

The community forums provided an opportunity for the SCPRC to listen to various comments and suggestions from the public regarding meaningful changes they wish to see in City policy to assist in repairing the damaged relationship our community has with SPD. Two of the 9 recommendations produced from community-feedback included:

Recommendation #5: Establishing a formal and standardized process for soliciting community input and incorporating feedback into annual updates of SPD's military equipment use policy. The process should be written into GO 410.06 and include clear timelines for when SPD opens its community survey and when SCPRC will host no less than 3 community input forums before the annual report goes to City Council. The process should adopt the SCPRC's proposed Community Outreach Plan and promote all community surveys and input forums through coordinated outreach campaigns utilizing the City's website, mailing list and social media accounts, including those used for SPD and City Councilmembers.

The community survey should be open to the public no later than 4 months prior the Department's annual deadline for approving MEU policy updates (currently September 13th). The community input forums should be conducted no later 3 months prior to approving MEU policy updates. All feedback and policy recommendations captured from the survey and input forums should be included in a final report completed by SCPRC, published on the City's website, and presented to City Council before the annual MEU report goes to City Council and before adoption of any MEU policy updates.

Recommendation #8: City Council should coordinate directly with SCPRC and SPD to organize community input forum(s) within their respective districts. Each city council member should coordinate with SCPRC to either host a community input forum within

their respective council district, or at minimum, attend at least one (1) community input forum in a listening capacity within the bounds of the Ralph M. Brown Act.

Recommendation #9: City Council should approve annual funding for SCPRC to continue to engage community directly and more often throughout the year.

Economic Impacts: None.

Environmental Considerations: Not Applicable.

Sustainability: Not Applicable.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: Not Applicable.

Financial Considerations: Not Applicable.

Local Business Enterprise (LBE): None.

Sacramento Community Police Review Commission
Recommendations on Sacramento Police Department's
Military Equipment Use Policy
August 17, 2023

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The Sacramento Community Police Review Commission (SCPRC) was established to 1) provide community participation in reviewing and recommending police department policies, practices, and procedures; and 2) monitoring the implementation, evaluation, and sustainability of city policing initiatives and programs.

Executive Summary:

The use of military equipment is a difficult and complicated topic. It is hard to ignore that over the course of its history, policing in America has enforced racist policies that have harmed Black and Brown communities. In the aftermath of the deaths of Treyvon Martin, George Floyd and Sacramento's Stephon Clark, the resulting protests over police violence and racism, much of the American public came to see how their local police had become militarized. In responding to community unrest, local law enforcement officers are increasingly using equipment designed for use on the battlefield, including armored vehicles, flash grenades, rifles, and more lethal artillery.

This show of force by local law enforcement sparked a national conversation about the types of equipment police officers have access to and how and when it is being used against civilians. This debate is what ultimately prompted the California State Legislature's passage of Assembly Bill (AB) 481. The intent of this law is to create a transparent process that involves the public and local governing bodies before local law enforcement agencies acquire military weapons and equipment.

On September 13, 2022, the Sacramento City Council directed the Sacramento Police Department (SPD) to collaborate with the Sacramento Community Police Review Commission (SCPRC) to establish a community engagement process that provides the public an opportunity to review and comment on SPD's military equipment use policies, practices, and procedures.

Through the community engagement process, the SCPRC produced the following nine (9) recommendations:

1. Require SPD to track and report the total number of military equipment deployments within the City's jurisdiction separately from the total number of "reportable uses" of force or discharges of military weapons in its annual MEU report.
2. 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.
3. Remove all language under each section authorizing military equipment deployment or usage in situations that includes "crowd control" or "circumstances where a tactical advantage can be obtained."
4. Require SPD to produce its annual report using Comparative Reporting and Demographic Reporting to provide information that includes, at a minimum, where it uses its military equipment and munitions; who it is used against; and the context the equipment is used.

5. Establish a formal and standardized process for soliciting community input and incorporating feedback into annual updates of SPD's military equipment use policy that includes clear timelines for opening SPD's community survey and hosting no less than 3 community input forums as adopted from the SCPRC's Community Outreach Plan.
6. Designate independent oversight authority to the Office of Public Safety and Accountability (OPSA), the Inspector General (IG), and the SCPRC for ensuring SPD's compliance with this policy and AB 481. OPSA and IG should be responsible for investigating any individual violations of the MEU policy. SCPRC should have authority to review and provide recommendations for remedying nonconforming uses to SPD, the Mayor and City Council before the adoption of any changes to the MEU policy.
7. Consolidate all military munitions, grenades, or canisters that deploys' any type of chemical agent listed under AB 48 into the "Chemical Agents and Smoke Canisters" category. Under the consolidated category, add language or links to manufacturers' websites that contains information including, but is not limited to, the clear definitions for each type of chemical agent, and any health or environmental hazards from the deployment of these types, and procedures for cleaning up after deployments of chemical agents.
8. City Council should coordinate directly with SCPRC and SPD to organize community input forum(s) within their respective districts. Each city council member should coordinate with SCPRC to either host a community input forum within their respective council district, or at minimum, attend at least one (1) community input forum in a listening capacity within the bounds of the Ralph M. Brown Act.
9. City Council should approve annual funding for SCPRC to continue to engage community directly and more often throughout the year.

This report is intended to provide the Mayor and Council insight into what SCPRC heard from the public at the community forums in hopes that the feedback will result in meaningful changes to the MEU policy that are responsive to the needs of the community and helps repair the relationship our city has with SPD.

Introduction:

For decades, the federal government has provided and continues to provide state, local, and tribal law enforcement agencies with funding and equipment to support and augment their operations. The weaponry provided, such as firearms, ammunition, and tactical vehicles, are military grade equipment often associated with war. The acquisition of this equipment by local police departments had largely gone unnoticed. But in August 2014, Michael Brown was shot and killed by a police officer in Ferguson, Missouri, leading to a series of demonstrations, where images of law enforcement authorities drawing M-4 carbine rifles and dropping tear gas bombs on protestors shocked¹ much of the American public.



Ferguson looked like a war zone.

In the aftermath of the deaths of Trayvon Martin, George Floyd and Sacramento's Stephon Clark, during the resulting protests over police violence and racism, much of the American public came to see how their local police had become militarized. In responding to community unrest, local law enforcement officers are increasingly using equipment designed for use on the battlefield, including armored vehicles, flash grenades, rifles, and more lethal artillery.

Many attribute the militarization of local police to the ongoing technology transfers from the defense sector to local law-enforcement authorities, dating back to the 1960's. In 1965, President Lyndon Johnson declared a "war on crime," and asked Congress to pass the Law Enforcement Assistance Act, under which the federal government began supplying local police with military-grade weapons that were being used in the United States' war in Vietnam.

During the Reagan Administration the focus turned to a "war on drugs," and Congress passed legislation formalizing a program which authorized the Department of Defense to transfer

¹ <http://www.usnews.com/opinion/blogs/world-report/2014/08/22/ferguson-missouri-shows-police-militarization-in-america-must-end>

surplus military equipment, including arms and ammunition to federal, state, and local agencies for the use in law enforcement activities for counter-drug and counter-terrorism activities.

Further militarization of local law enforcement was escalated in the aftermath of September 11th attacks. Post 9/11, the Department of Homeland Security enabled anti-terror grants that police departments across the U.S. could tap into to purchase new military-grade equipment such as armored trucks, ballistics gear and armored personnel carriers. The availability of these grants fueled the birth of companies that manufacture military-style equipment for local law enforcement.

Over the last decade, community members, civil rights advocates, and elected leaders have voiced concerns about the militarization of law enforcement and have raised serious questions about the types of weapons and equipment municipal law enforcement are authorized to use against civilians. There is increasing scrutiny on how the availability and use of this equipment impacts policing.



When police officers dress, train or are armed like a military soldier, it reinforces a warrior mentality. Under the warrior worldview, officers see themselves in an unpredictable combat with unknown but highly lethal enemies. As a result, officers learn to be vigilant, attentive, cautious, alert, and distrust the community they serve. This worldview can result in violent confrontations and is the opposite of the guardian approach advocated by police reformers. The guardian mentality stresses a service-oriented approach to police training that emphasizes de-escalation and the avoidance of physical conflict. The concept of guardian policing emphasizes social service, valuing community partnerships and establishing positive contacts.

Assembly Bill 481 (Chapter 406, Statutes of 2021)

Following the high-profile deployment of military style equipment in Ferguson, Missouri, in response to the protest sparked by Michael Brown's death, citizen concerns over militarization of police departments increased. In response, then President Obama ordered a government-wide review of military equipment. The findings of the federal review highlighted a "lack of consistency in how Federal programs are structured, implemented, audited, and informed by conversations with stakeholders."²

On January 16, 2015, President Obama issued Executive Order (EO) 13688.2, establishing the federal interagency Law Enforcement Equipment Working Group to develop recommendations to improve federal support for the appropriate use, acquisition, and transfer of military equipment by state, local and tribal law enforcement agencies. The Working Group issued a final report in May 2015 and identified several areas of focus that could maximize the safety and security of not just law enforcement officers, but the communities they serve.

In 2017, President Trump rescinded EO 13688.2. However, the recommendations by the Working Group became the foundation for the state's Assembly Bill (AB) 481. AB 481 requires a law enforcement agency to obtain approval from the governing body, prior to taking certain actions relating to the funding, acquisition, or use of military equipment.

The California Legislature grounded this law based on five key tenets:

1. The acquisition of military equipment and its deployment in our communities adversely impacts the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurring of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.
2. The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment.
3. Decisions regarding whether and how military equipment is funded, acquired, or used should strongly give consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.
4. Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

² Law Enforcement Equipment Working Group, May 2015, *Recommendations Pursuant to EXECUTIVE ORDER 13688 Federal Support for Local Law Enforcement Equipment Acquisition*
<https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/LE-Equipment-WG-Final-Report.pdf>

5. The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

The intent behind the law is to create a transparent process that involves the public and local governing bodies before local law enforcement agencies acquire military weapons and equipment. According to then Assemblymember David Chiu, author of the legislation:

California's local law enforcement agencies have acquired more military equipment than any other state over the last 30 years. Yet often, the public have little to no information about such acquisitions, which can cost local governments tens of millions of dollars. With troubling examples of this military equipment being used without clear protocol in recent years against peaceful demonstrators from Orange to Walnut Creek, it is time to reevaluate how law enforcement receives and implements war weapons in our communities. This bill is about rebuilding community trust. Our streets in California are not war zones, and our citizens are not enemy combatants. Law enforcement in California are our partners in public safety, and the weapons and equipment they carry should reflect that reality.

AB 481 requires law enforcement agencies to adopt a "military equipment use policy" that is a public, legally enforceable document governing the use of military equipment that includes:

- 1) A description of each piece of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer.
- 2) The purposes and proposed uses for each type of military equipment.
- 3) The fiscal impact of each piece of military equipment, including the initial costs of obtaining the equipment and the estimated annual cost of maintaining the equipment.
- 4) The legal and procedural rules that govern each authorized use.
- 5) The training that must be completed before use of specified equipment, including any required courses for each specific type of military equipment to ensure the full protection of the public welfare, safety, civil rights, and civil liberties and full adherence to the military use equipment policy.
- 6) 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.
- 7) The procedures by which members of the public may register complaints or concerns and receive a response in a timely manner.

The legislation calls for the elected body that oversees a law enforcement agency, which is the Sacramento City Council, to only approve a military equipment use policy if it determines all of the following:

- 1) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- 2) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- 3) 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.
- 4) 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.

Sacramento Military Equipment Use Policy: Mayor and City Council Direction to the Sacramento Community Police Review Commission (SCPRC)

On September 13, 2022, City Council approved the Sacramento Police Department's (SPD) revised Military Equipment Use Policy.

