

*J. Hardy FOS 5/24/2022 Open Forum*

**APRIL 2022**



**American  
Friends  
Service  
Committee**

# **EQUIPPED FOR WAR**

**Exposing  
militarized  
policing in  
California**

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## DISCLAIMER

This report discusses state violence and harm, including graphic depictions of weaponry.

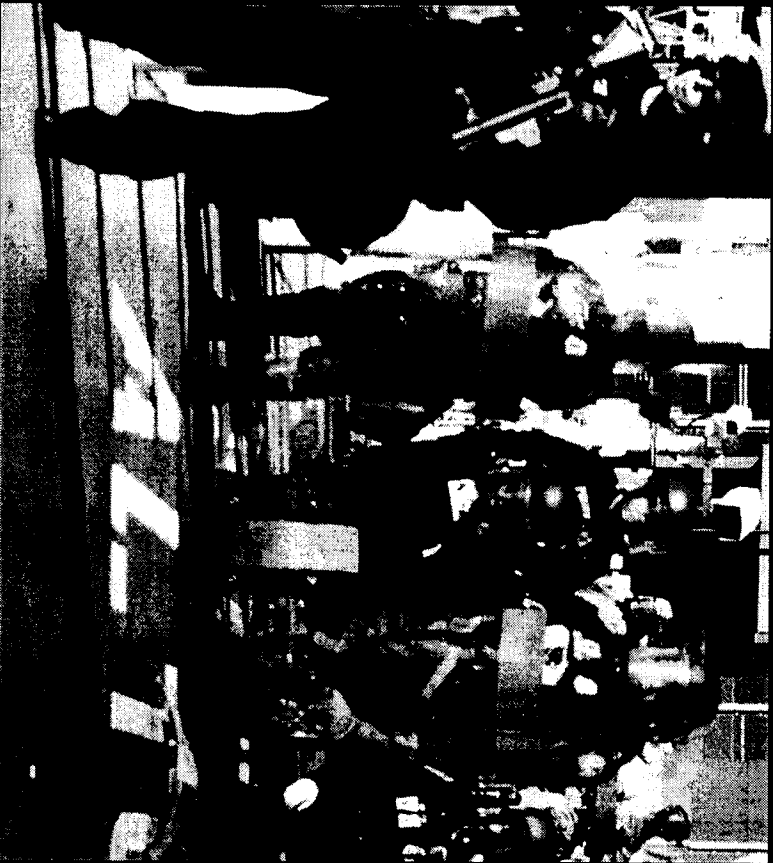
Reader discretion is advised. We believe that action for justice is a useful de-toxifier.

Cover photo: A U.S. police officer armed with a M4 carbine rifle during a training exercise.  
Photo: John Crosby/dy/er/se/mage/rj, mil.

The American Friends Service Committee (AFSC) promotes a world free of violence, inequality, and oppression.

Guided by the Quaker belief in the divine light within each person, we nurture the seeds of change and the respect for human life to fundamentally transform our societies and institutions. We work with people and partners worldwide, of all faiths and backgrounds, to meet urgent community needs, challenge injustice, and build peace.





# EXECUTIVE SUMMARY

**Communities across California have a unique, first-in-our-nation opportunity to create expectations around use of militarized equipment.**

A California law (AB 481) signed into law on September 30, 2021, requires police agencies that have militarized equipment to define policies governing its use, and to report on deployments. In this report, we present an analysis of acquisitions, deployments, and use policies for military equipment, and law enforcement agencies' transparency on these issues. Our starting point is the perspectives and testimonies of people impacted by militarization.

We believe that communities need detailed, non-technical information about militarized gear used by law enforcement in order to participate in decisions about police actions that affect them, how to achieve community safety, and how public resources should be spent. To learn about and analyze such detailed information, American Friends Service Committee (AFSC) submitted more than 300 formal requests for police records using the California Public Records Act. It is our hope that our findings will provide grounding and insight for community members, elected officials, and journalists who support transparency and demilitarization of policing.

Militarization of the police in the U.S. has a long history. Yet the acquisition and use of military-grade equipment by civilian law enforcement agencies neither reduces crime nor increases officer safety. Several studies conclude that police departments that acquire military-grade equipment are more likely to use violence, including fatal violence. In 2020, law enforcement across the country deployed military equipment to suppress, in some cases violently, protests that erupted in response to the police murder of George Floyd and other Black people. Amnesty International documented 125 incidents of police violence over a 10-day period of these protests, including the deployment of teargas, rubber bullets and armored vehicles.

SMAV teams frequently use a range of militarized equipment, and SMAV deployments also disproportionately impact Black and Latinx neighborhoods. Moreover, SMAV deployments impacting Black people are much more likely to be used for search warrants, while deployments impacting white people are more likely to be in response to barricade or shooter incidents.



Militarized equipment is frequently used in prisons and jails. The California Department of Corrections and Rehabilitation (CDCR) reported 1,112 uses of tear gas and 903 uses of impact rounds in a 23-month period—more than all 51 other agencies combined for which we obtained data. CDCR spent more than \$45 million on firearms, chemical agents, and munitions from 2015 to 2021, for a prison population of no more than 120,000.

More than 150 police and sheriff departments in California acquired military surplus assault rifles or tank-like vehicles through the Pentagon's 1033 program. But as use of the 1033 program has declined, police and sheriff departments acquire most militarized equipment through direct purchases and state and federal grants, especially the Department of Homeland Security's Urban Areas Security Initiative and State Homeland Security programs, which grant more than \$40 million each year to California law enforcement agencies, most of it focused it on countering terrorism.

#### Use Policies

The use policies for military equipment required by AB 481 must describe authorized uses and purposes of the equipment. Our analysis of initial proposed policies found that this is an area of significant non-compliance. Many policies describe authorized users, rather than authorized uses. Los Angeles PD is one of the largest police departments in the country, yet it does not publish a policy manual or use policies. Provisions for ensuring compliance and enforcement of the policies also were weak in policies we examined. Ordinances approving the use of military equipment should include provisions for a private right of action in order to ensure the policies are truly implemented.

#### Transparency

We made Public Records Act (PRA) requests for deployments and use policy data to 151 police agencies that had acquired armored vehicles or firearms through the federal 1033 program, and for purchase and deployment data to 131 police agencies. Our research found that while over 80% of agencies eventually responded to the requests, only 10% responded to militarized equipment purchase and deployment PRA requests within the 10 day-period mandated by law. Our data raises serious questions about California law enforcement agencies' abilities to provide data to communities, including to elected officials. In many cases, we found that the submitted request was not directed to relevant personnel, the agency required reiterated follow-up communications, or the responses were not timely.

## The California Department of Corrections and Rehabilitation (CDCR) reported 1,112 uses of tear gas and 903 uses of impact rounds in a 23-month period—more than all 51 other agencies combined for which we obtained data.

#### Companies

Our research sheds light on connections between law enforcement agencies and the companies that provide them with militarized weapons and equipment. We include profiles of such companies, including Lexipol, which sells policy manuals to police departments; manufacturers of the BearCat armored vehicle, firearms and less-lethal weapons; and regional distributors.

#### Conclusion

Militarized policing in the United States has been constructed over a long period of time, and has become embedded in the thinking, budgets, and institutional prerogatives of law enforcement officers and many civilians. It is built on narratives of fear and racism, as well as history and culture that embraces the practices of war. Deconstructing this militarization will require persistence from many individuals, organizations, and communities. We hope this report is useful in that endeavor.

#### Recommendations

We urge elected officials to ask hard questions about proposed use policies for military equipment submitted to them, to heed widespread community calls for demilitarization, and to reinvest resources used for militarized policing into community needs for mental health care, housing, drug treatment, health, employment, and reparations.

We urge California Attorney General Rob Bonta to publish guidance for cities and counties to implement AB 481 that states that use policies must clearly outline authorized and prohibited uses (not just users) for each type of military equipment.



To find full recommendations to elected officials, community members, journalists and scholars, see P. 42.

For data visualizations and an advocacy toolkit:

#### Visit

[cisc.org/california-militarized-police](https://cisc.org/california-militarized-police)



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AXON BODY 3 X6039BBTS



LEFT: Body cam footage of Margario "Junior" López. ABOVE: Family photo of Margario "Junior" López.

## INTRODUCTION

**As the sun begins to set in Los Angeles on December 18, 2021, 22-year-old Margario "Junior" López is in a mental health crisis.**

A family member calls police, hoping to prevent López's suicide. His family, friends, and neighbors watch as he alternates between sitting in front of his home, packing, and holding a cleaver to his own throat.

When police arrive, they immediately begin shouting at López to drop the knife, with no attempt at de-escalation. He ignores them. One officer fires a "less lethal" projectile at López. A few minutes later, the officer fires a "less lethal" projectile a second time. Two other officers immediately follow by shooting López four times. López's loved ones watch as the police officers put the bleeding, fatally wounded young man in handcuffs. He died shortly afterward.

"Less lethal" launchers are part of a class of weapons known as "militarized equipment." Many observers refer to "military" or "militarized" equipment. Law enforcement often bristles at this language, because not all equipment perceived by community members as "military" comes from the Department of Defense. Officers often see equipment from the inside, as "tools." Yet, apart from the source of the equipment, communities' experiences of police as warrior forces deploying militaristic weaponry and other gear is a key starting point for decisions about policing.

Police sometimes source militarized equipment from the Department of Defense, though often it is purchased directly by cities and counties. While police agencies offer justifications based on critical emergencies such as active-shooter incidents for the acquisition of these weapons, very few limit how these weapons may be used after acquisition and they are more often used to serve warrants, at protests, or even on patrol. The definition of a "critical incident" or emergency on which acquisition of the equipment was justified is often vague, expansive or non-existent. This has led to applications that lead to injury, financial harm, loss of property, and death of civilians in the communities where officers deploy these weapons.

Much military equipment is a "force multiplier" — it dramatically increases the effect of uses of force, and so it multiplies the impacts of racial disparities in uses of force. Policing in California and across the country focuses disproportionately on

Black and Brown communities. The Center for Policing Equity found that, taking into account the influence of neighborhood crime rates, poverty, and share of Black residents, Black people were subjected to force four times as often as white people by San Diego County Sheriff's Office (CSO), 4.4 times as often by the Sacramento Police Department, and 4.6 times as often by the San Diego Police Department.<sup>3</sup>

SWAT teams frequently use a range of militarized equipment, and SWAT deployments also disproportionately impact Black and Latinx households. An ACLU study of SWAT deployments by 16 law enforcement agencies found that Black people were between four and 47 times more likely to be impacted by SWAT deployments than whites. Moreover, these deployments impacting Black people were much more likely to be used for search warrants, while deployments impacting white people were more likely to be in hostage, barricade or shooter incidents.<sup>4</sup>

While police agencies are required by law to report on uses of force that result in physical injury, these reports rarely identify the use of militarized equipment such as assault rifles or armored vehicles, and they do not document impacts such as trauma or damage to community relationships. Most police agencies do not report when or how militarized equipment is deployed short of a use of force—some agencies do not even report this information internally.

Militarized equipment is frequently used in prisons and jails. Out of 46 California law enforcement agencies from which we obtained equipment deployment details or summaries for this report, the California Department of Corrections and Rehabilitation (CDCR) reported 1,112 uses of tear gas and 903 uses of impact rounds in a 23-month period—more than all other agencies combined for which we obtained data.<sup>5</sup>

Communities across California have a unique, first-in-our-nation opportunity to create expectations around use of militarized equipment. A California law (AB 481) signed into law on September 30, 2021, requires police agencies that have militarized equipment to propose policies governing its use, and to report on deployments. In this report, we present an analysis of equipment acquisitions, deployments, use policies for military equipment, and law enforcement agencies' transparency on these issues. We believe that communities need detailed, non-technical information about militarized gear used by law enforcement in order to participate in decisions about police actions that impact them, how to achieve community safety, and how public resources should be spent. To learn about and analyze such detailed information, we submitted more than 300 formal requests for police records using the California Public Records Act.<sup>6</sup> It is our hope that our findings will provide grounding and insight for community members, elected officials, and journalists who support transparency and demilitarization of policing.

## A California law (AB 481) signed into law on September 30, 2021, requires police agencies that have militarized equipment to propose policies governing its use, and to report on deployments.

Militarization of the police in the U.S. has a long history. When drug prohibition started in the 1910s, Sheriffs in the south sought to increase firepower, claiming they needed higher caliber revolvers because supposedly Black people on cocaine were "unaffected" by lower caliber bullets.<sup>7</sup> In the 1960s, President Johnson established the Law Enforcement Assistance Administration, which distributed millions of dollars of military equipment to local law enforcement in 1969-1970.<sup>8</sup> In the 1980s, militarized policing grew as part of the so-called "war on drugs," and expanded in the 1990s when Congress allowed the transfer of extra Department of Defense (DoD) equipment to state and local agencies through the 1997 National Defense Authorization Act, via the program now known as 1033.

The acquisition and use of military-grade equipment by civilian law enforcement agencies neither reduces crime nor increases officer safety.<sup>9</sup> Several studies conclude that police departments that acquire military-grade equipment are more likely to use violence.<sup>10</sup> One study found that as law enforcement acquires more military equipment, more local residents are likely to die in encounters with police and sheriffs.<sup>11</sup> Another political scientist, Jonathan Mummolo, drawing on five years of public records from every SWAT unit deployment in Maryland, found that local SWAT units neither reduced violent crime nor increased officer safety.<sup>12</sup>

A 2017 report analyzing data on police killings in four states reported a significant positive relationship between 1033 equipment transfers and fatalities from officer-involved shootings. Looking at both the number of civilians killed and increases in fatalities from one year to the next, researchers found that having more military equipment increases both the expected number of civilians killed by police and the change in civilian deaths.<sup>13</sup>

These measures resulted in a dramatic increase in use of military equipment for many purposes, not only for counter-drug activities, and they violate a foundational U.S. belief that police and military should be separate.<sup>14</sup> This report shows that police militarization is also augmented today by significant direct purchases of military equipment by law enforcement agencies.

California communities have the opportunity to determine not only when militarized gear may be used, or who may use it, but under what circumstances a weapon should not be used or whether law enforcement should acquire and use the equipment at all. We offer tools to support communities in creating the use policies that would best support them, in the form of questions to ask as your city or county decides on proposed use policies for military equipment.<sup>15</sup>



Protestors demonstrating in Harlem in 1964 against the killing of 15-year-old James Powell by a police officer, as officers look on. Photo: Library of Congress



Photo from Ferguson event, in response to the grand jury decision not to indict Darren Wilson in the shooting of Mike Brown. Photo: Joshua Solem



# FIRSTHAND EXPERIENCES OF MILITARIZED POLICING

**During the Occupy protests in 2011, Oakland police used tear gas and rubber bullets to break up peaceful protests.**

**Scott Olsen, a Marine Corps veteran and community activist, was hit in the head by a police projectile, causing a fractured skull, broken vertebrae and brain swelling.** <sup>16</sup>

In May and June 2010, law enforcement across the country deployed military equipment to suppress, in some cases violently, protests that erupted in response to the police murder of George Floyd and other Black people. Amnesty International documented 125 incidents of police violence over a 10-day period of these protests, including 15 uses in California of teargas, firing less lethal projectiles such as rubber bullets and “sponge rounds,” and other uses of force.

These police uses of military equipment were highly visible to protest participants, on social media and in other media. Much less visible, but more common, are police uses of military equipment in SWAT operations. In Monterey County, the sheriff’s SWAT team surrounded the house of Rogelio “Rogger” Serrano Jr. in a military-style operation in 2011. After deputies threw a “flash bang” grenade through his window,



Police release tear gas, while blocking the way to City Hall, when the Occupy Oakland encampment was dismantled and protesters dispersed, in Oakland, California late October 25, 2011. PHOTO: IUPUI/Elijah Nevelsage



Police officers in Monterey County, California, surround the house of Rogelio “Rogger” Serrano Jr. in a military-style operation in 2011. PHOTO: IUPUI/Elijah Nevelsage





Photo of Elena "Ebbie" Mondragon.

Serrato died in a house fire. It was later determined that Serrato, 31, was not involved in what the SWAT team was investigating and was unarmed in the house. The county paid \$2.6 million to the family.<sup>18</sup>

Elena "Ebbie" Mondragon, age 16, was pregnant when Fremont PD officers shot and killed her with an AR-15 rifle while she sat in a moving car in 2017. She was not the intended target.<sup>19</sup>

In Los Angeles County, Michael Nida, 31, was unarmed when a Downey officer fatally shot him in the back with a three-round burst from an MP5 submachine gun, after he was mistaken for a suspect wanted in an armed robbery at an ATM.<sup>20</sup>

"Less lethal" weapons, as the name suggests are not meant to cause death. But, in the case of "Junior" Lopez we described at the beginning of this report, the use of impact munitions led to escalation and the death of someone the police had been called to protect but treated as a threat to themselves. Officers responded to sound and motion from each other as if it were coming from Mr. Lopez. That is, the use of weapons designed to disorient "suspects" may also be confusing to the officers using it.

Militarized and so-called "less lethal" weaponry are sometimes cited by law enforcement as tools to contain or even de-escalate violence or the potential for violence.<sup>21</sup> The Oakland Police Department proposed a use policy for armored vehicles that described them as "equipment that significantly increases the options available to de-escalate... critical safety incidents" [emphasis added].<sup>22</sup> In 2020, then-Chief of Berkeley Police Andrew Greenwood defended the use of tear gas and "less lethal" launchers when asked what alternatives to such weapons police have in the face of potential violence, he said, "Firearms. We can shoot people?" (He subsequently apologized.)<sup>23</sup>

Experience shows that such equipment is often a path to escalating violence—in the conduct of officers and in the perception of community members—a problem that milder language and euphemisms do not change. On May 30, 2020, in La Mesa, California, Leslie Furcron, a grandmother, was standing more than 100 feet from officers when they shot her in the head with a "less lethal" weapon known as a "bean bag." A single "less lethal" deployment led to Furcron's hospitalization and loss of sight in one eye.<sup>24</sup>

On March 11, 2018, 31-year-old Joshua Pawlik was asleep in an alleyway. The Oakland Police Department used a BearCat armored vehicle to maneuver closer to him. As Pawlik awoke, OPD officers armed with AR-15s used their BearCat as a shooting platform to fire on and kill him. Four officers were subsequently fired for the killing, and a federal judge ordered Oakland to create an armored vehicle policy.<sup>25</sup>

In Emeryville, Yvette Henderson was shot in the back and killed by an Emeryville PD officer in 2015, within seven seconds of police arriving on the scene for an alleged charge of shoplifting. "She was shot with an AR-15, which is a military-style weapon. Like you were going to Iraq, to war," said her brother Jamison Robinson. "She shouldn't have been shot, period, but she would have had a chance if it had been a handgun, she could try to survive that. With an AR-15, that's like an automatic execution."<sup>26</sup>



Photo of Yvette Henderson.

