

MILITARIZED POLICING IN THE CITY OF SACRAMENTO:

A HUMAN RIGHTS PERSPECTIVE ON THE SACRAMENTO POLICE
DEPARTMENT'S ANNUAL MILITARY EQUIPMENT USE REPORT, 2022-23



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EXECUTIVE SUMMARY

We call upon the Sacramento Police Department to prioritize human rights in its use of military equipment. Amnesty International and the United Nations High Commissioner for Human Rights hold that “It is the utmost obligation of state authorities, including police, to respect and protect the right to life and prioritize the safety and wellbeing of all.”

We underline a key Finding by the State of California Legislature: “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.” (AB 481, Section 1 (a)) We are therefore particularly interested in protecting the civil rights and liberties of low-income Black and Brown residents in this regard.

The following is a summary of our own findings and concerns with respect to the Sacramento PD’s Annual Military Equipment Use Report (2022-23):

- + The Sacramento PD should be complying with two laws when it prepares its 2023 Annual Report: AB 481 and the City Council’s Ordinance 2022-0025. The Ordinance requires demographic reporting.
- + The Sacramento PD’s purchase of the ROOK (the price of acquisition alone is \$400,000) should not be relegated to a footnote. Discussion of this major acquisition should be mainstreamed into the relevant section on military equipment spending.
- + The demographic reporting is incomplete, statistically flawed, and illegitimately suggests that there is no racial/ethnic bias in the Sacramento PD’s use of military equipment. Based on the data reported, we do not know whether that is true.
- + Use data for military equipment are reported with reference to overly vague “categories” when type-by-type data are needed.
- + The Sacramento PD has recently disclosed several instances of significant undercounting for its military equipment inventory. Where undercounting was particularly pronounced, we call for a moratorium on further acquisitions.
- + We have found indications of stockpiling. Overly large reserves should be explained, and a moratorium should be placed on further acquisitions in these cases unless and until the City Council deems otherwise.
- + We enthusiastically endorse the work of the Sacramento Community Police Review Commission. We are concerned that the Sacramento PD has not worked cooperatively with the Commission for the most part.

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PREAMBLE: MILITARIZED POLICING AND THE HUMAN RIGHTS MISSION OF AMNESTY INTERNATIONAL

Use of military equipment by the Sacramento Police Department (henceforth “the Sacramento PD”) must consider the human rights of all the members of the Sacramento community. Amnesty International Sacramento Group asks the Sacramento PD to reevaluate their proposed Annual Military Equipment Use Report (2022-23) with a focus on human rights.

Amnesty International and the United Nations High Commissioner for Human Rights hold that “it is the utmost obligation of state authorities, including police, to respect and protect the right to life and prioritize the safety and wellbeing of all.”

Unnecessary force by police violates the right to be free from discrimination, the right to liberty, and the right to equal protection under the law.

After careful study, Amnesty International has concluded “that the police in the United States commit human rights violations at a shockingly frequent rate, particularly against racial and ethnic minorities.”

INTRODUCTION: REQUIREMENTS FOR THE SACRAMENTO PD’S ANNUAL MILITARY EQUIPMENT USE REPORT: AB 481 AND ORDINANCE 2022-0025.

[\(I\) AB 481](#)

AB 481 was signed into law in 2021.

AB 481 establishes that every police or sheriff department in the State of California that wishes to acquire and use military equipment must approach its applicable local governing body, and, through a public consultation process, obtain that local government’s approval of the department’s plan for acquiring and using military equipment.

We will address the Sacramento PD’s Military Equipment Use Policy, its enumeration of authorized and unauthorized uses for each type of military equipment, and proposed acquisitions for 2023-24, in a separate report.

AB 481 also requires all police and sheriff departments to issue an Annual Report. (7072)

In the case of Sacramento, the Sacramento Police Department must issue this Annual Report pertaining to military equipment for the approval of its governing body, the Sacramento City Council (henceforth “the City Council.”)

(See Appendix I for the corresponding text in AB 481.)

(2) SACRAMENTO CITY COUNCIL, ORDINANCE NO. 2022-0025, SEPTEMBER 13, 2022.