During the discussion, it was acknowledged by SPD that community forums conducted in July 2022 were disastrous. Community members and officers alike felt the meetings were contentious and unproductive. AB 481 requires that at "least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment" be carried out, City Council directed SPD to collaborate with the SCPRC to establish a community engagement process and asked that:

- 1) The Annual Military Equipment Use Report includes specific demographic reporting, including upon whom military equipment has been used (e.g., race and ethnicity), when the military equipment has been used, and where military equipment has been used (e.g., zip code).
- 2) SPD work collaboratively with SCPRC to develop a process for community engagement to solicit feedback on MEU policy with the focus on the following:
 - a. Discussion on limitations for when military equipment may or may not be appropriate for use in civilian environments.
 - b. What role the Office of Public Safety Accountability (OPSA) should serve in reviewing individual instances of military equipment misuse.

- c. A SCPRC review of SPD's annual report and data trends and proposed changes it might recommend before its MEU policy is updated.

What follows is a description of the work conducted by SCPRC, SPD, and city staff over the last five months, a summary of the community forums and feedback provided by the public, some lessons learned, and policy recommendations.

SCPRC and SPD's Community Forums

This report is intended to provide the Mayor and Council insight into what SCPRC heard from the public at the community forums in hopes that the feedback will result in meaningful changes to the MEU policy that are responsive to the needs of the community and helps repair the relationship our city has with SPD.

The use of military equipment is a difficult and complicated topic. It is hard to ignore that over the course of its history, policing in America has enforced racist policies that have harmed Black and Brown communities. As a society we are now grappling with the realities of the past, trying to learn from it and create reforms that will safeguard the public safety of both the public and police officers.

It's also true that police officers in this country must interact with the most heavily armed civilian population in the world: one in three Americans owns a gun, typically more than one. Gun violence undermines civilian life and debases everyone. This and supporting research demonstrate that the status quo in policing is not serving *either* the public or officers well.

AB 481 pushes us to begin the necessary and overdue discussion within California communities about the type of weapons available to police departments, how they are deployed, and provides the public and local elected officials with an opportunity to change things.

SCPRC's goal was to create a welcoming and safe space for the public to be able to voice their thoughts and concerns about the military use policy being considered by the city and help SPD engage the community in dialogue. We believe that deeply listening to the needs of the community and having honest two-way conversations can be the first step on the road to real collaboration and even transformative change.

Sacramento police already have various types of equipment in their inventory that are described as military equipment under AB 481. Most anticipated future procurement requests will be to replenish depleted supplies, as approved by City Council. Much of this inventory includes non-lethal, crowd control, protective and intelligence gathering equipment, such as aerial drones, bomb detecting/disposal robots, smoke and flash devices, rubber bullets, bullet-proof shields, etc. A smaller subset of MEU equipment provides upgraded firepower and building breaching capability, necessitated in only special circumstances.

Our citywide expectation is that SPD is prepared before the fact to, as safely as possible, address all law enforcement situations that may arise and to do so only if it is able to protect both public safety (of residents, businesses, and police officers) and civil rights. The MEU policy revision

process is intended to help develop tight, balanced, and reasonable controls on the purchase and use of military equipment for consideration by the City Council.

Over the course of four months, a subgroup of Commissioners met regularly with Assistant City Manager Mario Lara and Lieutenant Jeffrey Shiraishi to outline the structure and logistics of the community meetings. With the help and input from the city, dates, times, and locations were chosen. Based on earlier public feedback, choosing a venue that was considered a neutral location was important. The following three community centers and dates were selected:

- Pannell Meadowview Community Center
Thursday, July 6th
2450 Meadowview Road
5:30 pm – 8:30 pm
- Hagginwood Community Center
Thursday, July 27th
3271 Marysville Blvd
5:30 pm – 8:30 pm
- Hart Senior Center
Saturday, July 29
915 27th Street
11:00 am – 2:00 pm

It was important that SCPRC and SPD create an inviting and safe space for the public. To ensure this happened, the city made the community centers available and provided childcare for participants. In addition, light refreshments were procured by SPD. It was also decided that it would be wise to hire a professional mediator to inform the process and assist in moderating the forums. The city provided the funding for mediator working for California State University, Sacramento to be hired. At each forum, the public was asked for permission to record audio of the proceedings. Two of the three forums were recorded. The recordings can be found on SPDs transparency page.

The purpose of these conversations was to seek input, transparency, and greater understanding of the mutual needs of community and police, leading to equitable balance. SCPRC strongly believes that when law enforcement personnel are engaged and have a responsive presence within a community, it enables better service and encourages greater public cooperation that improves safety for the community and officers.

Key Takeaways from community participants:

When citywide policing changes are made, outside of the two-minute comment periods afforded to the public at City Council meetings, there are not many venues for the public to engage directly with the police department and have concerns voiced. This became clear at the forums. There was a lot of pent-up frustration, but once it was voiced and acknowledged it gave space for thoughtful discussion between the community and the officers present. This happened at each forum. While the forums were specifically designed to solicit feedback on the proposed MEU policy, it was clear that there is a strong desire by city residents to be engaged more deeply and thoughtfully on policing in general. Below are all the takeaways from the forums.

- **On MEU Policy:**

1. There should be more and much earlier public notice for future Community Input meetings on MEU report. SPD should share a draft MEU Policy Report and planned procurements earlier. Ninety days in advance was suggested.
2. City Council Members should attend at least one of the established community meetings, or host one within their respective districts.
3. Greater transparency and more detailed analysis needed by SPD on MEU deployments, uses, demographic data per use.
4. MEU Reports and attachments need to use less technical jargon. Use plain-speak.
5. SPD should provide more comparative trend data showing uses, type and quantities year over year.
6. Show using a chart, the percentage of SPD budget in comparison to the overall City budget, and what percentage of the SPD budget each MEU line item is of their budget.
7. Include in the MEU annual report a chart or description of the city approval process of MEU policy, budget review and authorization.
8. Incorporate the negative public perception when MEUs are displayed during contact instances into the calculus criteria in authorizing deployment or use.
9. Require that SPD or City maintenance staff conduct timely cleanup of smoke, flash bangs or other chemical cannisters and surface residue. Include information on the chemical make-up and any environmental dangers from use of the above-mentioned equipment.
10. Further accountability is needed. There should be a clear matrix of progressive disciplinary measures for officers violating the MEU policy and command orders. Also chart or listing of disciplinary actions taken year over year.

11. SPD cannot self-certify its compliance with AB 481 or the adopted MEU policy. An audit should be done by the Office of Public Accountability and Safety or the City's independent auditing firm that also looks at other City departments. Frequency of audit should be determined.
12. Open the 40-hour Police Academy training to interested members of the public.
13. Clarify the need and amount of stockpiling of individual MEU equipment. SPD's own internal audit found significant quantities of some "unknown" equipment, as well as expired items.
14. SPD and City Council must revisit if military equipment should be used for crowd control devices. If the decision is to retain some or all currently existing equipment, then strict, clear, and well communicated rules and control procedures for its deployment or use and immediate reporting capture.
15. SCPRC needs to have more authority to review SPD's policies, procedures, and data on a timely basis.

- **General Policing Practices in Sacramento:**

1. SPD must have a department representative at each SCPRC meeting and community input meetings empowered to describe SPD policies, command orders and provide answers to Commission and/or community questions.
2. City Human Resources Department should proactively participate in and monitor SPD hiring process to ensure recruitment, applicant flow, testing, interview and background checks use validated methods and testing instruments that make certain that hiring is valid, effective, and free of bias. Utilization of best practices will encourage representative diversity in recruitment, hire, transfer and promotion processes and results.
3. Community strongly desires more community policing techniques and positive relationship building activities from SPD. Officers on bikes or foot patrol, involvement in P.A.L (Police Activities Leagues), Boys and Girl Clubs, and other activities that work to foster constructive relationships with the community.
4. SPD needs to better publicize positive community outreach and interface efforts with the community.
5. Clarify what funds City is or will invest in social services that proactively deter crime, enhance trust and engagement with neighborhoods, and help build bonds, especially with youth.
6. There should be a decrease to the annual increases in SPD budgets.

7. Detail what investment and social services are being funded by Sacramento County within our city. Burgeoning need for more mental health diagnosis, treatment, intervention, and health-care facilities.
8. To help reset the current relationship with the community, SPD must first acknowledge and take responsibility for the past trauma caused by unjust and unfair policing practices.

- **Lessons Learned:**

1. The City and SPD must use their resources to advertise SCPRC's public meetings via social media, traditional media outlets, existing listserves of community leaders and organizations, Councilmembers newsletters, websites and District meetings.
2. Meeting notices, draft MEU Report and attachments should be available to the community 90-120 days in advance of annual community meetings.
3. SPD should compile more robust statistical data in easy-to-read format(s) for City Council, SCPRC and community consumption.
4. Data shared with the public should be in "plain speak".
5. SPD officers attending community meetings are better received when they are not in full duty uniform. Polos and slacks were appreciated by the participants.
6. Open and less guided discussions showed SPD and SCPRC openness to community input and participation. Third party facilitator may not be needed next year. Open to discussion with City, SCPRC and SPD.
7. Offering childcare and refreshments was well received at meetings.
8. Need chart showing SPD district boundaries vs City Council districts.
9. SPD likely needs an additional non-police analyst to capture and construct more statistics.

SCPRC Recommendations:

The community forums provided an opportunity for the SCPRC to listen to various comments and suggestions from the public regarding meaningful changes they wish to see in the MEU policy to assist in repairing the relationship our city has with SPD. Many of these comments aligned with the thirteen MEU recommendations SCPRC had worked on in 2022.

Based on the community forums, the SCPRC has produced nine (9) recommendations:

1. Require SPD to track and report the total number of military equipment deployments within the City's jurisdiction separately from the total number of "reportable uses" of force or discharges of military weapons in its annual MEU reports. All procedures for documenting the deployment of military equipment should be clearly defined. Any transparency standards should require reporting any deployments visible to the community, and not be limited to only uses of force or discharging the weapon.
2. 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.
3. Remove all language under each section authorizing military equipment deployment or usage in situations that includes "crowd control" or "circumstances where a tactical advantage can be obtained."
4. Require SPD to produce its annual report using Comparative Reporting and Demographic Reporting to provide information that includes, but is not limited to:
 - a. where it uses its military equipment and munitions;
 - b. who it is used against;
 - c. in what context the equipment is used.
5. Establish a formal and standardized process for soliciting community input and incorporating feedback into annual updates of SPD's military equipment use policy. The process should be written into GO 410.06 and include clear timelines for when SPD opens its community survey and when SCPRC will host no less than 3 community input forums before the annual report goes to City Council. The process should adopt the SCPRC's proposed Community Outreach Plan and promote all community surveys and input forums through coordinated outreach campaigns utilizing the City's website, mailing list and social media accounts, including those used for SPD and City Councilmembers.

The community survey should be open to the public no later than 4 months prior the Department's annual deadline for approving MEU policy updates (currently September 13th). The community input forums should be conducted no later 3 months prior to approving MEU policy updates. All feedback and policy recommendations captured from the survey and input forums should be included in a final report completed by SCPRC, published on the City's website, and presented to City Council before the annual MEU report goes to City Council and before adoption of any MEU policy updates.

6. Designate independent oversight authority to the Office of Public Safety and Accountability (OPSA), the Inspector General (IG), and the SCPRC for ensuring SPD's compliance with this policy and AB 481. OPSA and IG should be responsible for investigating any individual violations of the MEU policy. SCPRC should have authority to review and provide recommendations for remedying nonconforming uses to SPD, the

Mayor and City Council before the adoption of any changes to the MEU policy.

OPSA and IG should be responsible for investigating any individual violations of the MEU policy. SCPRC should have authority to review and provide recommendations for remedying nonconforming uses to SPD, the Mayor and City Council before the adoption of any changes to the MEU policy.

7. Require SPD to publish its disciplinary matrix for all violations under its MEU policy and to publicly report the total number of violations and the disciplinary actions issued in response to policy violations in its annual use reports. Reports should clearly define each infraction and a progressive list of disciplinary actions available for the Department to take against offending officers.
8. Consolidate all military munitions, grenades, or canisters that deploys' any type of chemical agent listed under AB 48 into the "Chemical Agents and Smoke Canisters" category. Under the consolidated category, add language or links to manufacturers' websites that contains information including, but is not limited to:
 - a. the clear definitions for each type of chemical agent;
 - b. any health or environmental hazards from the deployment of each type of chemical agent, and;
 - c. procedures for cleaning up after deployments of chemical agents.
9. City Council should coordinate directly with SCPRC and SPD to organize community input forum(s) within their respective districts. Each city council member should coordinate with SCPRC to either host a community input forum within their respective council district, or at minimum, attend at least one (1) community input forum in a listening capacity within the bounds of the Ralph M. Brown Act.
10. City Council should approve annual funding for SCPRC to continue to engage community directly and more often throughout the year.