**Brian Rios's Story**

"I was in the fifth grade. It was 3 o'clock in the morning and I heard a loud bang go off and I thought we were getting broken into because I heard loud banging on the door. They broke through the front door. So I was thinking we were getting robbed. I start hearing people—like dozens of people come into the house and I'm terrified. I'm thinking 'Oh my God, ...something really bad is gonna happen.'

"And all I hear is the name of my mom's boyfriend get called out. Saying that they have a warrant. And so, as soon as I heard that I'm like 'is that the police, or what's going on?' And the door to our room was locked, so I just hear them break it, and 3-4 people come in with automatic weapons and turn on the lights and they're pointing their guns at me and my brother."

"They take us out of the house and it's really cold. As soon as they take us out I see that the gate part that opens up is sitting on the side of the road, broken down with an armored truck."

"I couldn't count how many officers there were, but they were all in like military gear—bullet proof vests, helmets, I'm like 'what is going on? Why is this? Why are they dressed like this? Why is there an armored truck?'"

"They just kept searching the house throughout the span of four more hours. And as soon as they were done, they just left. They left the house how it was. All the mess."

"I felt like we were violated, you know? Like even though they had a warrant, for us that wasn't necessary. All the things they had, all the weapons that they used, it wasn't necessary. And why do it at 4 in the morning when it's one person?"

"Militarization is just making [things] even worse, because it's kind of like striking terror into the community. It's treating the community as if it's a war zone, you know? Like the people that they're here to serve and protect are the ones that they're trying to get."



Officer holding 40mm launcher. Photo: Madera County Sheriff's Office



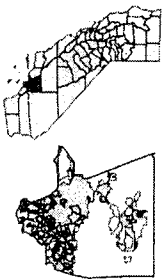


Linea Bearcat APC (Armored Personnel Carrier) is a 2008 model year armored truck that belongs to the Oakland Police Department.  
Photo: [facebook.com/OaklandPolice/Bearcat-APC](https://www.facebook.com/OaklandPolice/Bearcat-APC)

Different types of military equipment—armored vehicles, assault rifles, ‘less lethal’ munitions—are often deployed as a single package, especially by SWAT teams. The community impacts of these deployments are magnified when police are working with unreliable information.

The Oakland Police Department owns two armored vehicles—a BearCat and an armored SUV, which were deployed over 100 times a year in 2018-2019.<sup>27</sup> In the early morning of October 4, 2018, OPD officers deployed the Bearcat and armored Suburban for the arrest of four suspects, none accused of homicide, two of whom had armed robbery in their criminal history, one another violent felony, and one for drug or weapon possession. An Operations Plan risk assessment, which was based on surveillance, stated the four were not gang members. The operation at two different residences did not find any of the four suspects. Although the risk assessment assigned 76%-100% reliability to the intelligence used, the information was clearly poor, an after-action report observed.<sup>28</sup>

At the first residence, after officers used flashbang grenades in front of the residence, no one came out at first. Then, the officers shot less lethal projectiles and teargas canisters that broke and penetrated five windows, and a 60-year-old African American man in a wheelchair emerged through the front door. He said he thought he was being attacked by gun fire and had tried to call 911.



Location of Bell Gardens in Los Angeles County, California. Photo: Wikicommons

**On the evening of March 11, 2020, Pablo Elias was at home with his family in Bell Gardens and experiencing a mental health crisis, and a call was made for help.**

#### **Pablo Elias's story**

Bell Gardens police officers came and removed family members from the house. With Pablo locked in his room, officers tried to persuade him to come out. Pablo had not threatened or harmed anyone or committed a serious crime. He did not have a gun, there wasn't a gun in the house, and police had no specific information that Pablo had a gun.

Nevertheless, officers left the house after midnight and deployed first flashbang devices, then teargas into the house. They also shot ‘less lethal’ impact rounds at Pablo, striking him, and deployed an attack dog against him. Finally, when Pablo emerged from the house, officers shot him, in the presence of Pablo's mother Consuelo and son Pablo. Officers also failed to call for medical help as Pablo lay bleeding before he died, according to the legal complaint filed by his family.<sup>29</sup>

## **NEW LAWS, NEW OPPORTUNITIES**

**Three laws enacted in 2020 and 2021 offer Californians greater transparency for policing and regulate law enforcement's use of military equipment and weapons: AB 481 on military equipment, AB 48 on tear gas and impact rounds during protests, and SB 978 on policy transparency. These three laws have important provisions that interact with each other.**

SB 978 went into effect in 2020, requiring law enforcement agencies to post their policies prominently. Many agencies did not comply, however, and it remains difficult to locate law enforcement policies. AB 48, signed into law in September 2021, prohibits the use of chemical agents and “kinetic energy projectiles” (rubber bullets, beanbag rounds, baton rounds) during gatherings protected by the First Amendment except in well defined circumstances.

AB 481 was signed into law on September 30, 2021 by California Governor Gavin Newsom. It requires all police and sheriff departments in the state to publish information about a range of militarized gear currently used in policing and in general facilities, and to obtain approval from elected officials of policies regulating the use of this military equipment.

For military equipment that law enforcement agencies acquired before 2022, the agency must submit a use policy to its respective “governing body” by May 1, 2022. For city police departments, these are city councils; for sheriff departments, these are county boards of supervisors.

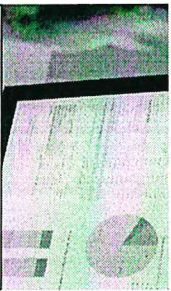
City councils and county supervisors must decide in public meetings, open to community comment, whether to adopt police and sheriff proposed policies for the use of: tank like armored vehicles, assault rifles, teargas, ‘less lethal’ launchers and munitions, drones, sound cannons and other gear often used in SWAT operations and crowd control. Approval of these policies must be in an ordinance. If a proposed use

policy for any type of equipment is not adopted within 180 days of submitting it to the city council or county supervisors. AB 481 prohibits the purchase and use of that type of military equipment until the governing body adopts a policy.

The law applies to military equipment acquired from any source – purchase, the Pentagon's 1033 program, or through grants. For new acquisitions of military equipment, agencies must submit a use policy before starting to use it. It also applies to gear used by outside law enforcement agencies in joint operations within a jurisdiction, such as "mutual aid" deployments or joint task forces. Police departments of transit agencies, universities, and park districts that use military equipment must also follow this process.<sup>34</sup> Cities that contract sheriff services have authority to establish policies for equipment used in their jurisdiction. State law enforcement agencies, such as CDOR and California Highway Patrol, must publish use policies for military equipment they propose to use and hold a public hearing.

For military equipment with an approved use policy, beginning in 2023, agencies must publish annual public reports on uses and acquisitions of militarized equipment, hold community meetings about the equipment, and elected officials must consider the report in a public meeting.

AB 481 requires use policies to describe oversight responsibilities and complaint procedures for violations of use policies. If law enforcement agencies violate approved use policies, the governing body may revoke approval of the equipment, or individuals with standing may file suit for the violations. If a law enforcement agency has not submitted use policies for military equipment by May 1, 2022 and it continues to use the equipment, individuals may sue for an injunction against use until a use policy is lawfully approved.



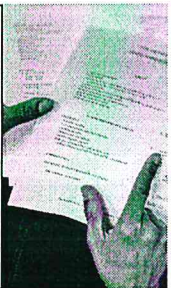
**SB 978**  
effective January 1, 2020

Requires law enforcement agencies to make available online in a "conspicuous" manner all internal documents that would be considered "current standards, policies, practices, operating procedures, and education and training materials" and that would otherwise be available to the public if requested through the California Public Records Act (PRA).



**AB 48**  
effective October 1, 2021

Prohibits the use by law enforcement of chemical agents or impact projectiles for crowd control, except to defend against a threat to life or serious bodily injury or to bring an objectively dangerous situation safely under control, and would prohibit their use solely due to noncompliance with an officer's directive, violation of a curfew, or a verbal threat.



**AB 481**  
effective January 1, 2022

Requires each police and sheriff department to submit to its city council or county supervisors a written military equipment use policy by May 1, 2022 for equipment acquired previous to 2022.

The governing body must approve the military equipment policy by ordinance in a public forum within 180 days of receiving the proposed policy in order for the law enforcement agency to continue using the equipment.

# CALIFORNIA POLICE AND SHERIFF ACQUISITIONS OF MILITARY EQUIPMENT

## Sources of military equipment

Most discussion and study of the military equipment used by police focuses on the 1033 program operated by the Pentagon.

Named for a section of the federal military spending bill—through the 1033 program—the Department of Defense offers a range of surplus military equipment, from car engines to tank-like vehicles, to law enforcement agencies for the cost of transporting it. Since 1990, the Pentagon has distributed more than \$7.4 billion worth of military gear through the 1033 program.<sup>35</sup> The amount of weaponry distributed through 1033 accelerated in 2011-2012 as a result of the United States' drawdowns in Iraq and Afghanistan. "There is a need to dispose of material," a Pentagon official said in 2012. "We have to free up this warehouse space."<sup>36</sup>

More than 150 police and sheriff departments in California acquired military surplus assault rifles or tank-like Mine Resistant Ambush Protected (MRAPs) vehicles through the 1033 program. Forty-eight California police and sheriff departments have obtained MRAPs (five departments have two of them), and California law enforcement agencies had 3,596 Pentagon-issued assault rifles at the end of 2021.<sup>37</sup>

However, the number of military weapons distributed under the program has declined in recent years. In California, more than a dozen law enforcement agencies withdrew from the program between 2020 and 2021, returning assault rifles and other gear to the Department of Defense. In their responses to our records requests, these and other agencies said that they did not use 1033 rifles and other equipment, that they were in storage, used only in training, or non-functional. "I have never seen anything but broken junk equipment come out of the 1033 program," said Fendale Police Chief Ron Sligh. "In my opinion, it's cost law enforcement time and money and very little benefit to what we have received."<sup>38</sup> Only two military-issue assault rifles were transferred to California police or sheriffs from 2016 through 2021.<sup>39</sup>



This does not, however, mean that police have demilitarized. Instead, police and sheriff departments continue to acquire most militarized equipment through direct purchases and state and federal grants. Police and sheriff budgets in California have grown in recent years, and continued to increase even after some cities committed to “reimagine public safety” and re-invest police funding for police into community safety programs.<sup>46</sup> Funds for purchases of military equipment come from city and county budgets, and usually are not identified in the budget information reviewed by elected officials.

Grants for militarized equipment include the Department of Homeland Security’s Urban Areas Security Initiative (UASI), State Homeland Security (SHSP), and Operation Stonegarden programs, as well as grants to law enforcement through California’s Citizens Options for Public Safety (COPS).<sup>41</sup> UASI and SHSP grant more than \$40 million each year to California law enforcement agencies, most of it focused on countering terrorism, including equipment, training, and staff support.<sup>42</sup>

Law enforcement agencies also purchase surplus military equipment through the Pentagon’s H22 program: California police and sheriff departments have obtained at least \$9 million worth of equipment through the program, including armored vehicles acquired by six agencies since 2016.<sup>43</sup> Law enforcement agencies also purchase military equipment using asset forfeiture funds, often obtained through drug enforcement operations.

## What military equipment does law enforcement use?

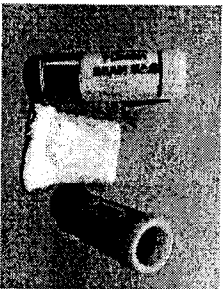
The militarized gear that California police and sheriffs obtain include: armored vehicles, assault and sniper rifles, launchers and munitions, Long Range Acoustic Devices, breaching equipment used to break doors, and drones. Assault rifles for civilian purchase and use are banned in the state, yet nearly every law enforcement agency has them.<sup>44</sup>

### BearCat

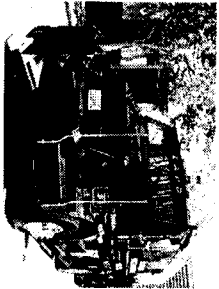
A “BearCat” is an armored vehicle with a tank-like appearance, often used during SWAT raids. It can be equipped with external loudspeakers, which ostensibly allows opportunity for police to move and communicate freely.

### LRAD

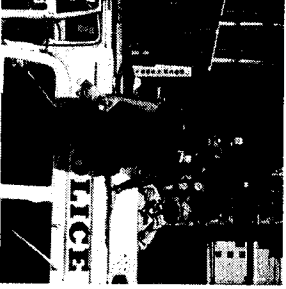
A Long Range Acoustic Device (LRAD) is a targeted loudspeaker, and may appear to be an innocuous tool: it grants law enforcement the ability to clearly and effectively communicate with crowds, creating opportunities for direction or even de-escalation. It can also be used to broadcast at a distance, such as for evacuations.



<sup>1</sup>Less lethal munitions. Photo: Techkiss/Wikicommons



**BEARCAT**  
Los Angeles Police Department SWAT. Rescue 1 B.E.A.R. showing a battering ram attachment. Photo: Steve Denov/Wikicommons



**LRAD**  
An LRAD on top of a New York City police Hummer. Photo: Wikicommons

Yet, instead of limiting LRAD deployment to the intended use, police also have used it as a sonic weapon that has the ability to “inflict severe, debilitating, permanent harm in the form of irreversible hearing loss, tinnitus, vestibular dysfunction, and barotrauma.”<sup>45</sup> Several doctor-led organizations have called for banning its use for crowd control, including the Academy of Doctors of Audiology and the 1997 Nobel Prize recipient Physicians for Human Rights.<sup>46</sup>

“Less lethal” weapons commonly refer to chemical agents and to launchers of projectiles and their munitions. “Less lethal” munitions include impact rounds, commonly known as “beanbags,” “40 mm,” “sponge,” or “baton” rounds, as well as munitions that release chemical agents, such as “Pepper Balls,” “Pepper spray,” often referred to as “OC” (for oleoresin capsicum) can be shot from a launcher, but more commonly is used as handheld spray (which is excluded from AB 481, unlike other “less lethal” weapons).<sup>47</sup>

The total tax dollars spent on law enforcement militarized equipment is undisclosed. Based on responses to Public Records Act (PRA) requests, our database logs purchase records for armored vehicles, rifles, “less lethal” launchers, and LRADs since 2015 and munitions since 2018. The logged records represent 43 out of 331 California city police departments, just under a quarter of sworn police officers in the state. On the other hand, we logged purchase records for 37 out of 58 sheriff departments, representing nearly half of sworn sheriff officers in the state.

Still, our database only reflects a fraction of military equipment acquired by law enforcement agencies in California. This is because we did not request records for purchases before 2016; we did not request records for some types of equipment; some agencies did not respond or we were not able to enter all of the records provided; and we obtained information about only some military equipment acquired through Homeland Security and other grants.

For example, San Diego PD owns two BearCat armored vehicles, 477 assault rifles, 105 submachine guns, 75 PepperBall launchers, 149 40mm launchers, and two LRADs, according to the military equipment document it released in January 2022 to comply with AB 481.<sup>48</sup> Yet our request to San Diego PD for records of purchases since 2016 of these types of weapons yielded purchase records for none of this weaponry—only for munitions, accessories and training kits.

Some of the largest departments are not included in the purchase data, including the state prison agency, California Department of Corrections and Rehabilitation (CDCR), and California Highway Patrol. San Francisco PD is not included because they did not respond to the request, CDCR and Los Angeles PD are not included because the data supplied did not adequately describe weapons or munitions purchased, and, in the case of San Jose PD and California Highway Patrol, we were not able to enter data from a large volume of invoices.

CDCR merits special attention, because for a prison population of 100,000 to 120,000, it spent so much money on firearms, chemical agents, and munitions—more than \$45 million from July 2015 to the end of 2021.<sup>49</sup>

Of the 83 city and county agencies for which we recorded purchase records for assault rifles, "less lethal" launchers and munitions, LRADs, and armored vehicles, the following tables indicate which of these agencies spent the most on equipment.

Top local agencies by total rifle cost, 2015-2021		Total Cost
<b>Fresno Police Department</b>		
San Diego County Sheriff's Office		\$473,608
Ventura County Sheriff's Office		\$271,764
Kern County Sheriff's Office		\$248,724
Fairfield Police Department		\$183,684

Top local agencies by total launcher cost, 2015-2021		Total Cost
<b>San Mateo County Sheriff's Office</b>		
San Mateo County Sheriff's Office		\$137,734
Escondido Police Department		\$110,643
San Mateo County Sheriff's Office		\$58,623
Santa Ana Police Department		\$54,975
Fairfield Police Department		\$17,877

Top local agencies by total munition cost, 2018-2021		Total Cost
<b>Orange County Sheriff's Office</b>		
San Bernardino Police Department		\$451,500
Humboldt County Sheriff's Department		\$351,114
Orange Police Department		\$167,103
San Mateo County Sheriff's Department		\$102,106
San Mateo County Sheriff's Department		\$93,699

Top local agencies by total rifle cost per officer, 2015-2021		Total cost per officer
<b>Fairfield Police Department</b>		
Fairfield Police Department		\$1,543
Alameda County Sheriff's Office		\$1,134
Vallejo Police Department		\$1,118
South Gate Police Department		\$1,116
Salinas Police Department		\$800

Top local agencies by total launcher cost per officer, 2015-2021		Total cost per officer
<b>Alpine County Sheriff's Office</b>		
East Bay Regional Park Police		\$1,399
Fairfield Police Department		\$483
San Mateo County Sheriff's Office		\$402
Escondido Police Department		\$395
Escondido Police Department		\$278

Top local agencies by total cost per officer, 2015-2021		Total cost per officer
<b>Amador County Sheriff's Office</b>		
Calaveras County Sheriff's Office		\$30,176
Ontario Police Department		\$7,247
Merced County Sheriff's Office		\$6,191
Alpine County Sheriff's Office		\$3,401
Alpine County Sheriff's Office		\$3,362

## Rationales for acquiring military equipment

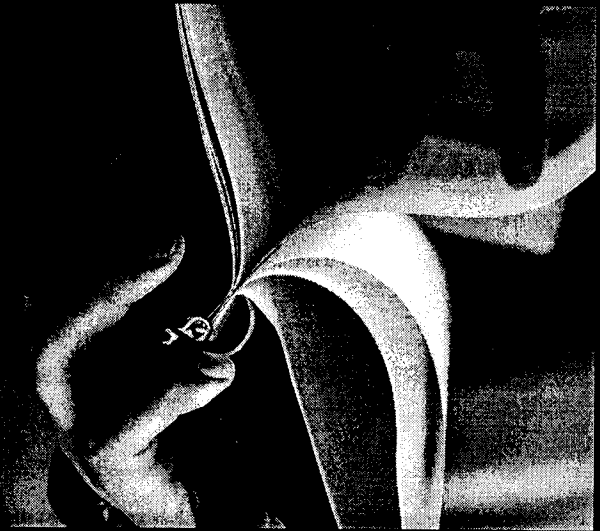
The practice of equipping police with assault weapons surged after a 1997 bank heist in Los Angeles, in which the robbers used both assault rifles and full body armor to wage a 30-minute battle with police. Ultimately, a SWAT team arrived and killed the robbers.<sup>50</sup> The event is still often cited by police officers as a reason for having high-powered weapons.