Under Ordinance No. 2022-0025, adopted September 13, 2022, the City Council issued directions to the Sacramento PD about its subsequent Annual Reports. It requires, for example, the disclosure of information pertaining to the demographics of the suspect(s) targeted in each military equipment usage.

The Ordinance reads, in part,

“(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.)”

(See Appendix II for the complete text of the Ordinance.)

(3) HOW AB 481 AND ORDINANCE 2022-0025 WORK TOGETHER: AN ENHANCED ANNUAL REPORT

Amnesty International Sacramento Group regards the two laws, AB 481 and Ordinance 2022-0025, as complementary legislation that are additive in impact. The Sacramento PD is legally required to take both laws into account in the preparation of its Annual Report.

We regard these two laws as tools for working in concert with concerned community members to:

- * Enhance public awareness about militarized policing in our City;
- * Encourage more police accountability before the City Council;
- * Press for the empowerment of the Sacramento Community Police Review Commission (henceforth “the SCPRC”), and
- * Achieve a reorientation of public safety discussions, wherein:
 - (i) Priority is given to de-escalation and non-violent interventions; and
 - (ii) The utmost care is taken to protect human rights, especially where Sacramento’s Black and Brown communities are concerned.

The Sacramento PD, in its preparation and public release of its Annual Report, is bound by both laws. Part (a) of Ordinance 2022-0025 neither contradicts nor encroaches upon AB 481; it enhances the reporting standard.

For the 2022-23 Annual Use Report, the relevant period is May 1, 2022 to April 30, 2023.

(Note: There are, of course, many state laws, City Ordinances, and General Orders that dictate the Sacramento PD's reporting requirements. They include, for example, AB 48, which deals with the reporting by law enforcement agencies of the Use of Force. For the purposes of this Amnesty International Report, we will be focusing on two legal sources in this regard, AB 481 and Ordinance 2022-0025 (9/13/2022.))

WHY DEDUCT THE ROOK COSTS FROM 2022-23 SPENDING?

For reasons that are not explained in the Report, the 2023 purchase of the ROOK, at a price tag of \$400,000, is not included in the Military Equipment Expenditures Table of the 2023 Annual Report (pg. 22.) While it is true that the City Council already approved the acquisition of the ROOK earlier this year, we feel that the presentations of budget data are misleading.(pp. 21-2) The substantial cost of the ROOK is mentioned (see footnote 3, pg. 22) in very small font.

We would prefer a straightforward, comprehensive and accessible discussion of all costs pertaining to military equipment, one that includes a frank discussion of the ROOK's enormous purchase price, and the related costs such as training, overtime, testing, maintenance, replacement of consumables, storage, and so forth.

RACE, ETHNICITY AND THE USE OF MILITARY EQUIPMENT

The City Council stated its directive to the Sacramento PD to gather and present demographic data in its Annual Military Equipment Report in clear terms. (See Ordinance 2022-0025, (a))

On page 10 of the Sacramento PD's Annual Report, under the rubric, "Summary of Military Equipment Usages," we see some attempts to offer a discussion of race- and ethnicity-specific data. This is, in fact, the only place in the entire 2023 Annual Report in which race and ethnicity are discussed. The page 10 passage and the corresponding Table are, in fact, riddled with errors and fail to disclose data required under AB 481 and Ordinance 2022-0025.

(I) THE CONCEALMENT OF 96.95 PERCENT OF THE USE DATA

On page 10, the Sacramento PD discusses 86 incidents in which a “use of force” occurred. When the officers were asked to discuss page 10 at a public meeting (July 29, 2023), they stated that these 86 incidents were, in fact, incidents in which there was a “reportable use of force.” (see GO 580.03) Page 10 continues: of the 86 “[reportable] uses of force,” there were 26 times in which a “[reportable] use of force” incident involved the use of military equipment.

A reportable use of force, by definition, has been/will be reported.(See e.g. AB 48, GO 580.03.) If we had neither AB 481 nor Ordinance 2022-0025, the Sacramento PD would be required to report all these 26 uses of military equipment in another context. In other words, page 10 does nothing to enhance the understanding of the Sacramento PD’s operations by the City Council, the SCPRC, and the public. It merely restates what the Sacramento PD is already disclosing elsewhere.