Outstanding Questions from SCPRC and Community Members:

In April 2023, the SCPRC submitted Data Request (Appendix C) to SPD and City staff who are the most knowledge about the substance of and the responsive records related to the MEU policy and annual use report. The Data Request was intended to give notice to SPD and applicable City staff of the information that the SCPRC may need to effectuate its proposed projects.

Through the course of the community forums, SPD provided verbal responses that addressed some of our requests and questions. However, there are still several questions that are unanswered.

Conclusion

Many of the participants expressed profound mistrust and animosity towards the style of policing they encountered, particularly during protests. They are suspicious that the police department is truly open to changing its tactics and believe their participation in these forums has little chance of leading to meaningful change.

If the City Council chooses to approve SPD's MEU policy and annual report without requiring significant changes, it will serve to reinforce the perception that these forums are simply about placating the public rather than providing real opportunities for reform.

APPENDIX A

Below are the verbal comments, notes, and questions taken by SCPRC Commissioners who attended the MEU community forums. These notes reflect the verbal feedback submitted from the public.

1. Make audio recording public via City or SPD website.
2. Sacramento should invest equal dollars into social services to accompany police or as alternative to police response to incidents.
3. Provide handout showing Police district boundaries at workshops and online.
4. How much money is spent on expired MEU items? Can that amount be reduced by lessening quantity stockpiled vs average usage?
5. Police stats need to be broken down more overall.
6. P.A.L. leagues disappeared. These should come back.
7. Community Policing, via bikes, horses, foot, sports stops, etc., so that community and police develop friendly relations and share information.
8. No Boys and Girls Clubs exist anymore.
9. MEU costs should include the equipment, labor and training costs per item in the same place, for easy reference.
10. Report should number of MEUs used per incident AND per person involved.
11. Public and City Council reports by police should use less jargon. Write in plain speak style.
12. Reports should show the number of MEUs proposed to be purchased this year vs number bought last year in the same line.
13. Show what Percentage MEU purchases are of the overall police budget.
14. Show the total police dollars used to promote improved community relations, and bullet list the items included.
15. Required by the 481 legislation, but the term “Military” equipment is misleading and conjures up visions of tanks, cannons, etc. Consider changing the legislation titling, or locally use another term possibly with MEU in parenthesis. Emphasize preponderance of MEUs are non-lethal items.

16. Show annual maintenance cost of armored vehicles, robots, drones, etc.
17. Repeated requests for City Council members to attend community/police meetings and workshops. None attended at least the first two in this series.
18. List/discuss what type of chemical agents are use by the police in crowd control or home breeches; any health or environmental hazards and who cleans it up. (i.e. pepper spray, smoke cannisters, etc.).
19. Clarify in reports and charts the purpose for use of MEUs. Including why displayed or deployed. Be aware of community impression and psychological impact to broader community.
20. Use clearer references to interrelationship to other police policies.
21. Publicly report on number of disciplines associated with violations of the MEU policy and the particular infraction. Understand that names might not be included.
22. Add more non-police data analysts to drill down on required and requested reports and audits.
23. Issue a report on overview of Community Police efforts, number of participants and assessment of effectiveness.
24. Need and want more police participation in meetings of established community organizations.

Questions:

1. What do Police do to consider and implement strategies that can reduce the number of contact incidents?
2. Where is the MEU cost of \$361K from city funds or grants? Is this recurring amount, or revisited annually?
3. How much money is spent on expired MEU items? Can that amount be reduced by lessening quantity stockpiled vs average usage?

APPENDIX B

Below are written comments and questions from the public that were collected from the community forums.

Comments:

1. Too much arguing and facilitator cutting people off and not calling on all people who had their hands raised. Took too long to get questions answered.
2. The military use presentation and the Assembly Bill presentation were the most informative. I did appreciate the presenters taking their time to do this.
3. Surprised about the anger and fear in the audience. Good job of keeping questions from the public going fairly to the next person, even though a few people tried to dominate.
4. Don't use time to go over "community agreements". This is not a psychology class. Just say something like we encourage cordial civil public comment.
5. If you are bringing up wokeness (pronouns) you should also say you respect Christianity and Islam and other religions who reject the wokeness agenda. Mr. Naidu should be more concise.
6. The meeting got hijacked into funding issues, but try to bring it back to the military use policy.
7. Presentations should be in PowerPoint format.
8. The community does not trust the PD – telling us to trust you – won't work – the PD must change their image! Procurement of military equipment makes us distrust more. Also, if you start late, end late.
9. This report is propaganda, we know the P.D. lies.
10. Please allow for more seating.
11. Sell the Rook – cut your loss. Sac does not need it – don't pay to train law enforcement on it. Rolling up to a crowd of people in military equipment is an act of war. Sac PD needs to simplify, reduce budget, tell city to use your excess funds for housing, mental health, + support for people.
12. QR Codes should be accompanied by the site it links to written as text. Not all consumers of this info will know to scan a QR code and should still be informed that there is a site to view with information.

13. The Review Commission should present organizational charts showing the independence of the review commission. Also, data on the number of Review Commission recommendations & the number of recos that have been adopted, and then data on the Rev. Comm. as to the degree of implementation.
14. That the PD only classifies 86 incidents of the 248,983 contacts as “reportable use” of force is outrageous under-reporting. Is the Review Commission trying to redefine this category so the public can review policing more effectively? The reportable ratio to all contacts is 4:10,000! We cannot accept such a restrictive understanding of “reportable” – as this obviously conceals a great deal of police from accountability.
15. The Review Commission should make clear that the Sheriff of the County would readily provide military policing equipment to Sac PD even if it did not purchase these same vehicles/armaments/etc.
16. Stop for questions regularly during presentations. Ask for permission to take pics/videos privately or note it as part of the meeting. Provide a virtual option. Allow people to submit questions beforehand – and have them answered.
17. Police Academy should include non-violence training & regular refreshers. Violence is primarily an attitude, an emotion, that may be expressed physically or verbally.
 - Sweeping homeless camps is violence.
 - Almost all police & military equipment is fossil fuel technology, which will become obsolete and useless eventually.
 - Recent Supreme Court decisions have loosened constitutional restrictions on police protocols. Please adhere to the previous restrictions.
 - I gather that daytime demonstrations are rarely violent. Violent demonstrations reportedly tend to happen at night. Nonviolent activists cannot prevent against provocateurs from crashing their events.
 - Cops seem to have a habit of barking over commands at citizens and expecting instant obedience. Please practice awareness of individuals’ states of mind.
 - Be aware that the roots of US policing are in slave patrols and in suppression of labor/union rights activists.
 - Using paid informants, especially for victimless crimes, is a bad idea. Stop.
 - Please cite noise pollution sources such as unmuffled illegal motorcycles.
 - Ensure that officers who report unprofessional conduct by other officers are not scapegoated or sabotaged by other officers.

- Please step away from the donuts! Real food supports officer equilibrium.
 - Insist that the Fraternal Order of Police pay at least half of any court judgements of police brutality, not just the taxpayers.
 - Please stop giving ex-military preference in law enforcement hiring.
18. Please consider gun safety measures proven to reduce harm – licensing, waiting periods, enforcement of prohibited persons and gun violence restraining orders, and others to reduce harm to both the community and law enforcement.

Questions:

19. SPCRC currently has a list of 13 recommendations specifically to improve the Sac PD MEU policy. Why have they not been incorporated?
20. Are there individuals who will NOT be allowed to use the equipment, such as officers who have outstanding complaints related to excessive use of force or other community safety violations?
21. Is there language in the policy that explicitly lays out when and how the equipment may be used and when it may not be used?
22. Have they considered alternatives to the military equipment and for de-escalation? Which ones? How was the determination made that these particular pieces of military equipment were the more reasonable options?
23. How does the department conduct its threat assessments respective to both officer and civilian safety? What are the definitions, factors, or parameters for determining threats to civilian safety? What about the same for officer safety? How do they differ?
24. How does SPD define “critical incident” specifically? In what document is this definition? How does it define “barricaded subject”, and where is this definition cited?
25. How much has the City of Sacramento paid out in litigation settlements for SPD uses of force for weaponry over the past 5 years? (Relevant to costs of military equipment)
26. It is not clear what the military equipment is, can we have visuals?
27. Which type of situational incidents require which type of military equipment use?
28. Did this commission give the equipment to rescue not SPA-approved \$361k?
Is “fiscal impact” the same as the actual cost?
29. Drones tracked real-time? Can the public know in real time?

30. What is the cost for training on this stuff?
31. Thanks for your time and consideration. When did military-grade equipment first start being used in Sacramento & why? What part of the budget goes to buying & maintaining these military vehicles + equipment? Why is military equipment needed over the standard equipment?
32. Please clarify: The policy if not approved or if modified and approved applies to both existing and new purchases? What evidence is available to support use of the major military equipment? What evidence, science, and proven practices does Sacramento Police Department consider in the use and purchase of military equipment? Can the City Council veto at the line item level, military purchases in budget requests?

APPENDIX C

What follows is information that the SCPRC requested earlier this year from SPD to help inform the MEU discussion.

SPD Military Equipment Use (MEU) Policy Data Request

- 1) **Annual MEU Report:** The AB 481 (Cal. Gov. Code § 7070-7075) intent language states “the public has a right to know about any funding, acquisition, or use of military equipment.” AB 481 requires that SPD provide the Mayor and City Council an annual military equipment report. To ensure that SPD’s MEU policy complies with the intent of the law and to build community trust, it is crucial that the report contain demographic and use data. To better understand how SPD complies with the law, SCPRC would like to know the following:
 - a) In its 2022 annual report under “Summary of Military Equipment Usages,” SPD provided the total number of authorized and unauthorized uses for each military equipment category, but it did not provide any details relevant to where the equipment was used, who it was used against, or how the equipment was used during these incidents. *Is SPD planning to use comparative reporting and demographic reporting in its 2023 annual report? If not, will the data collected from other SPD reports be incorporated into the annual military equipment use report to ensure that City Council, the SCPRC, and the public can better understand where the equipment was utilized, who it was used against and the reason SPD thought it necessary?*
 - b) AB 481 requires SPD’s annual MEU report to include, at minimum, “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.” *Will these costs be published in its 2023 annual report? If not, what are the total annual costs for each type of military equipment in its inventory as it pertains to the following:*
 - i) *Personnel time (training, deployment, maintenance, etc.)*
 - ii) *Transportation to and from each incident*
 - iii) *Maintenance*
 - iv) *Storage*
 - v) *Upgrades*
 - vi) *Other ongoing costs not previously mentioned in SPD reports.*
- 2) **Military Equipment Necessity:** AB 481 requires that the military equipment be “necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.” To better understand the rationale behind the necessity when acquiring military equipment, the SCPRC would like to know the following:
 - a) AB 481 requires military equipment purchases be “reasonably cost effective compared to available alternatives.” *How does SPD evaluate or assess the effectiveness of its military*

equipment? How often does this evaluation or assessment occur?