The use of this event to argue for military weaponry for law enforcement is instructive. It is all about planning for worst-case scenarios (to be clear, we are talking about the worst case for police, not for the public). According to that logic, every police department should plan for—and arm themselves completely for—a September 11 scenario.

Most Homeland Security grants for armored vehicles and other gear require an anti-terrorist rationale, leading to mission creep for police where terrorist threats are nearly nonexistent. Police departments have increasingly used climate change as a rationale for obtaining militarized equipment left over from foreign wars.<sup>51</sup>

The pervasiveness of military grade weapons in the hands of police, acquisition based on unrealistic contingencies, and the inherent rarity of worse case scenarios, means these weapons are overwhelmingly deployed in ordinary policing and patrols.





# USE POLICIES

## Defining if and when it is okay to use military equipment

AB 481 requires each law enforcement agency to post proposed military equipment use policies by May 1, 2022. “Military equipment use policy” means a publicly released, written document describing military equipment in detail and the rules governing its use. Prominent posting of law enforcement policies is also required by SB 978.

A use policy should clearly state the purpose and authorized uses of equipment. Besides the uses authorized for the equipment, policies also need to specifically outline prohibited uses in order to set clear parameters. During a SWAT raid, should it be permitted for a flashbang grenade to be deployed indoors? If children may be present, is tear gas permissible? Under what circumstances is it permissible for police to use a LRAD that could inflict permanent hearing loss on community members?

In addition to this, policies should detail the process for documenting uses, as well as accountability measures to ensure that officers adhere to policy. “Use” of military equipment is not the same as “use of force,” and the policies for each should not be confused.

Decisions about policies for using military equipment must be accountable to the communities impacted by them, not outsourced to a private company (such as Lexipol) or buried deep in elected bodies’ consent agendas.

## Current equipment use policies

We reviewed the existing use policies for assault rifles and armored vehicles of 151 California law enforcement agencies, including police departments, sheriff’s departments, and District Attorney offices. Of these, eight agencies in small jurisdictions published no use policies at all.

Of the 146 agencies in our use policies database, 125 (85%) used Lexipol, the private company that sells templates for policies to most California law enforcement agencies (see Lexipol company profile on p. 34). In general, police departments from small jurisdictions use Lexipol templates more than police departments in medium-size and large cities. Many existing policies conflate purpose, the reasons for using equip-

ment, such as “To reduce violence in critical incidents,” with authorized uses of equipment. Lexipol’s template for assault rifle policies, used with little variation by most agencies, focuses attention on firearm models, training, rifle storage and maintenance, and officers authorized to use the rifles. It also includes a section on deployment that says: “Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed.” It lists “general guidelines” for deploying patrol rifles, ranging from situations where the officer “reasonably anticipates an armed encounter” to any time “authorized or requested by a supervisor.” But the guidelines “include but are not limited to” these situations. As a result, the Lexipol policy doesn’t define when to deploy assault rifles, instead leaving it up to officers.

Just 29 of the 154 agencies in our database had armored vehicle policies. Of 46 agencies that acquired MRAP tank-like vehicles through the 1033 program, only 11—less than a quarter—had armored vehicle policies. Several of these policies were brief and vague about what situations use is authorized for, such as for “rapid response deployments” (West Covina PD) or “to maintain social order and ensure the protection of private property” and “educate the community about the vehicle’s use” (Redlands PD) and silent about prohibited uses. On the other hand, Oakland’s armored vehicle policy, developed in response to community advocacy and a federal court mandate, while not meeting community calls to dis- pose of its Bear-Cat, clearly outlines authorized uses and prohibited uses —including for crowd control, public relations, and routine patrol.<sup>54</sup>

Los Angeles PD is one of the largest police departments in the country, and with nearly ten thousand sworn officers is by far the largest department in the state. Yet LAPD does not publish a policy manual or use policies for patrol rifles, armored vehicles, or other militarized equipment it uses. In fact, even its use of force policy is not visible on its public site. In response to our request for use policies for Pentagon-issued rifles and MRAP vehicles, LAPD pointed us to a link to a department search page, which does not yield results from searches for keywords such as “rifle,” “armored” or “policy manual.”

These findings underline the importance of AB 481’s mandate for use policies, since agencies across the state have acquired and used military equipment with no policy, much less a policy reflecting community desires, to determine when it is acceptable to use, and when it is not acceptable.

Lexipol has created a template for police and sheriff departments to meet their AB 481 obligations. The Lexipol template combines all guidance on authorized use, purpose, procedures, training for all types of military equipment into one, greatly reducing policy for the use of weapons such as less lethal munitions, assault rifles, and armored vehicles. Many departments already have extensive policies for “less lethal” equipment, but if the military equipment policy does not reference them, policies could become even more vague and less instructive.

## Compliance with the use policy requirement of AB 481

AB 481 requires law enforcement agencies to obtain approval of use policies for the acquisition of new equipment and for equipment acquired before 2022. The law defines a use policy as “a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency.”

A use policy includes seven points for each type of equipment:

1. **product information and quantity**
2. **purposes and authorized uses**
3. **fiscal impacts**
4. **rules governing use**
5. **training required to ensure protection of safety and civil rights**
6. **policy compliance mechanisms and oversight authority**
7. **procedures for registering complaints or concerns.**<sup>55</sup>

In addition, AB 481 requires police and sheriff departments to publish annual reports on the use of each type of approved military equipment, the purposes of use, followed by a community meeting. Use policies should define procedures for documenting use of equipment so that the department will be able to compile a meaningful annual report. A few departments include procedures to document use of equipment, but most do not.

Because AB 481 requires adoption of use policies for other law enforcement jurisdictions operating in a jurisdiction, including county sheriffs or California Highway Patrol, use policies should also state that these policies apply to all visiting law enforcement agencies. Lexipol’s AB 481 policy template, however, says that “the assisting agency will be expected to adhere to their respective policies.”<sup>56</sup> This is likely to expose communities with policies that restrict the use of military equipment to deployments by more militarized law enforcement agencies.

We analyzed use policies created specifically to comply with AB 481 from six of the first jurisdictions to publish policies in early 2022.<sup>57</sup> Of those six, three clearly used a Lexipol template. Marina PD’s policy consisted of a Lexipol template, with little information added pertaining to the specific jurisdiction. Two other jurisdictions appeared to be using a different common template, but there was no attribution for that template. Most of the policies quote AB 481 extensively, often in place of supplying information about the jurisdiction’s actual policy or practice.

**Los Angeles PD is one of the largest police departments in the country.. Yet LAPD does not publish a policy manual or use policies for patrol rifles, armored vehicles, or other militarized equipment it uses.**



Here is how these policies complied with the seven provisions of the law pertaining to the content of use policies.

**The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.**

This is a significant area of non-compliance. The policies examined tended to address this in one of three ways. Some responded with authorized users, rather than authorized uses, e.g. "armored vehicles shall only be used by officers trained in their deployment." Another approach, similar to Lexipol's patrol rifle policies, was to give some examples of authorized uses, with the statement "uses could include" or "but not limited to." This approach leaves open practically any use. San Diego PD took this approach in its policy, but also listed a few prohibited uses. This was the most restrictive policy we reviewed. But full compliance with this requirement would give a list of all acceptable uses, and should also list prohibited uses (e.g. when children are present).

**Description and fiscal impacts of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.**

Most jurisdictions we reviewed complied with these provisions by including inventories, product descriptions, capabilities, lifespan, and fiscal costs (including maintenance), of each type of military equipment they own. Inventories appeared to be comprehensive, although outsiders have no way of verifying this. No policy included the personnel costs of training with the equipment, which is likely to be more than any other cost.

**Legal and procedural rules governing authorized use.**

Some of the policies complied with this provision by quoting regulations pertaining to the use of each item. Some made reference to the chain of command and who in the department could authorize its use. Some jurisdictions did not address this question.

This section should incorporate provisions from AB 48, enacted in 2021, that prohibits use of tear gas and rubber bullets during most first amendment gatherings such as protests. Although several departments presented policies for tear gas, none of the initial policies we reviewed incorporated the new state restrictions.

**"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."**

**—AB481**

**Training.**

All of the policies examined were vague regarding required training to deploy military equipment. Most, including the Lexipol policies, merely stated that only officers who have been properly trained may use the equipment. One jurisdiction referenced its department training manual.

**Provisions for ensuring compliance with use policies were weak.**

Lexipol policies only quoted the law saying that the department must obtain approval from the governing body for this use policy, but none of those policies indicated who the governing body is. Some of the non-Lexipol policies specified the governing body, generally the City Council. Some described an auditing process, but these were all proposed to be conducted by internal police units. None of the policies indicated an independent agency that can investigate non-compliance, nor did any specify sanctions for violations. Use policies should ensure implementation of the law and use policies by incorporating provisions for a private right of action in response to violations.

**Complaint procedure.**

The Lexipol agencies' policies only cited the law's requirement for the agency to hold a community engagement meeting within 30 days of issuing any annual report. Other agencies' policies referred to the department's complaint procedure and specified an internal unit that would respond to the complaint, such as Internal Affairs.

**Other use policy issues: "Exigent circumstances."**

Police often appeal for the acquisition of military equipment for use in extreme circumstances or critical incidents, when danger is especially acute, not in ordinary policing. Use policies are meant to describe these circumstances. There is thus no reason to include a policy provision for officers to use military equipment in "exigent circumstances" as determined by the police chief. Such provisions remove any meaning from definitions of authorized use. Brisbane PD, which uses Lexipol, proposed that the Department may acquire, use or borrow military equipment without a policy in exigent circumstances—which are not defined—if the Chief of Police or his/her designee" so approves. \* AB 481 has no provision for using military equipment in exigent circumstances.

**Enforcement of policies.**

Ordinances approving the use of military equipment should include provisions for a private right of action in order to ensure the policies are truly implemented.

Student protesters in Oakland, California, shortly before police launched tear gas and rubber bullets at them, June 1, 2020.  
PHOTO: SASRGA HARTWANY



## TRANSPARENCY AND MILITARY EQUIPMENT

**Transparency of information is crucial to give communities insight into, and the ability to engage decisions about, what their local agencies are acquiring, what governs its use, how much it costs, how and when it's used, and what impacts result.**

Transparency can also occur through institutional processes such as budgeting and evaluation of policy. Ideally, it enables a flow of information that is accessible to the public: reliable, understandable, timely, truthful, current, and verifiable. It is essential to accountability: creating a safeguard to protect against improper use, and record keeping for investigations or reference.

Yet, as The Washington Post observed, "Local public safety budgets and reports rarely, if at all, mention how police departments and sheriff's offices obtain such equipment. That makes it very difficult for policymakers and taxpayers to hold informed and open debates about whether and what military-style equipment should be used for local public safety."<sup>26</sup>

The public also has a right to know the policies for using military equipment. Yet these policies are often unpublished, difficult to find, or even classified as secret. The San Diego PD, for example, has a policy for use of its BearCat armored vehicle and other SWAT weaponry, but the entire public version is redacted.<sup>27</sup>

Community and public officials in California have been in the dark about what military equipment law enforcement agencies operating in their jurisdictions have. There is a history of both secrecy and absence of information. Agencies often do not distinguish military from other supplies, in their purchasing, budgets, or incident reports, so police aren't conditioned to recognize their own militarization. AB181 and SB978 set public expectations for accountability and communication regarding militarized equipment and policies specifically, and will grant communities and elected officials transparency into police agency acquisition and deployment of militarized equipment. The limits on using the Public Records Act to create transparency of military equipment in policing, makes it imperative that city councils, county superintendents, and community advocates fully use the transparency provisions in these new laws.



## How did we research transparency? What did we learn?<sup>62</sup>

We made Public Records Act (PRA) requests for deployments and use policy data to 151 police agencies that had acquired armored vehicles or firearms through the federal 1033 program, and for purchase and deployment data to 131 police agencies. See the Methodology section for agency selection criteria, and Appendix C for texts of records requests.

The PRA was enacted in 1968 and requires California government agencies to provide access to records, and includes exemptions for law enforcement. “Records of complaints, investigations, intelligence records, security procedures and other documents of law enforcement agencies are exempted from disclosure.” The law requires a response within 10 days, and grants agencies the ability to request a 14-day exemption.

Agencies respond to PRA requests in several possible ways: with the requested information, “No responsive records,” or a denial of the request. Agencies are not required to create new documents to answer a request, so when agencies do not document a deployment or acquisition, they only must produce the documentation that is available. For example, Del Norte CSO did not keep purchase or deployment records, and had experienced nearly complete staff turnover. The agency therefore planned to issue a “No responsive records” response. Clayton PD provided the fastest “fully responsive” response to the request for purchases and deployments data. Its response to all requests was “no responsive records.”

Our research found that while over 80% of agencies eventually responded to the requests, only 10% responded to militarized equipment purchase and deployment PRA requests within 10 days. Out of those 13 within-10-day responses on deployments, eight had no responsive records to provide. The requests for records of deployments of militarized equipment acquired through the 1033 program had slightly better rates: 21% of 151 agencies responded within 10 days. Out of those 31 agencies, 21 had no responsive records to provide concerning deployments. Our data raises serious questions about California agencies’ abilities to provide data to communities, including to elected city and county officials.

Some types of information are more readily available than others. Agencies were slightly more willing to disclose information about purchases of militarized equipment than how that equipment was used in the community. 20% of agencies did not provide a response to our request for deployment data, compared with 12% of agencies for purchase data. Some responses to public records requests raise more questions. More than four months after receiving a PRA request for records of deployment of “less lethal” munitions and launchers, San Bernardino PD responded that they had no responsive records to this request. Yet, San Bernardino PD purchased more than \$25,000 worth of “gas and less-lethal” munitions in October 2020 and over \$27,000 worth of “PepperBall” munitions between August and October 2020.<sup>63</sup> If San Bernardino PD never used such munitions during a nearly two-year period, why did the Department purchase more than \$52,000 worth of it?

### “An imbalance in access to information is an imbalance of power.”

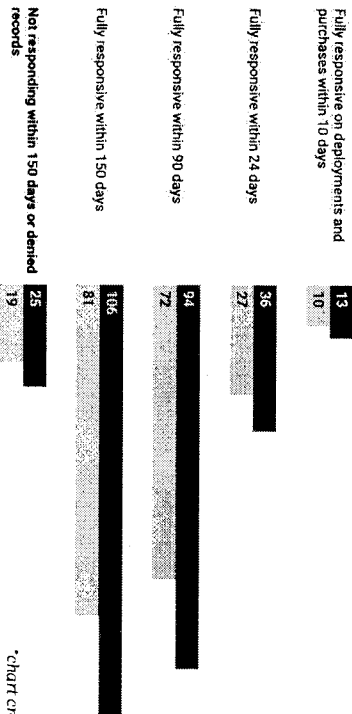
—Electronic Frontier Foundation<sup>64</sup>

#### DATA

### Agency responsiveness to public record requests

(for purchase and deployment records)

■ Count ■ Percentage of total agencies (out of 131 agencies)



\*Chart created with Datawrapper

Our research reinforces the need for AB481 and SB978: there are many basic questions about police militarization that are unlikely to be answered through PRA requests. How much public funds are spent on militarized equipment? What use policies are in place that authorize or prohibit specific types of military equipment? What is the impact of militarized equipment on communities? State legislation now requires law enforcement agencies to publicly respond to these questions.

## Challenges to communities seeking answers

Based on our experience with more than 300 PRA requests, community members (and elected officials) who inquire about militarized equipment may experience the following issues:

1. Does the submitted request get correctly directed to the relevant personnel?
2. Does the agency require guidance or negotiation?
3. Will the response be timely?
4. Will the response be useful?
5. Does the submitted request get correctly directed to the relevant personnel?

### Does the submitted request get correctly directed to the relevant personnel?

Several agencies struggled with directing our PRA request to relevant personnel or in empowering that personnel with the authority to fulfill the request. For instance, San Francisco PD responded to phone calls regarding the PRA request by transferring the caller back and forth multiple times between Media Relations and Legal, and only acknowledged receipt of the request when an email describing the interaction was sent to several city officials and the police chief. After five months, SFPD has yet to provide either the requested documents or further acknowledgements.<sup>44</sup>

Some agencies complained of lack of staff. Tehama CSO explained that they have no records staff, so dispatch responds to PRA requests between calls. Their preferred manner of communication is by fax. Several agencies reported inability to find answers without support from officers in different units.

### Does the agency claim that records are exempt from release?

Eleven agencies denied the request for deployment records, many based on the exemption in the Public Records Act for law enforcement investigatory records, including Gardena PD; Riverside and Marin CSOs. Several agencies denied the request based on a claim that the burden to search for and review those records is too great to fulfill. While we were sometimes able to coax agencies to fulfill a modified request, this persistence may be more than even a dedicated community member can take on.

### Will the response be timely?

A few agencies, including Montebello PD and UC Berkeley PD, took more than 3 months to report they had no responsive records for equipment purchases. 24 agencies had not responded within five months, including large departments in San Francisco, Sacramento, Oakland, Palo Alto, Antioch, and Long Beach, and sheriff's offices in Alameda, Fresno, and Los Angeles Counties.

### Will the response be useful?

Agencies are not required to create new documents to respond to a PRA request, and may choose to redact information they provide. This can limit transparency around the acquisition and use of militarized equipment. For example, Livermore PD provided redacted receipts only.

Some agencies also struggled with accessing information provided by their own department. A large number of law enforcement agencies replied to our PRA request for use policies saying they didn't have a use policy, but out of these agencies, many in fact had policies available on their agency website.

All responding agencies reported no records of complaints related to use of MRARs or rifles acquired through the 1033 program. This may be a result of people not knowing how to file, fear of making a formal complaint, or complaints that focus on police behaviors, which do not log the military equipment involved.

Inyo PD

**“Our records destruction policy specifies we only keep financial records for two years.”**

Calaveras Co. Sheriff's office

**“We do not keep purchase records in a format that is searchable by specific terms”**

Inglewood PD

**“Our staff doesn't document deployments”**

Bell PD

**“We don't keep records of deployment of less lethal immunized”**

## How is there such a lack of transparency?

The very lack of transparency makes it hard to evaluate why agencies do not adequately respond to PRA requests, so we can only offer conjecture. Perhaps agencies are not expected to keep organized records; we did see some anecdotal correlation between agencies with organized record-keeping and useful responsiveness to our requests. We also noticed that several agencies shared that they don't track militarized equipment separately from any other equipment. It may be that deeply ingrained agency mindsets that view these weapons as “compliance tools” lead to a level of casualness in documentation. Finally, some agencies don't dedicate sufficient staff to respond to PRA requests.