Under AB 48, for example, the Sacramento PD is already required to provide demographic reporting for “reportable use of force”. Under Section 12525.2 of AB 48, the Sacramento PD must furnish a report that includes: “The gender, race, and age of each individual who was shot, injured, or killed.”

The reporting requirements of AB 481 and Ordinance 2022-0025 do not permit the Sacramento PD to shift the reader’s attention away from the total uses of military equipment, i.e. 852 uses, (see Annual Report 2023, pp. 12-14) to the 26 uses of military equipment involving the “reportable use of force.”

The substitution of such a restricted field of vision for the 852 uses by the Sacramento PD cannot be defended.

The pertinent passage in AB 481 reads:

“[The police agency shall provide] A summary of how the military equipment was used and the purpose of its use.” (7072 (a) (1)) (emphasis added)

In other words, we are owed data pertaining to AB 481 “uses”, namely 852 deployments of military equipment. By stopping short at 26 deployments, the Sacramento PD is concealing 96.95 percent of its uses of military equipment from the City Council, the SCPRC and the public, contrary to AB 481. ($852-26=826$; and $826/852=96.95$)

The pertinent passage in Ordinance 2022-0025 reads:

“(a) [the Sacramento PD’s] Annual Military Equipment Use Report must include specific demographic reporting, including upon whom military equipment has been used.”
(emphasis added)

Once again, Ordinance 2022-0025 does not give the Sacramento PD permission to conceal 96.95 percent of its uses of military equipment from the City Council to focus exclusively upon the highly restricted dataset of 26 “reportable uses of force” involving military equipment. We are owed data for all 852 uses of military equipment.

(2) INADEQUATE RACIAL/ETHNIC REPORTING

Under the rubric, “a brief demographic breakdown,”(page 10) the Sacramento PD explains that of the 26 “reportable uses of force” involving military equipment, there were 5 instances in which these deployments involved the use of multiple items of military gear against a single suspect. As a result, the 26 deployments correspond to 18 suspects.

For the 18 suspects, age ranged from 22 to 75 years old. There were 3 women and 15 men, and there were 6 Hispanics, 5 whites, 4 Blacks, 1 “East Indian” [sic], 1 Multiracial person, and 1 Pacific Islander.

Next, page 10 offers the following Table:

TABLE I: SUSPECT RACE/ETHNICITY.

Equipment Type	Suspect Race/Ethnicity					
	Black	Hispanic	White	Multi-racial	East Indian [sic]	Pacific Islander
PepperBall Munitions	2	2	2	0	1	0
40mm Exact Impact Sponge Rnd	1	1	1	1	1	0
40mm Direct Impact OC Crushable Foam Rnd	0	0	1	0	0	0
Super-Sock Bean Bag	1	4	2	1	1	1

Flameless Tri-Chamber CS Grenade	0	1	1	0	0	0
LWRCI SWAT Operator Pkg IC-DI 10.5" Rifle	0	0	1	0	0	0

Source: 2023 Annual Report, pg. 10.

Notes: This Table has been altered in only one respect: the gender breakdown has been removed to compress the table columns.

A superficial reading of this Sacramento PD Table regarding demographics suggests that there is no racial/ethnic bias in the deployment of military equipment. White suspects are more likely to be targeted with 40mm Direct Impact OC Crushable Foam rounds and the LWRCI SWAT Operator Pkg IC-DI 10.5" Rifle than all other suspects. White suspects are just as likely to be targeted by the Flameless Tri-Chamber CS Grenade as their Hispanic counterparts. White suspects are just as likely to be targeted by PepperBall Munitions and 40mm Exact Impact Sponge rounds as Black and Hispanic suspects.

The racial/ethnic bias in the deployment of military equipment by local law enforcement agencies in the State of California is a deadly serious matter. In the Findings section of AB 481, the law states,

“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 incurment 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.”