- b) AB 481 requires military equipment be necessary because “no reasonable alternatives” exist that can achieve both officer and civilian safety. *What is SPD’s policy to research and identify if alternatives exist?*

3) Accountability & Public Welfare: AB 481 requires that the MEU policy “safeguard the public’s welfare, safety, civil rights, and civil liberties.” It also requires the policy include “mechanisms to ensure compliance,” and “independent persons or entities have oversight authority,” and “if applicable, legally enforceable sanctions” for policy violations. To ensure meaningful accountability and for SCPRC to be able to evaluate whether SPD’s military equipment usage complies with these requirements, SCPRC would like to know the following:

- a) *What are the de-escalation tactics and procedures before and after military equipment is deployed?*
- b) The current MEU policy describes situations where military equipment can be used, but it does not specify the situations in which it cannot be used. This omission is among the most serious concerns raised by community members, civil rights advocates, and members of City Council. *How will SPD determine when military equipment is not necessary or should not be used?*
- c) The MEU policy designates SPD’s Inspections and Standards Unit and its Professional Standards Unit as its oversight authorities, referring violations to the Internal Affairs Division and would report instances of non-compliance to the City Council via its annual report. Given that all three bodies are under the Police Chief, this raises the question about the independence of the oversight authorities. *What independent persons or entities with oversight authority exist outside the Department that can ensure compliance with this policy, AB 481, and AB 48?*
- d) The MEU policy describes the procedure for filing and investigating complaints and refers violations to be “handled in accordance with RM 220.01 (Internal Investigations Manual).” However, the policy does not clearly define what “legally enforceable sanctions” are in place for violations and the Internal Investigations Manual does not provide a general disciplinary matrix or minimum baseline for sustained complaints. *What legally enforceable sanctions are in place when SPD personnel violate its MEU policy?*
- e) *How does SPD conduct its threat assessments respective to both Officer and Civilian Safety? What are the definitions, factors, or parameters for determining threats to Officer Safety? What are the definitions, factors, or parameters for determining threats to Civilian Safety?*
- f) *How does the Military Equipment in this policy meet the standard for guaranteeing BOTH officer safety and civilian safety?*

g) During the 2020 George Floyd protests in Sacramento, video documentation shared at City Council highlighted potential misuses of military equipment against peaceful protesters. Last year, SPD stated that all prior misuses were remedied in the current MEU policy. *What specific actions has SPD taken to correct prior misuses?*

4) **Budget & Funding:** As part of the annual report, AB 481 requires that SPD obtain approval from the City Council when seeking funds for military equipment and to report these costs in its annual report. SCPRC would like to understand the following:

a) *What funding requests has SPD made in the last two years to buy military equipment? Does it solicit funding for other purposes besides purchasing equipment?*

b) Urban Area Security Initiative (UASI) “must assist recipients and subrecipients in achieving core capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.” UASI funds can also be used for “development of whole community partnerships.” *Has SPD applied for UASI funds for other purposes other than purchasing equipment?*

c) *What federal funding is typically used to purchase MEU? Are they annual grants? What other purposes are authorized? How are MEU purchases usually funded?*

APPENDIX D

Outlined below are the thirteen recommendations that the SCPRC is putting forward for consideration by City Council.

MEU RECOMMENDATION #1

ISSUE / PROBLEM

SPD does not include in its reporting when military equipment is deployed.

SCPRC RECOMMENDATION

Amend GO 410.06(D): Require SPD to track and report the total number of military equipment deployments within the City's jurisdiction separately from the total number of "reportable uses" of force or discharges of military weapons in its annual MEU reports. All procedures for documenting the deployment of military equipment should be clearly defined. Any transparency standards should require reporting any deployments visible to the community, and not be limited to only uses of force or discharging the weapon.

SCPRC RECOMMENDATION RATIONALE

Improves upon 2022 MEU Recommendation #2. AB 481, requires that a Use Report include "A summary of how the military equipment was used and the purpose of its use." The current Annual Use Report from SPD does not list how or when the equipment was *deployed* in a critical incident, only "reportable uses" of force when military weapons are discharged during the incident. The Department classified 86 incidents of the 248,983 contacts in the last year as "reportable uses," with the reportable ratio to all contacts being 4:10,000. Members of the public considered this to be "an outrageous under-reporting" that "obviously conceals a great deal of police from accountability."

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

MEU RECOMMENDATION #2

ISSUE / PROBLEM

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

SCPRC RECOMMENDATION

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/SacramentoPDCP/E2021/1_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

OTHER CITY DEPARTMENTS

APPENDIX

MEU RECOMMENDATION #3

ISSUE / PROBLEM

SPD's policy uses vague or overly broad terms to allow military equipment to be deployed, but without any clear limits for how it is used in civilian settings.

SCPRC RECOMMENDATION

Amend GO 410.06(H)(1-15): Remove all language under each section authorizing military equipment deployment or usage in situations that includes "crowd control" or "circumstances where a tactical advantage can be obtained."

SCPRC RECOMMENDATION RATIONALE

Improves upon 2022 MEU Recommendation #6. A crowd is not in itself a danger to life or property. Furthermore, the First Amendment protects the freedom of assembly. The policy already authorizes the use of the equipment against dangerous, and/or combative individuals, or during riots or civil unrest incidents.

Community members that the broad use of "crowd control" could allow police to deploy weapons to intimidate or use in circumstance that do not warrant the use of the equipment. The Commission agrees: SPD and City Council must revisit the necessity of military equipment for "crowd control" purposes.

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

MEU RECOMMENDATION #4

ISSUE / PROBLEM

SPD's annual military equipment use (MEU) reports are unclear, lack context, or omit key metrics necessary to meaningfully assess how its military equipment is being used.

SCPRC RECOMMENDATION

Amend GO 410.06(D): Require SPD to produce its annual report using Comparative Reporting and Demographic Reporting to provide information that includes, but is not limited to:

1. Where it uses its military equipment and munitions.
2. Who it is used against.
3. In what context the equipment is used.

SPD to produce its annual MEU reports using less legal jargon to allow it to be accessible to members of the public and City Council, using more widely known synonyms for more technical terms and establishing clear definitions for words without the appropriate synonyms.

Reports should be published alongside summarized pages that provide all measurable data, using comparative and demographic reporting, that includes, but is not limited to:

1. Total number of critical incidents where military equipment was used or deployed in a table or chart format, including the number of officers and civilians involved in these incidents.
2. Total annual cost of its current military equipment inventory that includes the costs of personnel time, training, transportation, maintenance, storage, upgrades, and other ongoing costs in its calculation.
3. Projected amount and cost for all military equipment that may be requested compared with the previous year, including the costs of personnel time, training, transportation, maintenance, storage, upgrades, and other ongoing costs in its calculation.
4. Fiscal impact of this cost upon the overall police budget, using total dollar amounts and percentages.
5. List of dates and locations for all community outreach and engagement events involving military equipment uses or demonstrations, including the total cost for these events.

SCPRC RECOMMENDATION RATIONALE

Improves upon 2022 MEU Recommendation #2. 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.*

Using the information contained in the annual report, City Council is required to “only approve a military equipment use policy pursuant to AB 481 if it determines all of the following:

- (1) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.*
- (2) The proposed military equipment use policy will safeguard the public’s welfare, safety, civil rights, and civil liberties.*
- (3) 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.*
- (4) 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.*

The City and SPD frequently mentions their desire for data-driven policies, and the Commission appreciates the inclusion of some demographic data in its annual report and summary for the community forums. However, the 2022 annual MEU report is still missing key metrics and comparative reporting requested by SCPRC and the City Council that would allow for meaningfully evaluation and measurement of the impacts of SPD's military equipment usage.

The current policy language is still vague in its annual reporting requirements and does not require SPD to provide annual metrics for how it uses its military equipment compared with the US military, where it is used, or in what 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 to deploy military equipment.

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

MEU RECOMMENDATION #5

ISSUE / PROBLEM

Community engagement regarding SPD's military equipment use policy is poorly promoted.

SCPRC RECOMMENDATION

Changes in Existing Policy(s): Establish a formal and standardized process for soliciting community input and incorporating feedback into annual updates of SPD's military equipment use policy. The process should be written into GO 410.06 and include clear timelines for when SPD opens its community survey and when SCPRC will host no less than 3 community input forums before the annual report goes to City Council. The process should adopt the SCPRC's proposed Community Outreach Plan and promote all community surveys and input forums through coordinated outreach campaigns utilizing the City's website, mailing list and social media accounts, including those used for SPD and City Councilmembers.

The community survey should be open to the public no later than 4 months prior the Department's annual deadline for approving MEU policy updates (currently September 13th). The community input forums should be conducted no later 3 months prior to approving MEU policy updates. All feedback and policy recommendations captured from the survey and input forums should be included in a final report completed by SCPRC, published on the City's website, and presented to City Council before the annual MEU report goes to City Council and before adoption of any MEU policy updates.

SCPRC RECOMMENDATION RATIONALE

Expands upon 2022 MEU Recommendation #2. When citywide policing changes are made, there are few venues for the public to voice concerns or engage directly with the police department or City outside of the two-minute public comment afforded at City Council meetings. This became clear at the community forums, where a lot of pent-up frustrations were expressed, but once voiced and acknowledged, gave space for thoughtful discussion between community members and SPD officers.

While the forums were specifically designed to solicit feedback on the proposed MEU policy, it was clear that there is a desire by city residents to be engaged more deeply and thoughtfully on policing in general. One takeaway frequently expressed by the public was the need for SCPRC to have more authority to review policies, procedures, and data on a timely basis.

The Commission agrees: the public needs earlier and more visible public notice of future community input meetings about the MEU report and policy, which includes sharing meeting notices, SPD's draft of its annual MEU Report, planned procurements, and policy updates at least ninety (90) to one-hundred twenty (120) days in advance as suggested by community members.

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

MEU RECOMMENDATION #6

ISSUE / PROBLEM

AB 481 is clear that there must be a mechanism to ensure compliance with the military equipment use policy, including which independent person or entities have oversight authority and what legally enforceable sanctions are put in place for violations of the policy. SPD's current policy does not comply with the requirement.

SCPRC RECOMMENDATION

Changes to Existing Policy(s): Designate independent oversight authority to the Office of Public Safety and Accountability (OPSA), the Inspector General (IG), and the SCPRC for ensuring SPD's compliance with this policy and AB 481. OPSA and IG should be responsible for investigating any individual violations of the MEU policy. SCPRC should have authority to review and provide recommendations for remedying nonconforming uses to SPD, the Mayor and City Council before the adoption of any changes to the MEU policy.

Require SPD to publish its disciplinary matrix for all violations under its MEU policy and to publicly report the total number of violations and the disciplinary actions issued in response to policy violations in its annual use reports. Reports should clearly define each infraction and a progressive list of disciplinary actions available for the Department to take against offending officers.

SCPRC RECOMMENDATION RATIONALE

Improves upon 2022 MEU Recommendation #8. AB 481 is clear that a written MEU 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." This requires SPD to identify any oversight entities that are independent from the Department, as well as any legally enforceable sanctions for MEU policy violations. The current MEU policy provides none of these.

During the community forums, a common refrain among the public was that SPD cannot self-certify its compliance with AB 481 or the adopted MEU policy and called for independent oversight authority be designated to the Office of Public Safety and Accountability (OPSA), the Inspector General (IG), and the Community Police Review Commission. The public also called for greater accountability in the form of a clear matrix of progressive disciplinary measures for

officers violating the MEU policy and command orders, including a chart or listing of disciplinary actions taken year over year.

In response to community members, SPD verbally identified the City Council (the "governing body" under AB 481) as an "independent oversight entity" and to whom instances of non-compliance are reported via its annual MEU report. In the MEU policy, SPD's own Inspections and Standards Unit and Professional Standards Unit are designated as their oversight authorities to refer violations to its Internal Affairs Division. Given all three SPD 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.

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)." Furthermore, SPD has not provided a general disciplinary matrix or minimum baseline for sustained complaints in either the MEU policy or its public list of general orders. This lack of formal disciplinary guidelines has been cited by both the California Attorney General and the SCPRC, which have submitted separate recommendations for addressing this deficiency.

To ensure meaningful accountability under this policy, it is important for the City Council to choose an independent oversight authority separate from SPD that can be impartial and prioritize the public's welfare, safety, civil rights, and civil liberties.

Supporting Sources:

- i. California Government Code Section 7070(d)
- ii. 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>
- iii. Sacramento Community Police Review Commission 2020 Disciplinary & Accountability Ad Hoc Recommendations

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

MEU RECOMMENDATION #7

ISSUE / PROBLEM

SPD policy is unclear about the type of chemical agents possessed in its military equipment inventory and does not report the potential hazards to public health or local environments from deployments of chemical agents.