## Recommendations for transparency

PRA requests are limited in shining a light on police practices, as recently highlighted by our experience with over 300 PRA requests. Our experience was not unique. Numerous media organizations investigating police misconduct formed The California Reporting Project and had to sue police agencies to obtain misconduct records authorized for release under SB 1421. Their investigations revealed agencies' tendency toward secrecy, resisting disclosure, and in some cases destroying records.<sup>45</sup>

If elected officials hold agencies accountable to implementing it, AB 481 will set new standards for transparency around agencies' use of militarized equipment. A best practice for agencies that use militarized equipment is to regularly publish thorough, detailed information about deployment in the community. The Oakland Police Department, for example, publishes a monthly list of deployments of its BearCat armored vehicle.<sup>46</sup> This was made possible through a community that called on city officials to be accountable for greater transparency, and officials that responded to these calls.



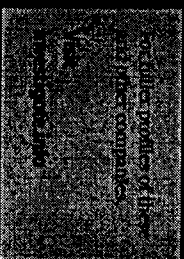


## COMPANY INTERESTS IN POLICE MILITARIZATION

The data we collected sheds light on connections between local police departments and the companies that provide them with militarized weapons and equipment. These include Lexipol, the company that provides police departments with police manuals, manufacturers of the BearCat armored vehicle, firearms and less-lethal weapons, and regional distributors.

The next few pages include short profiles of some companies that showed up most frequently in the data. Most of the companies identified in our data are part among the world's largest weapon manufacturers, many of which have been expanding into the "homeland security" industry.

While these larger military companies offer weapons and technologies that are less useful for or beyond the financial reach of local law enforcement, other smaller companies have entered the niche market of police militarization.



## Lexipol LLC

Lexipol LLC is a privately-owned company headquartered in Frisco, Texas, was founded in 2003 in Southern California by former police officers turned lawyers Gordon Graham and Bruce Praet. Lexipol is owned by Chicago-based private equity firm GTCR LLC, which acquired it in 2021 from The Riverside Company.<sup>67</sup>

Lexipol specializes in developing “legally sound defensible policies” for police departments, as well as fire and other public safety agencies.<sup>68</sup> The company offers more than 170 state-specific policing policies, including on use of force, “biased-based policing,” and “public recording of law enforcement activity.”<sup>69</sup>

Lexipol’s policies prioritize police discretion over public safety by deliberately using vague language that allows police officers maximum flexibility.<sup>70</sup> It never claims that its policies improve public safety. Instead, they aim to reduce legal liability and financial risk for police departments.<sup>71</sup> Company co-founder Praet has trained officers to clean up blood of injured civilians so that they appear less injured in photos that might later be used at trial.<sup>72</sup>

Lexipol’s off-the-shelf policies have become widely used, making it “the single most influential provider of police policy nationwide.”<sup>73</sup> Its clients include some 8,000 agencies in at least 35 states.<sup>74</sup> In California, the company claimed to serve 95% of police agencies in 2012, and a 2021 survey found they are used by at least 379 California law enforcement agencies.<sup>75</sup>

Lexipol does not see police violence as a problem and has consistently promoted a militarized model of policing.<sup>76</sup> Its use-of-force policies have been connected<sup>77</sup> to several high-profile police shootings of Black men in the U.S.<sup>78</sup> Lexipol publicly advocates against legislation aimed at limiting police discretion and has worked behind the scenes to water down such bills.<sup>79</sup>

Lexipol policies have also exacerbated<sup>80</sup> the jailing and deportation of immigrants by U.S. Immigration authorities, urging local law enforcement agencies to illegally enforce federal Immigration law.<sup>81</sup>

## Lenco Industries Inc: Makers of the BearCat armored vehicle

Lenco Industries (Lenco Armored Vehicles) is a privately-owned armored vehicle manufacturer based in Pittsfield, Massachusetts. Founded by Leon and Rosemary Wright in 1981, the company markets its vehicles to military, law and immigration enforcement, border control, and emergency and rescue response agencies.<sup>82</sup>

Lenco’s first product was the BEAR, an armored vehicle designed for and primarily used by military forces.<sup>83</sup> After seeing demand for similar vehicles by police departments, the company released the Lenco BearCat<sup>84</sup> (Ballistic Engineered Armored Response Counter Attack Truck) in 2001, which has been used by military and law enforcement in 40 countries. Built on a Ford F-550 truck base, the BearCat can be customized with features



such as rear gas deployment nozzles and battering ram attachments.<sup>85</sup> Our research shows that at least 12 California police departments purchased Lenco vehicles from 2015 to 2021. Lenco’s total revenue from the police departments that responded to our public records request reaches \$3.6 million, making it the top earning company in our dataset. Five additional police departments purchased BearCats from the Department of Defense. Media reports reveal 23 additional police departments across California that use BearCats.<sup>86</sup> Lenco produces eight BearCat models, and some police departments have several vehicle types; for example, the Los Angeles Sheriff’s Department (LASD) Special Enforcement Bureau has 10 BearCats of various models.<sup>87</sup>

Armored vehicles such as the BearCat represent the increasing militarization of the police—after the murder of George Floyd by Minneapolis police, at least 29 armored vehicles were deployed at protests across the nation.<sup>88</sup> In 2014, police deployed BearCat vehicles at protests in Ferguson, Missouri, leading to calls for police demilitarization. Local communities in California such as Oaker City and Oakland continue to challenge the acquisition and use of Lenco vehicles.<sup>89</sup>

## Genasys Inc / LRAD

Genasys Inc, formerly the Long Range Acoustic Device (LRAD) Corporation, is a San Diego-based publicly-traded company that develops acoustic hailing devices and public safety warning systems. The company reported having 148 employees and \$47 million in revenue during 2021.<sup>90</sup> The LRAD sonic weapon, a.k.a. “sound cannon,” was developed for military use and can broadcast high-pitched tones from a long distance.<sup>91</sup> Genasys markets this system to law enforcement as an alternative to megaphones and other public address systems.<sup>92</sup> In addition to amplifying speech, police can utilize the LRADs alarm mode, which emits a high-frequency deterrent tone that can be targeted at a specific location.<sup>93</sup>

While it is non-lethal, exposure to the LRAD’s alarm mode can cause painful sound injury symptoms,<sup>94</sup> symptoms of post-traumatic stress disorder<sup>95</sup>, and even permanent hearing loss.<sup>96</sup> Multiple cities have faced lawsuits stemming from injuries caused by police officers’ use of LRADs. In 2017, a Manhattan District Judge ruled that the use of an LRAD could be considered “excessive force.”<sup>97</sup>

Genasys claims that its LRAD systems are used in more than 100 countries and 500 U.S. cities, as of 2022.<sup>98</sup> LRADs are also used by the U.S. military,<sup>99</sup> Immigration and Customs Enforcement (ICE),<sup>100</sup> and Customs and Border Protection (CBP).<sup>101</sup> Five of the California law enforcement agencies that responded to our public records requests have spent an aggregate \$78,264 on purchasing LRADs and related accessories. The most commonly purchased model is the LRAD 100X, which is lightweight and portable.<sup>102</sup>

LRAD systems are routinely deployed by U.S. police as “crowd control” weapons against protestors. They were first documented used against protestors in the U.S. during the 2009 G20 protests in Pittsburgh,<sup>103</sup> and were later deployed in 2011 against Occupy movement

**After the murder of George Floyd by Minneapolis police, at least 29 armored vehicles were deployed at protests across the nation. Local communities continue to challenge the acquisition and use of Lenco vehicles.**



protesters in Oakland<sup>104</sup> and New York<sup>105</sup>; at Standing Rock<sup>106</sup> in 2016; in Washington, D.C. during the 2017 Women's March<sup>107</sup>; and at countless Black Lives Matter protests.<sup>108</sup>

## Colt's Manufacturing Company / Česká Zbrojovka

Colt's Manufacturing Company, LLC is a privately-held firearms manufacturer based in Hartford, Connecticut. Founded in 1855 to supply guns to the U.S. Army, it is one of the world's oldest and most recognizable gun makers for the military, law enforcement, and commercial markets. In 2021, Colt was acquired by Česká Zbrojovka Group SE (CZG), a Czech firearms manufacturer that is traded on the Prague Stock Exchange.<sup>109</sup> The combined company is expected to generate more than \$500 million in annual revenue.<sup>110</sup>

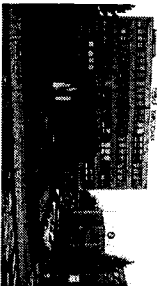
Colt manufactures and sells a wide range of small firearms, including a line of fully-automatic M16 and M4 military assault rifles and the semi-automatic AR-15 version. Colt's larger clients are militaries around the world, including the U.S. military, as well as U.S. Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE). Colt markets the same military-style rifles for law enforcement use, including its 9mm submachine gun, which Colt says is "exceptionally well suited for military, paramilitary, and Law Enforcement organizations."<sup>111</sup>

Colt leads the list of firearm manufacturers, alongside Glock, Remington, Sig Sauer, and Smith & Wesson. Of the California law enforcement agencies that responded to our public records requests,<sup>37</sup> have purchased Colt firearms or training courses between 2015-2021, for a combined \$2.16 million. The most popular Colt weapons among California law enforcement are military-style fully-automatic assault rifles of the M4 series. They were purchased mainly through distributors such as Adamson Police Products and LC Action Police Supply.

Colt weapons have been connected to increased police militarization at protests and to related police killings. For example, in California, the Vallejo police officer who killed unarmed Sean Monterrosa at a 2020 Black Lives Matter protest used a Colt M4 Commando.<sup>112</sup> In New York City, the NYPD Strategic Response Group, a heavily militarized rapid-response unit also known as NYPD's "goon squad," arms its several hundred officers with M4 rifles and has deployed them at racial justice protests.<sup>113</sup>

## United Tactical Systems / PepperBall Technologies

United Tactical Systems LLC (UTS) is a privately-owned company headquartered in Lake Forest, Illinois, most known for making the PepperBall brand of "less-lethal" weapons. PepperBalls are small plastic spheres that can be shot from "military-style"<sup>114</sup> launchers and that burst upon impact, releasing a pepper-derived irritant powder. Owned by Ron Johnson, UTS employs 120 people and generates an estimated \$11.84 million in annual sales.<sup>115</sup>



Česká zbrojovka factory in Uherský Brod  
Photo: Adam Zimer/Wikicommons



Assault rifle SA vz. 58  
Photo: ken Hindonko/Wikicommons



PepperBall weapons are used by militaries, law enforcement, prisons, private security companies, and the general public. Its military clients include the U.S. Army and Navy,<sup>116</sup> as well as the Israeli military, which has used PepperBalls against Palestinian civilians in the occupied West Bank.<sup>117</sup> It has also been used by police officers against protesters in Australia, Hong Kong, India, Malaysia, and Turkey.<sup>118</sup> U.S. Customs and Border Protection (CBP) bought PepperBall weapons worth \$5.9 million since 2006, almost half of it during 2019-2021.<sup>119</sup>

Police departments in the United States routinely use PepperBall against crowds, protesters, and bystanders. Notable deployments include use against Occupy protesters at UC Davis and in Denver in 2011 and 2012, respectively;<sup>120</sup> at anti-Trump protesters in Phoenix, Arizona<sup>121</sup> in 2017; and at protesters, legal observers, and journalists during Black Lives Matter protests in Dallas<sup>122</sup> Denver,<sup>123</sup> Omaha,<sup>124</sup> and other cities across the U.S. in 2020.

In California, at least 24 law enforcement agencies that responded to our public records requests spent a combined \$254,057 on PepperBall projectiles, launchers, and other equipment, either directly from UTS or from distributors such as Adamson Police Products and LC Action Supply.

While UTS markets its weapons as safe and "non-lethal," PepperBalls have caused at least two documented deaths: in a 2004 case in Boston<sup>125</sup> and a 2016 case in New Mexico.<sup>126</sup> In other cases, it has caused permanent eye damage, as in a 2004 incident at UC Davis,<sup>127</sup> and severe skin injuries.<sup>128</sup> Multiple cities have faced lawsuits stemming from injuries caused by police officers' use of PepperBalls.<sup>129</sup>

## Defense Technology / Safariland

Defense Technology is a privately-owned manufacturer of less-lethal weapons based in Casper, Wyoming. It is mostly known as one of largest manufacturers of chemical weapons (tear gas), which it markets to militaries, law enforcement, and prisons.<sup>130</sup> Its tear gas grenades, which were developed<sup>131</sup>—and later banned<sup>132</sup>—for military use, have been deployed by the Israeli military in the occupied Palestinian territory;<sup>133</sup> by Egyptian and Bahraini authorities during the 2011 Arab awakening;<sup>134</sup> by the Mexican Police in Oaxaca,<sup>135</sup> as well as in Tunisia, Turkey, Venezuela, and Yemen.<sup>136</sup>

Police departments across the U.S. have also used Defense Technology's weapons against protesters. This includes, for example, Occupy Oakland in 2011,<sup>137</sup> Ferguson, Missouri in 2014,<sup>138</sup> and Standing Rock in 2016. At least 100 police departments used tear gas during the 2020 Black Lives Matter protests following George Floyd's murder; many of them made by made by Defense Technology.<sup>139</sup> In 2018, Customs and Border Protection (CBP) agents were documented firing Defense Technology weapons at migrants trying to cross the U.S.-Mexico border.<sup>140</sup>

This border incident led to a campaign against Safariland, the parent company of Defense Technology at the time, and Warren Kandert, Safariland's CEO and majority owner. In 2019, Kandert resigned from his role on the board of the Whitney Museum of Art in New York City, following months of protests and an artist boycott.<sup>141</sup> A year later, Safariland announced it would sell Defense Technology within a few months, but



PepperBall shots fired at a wall during 2020 protest, Omaha, Nebraska  
Photo: Shelby L. Bell/Wikicommons



DEFENSE TECHNOLOGY®



the two companies are still inextricably linked.<sup>152</sup>

In California, at least 43 of the law enforcement agencies that responded to our public records requests have purchased either Safariland or Defense Technology equipment between 2015-2021.<sup>153</sup> The vast majority of purchases recorded in our dataset were of Defense Technology less-lethal weapons, for a total of some \$644,000, including 40mm launchers, munitions, and grenades. Most of the purchases were made through distributors such as Adamson Police Products, AARDVARK Tactical, and LC Action Police Supply while a minority were made through Safariland itself.

## Combined Systems Inc / Combined Tactical Systems

Combined Systems Inc (CSI), a privately held company based in Jamestown, PA, manufactures less-lethal weapons for military and police use under the brand name Combined Tactical Systems (CTS). Founded by Michael Brunm and Jacob Kavel in 1981, CSI had 250 employees and generated \$150 million in revenue in 2018.<sup>154</sup> Since 2005, it is owned by private equity firm Point Lookout Capital Partners, which later also acquired the producer of launchers, Penn Arms, and added it to CSI.

CSI products include tear gas and smoke grenades, smoke and foam projectiles, flares, gun launchers, and rubber batons. Its tear gas is routinely used by the Israeli military and police against Palestinian civilians in the occupied Palestinian territory.<sup>155</sup> The Egyptian police use CSI tear gas against pro-democracy protesters during the 2011 uprising.<sup>156</sup> CSI tear gas has also been reportedly used in at least 14 other countries.

In the United States, police widely use CSI products for crowd control during protests. At least 100 police departments used tear gas during the 2020 Black Lives Matter protests following George Floyd's murder, many of them made by CSI.<sup>157</sup> They were also used in 2014 against protestors in Ferguson, Missouri.<sup>158</sup> Though the products are categorized as "less-lethal," a 2016 study linked such weapons to dozens of deaths.<sup>159</sup>

The California police departments that responded to our records requests spent at least \$607,000 on CSI products during 2015-2021. These products include tear gas canisters, rubber and foam batons, glass breaker projectiles, flashbangs, sting balls, other grenades, bean bags, sponge rounds, and launchers for these weapons, with grenades (including flashbangs and sting balls) being the product most frequently purchased. According to our data, LC Police Action supplied more than 370 of the 408 orders for CSI products.

## AARDVARK Tactical, Inc

AARDVARK Tactical is a privately-owned distributor of tactical weapons and equipment headquartered in La Verne, California. It was founded in 1987 by Jon Becker, who owns it with his spouse Melissa Becker. As of 2022, the company reportedly employed 23 people and generated an estimated \$6.2 million in annual sales.<sup>160</sup>



AARDVARK's primary client is the U.S. military, which buys crowd control weapons, TASERS,<sup>161</sup> chemical munitions, ballistic body armor and other equipment from the company. In 2014 Aardvark supplied crowd control and detention equipment worth \$1 million to the Guantanamo Bay detention camp.<sup>162</sup> AARDVARK is also one of the main suppliers of TASERS to U.S. Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE).

In 2015, AARDVARK pivoted to cater more to law enforcement.<sup>163</sup> According to company CEO Jon Becker, the company makes little distinction between police officers "in Los Angeles serving a warrant" and military operators in "Afghanistan hunting the Taliban."<sup>164</sup> It added to its product line policing-specific products, hired more law enforcement-adjacent staff, and started aggressively marketing to police departments.<sup>165</sup> It started hosting its own annual SWAT competition for law enforcement, with handgun trainings on speed shooting, shooting on the move, and sniper shooting; demos on impact munitions; military-style obstacle courses; and other combat lessons.<sup>166</sup>

AARDVARK primarily equips police departments with less-lethal weapons, such as the Gemags LRAD sound cannon and Defense Technology munitions. AARDVARK sells these to law enforcement agencies in at least 12 states.<sup>167</sup> 17 law enforcement agencies that responded to our records request have purchased from AARDVARK. Popular purchases included, for example, military-style smoke grenades, 40mm projectiles and tactical projectile launchers, rubber-coated bullets, and body armor.

AARDVARK also sells surveillance tools, including drones. In 2021, it became the exclusive North American distributor of the LOKI MK2 Tactical drone made by Sky-Hero.<sup>168</sup> These drones are designed to operate in confined, indoor spaces, and can provide real-time video and audio feedback in complete darkness. They are intended primarily for "military use."<sup>169</sup>

## LC Action Police Supply Ltd

LC Action Police Supply is a privately-owned retailer that specializes in selling weapons and tactical equipment to police, headquartered in San Jose, California. It was founded in 1988 and is owned by Darzi and Kip Miller. LC Action sells primarily to police departments but also to the general public, both online and at its San Jose retail showroom.

The company carries semi automatic rifles, pistols, shotguns, and handguns produced by major firearms manufacturers, such as Colt, Glock, Ruger, and Smith & Wesson. It also sells a variety of less-lethal weapons and riot gear, including by CSI, Defense Technology/Safariland, and United Tactical Systems/Pepperball.