Section 1 (a). (emphasis added)

Given this proven bias – a fact that is so thoroughly supported by research that it rises to one of the highest levels, that of a legislative Finding – we are profoundly interested in the racial and ethnic patterns within the suspect data pertaining to the Sacramento PD’s use of military equipment. It is impossible for us to defend the civil rights and liberties of low-income Black and Brown residents effectively in the absence of adequate demographic reporting.

For that reason, the manipulation of these data by the Sacramento PD should be considered a matter of urgent concern. First, there is the withholding of about 97 percent of the use data, as explained above.

Second, the race- and ethnic-neutrality suggested by the Table on page 10 of the 2023 Annual Report is the result of illegitimate statistical manipulation. Where the sample sizes are so microscopic – 18 suspects, 26 uses; then a breakdown of 5 whites, 6 Hispanics, and 4 Blacks – we cannot provide any meaningful identification of demographic patterns.

The race- and ethnic-neutrality that a superficial reading of this Table seems to suggest has no grounding in rigorous statistical analysis. Based on these data alone, we still do not know whether there is a racial and ethnic bias in the deployment of military equipment on the part of the Sacramento PD.

(3) INADEQUATE GEOGRAPHICAL DATA

Again, the City Council was very clear in Ordinance 2022-0025 about its directions to the Sacramento PD about geographical forms of demographic data.

“(a) the Annual Military Equipment Use Report must include specific demographic reporting, including ... where military equipment has been used (e.g., zip code.)” (emphasis added)

We draw a direct link between the Findings in AB 481 and the interest of the City Council. Again, the California State Legislature concluded that low-income Black and Brown communities are more likely to be subjected to the police deployment of military equipment, such that the corresponding risks and impacts are “experienced most acutely in marginalized communities.” (Section 1 (a))

Since urban areas across the state of California are often segregated to some degree, the term “low-income Black and Brown communities” refers to both (i) groups of low-income residents sharing the same racial/ethnic background and (ii) neighborhoods where low-income Black and Brown residents are overrepresented.

Zip codes are particularly helpful for conducting demographically informed geographic reporting. There is a wealth of demographic information reported by federal, state, and local agencies corresponding to zip codes. They include – in addition to the racial and ethnic breakdowns of the residents – median market value of residential homes; average household income and wealth; unemployment rate; ratio of homeowners to tenants; education levels; age; number of dependent children per household; and so forth.

Police districts, by contrast, are based upon operational considerations. Each district is so large that it combines multiple neighborhoods and several zip codes together. As a result, it is impossible to glean meaningful demographic data from use data organized by police district.

On page 10 of the 2023 Annual Report, we are nevertheless given a breakdown of military equipment deployments by police district, rather than zip code. Again, the data in question refer solely to 26 “reportable uses of force” instead of 852 uses. One reportable use of force for District 1 involved military equipment. For District 2, there were 4 reportable uses of force in which military equipment was deployed. The corresponding figures for Districts 3-6 are 2, 3, 1 and 7 respectively.

The microscopic sample size, 26, makes it impossible to draw any conclusions about geographic trends. Moreover, the breakdown by police district is so coarse that the data cannot contribute to any meaningful demographic inquiry.

In sum, page 10 of the 2023 Annual Report on demographic reporting suffers from an extreme restriction of the reported data; utilizes small sample sizes that cannot support conclusions about demographic trends; and substitutes police districts for helpful geographic units such as zip codes. A superficial reading of the Table on page 10 creates the impression that the Sacramento PD is already achieving race- and ethnic-neutrality in its use of military equipment, when we do not know whether that is true.

The City Council is to be commended for requiring demographic reporting, since the latter is indispensable to advocacy for racial and ethnic justice in policing.

We note, further, that Ordinance 2022-0025 vests the SCPRC with review and feedback powers pertaining to the Sacramento PD’s demographic reporting. The City Council requires the SCPRC to review the Annual Military Equipment Use Report, “inclusive of specific demographic reporting,” and to “report back to the City Council regarding any necessary changes.” (2022-0025, (c))

We look forward to the SCPRC’s report to the City Council in this regard.