SCPRC RECOMMENDATION

Amend GO 410.06(H)(7,12,14): Consolidate all military munitions, grenades, or canisters that deploys any type of chemical agent listed under AB 48 into the "Chemical Agents and Smoke Canisters" category. Under the consolidated category, add language or links to manufacturers' websites that contains information including, but is not limited to:

1. Clear definitions for each type of chemical agent possessed by SPD (i.e. pepper spray, tear gas, smoke cannisters, etc).
2. Any health or environmental hazards from the deployment of each type of chemical agent.
3. Procedures for cleaning up after deployments of chemical agents.

SCPRC RECOMMENDATION RATIONALE

A key takeaway from community members was the need for greater transparency about the SPD's inventory and use of chemical agents. Community members want clarity about the type of chemical agents it possesses and information about their chemical make, how SPD or City staff clean up after deploying smoke canisters, flash-bangs or chemical agents which may linger in the air or leave surface residue, as well as any health or environmental dangers from use of this military equipment.

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

MEU RECOMMENDATION #8

ISSUE / PROBLEM

Community members would like to see their City Councilmembers participate in the community engagement process related to military equipment use policy.

SCPRC RECOMMENDATION

Adopt a New Policy: City Council coordinate directly with SCPRC and SPD to organize community input forum(s) within their respective districts. Each city council member should coordinate with SCPRC to either host a community input forum within their respective council district, or at minimum, attend at least one (1) community input forum in a listening capacity within the bounds of the Ralph M. Brown Act.

SCPRC RECOMMENDATION RATIONALE

Throughout all three (3) community forums, the public was unequivocally clear in feeling ignored by their City Council members in past discussions and decisions concerning SPD policies and practices. The Commission noted that only two City Council members attended any of the community forums, and the public frequently questioned whether City Council would listen or act any differently than it has given their absence.

As such, the Commission recommends the Mayor and City Council members work with SCPRC should attend at least one of the established community meetings, or host one within their respective districts.

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

MEU RECOMMENDATION #9

ISSUE / PROBLEM

The community requested that the Sacramento Community Police Review Commission be given adequate funding and resources for more frequent community engagement outside of monthly meetings.

SCPRC RECOMMENDATION

Changes to Existing Policy(s): City Council approve annual funding for SCPRC to continue to engage community directly and more often throughout the year.

SCPRC RECOMMENDATION RATIONALE

Community expressed a strong desire for regular and more frequent community engagement beyond the annual MEU input sessions. For this year's community forums, the SCPRC's Community Outreach Plan called for the City to secure easily accessible venues and offer child care and refreshments for each meeting, which was well received by the public.

The public called for SCPRC and SPD to receive more funding to engage the community more frequently. Community also called for the City to use its full resources to better advertise public meetings via their media contacts, existing email list-servs for community leaders and organizations, as well as placement in City Council members' newsletters, websites and District meetings.

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

APPENDIX E

What follows are the recommendations that SCPRC made in 2022 to the Mayor and City Council on SPD's Military Equipment Use policy.

Military Equipment Use Recommendation #1

ISSUE / PROBLEM

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

SCPRC RECOMMENDATION

Amend GO 410.06(C): Add specific language that prohibits purchase, acquisition, or usage of any military equipment or munitions that are prohibited by the Federal government for use by the US Military or law enforcement agencies.

SCPRC RECOMMENDATION RATIONALE

While SPD is required by state law to contract with the Federal government to acquire its military equipment and munitions, there appears to be no state rules prohibiting banned equipment from being acquired. Out of abundance of caution, the Commission recommends this policy include specific language that prohibits the purchase, acquisition, or usage of such banned equipment. The Federal government provides a list of banned military equipment which cannot be used by the US military or local police forces.

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

GO 410.06 Military Equipment Use

Military Equipment Use Recommendation #2

ISSUE / PROBLEM

SPD's annual military equipment use (MEU) reports do not require comparative or demographic reporting that would provide measurable data to meaningfully assess how its military equipment is being used.

SCPRC RECOMMENDATION

Amend GO 410.06(D): Add specific language requiring SPD to produce its annual report using Comparative Reporting and Demographic Reporting to provide information that includes, but is not limited to: 1. Where it uses its military equipment and munitions; 2. Who it is used against 3. In what context the equipment is used.

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.”*

The City and SPD frequently mentions their desire for data-driven policies, but nothing within the 2021 annual MEU report provides metrics for meaningfully measuring the impacts of this policy or 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. The current policy language appears to be vague in its annual reporting requirements and does not require SPD to provide annual metrics for how it uses its military equipment compared with the US military, where it is used, or in what context. 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, the outcomes from those 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. The Commission recommends adding specific language that requires comparative reporting to illustrate the differences between how the US military used this equipment versus how SPD is using them against civilians in Sacramento. According to SPD, the current policy appears to require comparative reporting, but we think this language can be more explicit in stating its purpose for such reporting.

The Commission also recommends adding specific language requiring demographic reporting to provide information about where SPD 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.

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

GO 410.06 Military Equipment Use

Military Equipment Use Recommendation #3

ISSUE / PROBLEM

SPD language related to military munitions usage is overly vague or too broad

SCPRC RECOMMENDATION

Changes to Existing Policy(s): Add specific language detailing the usage, rationale and justification for use of all Armor-Piercing (AP) munitions in the context of public safety.

SCPRC RECOMMENDATION RATIONALE

While current UOF policy governs the use of AP munitions when suspects are heavily armored in Class level 4 or above, SPD does not have specific use policy related to their usage. Given its clear military applications, we recommend adding language that provides criteria for using AP munitions, including a rationale, restrictions on its use, and other criteria governing where, against whom, and in what context they may be used.

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

GO 580.02 Use of Force

GO 410.06 Military Equipment Use

Military Equipment Use Recommendation #4

ISSUE / PROBLEM

SPD policy allows the department to apply for funds prior to Council's approval under exigent circumstances.

SCPRC RECOMMENDATION

Amend GO 410.06(G): Require SPD to seek City Council approval before any public or private funding may be spent to procure, acquire, or purchase military equipment under AB 481. Require all annual procurements, acquisitions, or purchases be submitted separately from SPD's annual report or policy updates for consideration by the Budget & Audit Committee.

SCPRC RECOMMENDATION RATIONALE

GO 410.06 currently authorizes SPD to “apply for funding prior to obtaining council approval in the case of exigent circumstances.” SCPRC agrees that there might be circumstances where public funding may only be available with limited notice and require SPD to move quickly in order to apply for funding. However, this money should not be used until the City Council authorizes such action.

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.

This approval will increase public transparency and ensure accountability for SPD to only purchase military equipment that is cost-effective in comparison to other reasonable alternatives that can achieve the same objective of officer and civilian safety.

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

GO 410.06 Military Equipment Use

Military Equipment Use Recommendation #5

ISSUE / PROBLEM

SPD policy does not catalog military-grade firearms and launchers separately from their military-grade munitions and projectiles.

SCPRC RECOMMENDATION

Amend GO 410.06(H): Catalog SPD inventory of military-grade firearms and launchers separately from their respective munitions and projectiles.

SCPRC RECOMMENDATION RATIONALE

The catalog of military equipment should be transparent enough for the public to accurately distinguish between firearms and launchers from the different types of ammunition they use. As currently written, SPD lists ammunition together with weapons in such a way that is not clearly distinguishable for members of the public or the Commission. The Commission recommends adding separate bullets and numbering under each type of military weapon and equipment category to clearly list firearms and launchers separately from their respective ammunition and projectiles.

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

GO 410.06 Military Equipment Use

Military Equipment Use Recommendation #6

ISSUE / PROBLEM

SPD's policy uses vague or overly broad terms to allow military equipment to be deployed, but without any clear limits for how it is used in civilian settings.

SCPRC RECOMMENDATION

Amend GO 410.06(H)(1-15): Add written language to clearly state the limits and conditions for SPD's use of each type of military equipment in compliance with AB 48 and AB 481, including specific details for when it is authorized for use and when it is unauthorized for use.

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. 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.

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:

- i. Self-destructive, dangerous and/or combative individuals.*
- ii. Riot/crowd control and civil unrest incidents.*
- iii. Circumstances where a tactical advantage can be obtained.*
- iv. Potentially vicious animals.*
- v. 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 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.

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. Therefore, the Commission recommends that City Council add clear language stating the specific situations where SPD is unauthorized to use military equipment.

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

OTHER CITY DEPARTMENTS

APPENDIX

GO 410.06 Military Equipment Use

Military Equipment Use Recommendation #7

ISSUE / PROBLEM

SPD provides no justification for why it needs military equipment or explanation as to how it meets AB 481's minimum requirements.

SCPRC RECOMMENDATION

Amend GO 410.06(D): Require written justifications in each annual MEU report to provide context for why the military equipment in SPD's inventory is necessary and how it will achieve both officer and civilian safety while also safeguarding the welfare, civil rights, and civil liberties of the public. Written justifications should be provided for the following military equipment:

1. Unmanned Aircraft System (UAS) vehicles exceeding a purchase cost of \$1000 or an annual maintenance cost of \$500
2. Robots
3. Armored Vehicles
4. Long Range Acoustic Devices (LRADs)
5. 40MM Launchers and Rounds
6. Less Lethal Shotguns capable of deploying chemical agents defined under California Penal Code 13652(d)(2).
7. Precision Rifles capable of using .308-caliber or Armor-Piercing (AP) ammunition, exceeding a purchase cost of \$1,500 per rifle, or require conversion for police use at a cost exceeding \$50,000.
8. All Ammunition, Canisters, Grenades, Rounds, or Projectiles considered kinetic energy projectiles under California Penal Code 13652(d)(1).
9. All Ammunition, Canisters, Grenades, Rounds, or Projectiles containing any chemical agents defined under California Penal Code 13652(d)(2).
10. All Ammunition, Canisters, Grenades, Rounds, or Projectiles considered AP ammunition or possessing AP capabilities.

SCPRC RECOMMENDATION RATIONALE

Two of four minimum requirements under AB 481 states that City Council only approve a written MEU policy if:

- (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.*

During the approval process, SPD did not provide any detailed rationale or justifications for *why* the department needs its current stock of military equipment or *how* the equipment will simultaneously achieve *both* officer and civilian safety while also safeguarding the public's welfare, civil rights, and civil liberties. For example, while current UOF policy governs the use of Armor-Piercing (AP) munitions when suspects are heavily armored in Class level 4 or above, SPD does not have specific use policy related to their usage or justifications for its use. The only justification on record was provided verbally during SPD's presentation to the Law and

Legislation Committee, where Deputy Chief Norm Leong cited an LA bank robbery from over 25 years ago as the most recent example for maintaining AP munitions.

Given the clear military applications for AP munitions and other military equipment like the 40MM tactical 4-shot grenade launcher, the SCPRC and community members maintain serious questions and concerns for how it would achieve these goals simultaneously in compliance with AB 481. The Commission recommends adding language that provides a detailed justification for why the military equipment in its inventory is necessary and how it will achieve officer and civilian safety equitably while also safeguarding the public's welfare, civil rights, and civil liberties.

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

GO 410.06 Military Equipment Use

Military Equipment Use Recommendation #8

ISSUE / PROBLEM

SPD policy does not identify who or what entity will exercise independent oversight over the policy and uses of military equipment policy as required by AB 481.

SCPRC RECOMMENDATION

Amend GO 410.06(F): Add written language to clearly designate independent oversight authority to the Office of Public Safety and Accountability (OPSA), the Inspector General (IG), and the SCPRC to ensure SPD's compliance with this policy 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.” This requires SPD to identify an independent oversight entity and the legally enforceable sanctions for MEU policy violations, but the current policy provides none of these.

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 separate recommendations for addressing this deficiency.

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 meaningful accountability under this policy, it is important for the City Council to choose an independent oversight authority separate from SPD that can be impartial and prioritize the public's welfare, safety, civil rights, and civil liberties. To that end, the Commission recommends that the City Council designate OPSA, the Inspector General, and SCPRC as the independent entities responsible for providing meaningful oversight of SPD's compliance with its MEU policy and AB 481.

Supporting Sources:

- i. California Government Code Section 7070(d)

- ii. 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>
- iii. Sacramento Community Police Review Commission 2020 Disciplinary & Accountability Ad Hoc Recommendations

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

GO 410.06 Military Equipment Use

Military Equipment Use Recommendation #9

ISSUE / PROBLEM

SPD policy allows the department to continuously acquire stocks of military equipment without any limit on its total stockpile. SPD policy creates an unlawful exception to AB 481 to allow procurement, acquisition, or purchase of military equipment without approval of the governing body.