LC Action primarily contracts with state and local law enforcement agencies in California. Within the law enforcement agencies that responded to our public records request, 45 have purchased weapons and equipment from LC Action, for a total of \$2.4 million. This makes LC Action the second highest earning retail company in our dataset, after Lenco. LC Action has



Photo: jgfp image

also sold to police and prison agencies in Georgia<sup>160</sup> and Nevada<sup>162</sup>, as well as to the Army<sup>163</sup> and Bureau of Prisons.<sup>164</sup>

In addition to regular sales to law enforcement agencies, LC Action incentivizes police officers and departments to continuously upgrade their weapons. It allows police departments to trade in aging guns for newer models, and runs an annual "Glock day" sale, with special prices and food served at its showroom.<sup>165</sup>

## Adamson Police Products

Adamson Police Products is a privately-owned distributor of law enforcement equipment headquartered in Livermore, California. It was founded as Professional Police Supply Inc in 1980 by owner Jim Cunningham and has three brick-and-mortar retail locations: in Livermore and Los Alamitos, California and Frederick, Colorado. The company generates an estimated \$1.13 million in annual revenue.<sup>166</sup>

Adamson's catalog for police departments includes firearms, including military-grade rifles, ammunition, less-lethal weapons, "combat proven" robots, and thermal imaging tools. Adamson emphasizes the military use of its products. For example, on its website, Adamson markets the Sig Sauer M18 handgun as "chosen by the U.S. Marine Corps and the U.S. Military, now available to you for the first time."<sup>167</sup>

Of the 83 California law enforcement agencies in our purchases database, 42 have purchased weapons and equipment from Adamson, for a total amount of \$1.4 million. This makes Adamson the third highest earning company in our dataset, after Lenco and LC Action. Adamson has also provided equipment and uniforms to police and prison agencies in Colorado,<sup>168</sup> Montana,<sup>169</sup> Nevada,<sup>170</sup> and New Mexico.<sup>171</sup>

Sales to police departments have commonly included Colt, Daniel Defense, Sig Sauer, and Smith & Wesson firearms, as well as a wide range of less-lethal weapons, including by CSI, Defense Technology/Safariland, and United Tactical Systems/PepperBall.



# CONCLUSION

## Opportunities to press for demilitarization

Militarized policing in the United States has been constructed over a long period of time, and has become embedded in the thinking, budgets, institutional prerogatives of both law enforcement officers and many civilians. It is built on narratives of fear and racism, as well as history and culture that embraces the practices of war.

Deconstructing this militarization and creating community safety based on our needs will require persistence from many individuals, organizations, and communities.

New legislation in California offers tools for advocating for transparency and for taking the weapons of war out of our cities and towns. We hope this report is useful in that endeavor.

# RECOMMENDATIONS

## To California Attorney General Rob Bonta

We urge AG Bonta to publish guidance for cities and counties to implement AB 481 that states that use policies must clearly outline authorized and prohibited uses (not just users) for each type of military equipment.

## To City councils / County supervisors

We urge elected officials to heed widespread community calls for demilitarization and to reinvest resources used for militarized policing into community needs for mental health care, housing, drug treatment, health, employment, and reparations.

We recommend that city council members and county supervisors ask hard questions about proposed use policies for military equipment submitted to them. The questions in Appendix A of this report may serve as a guide.

## To community members and organizations

We encourage community members to:

- be vigilant regarding military equipment policies proposed in your communities
- support the voices of people impacted by militarization
- use advocacy tools to contest police militarization and use AB 481
- show up at public hearings considering proposed policies

## To journalists

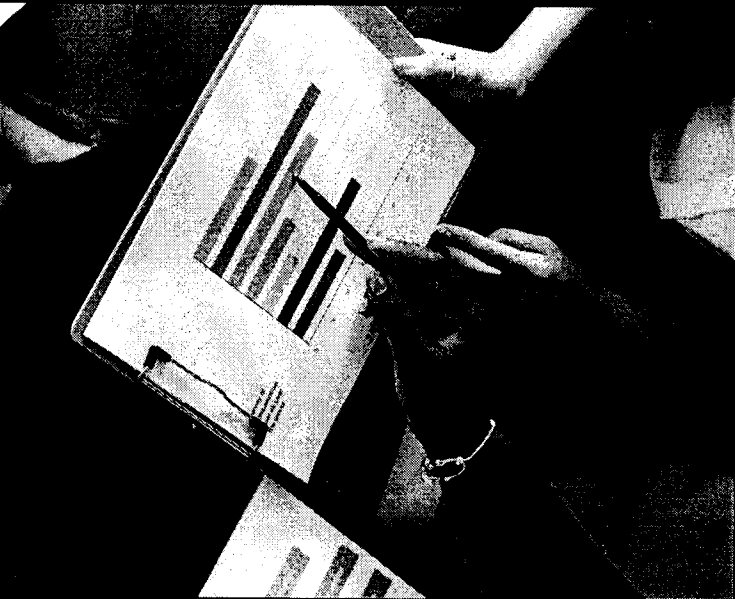
We urge journalists to pay critical attention to the information and policies for police uses of military equipment as a result of AB 481 and the information we have gathered for this report.

We urge journalists covering these issues to prioritize the perspectives and experiences of people impacted by militarization, who usually have fewer resources than law enforcement agencies for their narratives to be heard.

## To scholars and researchers

We urge scholars and researchers to use and build on the data and records we have collected for this report. Because much of this information has been in the shadows for so long, we believe datasets we have assembled can contribute to significant further inquiry and analysis.





## METHODOLOGY

This report draws on a range of public sources of information, including testimony, data, records, reports, and correspondence by military and law enforcement agencies, nongovernmental organizations, academic researchers, media, and people who have been directly impacted by military equipment used by police.

The Defense Logistics Agency publishes quarterly a database of equipment transferred to law enforcement agencies under the 1033 program. We drew on this database to identify California law enforcement agencies that acquired controlled equipment (armored vehicles, firearms and night vision equipment) through the program.

American Friends Service Committee (AFSC) submitted more than 300 Public Records Act requests to law enforcement agencies, using an online platform for submitting public records requests, AccessRock.com. We submitted requests in July and August 2021 to all 151 California law enforcement agencies that acquired armored vehicles or firearms through the 1033 program. We asked for information on their rationale for acquisition, use policies, records of usage, and complaints filed (see Appendix C).

AFSC made requests to 131 California law enforcement agencies in October and November 2021 for records of purchases and deployments of armored vehicles, assault rifles, “less-lethal” launchers and munitions (including teargas), and Long Range Acoustic Devices (LRADs). (See Appendix C.) We directed the requests to all 58 county sheriff offices in California, the 31 largest police departments, departments in cities of 25,000 or more with populations that are more than 15% Black or 75% Latino, Alameda County police departments, and agencies that used military equipment against protests in 2020, as documented in Amnesty International. For agencies that did not respond in a timely manner, we followed up with email inquiries and, in many cases, phone calls. We also submitted requests for records to California Office of Emergency Services, which administers law enforcement equipment grants through the federal Urban Areas Security Initiative (UASI) program, as well as to regional UASI authorities.

In response to these requests, we received nearly 2,000 documents from 172 agencies, including more than 750 documents with purchase and deployment records. A research team entered data from 90% of the purchase and deployment records into a database, and nearly two thirds of the data was manually verified by other members of the team. We also scored files and reviewed use policies for 154 law enforcement agencies.

# APPENDIX A

## Questions to ask law enforcement agencies about equipment and use policies

- Review the costs and quantities of equipment in the proposed use policy. Is the city or county getting expensive or large amounts of military equipment at the expense of unmet needs in the community (mental health services, school closures, housing)?
- Does the policy define authorized uses of the equipment—that is, in what situations it can be legally use—or only users who can use the equipment? AB 481 requires the policy to define authorized uses but some police agencies only propose what officers are authorized to use it.
- Does law enforcement propose to authorize use during First Amendment assemblies? What is the impact of deploying military equipment on the right to peaceful protest?
- Do any of the use policies name situations for authorized use but with language like “including but not limited to” these situations? If so, it has the effect of authorizing any use at all, since the situations are only examples.
- AB 48 (different from AB 481) limits police use of teargas and rubber bullets during protests.<sup>12</sup> Does the use policy fully incorporate those restrictions?
- Will pre-planned uses of equipment such as SWAT deployments be authorized when children or other vulnerable populations are present?
- For pre-planned uses of equipment, what alternatives will be considered? For example, for an arrest warrant, has arrest outside the home—where children and other uninvolved persons might be present—been considered?
- For pre-planned uses of equipment, what information will be gathered beforehand? Does that include not only information about risks to officers, but risks to community members, including trauma and property damage, from deployment of the equipment?
- Does the use policy govern when weapons or equipment are deployed, or only when force is used? AB 481 requires policy for when a weapon is used, not only for uses of force.
- If the use policy refers to another policy or general order, such as use of force or firearms policy, does the referenced policy describe authorized uses? Is the referenced policy on an accessible web page linked to the military equipment use policy?
- How will authorized uses distinguish between subjects who are unarmed, armed with a firearm, or with another object?

- Given how equipment deployment might be interpreted as aggressive, how will communication with mentally ill people or non-English speakers be conducted?

- Do the costs for the equipment include the costs of initial and ongoing training officers in its use? If not, how much does that training cost in personnel costs?

- Many departments record uses of force, but not deployment of military equipment. Since AB 481 requires an annual report on use of military equipment, how will the department ensure that such use is documented?

**Please refer to our Advocacy Toolkit for additional resources**

**VISIT**

**[afsc.org/resource/ab481-advocacy-toolkit](https://afsc.org/resource/ab481-advocacy-toolkit)**

# APPENDIX B

## Glossary

- CSO** - County Sheriff's Office
- DOD** - Department of Defense
- LEA** - Law Enforcement Agency
- MRAP** - Mine Resistant Ambush Protected (vehicle)
- PD** - Police Department
- PRA** - (California) Public Records Act
- USASJ** - Urban Areas Security Initiative

# APPENDIX C

## Public records requests

### 1. The following request for 1033 records was submitted to 151 California agencies

Pursuant to the California Public Records Act, I hereby request the following records:

Records of your agency related to the deployment and use of controlled equipment obtained through the 1033 Program of the Department of Defense, as set forth below:

According to records posted by the Defense Logistics Agency (<https://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/PublicInformation/>), your agency acquired controlled equipment through the 1033 program, as reflected in the attached spreadsheet, including firearms.

#### A. Requests for Records

**Records Request No. 1:** All Documents constituting, reflecting, relating to or that contain current use policies if any for each type of 1033-program controlled equipment, including situations or circumstances in which use is authorized or prohibited.

**Records Request No. 2:** Records that list the dates, locations, suspected offense(s) or rationale for operation, controlled equipment deployed, arrests, and uses of force for each deployment of 1033-program controlled equipment since July 1st, 2019, specifically: firearms, armored vehicles, and night vision equipment.

**Records Request No. 3:** All records of complaints regarding the use and impact of 1033-program controlled equipment, including correspondence, visual or audio-visual materials, and responses to complaints.

**Records Request No. 4:** Documents that constitute, reflect, relate to or that contain rationales or criteria for acquisition of 1033-program controlled equipment, prior to its acquisition.

#### B. Response Time

Please provide requested documents as they become available.

Please respond to this request in ten (10) days, either by providing the requested information or providing a written response setting forth the specific legal authority on which you rely in failing to disclose each requested record, or by specifying a date in the near future to respond to the request. See Cal. Gov't Code § 6255. Pursuant to section 6253, please disclose all reasonably segregable non-exempt information from any portions of records you claim are exempt from disclosure.

To assist with the prompt release of responsive material, we ask that you make records available to us as you locate them, rather than waiting until all responsive records have been collected and copied.

The American Friends Service Committee seeks this information as the requestor to promote and provide public access to these documents and increase civic engagement. Because this request is made on behalf of a nonprofit public interest organization, with the intent to make this material easily accessible to the public, we request that you waive any fees. In responding to this request, please keep in mind that Article 1, § 3(b)(2) of the California Constitution expressly requires you to broadly construe all provisions that further the public's right of access, and to apply any limitations on access as narrowly as possible.

### 2. The following request for purchase and deployment records was submitted to 131 California agencies:

Pursuant to the California Public Records Act, I hereby request the following records:

A. Purchase records, invoices, procurement documents and other documents sufficient to show any and all disbursement of public funds for the acquisition by your agency since July 1, 2015 of any of the following:

- Firearms of .50 caliber or greater
- Patrol rifles (as commonly denominated for law enforcement use) or assault rifles (as defined in Sections 30510 and 30515 of the California Penal Code)
- Wheeled vehicles that are built or modified to provide ballistic protection to their occupants, such as Bearcats or armored personnel carriers.



• Projectile launch platforms, such as 40mm projectile launchers, "bean bag" or specialty impact munition ("SIM") weapons, and "riot guns" used to disperse chemical agents

• Long-Range Acoustic Device (LRAD)

B. Purchase records, invoices, procurement documents and other documents sufficient to show any and all disbursement of public funds for the acquisition by your agency since July 1, 2018 of explosives and pyrotechnics, such as "flash bang" grenades and explosive breaching tools, and chemical weapons such as "teargas" and "pepper balls".

C. Records of deployment by your agency since January 1, 2020 of projectile launch platforms, such as 40mm projectile launchers, "bean bag" or specialty impact munition ("SIM") weapons, and "riot guns" used to disperse chemical agents; explosives and pyrotechnics, such as "flashbang" grenades and explosive breaching tools; and chemical weapons such as "teargas" and "pepper balls".

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically by e-mail attachment if available or CD-ROM if not.

If you would like to discuss this request, please feel free to reach out to me, John Lindsay-Poland, American Friends Service Committee, at 510-282-8983.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

## CREDITS

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L. Colombo

5/24/2022 Open Forum

May 24, 2022

Members of the El Dorado County Board of Supervisors:

I am aware an award regarding the Diamond Springs Village Apartments is soon to be presented.

This complex will bring approximately 240 residents. We are all unaware of the impact on schools and traffic. Affordable housing is needed and you are commended for attempting to fill the need.

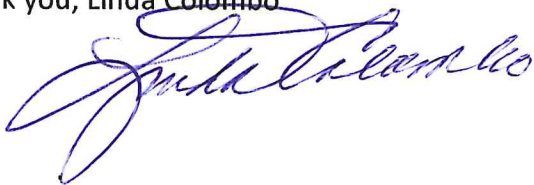
However, according to DOT the numbers indicate for every one dwelling unit there will be 1.8 vehicles. That could be 120 vehicles more or less. Not a problem until one looks into the other projects presently in the works for Diamond Springs ie; Dorado Oaks just down the street, between Fowler and Paterson, behind the present downtown area of Diamond Springs. This subdivision is scheduled to contain 382 medium to high density dwelling units.

Diamond Springs is a "Community at Risk" partly due to the potential fire danger coming up Martinez Creek Canyon. This canyon has many large parcels under the ownership of the Federal Government; BLM and BOR. The Feds are not inclined to sell these parcels nor are they inclined to clear them. There is minimal road access to the canyon between Tombstone Mt and Oakhill. There has not been a fire in the canyon for over 70 years. It is heavily overgrown and in direct line with the Dorado Oaks subdivision. Prevailing summer winds are set to push any fire and embers directly up the canyon. A great problem arises when the present established community plus any new development like Diamond Springs Village Apartments (120 vehicles ) and the Dorado Oaks folks with an additional 687 potential vehicles attempt to evacuate on narrow roads in a historic town.

Abandon the crisis situation of a fire and imagine the traffic congestion through this small historic town's major thoroughfare of Pleasant Valley on a daily basis. It is at a standstill as it now exists during commute and school times.

Please consider these thoughts when planning and approving any further large developments in Diamond Springs. Perhaps areas closer to the freeway or locations that do not severely impact the ambience of our historic towns and county would be worth considering.

Thank you, Linda Colombo





Dorado Oaks

May 4, 2022

Attached is a map of the Martinez Creek Canyon.

There are numerous properties owned by Bureau of Land management and Bureau of Reclamation

There has not been a fire in the canyon for 70 years other than a somewhat small fire on Tombstone Mt at the South end of Paterson Road. Since this area has not burned the fuel load is extremely heavy.

Logtown FSC has included the lower south end of the canyon in its area. There were two projects suggested in 2010 but were never completed. I have handed them off to the Forester in charge vegetation management.

Presently, the area does not have an updated Community Wildfire Protection Plan . Dorado Oaks is within the Diamond Springs/El Dorado 2011 CWPP and is designated a "Community at Risk"

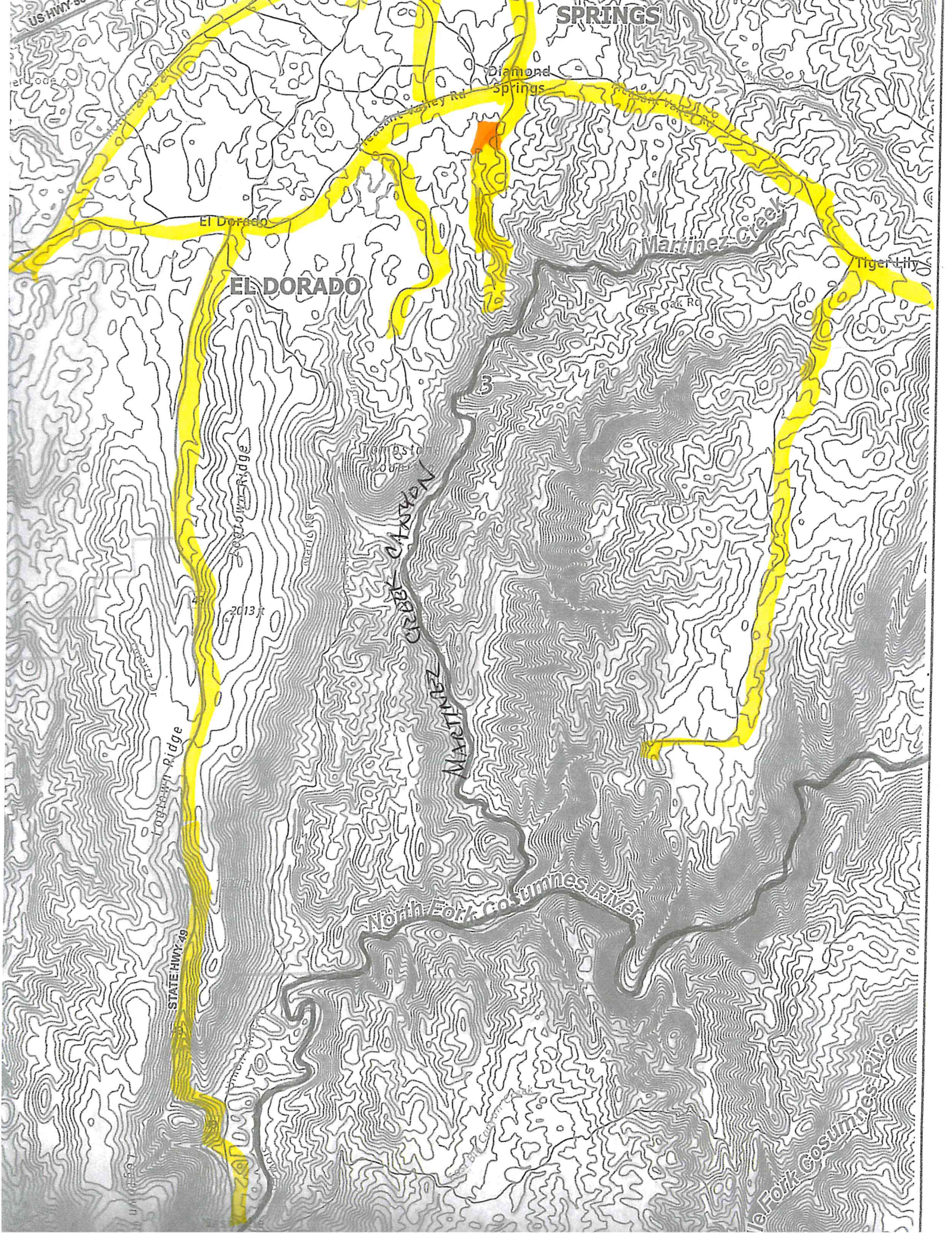
The EIR states 4.16-1 ....would not substantially impair an adopted response plan.