THE PROBLEMATIC REPORTING OF EQUIPMENT-BASED USE DATA: BROAD CATEGORIES VERSUS NARROW TYPES

In the Sacramento PD’s 2023 Annual Use Report, deployment totals for military equipment are given by Category. Inventory, by contrast, is presented by both Category and by Type, where “Type” is a subset found within each Category. (compare pg. 12 ff with pg. 16 ff)

“Type” is defined by AB 481 as a group of identical items that share the same manufacturer model number. (7070 (f))

The following Table highlights various Use Report details and offers Total Numbers of Military Equipment Usages during the reporting period (for a total of 852 usages overall).

TABLE 2. USAGE DATA ORGANIZED BY BROAD CATEGORIES RATHER THAN PRECISE TYPES

Military Equipment “Category”	Number of Uses During Reporting Period, by Category	Number of Types in This Category
Uncrewed Aerial Systems (“Drones”)	449 Uses	11 Types
Robots	11 Uses	4 Types
Armored Vehicles	238 Uses	3 Types: County ROOK, BearCat G2, BearCat G3
Command/Crisis Negotiation Team Vehicles	4 Uses	2 Types
Long Range Acoustic Device	109 Uses	1 Type
40 mm Launchers and Munitions	7 Uses	2 Launcher Types, 9 Munition Types
Tactical Launching Cup	0 Uses	1
“Less Lethal” Rifles and Munition	11 Uses	1 Shotgun Type, 1 “Less Lethal” Munition Type

Rifles and Ammunition	2 Uses	6 Rifle Types, 5 Ammunition Types
Diversionsary Devices	8 Uses	2 Flashbang Types, 1 Mini-Bang Type
Chemical Agents/Smoke Canisters	4 Uses	16 Types
Explosive Breaching Tools	0 Uses	9 Types
PepperBall Launchers and Projectiles	8	1 Launcher Type, 4 PepperBall Types
Outside Agency Use*	1	n/a
Total Number of Uses, All Military Equipment	852	

Source: Sacramento PD Annual Use Report, AB 481, pg. 12-20.

Notes: Total number of usages: derived by the author from Category totals furnished by the Sacramento PD (pg. 12 ff)

*There may be one instance of double-counting: the County Rook probably appears in Table 2 twice: once under the rubric “armored vehicles” and once under “outside agency use.”

Uncrewed Aerial Systems (UAS) (drones) were used 449 times (pg. 12). The inventory-by-type (see pg. 16 ff) reveals that the Sacramento PD owns 11 different types of drones.

The City Council is supposed to depend upon the Annual Report when it determines whether the use of “each type of military equipment identified in that report [i.e. the Annual Military Equipment Report] has complied with the standards for approval set

forth in subdivision d [the Military Equipment Use Policy.]” (7071 (e) (2), emphasis added]

The Annual Report should be oriented to serve the City Council as a crucial foundational resource when it decides whether to renew the Sacramento PD’s Military Equipment Use Policy. The City Council’s deliberations, under AB 481, should be supported by a granular reporting of use data by type.

What if, for example, the special features of one specific drone model create unique risks of unauthorized use that should be treated as the subject of careful monitoring, and what if that particular model is used more frequently than any other? We would never know since the Annual Report merely divulges the total number of uses for all 11 drone types, namely 449 uses.(pg. 12)

(Use reporting for drones should also include a breakdown of the relevant personnel costs. If the Sacramento PD has only a few officers who have the FAA certifications necessary for the authorized command of the drones, and if it will sustain or even increase the frequency of drone usage, then it stands to reason that the personnel costs related to their use would involve a great deal of overtime shifts.)

Armored vehicles were used 238 times.(pg. 13) In one instance, a ROOK was borrowed from the County Sheriff and deployed by the Sacramento PD. That means that the other two armored vehicles were used 237 times.

We cannot tell from this vague categorical reporting whether the use of a specific armored vehicle type presents special challenges with respect to the protection of civil rights and liberties, as opposed to the other models that fall under the same rubric.

If the Lenco BearCat G2 was used 237 times and the Lenco BearCat G3 was used zero times, we would deserve to know. This is especially true given the enormous cost of each armored vehicle (including, but not limited to, acquisition, training courses, personnel costs for regular shifts, personnel costs for overtime, maintenance, replacement of consumables, storage, and so forth.) In that scenario, citizens might reasonably press for the decommissioning of the idle vehicle.