SCPRC RECOMMENDATION

Amend GO 410.06(I): Add specific language establishing an upper limit for the quantity of each type of military equipment SPD may possess within a given fiscal year. Remove any language that would allow SPD to procure, acquire, or purchase military equipment without City Council approval, including the following language:

~~SECTION 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 City Council COP or designee.~~

SCPRC RECOMMENDATION RATIONALE

SPD's MEU policy currently 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 language essentially creates an ambiguous *lower limit* that allows SPD to order up to 10% of its military equipment stock and 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.

Conversely to this lower limit, the current policy language allows SPD to acquire "annual procurements" of flashbang grenades, teargas grenades, breaching shotgun rounds, chemical "Pepperball" launchers, and seven different types of drones with no *upper limit* on the equipment in stock. This concern was raised by community members and the SCPRC before the policy's approval, given the appearance that SPD is "stockpiling munitions" such as that have very specific uses but are highly unlikely to be necessary during any given year. For example, the General Order under Diversionary Devices SPD requests 108 additional 7290M Mini Flash-Bangs via its annual procurement quantities, despite having 108 units in stock, a life expectancy that lasts until used, and only having deployed Diversionary Devices a total of 8 times between December 14, 2021 and April 30, 2022.

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. Furthermore, this language allows SPD to continuously stockpile military weapons and equipment on an annual basis upon the City Council's approval of either SPD's annual MEU report or updates to this General Order.

The Commission recommends removing Section I entirely, along with any other language that would be construed to allow SPD to procure, acquire, or purchase military equipment without City Council approval. Additionally, we recommend adding language establishing an upper limit for the quantity of each type of military equipment in SPD's inventory within a given fiscal year.

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

GO 410.06 Military Equipment Use

Military Equipment Use Recommendation #10

ISSUE / PROBLEM

SPD has no written policy or requirement for evaluating or assessing the effectiveness of its military equipment stock or other technology.

SCPRC RECOMMENDATION

Adopt a New General Order: Create a standalone policy establishing a recurring process for evaluating or assessing the effectiveness of military equipment and other technology SPD currently uses. Evaluations or assessments should include any reviews or analyses of cost-effective alternatives to military equipment which may exist at the time. The process should be conducted periodically (recommended once every 3 years) and produce evaluation reports that are shared directly with the SCPRC and made available to the public via the City's website.

Any recent evaluations or assessments of military equipment conducted prior to the passage of AB 481 or SPD's GO 410.06 should be published under a new section in the next annual MEU report and referenced each year until the next evaluation is completed (beginning in 2023).

SCPRC RECOMMENDATION RATIONALE

One of four minimum requirements under AB 481 states: *"If purchasing [military] equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety."* In producing its MEU policy, SPD did not appear to conduct any process for evaluation or assessing the effectiveness of its current military equipment stock and did not any details for what, if any, cost-effective alternatives it reviewed or trialed prior to City Council approving its policy.

The Final Report of President Barack Obama's Taskforce on 21st Century Policing included among its recommendations an action item for all law enforcement agencies to include "an evaluation or assessment process to gauge the effectiveness of any new technology" that includes input from all levels of the agency "from line officer to leadership" and an "assessment from members of the community." The Commission agrees with this recommendation and believes it should be established as a standalone policy that is referenced directly in SPD's MEU policy.

The process should be conducted on an ongoing basis with a public report published every three years. The process for evaluating and assessing military equipment and other technology should include an intradepartmental survey to solicit input from line officers, union representatives, and members from other departmental units, such as research and planning, technology, and internal affairs. The evaluation report and departmental findings should then be reviewed and analysis provided by the City's police oversight bodies in OPSA and the SCPRC. Assessment should also include external stakeholders separate from SPD such as representatives from the City Attorney's office, civil rights attorneys, local advocacy groups, and other impacted community members. Each group should have the opportunity to ask questions, express their concerns, and offer suggestions for updates or changes to SPD policy and training.

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

GO 410.06 Military Equipment Use
GO 525.09 Unmanned Aerial Systems
GO 580.02 Use of Force
GO 580.04 Firearms
GO 580.10 Use of the Conducted Energy Device (CED)
GO 580.12 Less Lethal Weapon Systems
GO 580.15 Special Weapons and Tactics (SWAT) Team
GO 580.16 SWAT Diversionary Devices
GO 580.17 Use of the Long Range Acoustical Device (LRAD)
GO 580.18 Deployment of Armored Vehicles
RM 532.11 First Amendment Assemblies Manual
RM 580.07 Chemical Agents

Military Equipment Use Recommendation #11

ISSUE / PROBLEM

SPD policy does not explicitly limit or prohibit SPD from using robots or drones as a Use of Force option.

SCPRC RECOMMENDATION

Changes to Existing Policy(s): Add specific language to SPD policy and city code to prohibit the use of Robots or Unmanned Aircraft Systems (UAS) as a Use of Force option against any person without exception.

Under GO 410.06(H) under UAS and Robot, add the following language to subsection (g):
"Robots and Unmanned Aircraft Systems shall not be used as a Use of Force option against any person."

Under GO 580.02(F), add line (g) under subsection (1) using the following language: "By means of a Robot, Unmanned Aircraft System, or any other type of remote-operated military equipment."

SCPRC RECOMMENDATION RATIONALE

While the discussion of use of deadly robots has been happening for years among military and law enforcement circles, the recent decision by San Francisco Board of Supervisors to initially authorize San Francisco Police Department (SFPD) to use robots to kill suspects when "loss of life to members of the public or officers is imminent and outweigh any other force option." his language and the arguments supporting them raise deep Oakland Police Department made a similar proposal, which has widely condemned by both residents and human rights groups alike.

Regardless of what law enforcement or legal professionals may claim, there is nothing normal conversation in the course of modern law enforcement practices and the Commission rejects any assertion to the contract. AB 481 requires law enforcement agencies to disclose how police use military weaponry and equipment, justify that use, and have it approved annually through a governing body such as the City Council. There is no data-driven evidence or ethical principle that would justify police using robots or UAS to kill people setting.

While robot and drone use-of-force has never before been approved in Sacramento (and assuringly, SPD has publicly state it has no plans or interest to request this authorization), it also has never been prohibited and the Commission has concerns with how certain SPD policies' language are ambiguous enough to allow for SPD to use remote-operated technology as a UOF option. We believe clear ethical boundaries are necessary to ensure SPD maintains the utmost respect for the humanity of all Sacramento community members regardless of their suspicions or illegal activities. Therefore, we recommend for the City Council to explicitly prohibit Robots or UAS vehicles from being used to kill any person without exception and regardless of exigent circumstances.

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

GO 580.02 Use of Force

GO 410.06 Military Equipment Use

Military Equipment Use Recommendation #12

ISSUE / PROBLEM

SPD does not include personnel time in calculating the total cost of its military equipment as required by AB 481.

SCPRC RECOMMENDATION

Amend GO 410.06(C): Require SPD to include the costs of personnel time, training, transportation, maintenance, storage, upgrades, and other ongoing costs in its calculation of the total annual cost and fiscal impact of each type of military weapon and equipment listed in its inventory and annual reports.

SCPRC RECOMMENDATION RATIONALE

AB 841 states that SPD and other law enforcement agencies need to report "the total annual cost for each type of equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs." This is necessary to provide the most accurate and transparent information for the governing body and independent oversight authorities to measure the cost-effectiveness of SPD's military equipment use and hold SPD accountable to comply with state law.

In its 2021 Annual MEU report, SPD states in its most recent annual report that 93% of its Departmental expenditures are for personnel costs. Under Training Costs (pg. 25), SPD lists a total of 6 trainings with costs-per-officer totaling over \$13,800. However, neither the report or the General Order appears to include those training costs under the Fiscal Impact for the relevant types of equipment. Furthermore, SPD does not appear to include the cost of personnel time in tabulating that total annual cost for each type of equipment, nor does it include the costs for transportation, storage, upgrades and other ongoing costs. While we have noticed that multiple law enforcement agencies who have unceremoniously tweaked their total costs to exclude this data, such tweaking appears as a coordinated effort to mislead the public and their governing bodies in such a manner that is both unethical and illegal, which only complaints of noncompliance alleged against SPD and validating the reasons for community members to not trust SPD statements or reporting.

The Commission recommends the City Council amend this General Order to specifically require SPD to include the cost of personnel time, training, transportation, maintenance, storage, upgrades, and any other ongoing costs in its tabulation for the total annual costs and fiscal impacts for *each type of military equipment* listed in its MEU policy and annual reports. Failure to include this information increases the likelihood for costly litigation against the City that will ultimately be paid by City taxpayers (not their elected representatives or appointed city staff) for SPD's refusal to take their legal obligations seriously.

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

GO 410.06 Military Equipment Use

OTHER CITY DEPARTMENTS

Military Equipment Use Recommendation #13

ISSUE / PROBLEM

SPD has no written policy or process for decommissioning, liquidating, or disposing of equipment or weapons that a governing body has prohibited from use among civilian populations.

SCPRC RECOMMENDATION

Amend GO 410.06: Establish a process for removing military weapons or equipment that are banned, prohibited, or no longer permitted for use by SPD.

SCPRC RECOMMENDATION RATIONALE

SPD does not appear to have a policy for decommissioning military equipment it no longer uses or is prohibited by Federal agencies. The Commission recommends creating a policy for clearing its inventory of banned military equipment, weapons, or munitions as they occur under future administrations and governments.

SPD RESPONSE

OTHER CITY DEPARTMENTS

APPENDIX

GO 410.06 Military Equipment Use

City of Sacramento
Sacramento Community Police Review Commission
Report
915 I Street Sacramento, CA 95814
www.cityofsacramento.org

File ID: 2023-00603

6/12/2023

Discussion Item 3.

Sacramento Community Police Review Commission (SCPRC) Proposed Community Outreach Plan for the City's Military Equipment Use (MEU) Policy and Introduction to Lynnette Hall, City's Community Engagement Manager

File ID: 2023-00603

Location: Citywide.

Recommendation: 1) Hear an introduction to Lynnette Hall, City's Community Engagement Manager; 2) discuss the Sacramento Community Police Review Commission's ("SCPRC") proposed Community Outreach Plan for the City's Military Equipment Use ("MEU") and Community Agreement, Attachments 2 and 3, in response to Council direction for SCPRC input (File No.2022-01758, Item No. 7), (the "Plan"); and 3) pass a **Motion:** a) approving the Plan (Attachments 2 and 3) as a recommendation of the SCPRC; and, b) in accordance with Council Rules of Procedure chapter 17: i) requesting City staff's assistance with putting the Plan in the appropriate format for the annual review process; and ii) given Council's 120-180 deadline from September of 2022, forwarding the Plan, including as formatted, as soon as possible to the City's Personnel & Public Employee's Committee for review and consideration of forwarding to Council.

Contact: Mindy Cuppy, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org, Office of the City Clerk

Presenter: Graciela Castillo-Krings, Chair of the Sacramento Community Police Review Commission

Attachments:

- 1-Description/Analysis
- 2-MEU Community Outreach Plan SCPRC's Proposal
- 3-SCPRC's Community Agreement Proposal

Additional Description/Analysis

Issue Detail: California Assembly Bill 481 ("AB 481") codified as California Government Code sections 7070 - 7075, requires a law enforcement agency ("LEA") to obtain approval from the applicable governing body, via adoption of a "military equipment" use policy by ordinance, prior to the LEA funding, acquiring, or using military equipment. AB 481 requires LEA's to annually obtain

approval of a renewed ordinance adopting its military equipment use policy for the funding, acquisition, or use of military equipment in addition to any changes in its inventory, policy, and annual reports by the applicable governing body.

As part of the finalization of the renewed ordinance, SPD in coordination with the City Clerk's Office, opened a public comment portal and conducted three community meetings. The public comment portal was advertised via social media, posted to the City Clerk's webpage and the Citywide Policies webpage.