4.16-2...would not exacerbate wildfire risk due to slope, prevailing winds ....and thereby expose project occupants to pollutant ...etc

4.16-3...would not require installation or maintenance of associated infrastructure ( such as roads, fuel breaks, emergency water sources, power lines or other utilities...

4.16-4...implementation would not expose people or structures to sig risks as a result of flooding etc





US HWY 50

SPRINGS

EL DORADO

El Dorado

Diamond Springs

Martinez Creek

Tiger Lily

Loghorn Ridge

Scottown Ridge

North Fork Cosumnes River

Martinez Creek Canyon

Martinez

North Fork Cosumnes River

STATE HWY 49

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M. Lane 8/24/22 Open Forum

Melody Lane, Founder Compass2Truth

5-24-22 BOS Good Governance Hypocrisy

In 2009 Compass2Truth was founded upon the preamble to the Brown Act which states: *"The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created."* You can't escape the fact that El Dorado County is experiencing the radical abrogation of the authority of the Constitution and sovereignty of the people.

All actions by public officers conducted in the performance of their official duties either support and defend the national and state Constitutions, or oppose and violate them. When public officers take oaths, yet are ignorant of the constitutional positions to which they are bound by their oaths, and then fail to abide by them in the performance of their official duties, this suggests that they may have had no intention of ever honoring their oaths, and their signatures upon the oath documents constitute **fraud**. **Fraud vitiates any action.**

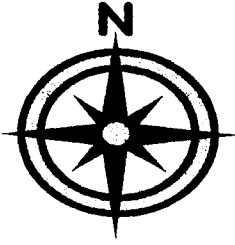
Comrade Parlin routinely demonstrates her dictatorial reign by gross disrespect for her oaths of office, the Brown Act, and the First Amendment rights of constituents. Citizens bringing their petitions before the BOS for redress of grievances are rudely cut off in mid sentence, and their inquiries left unanswered. Furthermore censorship is against the Good Governance policy and the Core Values of **Integrity, Accountability and Service Excellence**.

Another case in point is Lori's refusal to address the fraudulent **Coloma Lotus Advisory Committee** meetings and routine violations of the law. But she isn't the only official who discriminates and refuses to provide public services. Don Ashton, Sheriff D'Agostini, Todd White, George Turnboo, Rafael Martinez, Kim Dawson, Tonya Digiorno, Tiffany Schmid, Vickie Sanders and other staff have been given a directive by County Counsel not to respond to PRAs and citizen petitions for redress of grievances. *U.S. v. Tweel* states, *"Silence can only be equated with **fraud** where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading."*

Don't forget who you work for. When public officers violate the Constitutions as an apparent custom, practice and policy, you subvert the authority, mandates and protection of the Constitution thereby act as domestic enemies to the Republic and the people. When large numbers of public officers so act, this reduces America, California, and El Dorado County to the status of frauds operating for the benefit of governments and their corporate allies, and not for the people they theoretically serve. Read that as government corruption.

1) 5/19/22 HR Carruesco/Todd White affidavit 2) Brown Act Rights of Public





# Compass2Truth

*Citizens for Constitutional Liberty*

P.O. Box 598  
Coloma, CA 95613

May 19, 2022

Joseph Carruesco, HR Director  
El Dorado County  
330 Fair Lane  
Placerville, CA 95667

RE: Todd White

Dear Ms. Carruesco,

Enclosed you will find the most recent affidavit addressed to EDC employee, Todd White. Please be advised that notification of legal responsibility is the first essential of due process of law, and an un rebutted affidavit stands as truth before any court of law in America.

It is significant that prior to retiring I worked for several Capitol legislators, most notably Barbara Alby, the author of California's Megan's Law. I am also a third generation evangelical still actively involved in Capitol ministries. Todd's vulgarity, perpetual discrimination, violations of his oaths of office, and other unlawful conduct described in the enclosed affidavit reflects poorly upon El Dorado County, the Taxpayers Association, Big Brothers/Big Sisters, the Republican Central Committee and Park Community Church where Todd claims to be a deacon.

Todd is a public servant whose salary is paid via my taxes, but it is evident he has no intention of providing me with public services. Supervisor Turnboo is complicit in aiding and abetting Mr. White's unlawful conduct, and since there has been no acknowledgement from staff to take disciplinary action, including termination, then it is reasonable to deduce that the County has taken a position to condone and/or shield Todd from the consequences of his unlawful conduct. Furthermore it is inconsistent with the EDC Good Governance policy and Core Values of **integrity, accountability and service excellence.**

You are aware of the myriad federal and state laws requiring HR to maintain certain records regarding employees. Under SB 807, California law requires that documented complaints, such as this, be investigated and retained in the employee's personnel file for a minimum of four years. In the event of a lawsuit, an employer may be required to produce these records. Failure to do so can lead to fines and other adverse actions.

Sincerely,



**Melody Lane**

Founder – **Compass2Truth**

Enclosure

# CALIFORNIA BROWN ACT

## PREAMBLE:

"The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created."

## CHAPTER V.

### RIGHTS OF THE PUBLIC

§54954.3 Public's right to testify at meetings. (c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law. Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body. As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body.

Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that policies that prohibited members of the public from criticizing school district employees were unconstitutional. (*Leventhal v. Vista Unified School Dist.* (1997) 973 F. Supp. 951; *Baca v. Moreno Valley Unified School Dist.* (1996) 936 F. Supp. 719.) These decisions found that prohibiting critical comments was a form of viewpoint discrimination and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialog.

54954.2 E (3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3.

Where a member of the public raises an issue which has not yet come before the legislative body, the item may be briefly discussed but no action may be taken at that meeting. The purpose of the discussion is to permit a member of the public to raise an issue or problem with the legislative body or to permit the legislative body to provide information to the public, provide direction to its staff, or schedule the matter for a future meeting. (§ 54954.2(a).)





Kim Dawson <kim.dawson@edcgov.us>

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## 5/24/22 BOS Open Forum Public Comments

1 message

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Melody Lane <melody.lane@reagan.com>

Tue, May 24, 2022 at 3:58 PM

To: Kim Dawson <Kim.Dawson@edcgov.us>, edc.cob@edcgov.us, lori.parlin@edcgov.us  
Cc: george.turnboo@edcgov.us, wendy.thomas@edcgov.us, john.hidahl@edcgov.us, sue.novasel@edcgov.us, todd.white@edcgov.us, Donald Ashton <don.ashton@edcgov.us>, Vickie Sanders <vickie.sanders@edcgov.us>, rafael.martinez@edcgov.us, Tonya Digiorno <tonya.digiorno@edcgov.us>, Tiffany Schmid <Tiffany.Schmid@edcgov.us>, Sheriff D'Agostini <john.dagostini@edso.org>, david.livingston@edcgov.us, Richard Esposito <resposito@mtdemocrat.net>, Noel Stack <nstack@mtdemocrat.net>, Eric Jaramishian <eric@mtdemocrat.com>, bosfive@edcgov.us, bosfour <bosfour@edcgov.us>, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us

Please ensure the entirety of this correspondence, including attachments, are entered into the public record for the 5/24/22 Open Forum Public Comments.

For the record, Lori Parlin again violated the Brown Act and First Amendment Rights of **Linda Colombo** and **Dave Hardey** during today's Open Forum.

###

In 2009 Compass2Truth was founded upon the preamble to the Brown Act which states: *"The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created."* You can't escape the fact that El Dorado County is experiencing the radical abrogation of the authority of the Constitution and sovereignty of the people.

All actions by public officers conducted in the performance of their official duties either support and defend the national and state Constitutions, or oppose and violate them. When public officers take oaths, yet are ignorant of the constitutional positions to which they are bound by their oaths, and then fail to abide by them in the performance of their official duties, this suggests that they may have had no intention of ever honoring their oaths, and their signatures upon the oath documents constitute **fraud. Fraud vitiates any action.**

Comrade Parlin routinely demonstrates her dictatorial reign by gross disrespect for her oaths of office, the Brown Act, and the First Amendment rights of constituents. Citizens bringing their petitions before the BOS for redress of grievances are rudely cut off in mid sentence, and their inquiries left unanswered. Furthermore censorship is against the Good Governance policy and the Core Values of **Integrity, Accountability and Service Excellence.**

Another case in point is Lori's refusal to address the fraudulent **Coloma Lotus Advisory Committee** meetings and routine violations of the law. But she isn't the only official who discriminates and refuses to provide public services. Don Ashton, Sheriff D'Agostini, Todd White, George Turnboo, Rafael Martinez, Kim Dawson, Tonya Digiorno, Tiffany Schmid, Vickie Sanders and other staff have been given a directive by County Counsel not to respond to PRAs and citizen petitions for redress of grievances. *U.S. v. Tweel* states, *"Silence can only be equated with **fraud** where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading."*



Don't forget who you work for. When public officers violate the Constitutions as an apparent custom, practice and policy, you subvert the authority, mandates and protection of the Constitution thereby act as domestic enemies to the Republic and the people. When large numbers of public officers so act, this reduces America, California, and El Dorado County to the status of frauds operating for the benefit of governments and their corporate allies, and not for the people they theoretically serve. Read that as government corruption.

- 1) 5/19/22 HR Carruesco/Todd White affidavit
- 2) 2) Brown Act Rights of Public
- 3) 3) 5/22/22 Parlin/CLAC errors







*Melody Lane*

**Founder – Compass2Truth**

All authority belongs to the people...in questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. ~ Thomas Jefferson ~

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**6 attachments**

-  **Brown Act Rights of the Public.docx**  
16K
-  **HR cover letter TWhite 5-19-22.doc**  
40K
-  **5-22-22 CLAC errors Parlin.docx**  
277K
-  **3-19-19 Parlin RMAC Bait & Switch.docx**  
24K
-  **5-17-19 RMAC-CLAC Item 33.doc**  
52K
-  **V Sanders affidavit.pdf**  
13115K

# CALIFORNIA BROWN ACT

## PREAMBLE:

"The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created."

## CHAPTER V.

### RIGHTS OF THE PUBLIC

§54954.3 Public's right to testify at meetings. (c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law. Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body. As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body.

Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that policies that prohibited members of the public from criticizing school district employees were unconstitutional. (*Leventhal v. Vista Unified School Dist.* (1997) 973 F. Supp. 951; *Baca v. Moreno Valley Unified School Dist.* (1996) 936 F. Supp. 719.) These decisions found that prohibiting critical comments was a form of viewpoint discrimination and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialog.

54954.2 E (3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3.

Where a member of the public raises an issue which has not yet come before the legislative body, the item may be briefly discussed but no action may be taken at that meeting. The purpose of the discussion is to permit a member of the public to raise an issue or problem with the legislative body or to permit the legislative body to provide information to the public, provide direction to its staff, or schedule the matter for a future meeting. (§ 54954.2(a).)



# *Compass2Truth*

*Citizens for Constitutional Liberty*

P.O. Box 598  
Coloma, CA 95613

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May 19, 2022

Joseph Carruesco, HR Director  
El Dorado County  
330 Fair Lane  
Placerville, CA 95667

RE: Todd White

Dear Ms. Carruesco,

Enclosed you will find the most recent affidavit addressed to EDC employee, Todd White. Please be advised that notification of legal responsibility is the first essential of due process of law, and an un rebutted affidavit stands as truth before any court of law in America.

It is significant that prior to retiring I worked for several Capitol legislators, most notably Barbara Alby, the author of California's Megan's Law. I am also a third generation evangelical still actively involved in Capitol ministries. Todd's vulgarity, perpetual discrimination, violations of his oaths of office, and other unlawful conduct described in the enclosed affidavit reflects poorly upon El Dorado County, the Taxpayers Association, Big Brothers/Big Sisters, the Republican Central Committee and Park Community Church where Todd claims to be a deacon.

Todd is a public servant whose salary is paid via my taxes, but it is evident he has no intention of providing me with public services. Supervisor Turnboo is complicit in aiding and abetting Mr. White's unlawful conduct, and since there has been no acknowledgement from staff to take disciplinary action, including termination, then it is reasonable to deduce that the County has taken a position to condone and/or shield Todd from the consequences of his unlawful conduct. Furthermore it is inconsistent with the EDC Good Governance policy and Core Values of **integrity, accountability** and **service excellence**.

You are aware of the myriad federal and state laws requiring HR to maintain certain records regarding employees. Under SB 807, California law requires that documented complaints, such as this, be investigated and retained in the employee's personnel file for a minimum of four years. In the event of a lawsuit, an employer may be required to produce these records. Failure to do so can lead to fines and other adverse actions.

Sincerely,

*Melody Lane*

Founder – *Compass2Truth*

Enclosure



**From:** Melody Lane [mailto:melody.lane@reagan.com]

**Sent:** Sunday, May 22, 2022 11:16 AM

**To:** 'lori.parlin@edcgov.us'; bosfour@edcgov.us; Shelley Wiley (shelley.wiley@edcgov.us)

**Cc:** 'Kim Dawson'; 'kaylee.runkle@edcgov.us'; 'david.livingston@edcgov.us'; 'Vickie Sanders'; 'Donald Ashton'; 'carla.hass@edcgov.us'; CLAC@edcgov.us; Noel Stack (nstack@mtdemocrat.net); Richard Esposito; Eric Jaramishian (eric@mtdemocrat.com); barry.smith@parks.ca.gov; Jason DeWall (jason.dewall@parks.ca.gov); Armando Quintero (Armando.Quintero@parks.ca.gov); Kasraee, Parveen@Parks (Parveen.Kasraee@parks.ca.gov); 'bosfive@edcgov.us'; 'bosone@edcgov.us'; 'bosthree@edcgov.us'; 'bostwo@edcgov.us'

**Subject:** RE: 5/5/22 CLAC meeting minutes ERRORS - Drone Footage of HLP

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 3-19-19 Parlin RMAC Bait & Switch.docx (28 KB);  5-17-19 RMAC-CLAC Item 33.doc (55 KB);  V Sanders affidavit.pdf (13 MB)

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Lori,

It looks like you and the River Mafia Mob are up to your old tricks again. The Coloma Lotus Advisory Committee (CLAC) is still the same River Management Advisory Committee (RMAC), and you are perfectly aware they have been operating outside of the law for decades. <https://www.mtdemocrat.com/news/coloma-lotus-getting-new-voice/>

Inquiring minds would like to know why you haven't responded to the below issues, *as required by law*, regarding the falsified 5/5/22 CLAC minutes? Also, why has the June 2<sup>nd</sup> CLAC meeting been cancelled without any public notification?

Coloma Lotus Advisory Committee

6/2/2022

 6:30 PM

CANCELLED MEETING NOTICE

As long as American River Conservancy and State Parks run CLNews, local residents have NO VOICE. You are aware the liberals, in particular your agents Howard Penn, Mike Bean and Nate Rangel, have been censoring conservatives. Their illicit bully tactics was a major issue addressed during the 5/5/22 CLAC meeting. That's when Nate Rangel ordered Kaylee Runkle to shut off the mic and threatened to adjourn the meeting. I exercised my 1<sup>st</sup> Amendment Rights and stood my ground at the podium.

Furthermore, you have been complicit with CAO Don Ashton and the Mountain Democrat by promoting false narratives with fraudulent Town Hall meetings held at the Coloma Grange Hall. (Refer to the attached documents) The FPPC has a lot to say about unethical abuses of the public trust. Voters need to know that you and CLAC appointees are wolves in sheep's clothing.

Sincerely,

*Melody Lane*

Founder – Compass2Truth

Democracy is two wolves and a lamb voting on what to have for dinner. Liberty is a well-armed lamb contesting the vote.

**From:** Melody Lane [mailto:melody.lane@reagan.com]

**Sent:** Thursday, May 12, 2022 4:46 PM

**To:** lori.parlin@edcgov.us

**Cc:** Kim Dawson; kaylee.runkle@edcgov.us; david.livingston@edcgov.us; Vickie Sanders; 'Donald Ashton'

**Subject:** 5/5/22 CLAC meeting minutes errors - Drone Footage of HLP

**Importance:** Low

Lori,

The county professes to be committed to Good Governance and Core Values, in particular **transparency, integrity and accountability**. Pursuant to your oaths of office, your explanation is in order pertaining to the erroneous 5/5/22 CLAC meeting minutes:

- 1) I noticed that the minutes of the 5/5/22 CLAC meeting were posted to the Calendar, but the audio is not available. Why has a GovDelivery notice not been distributed about this, and why is the audio not yet posted to the calendar?

