

Communication from Public

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Comments for Public Posting: Our research and study of LAPD's 481 Policy has revealed to us some potential weaknesses and gaps that we believe could be addressed to improve and strengthen the policy even further. http://www.lapdpolicecom.lacity.org/062122/BPC_22-136.pdf We share LAPD's goal of establishing a policy that ensures the safety of Los Angeles residents and that clearly states the purpose/use of the military equipment in LAPD's inventory. If military equipment is to be deployed on civilians, there must be safeguards. We have outlined our suggestions below. We encourage you to look for other areas of the policy that would benefit from more clarity. Example of "use" vs "user" On the first page of LAPD's AB 481 Equipment Report, "Background Section," [PDF p.11] the document restates the protocols established for law enforcement agencies regarding funding, acquisition, use and reporting. "Use" connotes circumstances, rather than "user", which would indicate who authorizes use or who uses the equipment, e.g. Command Officer or equipment operator. We suggest the policy describe both when a weapon is permitted for use, and when a weapon is prohibited from use. One example is on page 9 of the Equipment Report, "Equipment Carried by Specialized Personnel." [PDF p.18] The phrase "existence of certain factors" needs further explanation. When is it permitted that a weapon can be transitioned to sustained mode, and when is sustained mode prohibited? Example of the need for more clarity of use On page 6 of the Equipment Report, "Armored Vehicles, Authorized Use," [PDF p.15] - "deployed when their functionality will enhance safety during an operation." LAPD has 7 armored vehicles, including 5 BearCats. We support the adoption of a more clear and detailed armored vehicles policy such as that adopted by the Oakland Police Department for deployment of its armored vehicles. (<https://public.powerdms.com/oakland/tree/documents/2269007>) The Oakland policy describes what should be considered before the BearCat armored vehicle is deployed, and clearly excludes deployments for crowd control, routine patrol operations, and public relations activities. Example of inconsistency within the policy In Addenda III - Less Lethal and Ammunition Item 5 [PDF p.42] states that Defense Technology 37mm Single Launcher is to be used for crowd dispersal after a dispersal order refusal. However, on page 13, second paragraph of the Equipment Report [PDF p.22], AB 48 requirements clearly state that: "kinetic energy projectiles . . . shall not be used solely due to . . . non-compliance with a Department directive. . . they shall only be used to defend against threat to life or serious bodily injury to any individual, or to bring an objectively dangerous and unlawful situation safely and effectively under control." For the sake of consistency and clarity, we recommend that the use stated in Item 5 of Addenda III be edited to reflect the language in AB 48. Example of the need to define restrictions on use In Addenda III - Less Lethal and Ammunition Item 50 [PDF p.46] states that the LRAD 100x, LRAD Corporation Audio Speaker System, is used for public safety notification. Given the fact that agencies, such as the cities of New York and Pittsburgh, have experienced lawsuits (and made payouts) for causing permanent hearing loss on community members, it would behoove LAPD to define restrictions on deployment. Example of the need to clarify policy/procedure for mutual aid Note on the bottom of page 5 of "Department Manual, Volume I, 140.25 Use of Equipment Covered by California AB 481" [PDF p. 7] - "The personnel of any law enforcement agency working with, providing mutual aid to the Department, or operating in conjunction with the department in an investigative or enforcement capacity, shall comply with their own agency's policy enacted pursuant to AB 481." The concern here is to avoid confusion or mishap when several agencies might be operating together in the same city. The tragedy at Uvalde comes to mind. We are also unclear as to why this statement is classified as a "Note" rather than a distinct component of the policy itself. Suggested language for mutual aid: "Coordination with Other Jurisdictions: Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy." Long Beach Police Department AB 481 Policy (<https://www.longbeach.gov/globalassets/police/media-library/documents/about-the-lbpd/ab-481/military-equipment-so>) - Bottom of page 3: "COORDINATION WITH OTHER LAW ENFORCEMENT AGENCIES: Military equipment used by any employee of this Department shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this Department shall comply with the policies of the LBPD."