The community meetings were advertised through the SPD's social media platforms. The public comment portal yielded 1,274 responses, all of which were posted on the SPD's transparency page.

SPD organized and conducted three discussion events in July 2022:

- Wednesday, July 13th at 5:00 pm at Valley Hi Community Center - 12 attendees
- Saturday, July 16th at 2:00 pm at Lynn Park - 30 attendees
- Monday, July 18th at 10:30 am Neighborhood Wellness Center - 30 attendees

Based on feedback received from SPD, community participants, and SCPRC, the process put in place was not adequate to build mutual trust between SPD and the community. Recognizing this deficiency, City Council acknowledged that a different approach to engage the public was needed.

On September 13, 2022, City Council approved the Sacramento Police Department's ("SPD") revised Military Equipment Use ("MEU") Policy - General Order (GO) 410.06. (As such, SPD may use the military equipment specified therein.) (Ordinance No. 2022-0025) In addition, City Council directed:

"(a) the Annual Military Equipment Use Report must include specific demographic reporting, including upon whom military equipment has been used (e.g., race and ethnicity), when the military equipment has been used, and where military equipment has been used (e.g., zip code) (with the City Manager and Chief of Police reporting back to the City Council regarding the budget necessary to facilitate that reporting);

(b) the Police Department and the Community Police Review Commission shall develop a process for full community engagement and within 120-180 days report back to the City Council with their recommendations, with that process to included (i) review of individual cases by the Office of Public Safety Accountability and public disclosure of its conclusions to the extent allowed by law and (ii) review of the Police Department's Annual Military Equipment Use Report, inclusive of specific demographic reporting, by the Community Police Review Commission, which shall report back to the City Council regarding any necessary changes; and

(c) the Police Department and the Community Police Review Commission shall, within the next 120-180 days, engage in discussion regarding (i) instances in which the use of any particular item of military equipment is expressly disallowed and (ii) circumstances in which the Police Department must return to the City Council for further approval to procure military equipment." (File No.2022-

01758, Item No. 7)

As to Council's direction:

- 1) **Demographic Reporting** - SPD should, through its annual Military Equipment Use reports, provide detailed demographic information about when military equipment is used in the city, including who, when, race and ethnicity, and zip code. If resources are needed for gathering this information, a budget augmentation could be considered.
- 2) **Community Engagement** - SPD should work with the SCPRC to solicit community input and provide feedback on the MEU policy with a focus on the following:
 - a. What should Office of Public Safety Accountability's role be in reviewing individual instances of military equipment misuse?
 - b. SCPRC review of SPD's annual report and data trends and how to address changes it might recommend before its MEU policy is updated?
 - c. Discussion on limitations for when military equipment may or may not be appropriate for use in civilian environments.

Accordingly, the Chair and Vice Chair of SCPRC recommend that the SCPRC: a) approves the proposed community outreach plan for the City's MEU policy, including the proposed MEU Community Outreach Plan SCPRC's Proposal and SCPRC's Community Agreement Proposal, Attachments 2 and 3, (the "Plan"); and b) given the 120-180 day timeline provided by Council, forwards the Plan to the City's Personnel & Public Employee Committee ("P&PE") for review and consideration of forwarding to City Council for review and approval.

In proposing the Plan, the Chair and Vice Chair are continuing to work with SPD and Lynnette Hall, City's Community Engagement Manager to obtain City staff input and support for the Plan prior to P&PE review.

Policy Considerations: SCPRC was established to provide community participation in reviewing and recommending police department policies, practices, and procedures; and monitor the implementation, evaluation, and sustainability of city policing initiatives and programs. (Sacramento City Code section 2.110.020) In accordance with this purpose, the City Council approved the SCPRC 2023 Work Plan. In it, the SCPRC will analyze and review the City's MEU policy, procedures, and practices, including City Council direction on September 13, 2022, of community engagement.

Economic Impacts: None.

Environmental Considerations: None.

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: The SCPRC has a duty to make recommendations to the City

Council about police policies, procedures and best practices, among other duties. (Sacramento City Code section 2.110.030) The City's MEU policy, procedures, and best practices is a proposed project of the Work Plan. The MEU policy must be renewed annually under state law, and the City Council gave the SCPRC certain direction in September of 2022. The SCPRC has new commissioners and outstanding questions from 2022 and must report back to Council within 120-180 days of September 13, 2022. Attachments 2 and 3 is the proposed response to Council direction.

Financial Considerations: None.

Local Business Enterprise (LBE): Not Applicable.

Background: The City Council adopted Ordinance No. 2022-0025 as amended by the Mayor's suggested resolution on September 13, 2022, by a vote of 7-2, repealing ordinance No. 2021-0034 and adopting a Military Equipment Use Policy. During that meeting, the City Council provided the following direction, recorded in City Council Meeting minutes approved on October 11, 2022 (File No.2022-01758, Item No. 7):

“(a) the Annual Military Equipment Use Report must include specific demographic reporting, including upon whom military equipment has been used (e.g., race and ethnicity), when the military equipment has been used, and where military equipment has been used (e.g., zip code) (with the City Manager and Chief of Police reporting back to the City Council regarding the budget necessary to facilitate that reporting);

(b) the Police Department and the Community Police Review Commission shall develop a process for full community engagement and within 120-180 days report back to the City Council with their recommendations, with that process to included (i) review of individual cases by the Office of Public Safety Accountability and public disclosure of its conclusions to the extent allowed by law and (ii) review of the Police Department's Annual Military Equipment Use Report, inclusive of specific demographic reporting, by the Community Police Review Commission, which shall report back to the City Council regarding any necessary changes; and

(c) the Police Department and the Community Police Review Commission shall, within the next 120-180 days, engage in discussion regarding (i) instances in which the use of any particular item of military equipment is expressly disallowed and (ii) circumstances in which the Police Department must return to the City Council for further approval to procure military equipment.”

MEU Community Outreach Plan PROPOSAL

Strong relationships rooted in mutual trust between police departments and the communities they serve are critical to maintaining public safety. Controversial uses of force and other responses to critical incidents can damage relationships between police and their communities. In some cases, an egregious act of misconduct by a single officer in one city may gravely damage police-community relationship locally and reduce trust in the police generally; especially when it gains national attention.

Simply put, it is impossible to ensure public safety when community members cannot trust the police. Rebuilding trust and changing attitudes towards law enforcement, begins by first acknowledging the legacy of harm and oppression committed against historically disenfranchised communities in the name of public safety. The second step involves good-faith engagement with trusted community leaders and members of the public that produces meaningful outcomes.

When law enforcement personnel create a personal, responsive presence within a community, it enables them to provide better service and benefit from greater public cooperation. This in turn, improves safety for the community and officers.

The Sacramento Community Police Review Commission and the Sacramento Police Department have an opportunity to begin this engagement with our community, together, to discuss and inform the ongoing development of Sacramento's Military Equipment Use policy. Our goal in these public conversations is to increase transparency and accountability of law enforcement practices, foster better understanding of challenges officers face in the field, and produce meaningful changes to existing policy that is reflective of our shared values and interests.

Community Outreach Plan:

Work with SPD to draft a mission statement and goals that clearly lays out what we are seeking to accomplish.

- Reach out to each City Council member to request they host one community town hall or public forum with SCPRC members and SPD to discuss the MEU policy in each council district.
 - Alternatively, SCPRC works with SPD to establish 3-4 public meetings in different geographic regions of the City (North, South, Central).
- SPD would provide an overview of the MEU policy, including any updated use information, demographic data, budget numbers and anticipated policy changes.
- In addition to in-person meetings, there could be on-line survey for people to fill out. To give people as much time as possible to participate, the survey should be opened for a month before community forums begin and closed a month before MEU policy is presented to the City Council.
- Community meetings could be publicized through local news channels and through the use of social media by SPD, City of Sacramento, and each City Council member.

Meeting Structure:

- SCPRC, Assistant General Manager Mario Lara, Lt. Shiraishi, and Community Engagement Manager Lynnette Hall met and agreed on three meetings throughout the city conducted through a facilitator.
 - Hart Community Center --Saturday, 6/24
915 27th Street, Sacramento, CA 95816
 - Pannell Meadowview Community Center, Thursday 7/6, evening meeting
2450 Meadowview Rd, Sacramento, CA 95832
 - Hagginwood Community Center, Thursday 7/27, evening meeting
3271 Marysville Blvd, Sacramento, CA 95815
- Community participants would agree to community agreement for how everyone will communicate during the event.
- SPD would provide a 10-15-minute presentation on MEU policy and anticipated changes. If possible, this should be done with handouts. The presentation should cover the following:
 - An overview of annual use statistics, demographic data collected, budget numbers and anticipated policy changes.
- Have a note taker who can compile notes from the community meeting. Notes would be shared with community members in an anonymized format that highlights key takeaways, recurring themes, any unanswered questions, and any actionable next steps.

Transparency:

Have updated MEU information on SPD's transparency page on the City's website. SPD should make all of the following available on the website MEU reports, a copy of General Order 410.06 with all anticipated changes highlighted in red, and also a link to the online survey.

Sacramento Community Police Review Commission

Community Agreements

1. **Treat others as you want to be treated.** Avoid personal attacks, insults, and put-downs.
2. **Respect privacy and confidentiality.** Not all community members are public officials. Please ask permission before sharing someone's story or personal details outside of this space.
 - Do not out others (around orientation, trauma, personal history, etc).
 - Please ask for consent before using a community member's image, name, or personal info in media
3. **Honor self-identification.** Use the names and pronouns that others wish to be called.
4. **Be humble.** We recognize that we all come from different backgrounds, experiences, and circumstances.
 - Avoid assuming your culture and values are the "norm" or apply your circumstances as the same for others.
5. **Keep it personal.** Use "I" statements, avoid "we" statements or sweeping generalizations.
 - There is no uniform culture, and no community is a monolith. Unless you are referring to poll or research study, be disciplined about offering a *personal* observation in *personal* language. For example, "I was used to saying 'people,' or 'we,' or 'them' ... even when what I really meant was 'I'".
6. **Ask clarifying questions, avoid assumptions.**
 - Seek first to deeply understand before entering into either disagreement.
 - If you must assume, assume good intentions *first*.
7. **Work the point, not the person.**
 - It is natural, expected, and healthy for members of the group to disagree or discomfit each other from time to time. Stick to the issue being debated, and if you have to critique someone's behavior do it kindly, and *separately* from the point being discussed.
8. **Take Space/Make Space** Be aware of your presence and how much you're speaking in the public space.

- If your needs go unmet or your ideas stay in your head, the group can't benefit from your wisdom. Speak up when you can. Or put your thoughts in writing in the moment, before, or after. Or volunteer to facilitate. If the design of a meeting doesn't feel right, request that meetings include time for quiet reflection and writing, or one-on-one break-out talks. Step up in a way that best suits you.
 - If you're speaking a lot, have the courtesy to step back for someone else to speak. If you're not speaking much, have the courage to step up and join. This is most important for extroverts, for elders in a group that includes youth, for white people in a multi-racial / multi-cultural group, and for men in a mixed-gender group.
- 9. "Feelings aren't facts, but it's a fact when I feel it."** We acknowledge that trauma and oppression are felt more acutely and experienced longer for some more than others. We agree *not* to tone police or dismiss the validity of anyone's feelings, nor will we shame anyone for their emotional expressions.
- 10. Be mindful.** We agree to be conscious of our emotions and step back from the space to take care of ourselves when feeling triggered/overwhelmed.
- Use this as an opportunity to become more aware of our own triggers (see, name, feel, but not allow them to necessarily drive conversation).
 - When you're ready, express your feelings in specific terms -- avoid using generic terms like "good" or "bad."
 - Keep in mind that this is a learning process. Have compassion.
- 11. Nobody is perfect.** Embrace experimentation, learn from our mistakes, and try new ideas.
- We cannot be articulate all of the time. We do not and should not expect each other to be perfect or polished.
- 12. Receive feedback as a gift, not a curse.** We trust that conflict can be generative.