Further, why should the Sacramento PD keep any Lenco BearCats in its current inventory when it is obtaining the ROOK? The City Council cannot even begin to entertain these type-by-type review questions given the way that the use data is diluted using overly broad rubrics.

With its vague category-level reporting on use, (pg. 12 ff) the Sacramento PD withholds from the City Council the precise details it needs to exercise its oversight

effectively. The upshot is that the City Council cannot exercise the police review prerogatives created under AB 481 to the full.

THE UNDERCOUNTING OF MILITARY EQUIPMENT IN 2022, THE 2023 INVENTORY REVISIONS, AND THE PROPOSED ACQUISITIONS FOR FY 2024

The Sacramento PD has admitted that it undercounted its inventory of military equipment in 2022. The Sacramento PD states that in 2023, it adopted a new inventory methodology and updated its counts for 24 types of military equipment. The additional pieces of military gear were “discovered after a change of audit procedure” was made in 2023. (See pp. 3-10, File ID: 2023-00946 8/15/2023 Law and Leg Cttee Discussion Item 4, Staff Report.)

Of course, we are pleased that the new auditing procedures adopted by the Sacramento PD in 2023 brought a great deal of military equipment to the notice of the City Council, the SCPRC, and the public for the first time. We certainly appreciate having the updated figures.

It is very problematic, however, that these undercounts occurred in the first place. The City Council did not know, for example, that the Sacramento PD owned any PepperBall projectiles whatsoever in 2022. According to the 2023 inventory revisions, the Sacramento PD actually had 1,350 projectiles on hand in 2022. The undercounting made it impossible for the City Council to exercise adequate oversight.

It is troubling that in three instances, the Sacramento PD committed enormous undercounting errors in 2022, revised its figures in 2023, and nevertheless stated that it intends to acquire more of these items in FY 2024.

We calculated the ten worst cases of undercounting. Then we compared the projected acquisitions data for FY 2024 in the 2023 Annual Report (pg. 24) to the ten worst cases. We see that in three of the ten worst cases of undercounting, the Sacramento PD is projecting acquisitions for FY 2024.

TABLE 3. “PROJECTED ACQUISITIONS” OF ITEMS INCLUDED IN THE TEN WORST CASES OF SACRAMENTO PD UNDERCOUNTING.

Military Equipment Type	Undercounting Error Rate, Comparing 2022 and 2023 Figures	Undercount Summary, Comparing 2022 and 2023 Figures	Projected Acquisition, FY 2024	Comparing Projected Acquisition (FY 2024) to Revised Number of Items, 2023.
Combined Systems, Inc. CS Baffled Canisters Grenade #5230B	(undefined)*	0 grenades reported 2022, 50 more grenades “discovered” in 2023, for a 2023 total of 50 grenades	50 grenades	100 %
Defense Technology, 40mm Direct Impact OC Crushable Foam Round #6320	453.1 %	96 rounds reported 2022, 435 more rounds “discovered” in 2023, for a 2023 total of 531 rounds	200 rounds	37.7 %
Combined Tactical Systems Super-Sock® Bean Bag - 12 Gauge 2 ¾”	301.1 %	2,525 rounds reported in 2022, 7,601 “discovered” in 2023, for a 2023 total of 10,126	6,000 rounds	59.3%

Table Notes:

Comparing projected acquisition for FY 2024 to revised 2023 total inventory: projected acquisition (FY 2024) = x; total inventory (2023) = y; comparison delta = x/y. * The error rate for the grenade canisters is undefined. If reported 2022 inventory = a, and updated inventory = b, and the error rate is (b-a)/a, then the error rate is undefined since a=0.

Having misplaced all its CS baffled canister grenades in 2022, the Sacramento PD “discovers” 50 of them a year later, and then states that it intends to acquire 50 more – thereby doubling its inventory -- in FY 2024.

The Sacramento PD cannot find 435 of its 40mm crushable foam rounds in 2022, reports them as newly “discovered” in 2023, and plans to increase its inventory by over one third in FY 2024.