<a href="#"><u>Coloma Lotus Advisory Committee</u></a>	5/5/2022		6:30 PM	<a href="https://edcgov-us.zoom.us/j/93731196233">https://edcgov-us.zoom.us/j/93731196233</a> 330 Fair Lane, Building A Placerville, CA OR Live Streamed - Click here to view	Me
<a href="#"><u>Planning Commission</u></a>	4/28/2022		8:30 AM	Building C Hearing Room 2850 Fairlane Court Placerville, CA 95667 Or Live-Streamed	Me

- 2) It is a matter of public record that Nate Rangel has a history of falsifying RMAC minutes, and it appears he has been continuing his fraudulent practices as Secretary of CLAC. The February 22, 2022 minutes indicate that CLAC passed under Consent the approval of meeting minutes held 11/30/21 and 1/11/22. However the 11/30/21, 1/11/22 and 2/22/22 CLAC meetings do not appear anywhere on the Calendar, nor were any public meeting announcements or minutes distributed as required by law. **This indicates that CLAC has been conducting serial meetings which the Brown Act strictly prohibits, thus the minutes are fraudulent and not in compliance with Good Governance and transparency laws:**
















**WHERE IS THE 11/30/21 CLAC MEETING POSTING?**

<a href="#"><u>Board of Supervisors</u></a>	12/7/2021		9:00 AM	<a href="https://us06web.zoom.us/j/85699635366">https://us06web.zoom.us/j/85699635366</a> 330 Fair Lane, Placerville, CA or live-streamed	<a href="#">Meeting details</a>	<a href="#">Agenda</a>	<a href="#">Minutes</a>	<a href="#">Video</a>
<a href="#"><u>Community Corrections Partnership</u></a>	12/2/2021		1:30 PM	3974 Durock Rd. Suite 205, Shingle Springs, CA	<a href="#">Meeting details</a>	Not available	Not available	Not available
<a href="#"><u>Human Rights Commission</u></a>	11/22/2021		4:00 PM	Virtual Meeting - See Below	<a href="#">Meeting details</a>	<a href="#">Agenda</a>	<a href="#">Minutes</a>	<a href="#">Video</a>
<a href="#"><u>EDC Commission for Youth and Families</u></a>	11/18/2021		4:00 PM	Virtual Special meeting for AB 361	<a href="#">Meeting details</a>	<a href="#">Agenda</a>	<a href="#">Minutes</a>	Not available
<a href="#"><u>Parks and Recreation Commission</u></a>	11/18/2021		1:30 PM	Meeting has been cancelled. Meeting has been Cancelled	<a href="#">Meeting details</a>	<a href="#">Agenda</a>	Not available	Not available

**WHERE IS THE 1/11/22 CLAC MEETING POSTING?**

<a href="#"><u>Planning Commission</u></a>	1/13/2022		8:30 AM	Building C Hearing Room 2850 Fairlane Court Placerville, CA 95667 CANCELLED MEETING NOTICE	<a href="#">Meeting details</a>	<a href="#">Agenda</a>	Not available	Not available
<a href="#"><u>Agricultural Commission</u></a>	1/12/2022		6:30 PM	Zoom ONLY <a href="https://us06web.zoom.us/j/81440767114?pwd=TjRlMlYwYzR0eUtrdTNzS2t6eUF2QT09">https://us06web.zoom.us/j/81440767114?pwd=TjRlMlYwYzR0eUtrdTNzS2t6eUF2QT09</a> <a href="https://us06web.zoom.us/j/81440767114?pwd=TjRlMlYwYzR0eUtrdTNzS2t6eUF2QT09">https://us06web.zoom.us/j/81440767114?pwd=TjRlMlYwYzR0eUtrdTNzS2t6eUF2QT09</a>	<a href="#">Meeting details</a>	<a href="#">Agenda</a>	Not available	Not available
<a href="#"><u>Board of Supervisors</u></a>	1/11/2022		9:00 AM	<a href="https://us06web.zoom.us/j/86758089003">https://us06web.zoom.us/j/86758089003</a> Live Streamed - Click here to view	<a href="#">Meeting details</a>	<a href="#">Agenda</a>	<a href="#">Minutes</a>	<a href="#">Video</a>
<a href="#"><u>Board of Supervisors</u></a>	1/4/2022		9:00 AM	Virtual Meeting - Click here to view meeting <a href="https://us06web.zoom.us/j/89616484207">https://us06web.zoom.us/j/89616484207</a>	<a href="#">Meeting details</a>	<a href="#">Agenda</a>	<a href="#">Minutes</a>	<a href="#">Video</a>

**WHERE IS THE 2/22/22 CLAC MEETING, AND WHERE WAS IT HELD?**

<a href="#">Planning Commission</a>	2/24/2022	 8:30 AM	Building C Hearing Room 2850 Fairlane Court Placerville, CA 95667 or live-streamed	<a href="#">Meeting details</a>	 <a href="#">Agenda</a>	 <a href="#">Minutes</a>	 <a href="#">Video</a>
<a href="#">Fish and Wildlife Commission</a>	2/23/2022	 6:00 PM	Virtual Zoom: <a href="https://us06web.zoom.us/j/89609246023">https://us06web.zoom.us/j/89609246023</a>	<a href="#">Meeting details</a>	 <a href="#">Agenda</a>	 <a href="#">Minutes</a>	 <a href="#">Video</a>
<a href="#">Board of Supervisors</a>	2/22/2022	 9:00 AM	<a href="https://us06web.zoom.us/j/86374463004">https://us06web.zoom.us/j/86374463004</a> OR Live Streamed 330 Fair Lane, Building A Placerville, CA OR Live Streamed - <a href="#">Click here to view</a>	<a href="#">Meeting details</a>	 <a href="#">Agenda</a>	 <a href="#">Minutes</a>	 <a href="#">Video</a>
<a href="#">Parks and Recreation Commission</a>	2/17/2022	 3:00 PM	Meeting has been cancelled and will be rescheduled <i>Meeting has been cancelled and will be rescheduled</i>	<a href="#">Meeting details</a>	 <a href="#">Agenda</a>	 <a href="#">Minutes</a>	Not available

- 3) The 5/5/22 minutes (below) indicate that there were “No Public Comments” under Item #5. This is in error. Nate Rangel invited me to come forward and I remained at the podium engaged in discussion for the remainder of the meeting. The audio will also reveal that Nate Rangel repeatedly violated the Brown Act by attempting to hold an “informal” meeting and deviating from procedures causing Kaylee Runkle to repeatedly remind Mr. Rangel about the basics of the Brown Act.



## County of El Dorado

330 Fair Lane, Building A  
Placerville, California  
530 621-5390  
FAX 622-3645  
[www.edcgov.us/bos/](http://www.edcgov.us/bos/)

### MEETING AGENDA

#### Coloma Lotus Advisory Committee

**Robert Bradshaw - Member at Large**  
**Keri Cavin - Non-Commercial Boater Representative**  
**Darin Freeland**  
**- Member at Large, Vice Chair**  
**Howard Penn**  
**- Member at Large, Chair**  
**Nathan Rangel**  
**- Commercial Outfitter Representative, Secretary**  
**Sara Schwartz C.R. Kendall - Landowner/Resident Representative**  
**David White - Landowner/Resident Representative**

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Thursday, May 5, 2022

6:30 PM

<https://edcgov-us.zoom.us/j/93731196233>

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330 Fair Lane, Building A  
Placerville, CA



5. 22-0811 Status of Off Site CLAC Meetings:  
A) Grange upgrades  
B) Clerk of the Board Office update on equipment status

**Attachments:** Public Comment CLAC Rcvd 5-6-2022

No Public Comment



**Member Penn gave an update on the status of internet service at the Coloma Grange Hall.**

**Kaylee Runkle with the Clerk of the Board Office gave an update on status of portable audio and video equipment for off site committee and commission meetings.**

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# # #

- 4) As you are aware Howard Penn and Mike Bean recently banned me from CLNews relative to private correspondence about Howard's acquisition of the old Sierra Nevada House property; consequently the below CLNews posting was forwarded to me. For the record, I was the only member of the public present in the room or on Zoom during the 5/5/22 CLAC meeting. The audio will reveal that Mr. Rangel **invited** me up to the podium to speak, then he violated the Brown Act when he threatened to shut off the mic and adjourn the meeting after I directed relevant questions to Howard Penn. I specifically asked Howard if the Sierra Nevada House acquisition was going to be annexed to Henningson Lotus Park and the Marshall Gold Discovery Park, and other pertinent questions, but he refused to respond. Nate Rangel backed him up claiming he wasn't required to answer my questions. I corrected Nate and referred him to the attached Brown Act Rights of the Public that were also entered into the public record. Therefore please explain the following statement and why Howard Penn is acting as your agent: ***"If anyone is interested in helping do this, please let me know. This is for the county and Supervisor Parlin's office."***

**From:**

**Sent:** Wednesday, May 11, 2022 8:18 AM

**To:** Melody Lane

**Subject:** Fw: [CLNews] Drone Footage of HLP

**From:** clnews@googlegroups.com <clnews@googlegroups.com> on behalf of Howard Penn <howard@lbcomm.com>

**Sent:** Tuesday, May 10, 2022 7:55 PM

**To:** clnews@googlegroups.com <clnews@googlegroups.com>

**Subject:** [CLNews] Drone Footage of HLP

Hi folks,

Does anyone have a drone they know how to fly? We could use some drone footage of HLP beach front during a busy weekend like Memorial Day or other busy weekend this summer. We want to capture the use of HLP and how popular that park has become especially during Covid. We have still photos but an aerial video of the beach and the park use would be wonderful.

If anyone is interested in helping do this, please let me know. This is for the county and Supervisor Parlin's office.

Howard

Howard Penn | Managing Director/GM

5) The public is entitled to honest services, but it is apparent CLAC has something to hide. The questions that inquiring minds are now asking:

- What is Howard Penn really up to?
- Who else is involved?
- What role does CA State Parks play in this purchase and/or property development?
- Is EDC Planning & Development aware of any plans for this property?
- Why are the circumstances surrounding the SNH arson fire so secretive?
- Why weren't the collected funds distributed to SNH employees as intended?
- Are Howard Penn and the River Mafia Mob retaliating again for daring to expose the evil intentions of the CLNews Steering Committee?
- Why are they so hostile towards conservatives...or are they just afraid of the truth?
- Who really benefits from CLNews, and what are their political motives?
- How can such hate and deceitful tactics possibly be expected to unite the Coloma Lotus community?

###

You are reminded that when you have knowledge of wrong doing, but fail to take remedial action, then you are complicit and liable. See: *U.S. v. Tweel* - "*Silence can only be equated with **fraud** where there is a **legal or moral duty** to speak or where an **inquiry left unanswered** would be intentionally misleading.*" Therefore District #4 constituents expect your immediate response to these issues in order they may be timely disseminated.

Regards,

*Melody Lane*

**Founder – Compass2Truth**

"Resistance to tyranny becomes the Christian and social duty of each individual...Continue steadfast and, with a proper sense of your dependence on God, nobly defend those rights which heaven gave, and no man ought to take from us." ~ John Hancock ~

My purpose today is to address the unethical bait and switch of last night's RMAC meeting held at the Coloma Grange Hall. On Saturday March 16<sup>th</sup> at 8:55 AM Lori Parlin's appointee to the Parks & Rec Commission, Julia McIver, distributed on CLNews a message which states in part, *"Noah and Nate have posted here, and it's worth reiterating a heads up. While it's billed as an RMAC meeting so all the RMAC members could legally attend, the meeting promises to be more comprehensive of Lotus Coloma Valley concerns... While the future of RMAC needs to be determined, CLNews has seen recent posts on other issues, including residents losing our homeowners and fire insurance, the Lotus Fire Station, the art project at the intersection of Lotus and 49, the mobility plan, etc."*

But then on Monday at 10:12 AM Noah Triplett distributed the following message via the CLNews: *"Tonight's RMAC meeting is a public meeting. It is a Brown Act posted meeting. If you have not done so already I would recommend signing up for notifications from the County through the govdelivery system."* CLNews is run by River Mafia Mob, ultra liberals who have a penchant for censoring conservatives. They do NOT represent the voice of the community.

After Howard Penn announced his sponsorship of the COMMUNITY meeting, then Lori took the floor and announced that not enough RMAC members showed up for a quorum to have a Brown Act meeting. Then she asked, "Does everybody know what a quorum is?" No quorum meant everybody could "speak freely" since it was now a "community" meeting. There wasn't any county staff or even an audio recorder in the room. It was apparent by Lori's handouts before the meeting started that her bait & switch was deliberately set up so the River Mafia Mob could conduct themselves outside the restrictions of the Brown Act without any transparency or accountability.

Lori also announced that RMAC was officially disbanded, however they still have meeting dates posted for the remainder of the year on the government calendar. The BOS and county counsel is permitting them to operate outside of the law with their knowledge and blessing, a topic that was discussed during yesterday's Taxpayers meeting.

Nate Rangel and Bob Smay were the only RMAC members present and they were allowed to talk as long and as often as they wanted. But when I finally took my turn to explain about how RMAC continues to operate outside of the law, Lori kept interrupting which served to encourage the crowd to heckle me. She did NOT like my statement that it was very disingenuous to pull the bait & switch tonight and other Bureaucratic Shenanigans. Lori demonstrated exactly the same unethical legal manipulations described in the notice of legal responsibility addressed to Vickie Sanders that was posted to the RMAC agenda and which you've all received. In so doing Lori is empowering the River Mafia Mob and pitting neighbor against neighbor thereby dividing rather than uniting our river community. Those are very dangerous politics, too reminiscent of Saul Alinsky's **Rules for Radicals**.

I'll end with a quote from Ayn Rand, *"There is no difference between socialism and communism, except in the means of achieving the same ultimate end: communism proposes to enslave men by force, socialism by vote. It is merely the difference between murder and suicide."*

If you have any questions or comments, please make them at this time while I'm at the podium. Lori? (Hearing none) Oh the tangled web you weave when you practice to deceive!

**Madam Clerk:** Please enter these documents into the public record.

- 1) This transcript
- 2) 3/18/18 CLNews – 3/18/19 Grange Hall meeting/Noah Triplett & Julia McIver





# Compass2Truth

*Citizens for Constitutional Liberty*

P.O. Box 598  
Coloma, CA 95613

May 17, 2019

TO: Board of Supervisors Districts #1, 2, 3, 4 and 5  
CAO Don Ashton  
Parks and Recreation Manager Vickie Sanders  
Barry Smith, MGD Superintendent  
Jason DeWalt, Gold Fields District Superintendent

RE: 5/21/19 BOS Agenda Item #33 – RMAC/CLAC Resolution #078-2019

For decades the River Management Advisory Committee (RMAC) has operated outside of the law, including but not limited to violations of the Brown Act, falsification of data, and threats against residents to prevent them from participating in public meetings. RMAC merely serves to organize faction, to give it an artificial and powerful force to put in place a small but enterprising minority of special interest rafting groups within the community. Most of their materials and data have been prepared for them by American River Conservancy.

It is important to distinguish that RMAC members are NOT volunteers; they are appointees by the Board of Supervisors, and as such they are bound by their Principle Agent Oaths of Office. These individuals do NOT represent the greater majority of river residents or the Coloma Lotus community. It is a fact they have proven to be extremely hostile and overbearing, meanwhile routinely operating outside of the law with the full knowledge and blessing of past and present Board of Supervisors who've sanctioned their fraudulent and unlawful actions. The public administration of their self-serving plan mirrors the ill-concerted and incongruous projects of Parks and Recreation, rather than a policy which supports and defends Constitutional principles for all El Dorado County residents.

Lori Parlin and Larry Weitzman have accompanied me to audio recorded meetings with the CAO and County Counsel concerning Brown Act violations and non-compliance with CPRAs, the details of which are outlined in the attached notarized affidavit addressed to Parks and Recreation Manager Vickie Sanders. Ms. Sanders has taken no action whatsoever to remedy the situation, and in so doing she is complicit in aiding & abetting RMAC's unlawful actions. CAO Don Ashton, Michael Ranalli, and Planning Commissioner Gary Miller have also received similar notifications of their legal responsibilities which is the first essential of due process of law. It is well established that an un rebutted affidavit stands as fact and truth before the court.

Any enterprise undertaken by any public official that tends to weaken public confidence and undermines the sense of security for individual rights is against public policy. When public officers take oaths, yet are ignorant of the constitutional positions to which they are bound by their oaths, and then fail to abide by them in the



performance of their official duties, this suggests that they may have had no intention of ever honoring their oaths, and their signatures upon the oath documents constitute fraud. ***Fraud vitiates any action.***

Lori Parlin, Sue Taylor, and Parks and Recreation Commissioner Kris Payne have colluded with county staff and actively participated in serial RMAC meetings in order to hone the wording of Resolution 078-2019. None of them live anywhere near the river, or for that matter, anywhere near the Coloma Lotus community. Essentially this Resolution empowers the River Mafia Mob and American River Conservancy to represent the Coloma Lotus community.

On May 9, 2017 a memo was distributed by the Chief Administrative Office announcing that RMAC would be dissolved by end of 2017 by stating, “...over the past several months, the majority of RMAC members stepped down from the Committee resulting in not enough members to reach to quorum. Several meetings have been cancelled at the request of RMAC due to a lack of a quorum or no issues to discuss.” The truth is the RMAC members did NOT step down. They continued to conduct serial RMAC meetings which are strictly prohibited by the Brown Act at Camp Lotus and the Marshall Gold Discovery Park.

On March 18, 2019 Lori Parlin announced during an RMAC meeting held at Coloma Grange Hall that RMAC was ***“officially disbanded in early 2018.”***

However on Saturday March 16<sup>th</sup> at 8:55 AM Lori Parlin’s appointee to the Parks & Rec Commission, Julia McIver, had distributed on CLNews a message which states in part, “Noah and Nate have posted here, and it’s worth reiterating a headsup. While it’s billed as an RMAC meeting so all the RMAC members could legally attend, the meeting promises to be more comprehensive of Lotus Coloma Valley concerns...While the future of RMAC needs to be determined, CLNews has seen recent posts on other issues, including residents losing our homeowners and fire insurance, the Lotus Fire Station, the art project at the intersection of Lotus and 49, the mobility plan, etc.”

But then on March 18, 2019 at 10:12 AM Noah Triplett distributed the following message via the CLNews: ***“Tonight’s RMAC meeting is a public meeting. It is a Brown Act posted meeting. If you have not done so already I would recommend signing up for notifications from the County through the govdelivery system.”*** CLNews is run by American River Conservancy and their affiliates in the River Mafia Mob, ultra-liberals who have a penchant for censoring conservatives. It is also vitally important to recognize that CLNews and RMAC do NOT represent the greater Coloma Lotus community.

After Howard Penn announced his sponsorship of the COMMUNITY meeting, then Lori took the floor and announced that ***“...not enough RMAC members showed up for a quorum to have a Brown Act meeting.”*** Then she asked, “Does everybody know what a quorum is? No quorum means everybody can speak freely since it is now a **community meeting.**” There wasn't any county staff or even an audio recorder in the room. It was apparent by Lori's handouts before the meeting started that her bait-and-switch was deliberately set up so the River Mafia Mob could conduct themselves *outside the restrictions of the Brown Act without any transparency or accountability.*

During another serial RMAC meeting held April 8, 2019 at Coloma Grange Hall Lori Parlin retracted her previous statement about RMAC having been officially disbanded when she announced, ***“RMAC WILL BE dissolved when the BOS approves the RMAC resolution.”*** Lori then publicly stated that she wants to empower the Mob, ***“I will support you with the help of county counsel. You can do anything. ANYTHING!”*** Furthermore it was disturbing when she added, ***“You can try it and change it a few months later if you want to.”***



It is significant that the CLNews Steering Committee is comprised of American River Conservancy members Mike Bean, Howard Penn, Greg Jorgensen, and Karen Mulvaney to name just a few. Lori is familiar with their sordid history of bully tactics, libel, slander, threats, assaults, antisemitism, harassment, and lies as a means of intimidation and preventing certain members of our community from expressing concerns and exercising their 1<sup>st</sup> Amendment Rights. They were also responsible for composing the extremely biased “community” survey Lori distributed *only to certain individuals*. It is significant that the majority of the replies came from *outside* of El Dorado County. Lori’s advocacy of CLNews and the River Mafia Mob calls into question her personal and political motives.

