

APPROVED
BY THE CITY COUNCIL

NOV 13 1997

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CITY CLERK



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AG-97-173

DEPARTMENT OF
POLICE

CITY OF SACRAMENTO
CALIFORNIA

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SACRAMENTO, CA
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ARTURO VENEGAS, JR.
CHIEF OF POLICE

October 27, 1997

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City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN CALIFORNIA STATE
MILITARY DEPARTMENT AND CITY OF SACRAMENTO**

LOCATION AND COUNCIL DISTRICT: City-wide.

STAFF RECOMMENDATION:

- Sacramento City Council to approve the attached Memorandum of Understanding (MOU) between the California State Military Department and the City of Sacramento.

CONTACT PERSON:

Lieutenant Ernie Daniels, Special Investigations Division, 264-8419
Rhonda Matsuo, Administrative Analyst II, Office of the Chief, 264-7346

FOR THE COUNCIL MEETING OF: November 13, 1997

SUMMARY:

The MOU's basic scope of services (use of aircraft, technical support, training, thermal imaging and light armored vehicles) are support or logistical services to the Sacramento Police Department. Such services are permissible under 32 U.S.C. § 112 and does not violate the Posse Comitatus Act 10 U.S.C. 375.

Please note that the Sacramento Police Department and the California State Military Department have successfully worked on many projects in the past throughout the community. Without this MOU, the City of Sacramento would have to invest millions of dollars, in order to obtain similar services.

The California State Military Department requires an MOU with all law enforcement agencies for whom they provide support. This MOU is intended to set forth policies and procedures and identify

The mission of the Sacramento Police Department is to work in partnership with the Community to protect life and property; solve neighborhood problems, and enhance the quality of life in our City.

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the terms and conditions regarding the utilization of the California National Guard in support of Sacramento Police Department, Counterdrug Operations.

COMMITTEE/COMMISSION ACTION: None.

BACKGROUND INFORMATION:

The following describes the Scope of Operations as provided by the California State Military Department in the MOU:

- **Aviation:** Usage of aircraft will be limited to area observation, reconnaissance, transportation of personnel, seized property or contraband, and life-threatening emergencies. Counterdrug support activities may include the observation of persons incidental to such area observation or reconnaissance and assist in the tracking of vessels, aircraft or ground vehicles suspected of involvement in drug activities.
- **Technical Support:** This includes intelligence, translation, communications, and operational/investigative support.
- **Engineer Support:** This is limited to upgrading and maintaining border access roads for the purpose of interdicting illegal drugs entering the United States.
- **Training:** This is limited to military subjects and skills useful in the conduct of counterdrug operations, aircraft safety and employment, operation of specialized military equipment used in counterdrug operations, and other related topics.
- **Reconnaissance/Observation:** Counterdrug personnel can reconnoiter or perform area observation by land or water to detect and report illegal drug activities, which include, but are not limited to, cultivated marijuana, suspected isolated drug trafficking airstrips, drug drop zones, drug trafficking corridors, illegal drug labs, suspicious aircraft, watercraft, or motor vehicles.
- **Thermal Imaging System Ground, Vehicle and Aerial Mounted Uses:** This support is used to ensure officer safety at investigation sites by identifying potential hazards and to provide observation of Sacramento Police Department officers and taskforce members working undercover; to reconnoiter or perform area observation in planning counterdrug operations; to provide information regarding

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configuration or degree of activity at drug production sites and along distribution routes; and to confirm the location of indoor marijuana cultivation and confirm facts in determining probable cause for the issuance of a search warrant.

- **Light Armored Vehicle Support:**
This is limited to area observation, reconnaissance, transportation of personnel, seized property or contraband, and rescue in life-threatening emergencies. Counterdrug support activities may include observation of persons incidental to area observation or reconnaissance and assistance in tracking of ground vehicles suspected of involvement in drug activities.

FINANCIAL CONSIDERATIONS:


None. All of the above-mentioned services are provided to the Sacramento Police Department at no charge.

ENVIRONMENTAL CONSIDERATIONS:

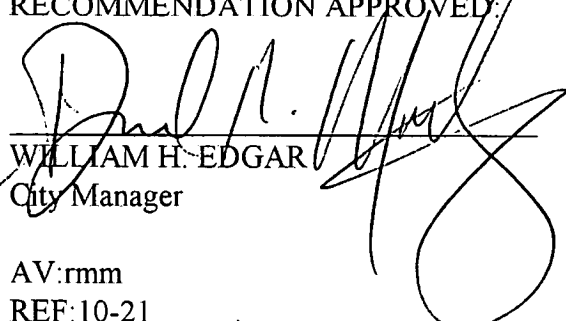
This report recommends no action that would constitute a project under the California Environmental Quality Act (CEQA).

MBE/WBE EFFORTS: Not applicable.

Respectfully submitted:


ARTURO VENEGAS, JR.
Chief of Police

RECOMMENDATION APPROVED:


WILLIAM H. EDGAR
City Manager

AV:rmm
REF:10-21
Attachment

APPROVED
BY THE CITY COUNCIL

NOV 13 1997

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 97-622

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A MEMORANDUM OF UNDERSTANDING WITH THE CALIFORNIA
STATE MILITARY DEPARTMENT TO PROVIDE SUPPORT AND
LOGISTICAL SERVICES TO THE SACRAMENTO POLICE
DEPARTMENT.**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. The City Manager, or a designated representative, is hereby authorized to execute, on behalf of the City of Sacramento, an agreement with the California State Military Department, including any extensions or amendments thereof, to provide support and logistical services to the Sacramento Police Department.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____