It lost track of 7,601 rounds of Bean Bag 12 Gauge 2 ¾ rounds in 2022, “discovers” them in 2023 for a 2023 total inventory of 10,126 rounds, and then forecasts a 59.3 percent increase in inventory for FY 2024.

We note that its 2023 inventory “discoveries” have not been verified by an independent auditing agency. Has the Sacramento PD found all the missing gear?

Why should the Sacramento PD be given permission to proceed with such substantial acquisitions in FY 2024 for these types of military gear, when it committed enormous undercounting errors quite recently, and the 2023 changes to the inventory method remain untested?

The prudent course of action would be to pause these specific projected acquisitions until such time that we have received (i) a full explanation for the 2022 undercounting; (ii) a complete account of the revisions to the audit procedure made in 2023; (iii) results from an independent audit; and (iv) well-grounded assurances that the Sacramento PD will not “discover” yet more caches of military equipment in the coming years.

The City Council should consider placing a moratorium in acquisitions where recent inventory undercounting has been especially pronounced.

JUSTIFIABLE ACQUISITIONS OR STOCKPILING?

The 2023 Annual Report raises questions about stockpiling.

There are three items for which we have stockpiling concerns: rifle ammunition; grenades for indoor use; and “less lethal” rounds.

We begin with a review of the rifle ammunition data.

TABLE 4. STOCKPILING? SACRAMENTO PD 2023 INVENTORY, RIFLE AMMUNITION

Rifle Ammunition Type	Cases (Rounds per Case)	Total Rounds (# of Cases x Rounds per Case)
.223 Caliber 62 Grain Rifle Round/Speer Gold Dot	249 (500 rounds per case)	124,500
American Eagle .223 55 Grain Rifle Round/Federal	1,245 cases (500 rounds per case)	622,500
Gold Medal .308 WIN 168 Grain Rifle Round/Federal	28 cases (500 rounds per case)	14,000
.308 WIN Armor Piercing FMJCH Grain/Ruag Swiss P	6 boxes (20 rounds per box)	120
.308 WIN Tactical 164 Grain/Ruag Swiss P	99 boxes (10 rounds per box)	990
Total Number of Rifle Ammunition Rounds in 2023 Sac PD Inventory	--	762,110

Source: 2023 Annual Report, page 18. Total number of rifle ammunition rounds provided by the author.

In sum, the Sacramento PD has 762,110 rounds of rifle ammunition in its military equipment inventory in 2023. Its projected acquisition list includes 200,000 rounds (Speer Gold Dot .223 Caliber, 62 Grain Rifle Rounds) for FY 2024. (pg. 24)

In the Military Equipment Use data, (pg. 14) however, we learn that rifles were used twice during the entire 12-month reporting period for 2022-23. Why do we need such a huge inventory of military equipment-level rifle ammunition? What is the point at which prudent acquisitions end and stockpiling begins?

Next, we will consider the grenades intended for indoor use. (These items fall within the category of chemical agents and smoke canisters.)

TABLE 5. STOCKPILING? SACRAMENTO PD 2023 INVENTORY: “INDOOR GRENADES”.

Chemical Agent/Smoke Canister Type, “Indoor Grenades”	Number of Canisters, 2023 Inventory
Flameless Tri-Chamber CS Grenade #1032	54 Canisters
Flameless Expulsion CS Grenade #2042	26 Canisters
Flameless Expulsion OC Grenade #2040	19 Canisters
Flameless Tri-Chamber Saf-Smoke Grenade #1033	51 Canisters
Pocket Tactical Blue Smoke Grenade #1017B	51 Canisters
OC Vapor Aerosol Grenade # 1056	48 Canisters
OC Aerosol Grenade, 1.3% Fogger, 6 oz., #56854	18 Canisters
Total Number of “Indoor Grenade” Canisters, Sacramento PD 2023 Inventory	267 Canisters

Source: 2023 Annual Report, pg. 19. Total canisters provided by the author.