ADDITIONAL SUGGESTIONS:

- **Check Your Privilege.**
 - We all have a responsibility to be conscious of our own prejudices and biases, ingrained within us from years of family/cultural upbringing and education under oppressive systems. When necessary, raise your hand and speak up when you see/hear/feel oppressive or discriminatory behavior in our space.
 - Examples: A man used to having his opinions heard at every meeting should consider limiting his comments to provide space for women to

also be heard and refrain from repeating points a woman has already made. Similarly, a white person should consider whether or not people of color are being acknowledged and heard in the space and limit their comments to make space for them to take space. An older person accustomed to respect for their age and experience should be considerate and listen when a younger person is talking.

- **Resist a sense of urgency.** Change takes time, and we how we will make decisions urgently.
- **Do what you committed to do.** Come to meetings prepared, and avoid making promises you cannot or will not keep.

DRAFT

City of Sacramento
Sacramento Community Police Review Commission
Report
915 I Street Sacramento, CA 95814
www.cityofsacramento.org

File ID: 2024-00838

4/8/2024

Discussion Item 6.

Sacramento Community Police Review Commission's Community Engagement Process

File ID: 2024-00838

Location: Citywide

Recommendation: Discuss and provide direction to the Sacramento Community Police Review Commission's ("SCPRC") Chair and Vice Chair on a Community Outreach Plan in light of the City's Military Equipment Use ("MEU") and 2023 community engagement efforts.

Contact: Mindy Cuppy, MMC, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org,
Office of the City Clerk

Presenter: Keyan Bliss, Chair, Sacramento Community Police Review Commission

Attachments:

1-Description/Analysis

2-Community Engagement Proposal

Additional Description/Analysis

Issue Detail: During the Spring of 2023, a subgroup of Commissioners collaborated with the City and SPD to outline the structure, logistics, and outreach for hosting three community meetings with the goal of creating a welcoming and safe space for the public to voice their thoughts and concerns about the City's MEU policy and community policing in general. In Summer of 2023, SCPRC and SPD held three community meetings for the purpose of seeking input, transparency, and greater understanding of the mutual needs of community and police that resulted in SCPRC producing its MEU Community Engagement Report containing key takeaways, lessons learned, and specific recommendations for changing the MEU policy and improving how the City engages city residents more deeply and thoughtfully on policing in general from these community meetings.

Accordingly, the SCPRC Chair and Vice Chair and other Commissioners are reviewing and developing a plan for the Commission's community engagement based on community feedback of last year's process. The Chair and Vice Chair recommend that the SCPRC: a) discuss and provide direction on proposed Community Engagement and Outreach Plan for the City's Military Equipment Use ("MEU"). Based on the feedback from the Commission, the Chair and Vice Chair plan to return

to the Commission at the next meeting in May with a final draft for review and consideration of approval by the Commission.

Policy Considerations: SCPRC was established to provide community participation in reviewing and recommending police department policies, practices, and procedures; and monitor the implementation, evaluation, and sustainability of city policing initiatives and programs. (Sacramento City Code section 2.110.020) In accordance with this purpose, the City Council approved the SCPRC 2023 Work Plan. In it, the SCPRC is continuing its review and analysis of the City's MEU policy, procedures, and practices, including City Council direction on September 13, 2022, of community engagement.

One of the clearest takeaways from community participants of the 2023 MEU community engagement process was a strong desire by city residents to be engaged more deeply and thoughtfully on policing in general. When citywide policing changes are made, outside of the two-minute comment periods afforded to the public at City Council meetings, there are not many venues for the public to engage directly with the police department and have concerns voiced. The SCPRC learned valuable lessons from last year's process, including:

- The City and SPD must use their resources to advertise SCPRC's public meetings via social media, traditional media outlets, existing listserves of community leaders and organizations, Councilmembers newsletters, websites and District meetings.
- Meeting notices, draft MEU Report and attachments should be available to the community 90-120 days in advance of annual community meetings.
- SPD should compile more robust statistical data in easy-to-read format(s) for City Council, SCPRC and community consumption.
- Data shared with the public should be in "plain speak".
- SPD officers attending community meetings are better received when they are not in full duty uniform. Polos and slacks were appreciated by the participants.
- Open and less guided discussions showed SPD and SCPRC openness to community input and participation. Third party facilitator may not be needed next year. Open to discussion with City, SCPRC and SPD.
- Offering childcare and refreshments was well received at meetings.
- Need chart showing SPD district boundaries vs City Council districts.

- SPD likely needs an additional non-police analyst to capture and construct more statistics.

The community forums provided an opportunity for the SCPRC to listen to various comments and suggestions from the public regarding meaningful changes they wish to see in City policy to assist in repairing the damaged relationship our community has with SPD. Two of the 9 recommendations produced from community-feedback included:

Recommendation #5: Establishing a formal and standardized process for soliciting community input and incorporating feedback into annual updates of SPD's military equipment use policy. The process should be written into GO 410.06 and include clear timelines for when SPD opens its community survey and when SCPRC will host no less than 3 community input forums before the annual report goes to City Council. The process should adopt the SCPRC's proposed Community Outreach Plan and promote all community surveys and input forums through coordinated outreach campaigns utilizing the City's website, mailing list and social media accounts, including those used for SPD and City Councilmembers.

The community survey should be open to the public no later than 4 months prior the Department's annual deadline for approving MEU policy updates (currently September 13th). The community input forums should be conducted no later 3 months prior to approving MEU policy updates. All feedback and policy recommendations captured from the survey and input forums should be included in a final report completed by SCPRC, published on the City's website, and presented to City Council before the annual MEU report goes to City Council and before adoption of any MEU policy updates.

Recommendation #8: City Council should coordinate directly with SCPRC and SPD to organize community input forum(s) within their respective districts. Each city council member should coordinate with SCPRC to either host a community input forum within their respective council district, or at minimum, attend at least one (1) community input forum in a listening capacity within the bounds of the Ralph M. Brown Act.

Recommendation #9: City Council should approve annual funding for SCPRC to continue to engage community directly and more often throughout the year.

Economic Impacts: None.

Environmental Considerations: Not Applicable.

Sustainability: Not Applicable.

Commission/Committee Action: Not Applicable.

Rationale for Recommendation: Not Applicable.

Financial Considerations: Not Applicable.

Local Business Enterprise (LBE): None.

MEU Community Outreach Plan PROPOSAL

Strong relationships rooted in mutual trust between police departments and the communities they serve are critical to maintaining public safety. Controversial uses of force and other responses to critical incidents can damage relationships between police and their communities. In some cases, an egregious act of misconduct by a single officer in one city may gravely damage police-community relationship locally and reduce trust in the police generally; especially when it gains national attention.

Simply put, it is impossible to ensure public safety when community members cannot trust the police. Rebuilding trust and changing attitudes towards law enforcement, begins by first acknowledging the legacy of harm and oppression committed against historically disenfranchised communities in the name of public safety. The second step involves good-faith engagement with trusted community leaders and members of the public that produces meaningful outcomes. When law enforcement personnel create a personal, responsive presence within a community, it enables them to provide better service and benefit from greater public cooperation. This in turn, improves safety for the community and officers.

During the Summer of 2023, Sacramento Community Police Review Commission and the Sacramento Police Department held three community meetings for the purpose of seeking input, transparency, and greater understanding of the mutual needs of community and police. One of the clearest takeaways from community participants of the 2023 MEU community engagement process was a strong desire by city residents to be engaged more deeply and thoughtfully on policing in general. When citywide policing changes are made, outside of the two-minute comment periods afforded to the public at City Council meetings, there are not many venues for the public to engage directly with the police department and have concerns voiced.

The City has an opportunity to continue this engagement with our community, together, to discuss and inform the ongoing development of Sacramento Police Department policies, practices, and procedures. Our goal in these public conversations is to increase transparency and accountability of law enforcement practices, foster better understanding of challenges officers face in the field, and produce meaningful changes to existing policy that is reflective of our shared values and interests.

Community Outreach Plan:

Draft a mission statement and goals that clearly lays out what we are seeking to accomplish.

- Reach out to each City Council member to make two asks:
 - Request they host up to TWO community meeting or public forum with SCPRC members and SPD to discuss the MEU policy in their council district.
 - Use their social media platform and mailing list to promote the 3 regional meetings to be held.
 - 5 social media posts
 - 1 post 1 month in advance

- 1 post 2 weeks in advance
 - 1 post 1 weeks in advance
 - 1 post 3 days in advance
 - 1 post the day of
 - 3 emails to constituents
 - 1 email 1 month in advance
 - 1 email 2 weeks in advance
 - 1 email the week of
 - 2 announcements during Council comments
 - 2 weeks in advance
 - 1 announcement the week of
 - 1 Flyer on the Community Board outside City Hall
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- Tabling at community events to invite members to attend community forums and sign up to our mailing list
 - Oak Park Farmers Market
 - Midtown Farmers Market
 - Southside Park Farmers Market
 - Florid Road Farmers Market?
 - Del Paso Heights Community Event?
 - Leaflets in City Council
- In addition to in-person meetings, SPD will open itsonline survey for people to fill out.
 - To give people as much time as possible to participate, the survey should be opened at the end of the MEU reporting period (beginning May 1st) and closed after the final community forum.
- Community meetings could be publicized through local radio and TV news channels and through the use of social media by SPD, City of Sacramento, and each City Council member.
 - Office of Outreach & Engagement could promote the survey and forums via Public Service Announcements on local radio stations Capital Public Radio
 - City's Public Information Office could prepare a media advisory and toolkit to share with local media outlets (KCRA3, ABC10, Fox40, CBS13)

Meeting Format:

- The City will host 3 meetings in different geographic regions of the City (North, South, Central).
 - Each meeting could have up to 3 SCPRC members and 3 Council members (per their Brown Act bubbles) attend in addition to SCPRC Chairs.
- Extend an optional invitation to SPD to attend
- Open the meeting with a Land Acknowledgement, and Community Trauma Acknowledgement

- Acknowledging the harm and trauma experienced by Sacramento community members at the hands of law enforcement
- Community participants would agree to community agreement for how everyone will communicate during the event.
- The meeting would open with a round-robin introduction of attendees sharing where they're from and their overall impression of SPD and its MEU policy.
- SCPRC Chairs will ground community in the purpose and format of the conversation before introducing the SPD presentation.
- SPD would provide a 10-15-minute presentation on MEU policy and anticipated changes. If possible, this should be presented via video recording using a Powerpoint or other visual presentation. The presentation should cover the following:
 - An overview of annual use statistics, demographic data collected, budget numbers and anticipated policy changes.
- **SCPRC would provide a 10-minute overview of its current MEU recommendations and their current status.**
- **Open up the discussion with a round-robin of initial thoughts, comments, and questions following the SPD presentation.**
 - **Ask if the conversation can be recorded for note-taking purposes**
- Have a note taker who can compile notes from the community meeting. Notes would be shared with community members in an anonymized format that highlights key takeaways, recurring themes, any unanswered questions, and any actionable next steps.
 - Note-taker should not be a meeting participant. Ask the Office of Outreach & Engagement about sending a staffer to take notes.
 - If not available, a Council staffer could be asked to take notes.

Provisions / Materials:

- Food & Drinks
- Paper handouts of SPD's Presentation
- Paper handout of overview of annual use statistics, demographic data collected, budget numbers and anticipated policy changes. Should include:
 - Include map of SPD Patrol Districts and crime statistics data for the region where meetings are held
- Paper handouts of SCPRC's MEU Recommendations (2022 and 2023)
 - Include a status update on what SCPRC has observed SPD change in response to MEU recommendation
- Paper handout of SCPRC's definition of military equipment
- Paper handout of 911 alternatives, including Community Wellness Response Teams.

Police **Transparency:**

- Have updated MEU information on SPD's transparency page on the City's website. SPD should make all of the following available on the website MEU reports, a copy of General Order 410.06 with all anticipated changes highlighted in red, and also a link to the online survey.

Meeting Venues:

- **2023 Venues Available:**
 - Pannell Meadowview Community Center - 2450 Meadowview Road
 - Hagginwood Community Center, 3271 Marysville Blvd
 - Hart Senior Center, 915 27th Street
- **New Venues to Consider:**
 - African Marketplace, 24th and Florin Road
 - Robertson Family Development Center, Del Paso Heights
 - City of Refuge, Oak Park
 - Consumnes River College, Valley Hi