The inventory disclosed in the 2023 Annual Report for “indoor grenades” totals 267 canisters. (pg. 19) The projected acquisitions list includes 50 of the Flameless Tri-Chamber OC Grenade #1030. (pg.24)

The use data, however, reveal that for the entire 2022-23 reporting year, there were 4 deployments of chemical agents and smoke canisters. (pg. 15) All 4 deployments involved the CS grenades (#1031 and #2042) included in Table 5. Why do we need to have 267 indoor grenades on hand, when we consider that only 4 were used in the 12 months covered by the 2023 Annual Report? With so many already on hand, why do we need the Sacramento PD to acquire 50 more in FY 2024?

We turn now to the figures pertaining to the “less lethal” rounds.

TABLE 6. STOCKPILING? SACRAMENTO PD 2023 INVENTORY, “LESS LETHAL” ROUNDS.

“Less Lethal” Round Type	2023 Inventory Report	Projected Acquisition, FY 2024
Super-Sock Bean Bag 12 Gauge 2 3/4	10,126	6,000

The Sacramento PD reports a 2023 inventory of 10,126 rounds of the “less lethal” munitions, namely the Super-Sock Bean Bag – 12 Gauge 2 ¾. “Less lethal” shotguns firing these specific rounds were used 11 times. (pg. 14) Why is the Sacramento PD planning to acquire 6,000 more rounds over the course of FY 2024?

It is possible that a given type of military equipment will not be available in FY 2024. However, we do not think that this is an adequate reason for the maintenance of these extraordinary inventories and projected acquisitions.

The City Council and the SCPRC should monitor the Sacramento PD for stockpiling trends where military equipment is concerned.

EMPOWERING THE POLICE REVIEW COMMISSION

The Sacramento Community Police Review Commission (SCPRC) has issued 139 recommendations for reform since 2018. To our knowledge, only one of them has been adopted so far.

The record suggests that as of August, 2023, the Sacramento PD has given full consideration only to:

- (i) the first few of the SCPRC recommendations that it issued in 2018; and
- (ii) the first 6 of the 13 SCPRC recommendations that deal with military equipment use.

Further, the Sacramento PD has said that it is “not accepting” the first 6 SCPRC recommendations that deal with military equipment use.

We are also concerned that in 2023, no representative of the Sacramento PD attends the SCPRC's meetings.

We take the opportunity here to reproduce the SCPCR's recommendations pertaining to military equipment in full.

- “1. 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.
2. 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.
3. 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.
4. 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.
5. Amend GO 410.06(H): Catalog SPD inventory of military-grade firearms and launchers separately from their respective munitions and projectiles.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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.

11. 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.

12. 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.

13. 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.”

We emphatically endorse these recommendations, and we call upon the City Council and the Mayor to empower the SCPRC so that it can operate as an effective independent oversight body.

We respectfully request that the City Council “agendize” the complete list of SCPRC’s 139 recommendations to support the SCPRC’s important work.

CONCLUSION

We welcome the reporting offered by the Sacramento PD under AB 481. However, we have various concerns and questions; in this regard, we concur with the SCPRC. We are committed to sustaining our advocacy in military equipment use policy and we look forward to further engagements involving the Sacramento PD and the City Council, as well as the meaningful empowerment of the SCPRC.

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APPENDIX I. THE AB-481 REQUIREMENTS FOR THE SACRAMENTO PD'S ANNUAL MILITARY EQUIPMENT USE REPORT

Under AB 481, the Sacramento PD must provide the following in its Annual Military Equipment Use Report:

- “(1) A summary of how the military equipment was used and the purpose of its use.
 - (2) A summary of any complaints or concerns received concerning the military equipment.
 - (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
 - (4) 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.
 - (5) The quantity possessed for each type of military equipment.
 - (6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.
 - (b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold 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.” (7072 (a))
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APPENDIX II. THE CITY COUNCIL'S ORDINANCE 2022—0025, 13 SEPTEMBER 2022.

On September 13, 2022, the City Council approved the Sacramento PD's revised Military Equipment Use (“MEU”) Policy (General Order 410.06; Ordinance No. 2022-0025.)

In addition, Ordinance 2022-0025 includes several directions for the Sacramento PD, including the release of demographic reporting; and the completion of several types of

review, reporting, and community engagement projects, to be conducted in tandem with the SCPRC.

“(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 include (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.”