It was during the May 6, 2019 CL Fire Safe meeting held at Coloma Grange Hall when Lori Parlin announced to a packed room that RMAC *will become CLAC* (Coloma Lotus Advisory Committee) as soon as the BOS adopts the Resolution they had all been working on over the past year. It was during that meeting that 80% of the room walked out early in disgust when Chief Lloyd Ogan was the guest speaker.

The Board of supervisors is hereby reminded that you are required to abide by your oaths of office and core values, in particular ***Integrity: Doing what is right legally and morally at all times regardless of whether or not someone is watching.*** Be assured, we are watching. It is apparent Lori Parlin has a conflict of interest by working on behalf of the rafters and American River Conservancy rather than representing the greater majority of our community, in particular those represented by ***Compass2Truth.***

CLAC embodies the same problems that RMAC always had, only under a different name. We therefore request that you REMOVE this item from the 5/21/19 BOS agenda and reconsider the negative legal repercussions of adopting Resolution #078-2019 which would only empower American River Conservancy and the River Mafia Mob thus enabling them to continue their illicit business as usual.

Sincerely,

**Melody Lane**

Founder – ***Compass2Truth***



# AFFIDAVIT/DECLARATION OF TRUTH

To: Vickie Sanders  
EDC Parks and Recreation Manager  
330 Fair Lane  
Placerville, CA 95667

I, **Melody Lane**, the undersigned, hereinafter: Affiant/Declarant, make this Affidavit/Declaration of Truth of my own free will, and I hereby affirm, declare and solemnly swear, under oath, before a certified California Notary Public, that I am of legal age and of sound mind and hereby attest that all the information contained in this Affidavit/Declaration is true, correct and admissible as evidence.

This Affidavit/Declaration of Truth is lawful notification to you, Vickie Sanders, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, II, IV, V, VI, VII, IX and X, and The Declaration of Rights of the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3 Section 1, and required your written rebuttal to me, specific to each and every point of the subject matter stated herein, within 30 days, via your own sworn and notarized affidavit, using true fact(s), valid law and evidence to support your rebuttal.

You are hereby noticed that your failure to respond, as stipulated, and rebut, with particularity and specificity, anything with which you disagree in this Affidavit/Declaration, is your lawful, legal and binding tacit agreement with and admission to the fact that everything in this Affidavit/Declaration is true, correct, legal, lawful, and fully binding upon you in any court in America, without your protest or objection and that of those who represent you. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." Also, see: *U.S. v. Tweel*, 550 F. 2d. 297. "*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.*"

**Affiant/Declarant hereby affirms that the following actions and events took place:**

On March 12, 2019 I sent you, Vickie Sanders, via USPS certified mail #7018309000026510059, a letter which you received on March 18, 2019. That letter was sent to inform you of specific events and statements made by you, and also as an inquiry to ascertain whether you, Vickie Sanders, would support and uphold them or rebut them. Pursuant to the lawful notification contained in that letter, as I originally stated therein, you were required to respond to and rebut ***with specificity*** via a sworn notarized affidavit anything contained in that letter with which you disagreed within thirty (30) days of receipt thereof. You failed to respond or rebut with specificity to each of the factual claims stated therein. (See Exhibit A)

Simply put, any act by any public official either supports and defends the Constitutions, or opposes or violates them. Therefore, pursuant to the referenced lawful notification, you tacitly admit to all of the statements, charges and claims contained therein, fully binding upon you in any court without your protest, objection and that of those who represent you.

Some of the things to which you admit include, but are not limited to, the following:

- 1) You were regularly apprised that individuals under your supervision and control have been routinely falsifying information relative to the River Management Plan. Evidence of Noah Rucker-Triplett's collusion with representatives of the River Management Advisory Committee (RMAC), American River Conservancy, Chamber of Commerce Political Action Committee, and State Parks personnel to manipulate public perceptions and obstruct residents' right to participate in public forums were specifically discussed with you during several audio-recorded occasions when I was accompanied by a retired member of law enforcement. You have unequivocally concurred that the River Management Advisory Committee merely serves to organize a faction, to give it an artificial and powerful force to put in place a small but enterprising minority of special interest rafting groups within the community. You further acknowledged that the River Mafia Mob have proven to be extremely hostile, overbearing, and routinely operating outside of the law. The public administration of their self-serving plan mirrors the ill-concerted and incongruous projects of Parks and Recreation, rather than a policy which supports and defends Constitutional principles for all El Dorado County residents. During one of our 2015 audio-recorded meetings with consultant Steve Petersen, you announced the county's plan to "disempower" and disband RMAC, when in fact you have deceptively aided and abetted the perpetration of their unlawful activities and thus denied remedy to Citizens affected by their actions.
- 2) It is a fact that RMAC members have NOT stepped down; they have regularly continued to conduct serial meetings, and for decades, they have falsified minutes that are routinely approved by Parks and Recreation staff with your full knowledge and consent. Lori Parlin, Sue Taylor, and Kris Payne have participated in many of the RMAC serial meetings, which are strictly prohibited by the Brown Act. Your culpability is made evident by your knowledge of staff misconduct and deliberate failure to take remedial action. Any enterprise undertaken by any public official, such as you, which tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. My claims, statements, and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths.
- 3) On several occasions, you have witnessed my public testimony while presenting factual evidence regarding "River Mafia Mob" violent assaults, threats, harassment, slander,

libel, hostility, and collusion with county staff to retaliate--especially against female conservatives. You are aware of numerous EDSO case files that are now a matter of public record. Furthermore, despite being disbanded in 2018, RMAC still regularly conducts illegitimate serial meetings and continues to violate the Brown Act. You have taken absolutely no action whatsoever to control, correct, or to stop their unlawful behavior. By taking no action, you've aided and abetted their unlawful conduct, deprived me of my First Amendment rights, and thus violated your oaths of office.

- 4) You've acknowledged that you have not received any emails from me since 2018, when CAO Don Ashton unlawfully restricted my ability to communicate electronically with unnamed public employees. Consequently, I've had to request other county staff forward my correspondence to you. Your deliberate unresponsiveness strongly suggests you have something to hide. It is an abuse of your fiduciary, and is in violation of your oaths of office. Furthermore, your collusion with county staff and State Parks personnel to unethically circumvent the law, deny Citizens due process, or reply to CA Public Record Act Requests, is against all public policy. You have been regularly apprised on numerous occasions of your staff's failure to comply with the law and the deliberate strategy to delay and obfuscate financial and other pertinent data, particularly as it concerns the River Management Plan. Your knowledge of deliberate misconduct within your department and your failure to take remedial measures is misprision of crime, a serious Federal offense. When public officials who are notified, yet fail to take remedial action, it condone and perpetuate the misconduct for which they can be held liable. By your actions, you follow neither the letter of the law nor the spirit of the law, and consistently violate the Supreme Law of the Land and the California Constitution to which you have sworn or affirmed your oaths. (*See also USGC Title 18, Sections 241 & 242*).
- 5) There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to letters or emails, which in this case act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents or by Citizens injured by their actions. ***See: U.S. v. Tweel, cited above.*** All American Citizens can expect, and have the Right and duty to demand, that you and other government officers uphold their oaths to the Constitution(s) and abide by all constitutionally-imposed mandates of their oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.
- 6) When public officers harm the Citizens by their errant actions, as you have done, and then refuse to respond to or rebut petitions from Citizens, as you have also done, then those public officers are domestic enemies, acting in sedition and insurrection to the declared Law of the land and ***must be opposed, exposed and lawfully removed from office.*** By your stepping outside of your delegated authority, you lost any "perceived immunity" of your office and you can therefore be sued for your wrongdoing against me,



personally, privately, individually, and in your professional capacity, as can all those in your jurisdiction, including your supervisors and anyone having oversight responsibility for you, including any judges or prosecuting attorneys and public officers for that jurisdiction, if, once they are notified of your wrongdoing, they fail to take lawful actions to correct it, pursuant to their oaths and their duties.

- 7) The First Amendment guarantees the Right of free speech and the Right to petition government for **redress of grievances**, which the oath taker, pursuant to his oath, is mandated to uphold. If he fails this requirement, then he has violated two provisions of the First Amendment, the Public Trust and perjured his oath. By not responding and/or not rebutting, the oath taker denies the Citizen remedy and thus denies the Citizen constitutional due process of law, as stated within the Bill of Rights. By your own actions, pursuant to your oath, you have violated these First Amendment guarantees.
- 8) The public is entitled to honest services. As stated earlier, any enterprise, undertaken by any public official, such as you, that tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word [483 U.S. 372] in the statute. *See United States v. Dial, 757 R2d 163, 168 (7<sup>th</sup> Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 – Concealment, removal, or mutilation generally.* My claims, statements, and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. Whenever constitutional violations are committed by public officers such as you, there are constitutional remedies available to the people. Such remedies make those who violate their oaths accountable and liable for their unconstitutional actions conducted in perjury of their oaths. When public officers take oaths, yet are ignorant of the constitutional positions to which they are bound by their oaths, and then fail to abide by them in the performance of their official duties, this suggests that they may have had no intention of ever honoring their oaths. Their signatures upon the oath documents therefore constitute fraud. ***Fraud vitiates any action.***
- 9) It is the duty of every Citizen to demand that government employees, such as you, specifically perform pursuant to the constitutional mandates contained within their oaths and, thereby uphold and protect the rights of the people, as opposed to upholding and promoting the profits of a rapacious, destructive association that perniciously violates the rights of the people, as its apparent routine custom, practice and policy. When you and other public officers violate the Constitutions at will, as an apparent custom, practice, and policy of office, you and they subvert the authority, mandates and protection of the Constitutions, and thereby act as domestic enemies to these Republics and their people. It is apparent the public's input has been reduced to irrelevancy, thereby demonstrating that

public RMAC and Parks and Recreation meetings are little more than staged events with predetermined outcomes designed to falsely give Citizens the impression of government transparency and accountability, while providing neither. This represents blatant fraud perpetrated by you and other elected/appointed officers against the people they are required to serve and who pay their respective salaries. By your actions against me, committed repeatedly on the aforementioned dates and several other occasions, you have deprived me of my inherent rights.

- 10) **Depriving the public of honest services is a federal crime.** My claims, statements, and averments also pertain to your failure to provide honest public services, pursuant to your oaths. All public officers within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves, and owes a fiduciary duty to the public. The fiduciary responsibilities of a public officer cannot be less than those of a private individual. You have failed your fiduciary responsibilities and duty as Parks and Recreation Manager, and in so doing, you have harmed all El Dorado County Citizens and me.
- 11) The First Amendment guarantees the Right of free speech and the Right to petition government for **redress of grievances**, which the oath taker, pursuant to his oath, is mandated to uphold. If he fails this requirement, then he has violated two provisions of the First Amendment, the Public Trust and perjured his oath. By not responding and/or not rebutting, the oath taker denies the Citizen remedy and thus denies the Citizen constitutional due process of law, as stated within the Bill of Rights. By your own actions, pursuant to your oath, you have violated these First Amendment guarantees.
- 12) All of the aforementioned facts, claims, and charges previously stated clearly demonstrate that you, pursuant to your oath, acted outside the lawful scope of your limited duties and constitutional authority; therefore, you acted on your own, as a private Citizen and renegade, outside of any governmental protection and/or immunity whatsoever. If government were to protect and defend your unconstitutional actions, then that government becomes complicit in those actions, condones, aids, and abets them. (Refer to Title 18 USGC, Sections 241 & 242)
- 13) *Compass2Truth* was established in 2009 as a whistleblower organization. Under the Political Reform Act, federal anticorruption law broadly guarantees the public “honest services” from public officials. Depriving the public of honest services is a federal crime, and a collaborative “set up” by county officials to discredit and permanently silence me for whistleblowing. *“Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in*

*constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation." (Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988.))* Your collusion and failure to **lawfully** or **publicly** respond to constituents, in this case me, or to take remedial action, aids and abets the perpetuation of El Dorado County corruption. The First Amendment guarantees the Right of free speech and the Right to petition government for redress of grievances, which the oath taker, pursuant to his oath, is mandated to uphold. You failed this requirement; thus you violated two provisions of the First Amendment, the Public Trust and perjured your oaths of office.

- 14) All actions by public officers conducted in the performance of their official duties either support and defend the national and state Constitutions, pursuant to their Constitutional oaths of office, or oppose and violate them. Those oaths are given in exchange for the Public Trust. You have no constitutional authority whatsoever, or any other form of valid, lawful authority, to oppose, contradict, deny, and violate the very documents to which you have sworn your oaths, but as indicated in my previous referenced letter and in this affidavit, this is exactly what you have done. By your own actions, pursuant to your oath, you have flagrantly violated these First Amendment guarantees, betrayed the Public Trust and perjured your oaths of office.
- 15) As aforementioned, it is the duty of every Citizen to demand that government employees, such as you, specifically perform pursuant to the Constitutional mandates contained within their oaths and thereby uphold and protect the rights of the people, as opposed to upholding and promoting the profits of a rapacious, destructive government that perniciously violates the rights of the people as its apparent routine custom, practice and policy. *See USGC Title 18, § 2071 – Concealment, removal, or mutilation generally. See also USGC Title 18, Sections 241 and 242.* By your unlawful actions, you acted in sedition and insurrection against the Constitutions, both federal and state, and in treason against the People, in the instant case, me.
- 16) On several occasions, I have publicly brought to your attention and that of other County officials, evidence of blatant lies, retaliation, harassment, threats, assaults, and bully tactics by the “River Mafia Mob”, who surreptitiously work in collusion with county staff under your full knowledge, influence, and control. When a public official, such as you, fails to act and correct the matter reported to her, then she condones, aids, and abets criminal actions, and further, colludes and conspires to deprive me and other Citizens of their inherent rights guaranteed in the Constitutions, as a custom, practice, and usual business operation of her office and the jurisdiction for which she works. This constitutes treason by the entire jurisdiction against me, and based upon the actions taken and what exists on the public record, it is impossible for any public officer to defend



herself against treason committed. *See: 18 USC § 241 - Conspiracy Against Rights, and 242 – Deprivation of Rights Under Color of Law. See also: U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239.*

- 17) Once again, when public officers take oaths, yet are ignorant of the constitutional positions to which they are bound by those oaths, and then fail to abide by them in the performance of their official duties, this suggests that they may have had no intention of ever honoring their oaths. Their signatures upon the oath documents therefore constitute fraud. Fraud vitiates any action. Any enterprise undertaken by any public official, such as you have conducted, tends to weaken public confidence and undermines the sense of security for individual rights, and is against all public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. You failed to provide honest public services pursuant to your oaths, and in so doing, you perjured your oaths by violating my Constitutionally guaranteed Rights, in particular those secured in the Bill of Rights, including, but not limited to my First Amendment Rights.

Any act passed by any legislature or any other governing body, and any action committed by any public officer, either supports and upholds the Constitutions, or opposes and violates them. No public officer has the constitutional authority—or any other form of valid authority—to oppose the very documents to which he has sworn or affirmed his oath. IT IS THIS SIMPLE. In my referenced previous letter sent to you and in this affidavit, I have conclusively proven that you have violated these constitutional requirements by your actions as stated herein, and in the previous letter. The Constitution does not restrict or limit rights guaranteed in that Constitution nor any aspect of due process of law. However, pursuant to your oaths, as described herein and in the referenced previous letter sent to you, have violated, restricted, and denied my inherent constitutionally guaranteed rights and due process of law by your own actions as described above. Thus, you have invoked the self-executing Sections 3 and 4 of the 14<sup>th</sup> Amendment, vacated your office and forfeited all benefits thereof, including salaries and pensions. You have no lawful authority to continue in office, and those other public officers who may collude with, conspire, protect, aid, and abet your actions are complicit in your criminal actions and thereby also invoke the referenced self-executing Sections 3 and 4 of the 14<sup>th</sup> Amendment. ***A constitutional republic, as is California, requires constitutional remedies for constitutional crimes, and you and the ruling “authorities” in this county are duty bound to provide those constitutional remedies for the unconstitutional actions committed against me by you and referenced others, as described herein.***

Lawful notification has been provided to you stating that if you do not truthfully and factually rebut the statements, charges and averments made in this Affidavit/Declaration, then you agree with and admit to all of them. Pursuant to that lawful notification, if you disagree with anything stated under oath in this Affidavit/Declaration of Truth, then rebut that with which you disagree, with particularity, within thirty (30) days of receipt thereof, by means of your own written, sworn, notarized affidavit of truth, based on specific and relevant fact and valid law to support your disagreement, attesting to your rebuttal

and supportive positions as valid and lawful, under the pains and penalties of perjury under the national and state Constitutions, the laws of the United States of America and this state of California. An un-rebutted affidavit stands as truth before any court.

Your failure to respond, as stipulated, is your agreement with and irrevocable admission to the fact that everything in this Affidavit/Declaration of Truth is true, correct, legal, lawful, fully binding upon you, Vickie Sanders, in any court of law in America, without your protest, objection and that of those who represent you.

All Rights Reserved,

By:   
Melody Lane

Date: 5/2/19

*Melody Lane*  
*Compass2Truth*  
*C/o P.O. Box 598*  
*Coloma, California [95613]*

**(See attached California Notarization)**

Attachments:

- Exhibit A – Pre-letter to Vickie Sanders, USPS Certified #70183090000026510059

CC: Dist. #1 Supervisor John Hidahl  
Dist. #2 Supervisor Shiva Frentzen  
Dist. #3 Supervisor Brian Veerkamp  
Dist. #4 Supervisor Lori Parlin  
Dist. #5 Supervisor Sue Novasel  
CAO Don Ashton  
EDC District Attorney Vern Pierson  
Media and other interested parties

# CALIFORNIA JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF El Dorado }

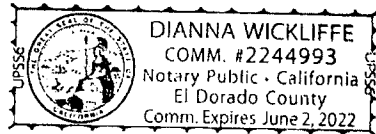
Subscribed and sworn to (or affirmed) before me on this 2 day of May 2019  
Date Month Year

by Melody Lynn Lane

Name of Signers

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature: [Handwritten Signature]  
Signature of Notary Public



Seal  
Place Notary Seal Above

## OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent attachment of this form to an unintended document.

### Description of Attached Document

Title or Type of Document: Affidavit/Declaration - Vickie Gunders

Document Date: 5/2/19

Number of Pages: 8

Signer(s) Other Than Named Above: \_\_\_\_\_



*Melody Lane  
Compass2Truth  
P.O. Box 598  
Coloma, CA 95613*

March 12, 2019

Vickie Sanders  
EDC Parks & Recreation Manager  
330 Fair Lane  
Placerville, CA 95667

Ms. Sanders,

This letter is lawful notification to you, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, II, IV, V, VI, VII, IX and X, and the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3, Section 1. This letter requires your written rebuttal to me, specific to each claim, statement and averment made herein, within 30 days of the date of this letter, using fact, valid law and evidence to support your rebuttal.

You are hereby noticed that your failure to respond within 30 days as stipulated, and rebut with particularity everything in this letter with which you disagree is your lawful, legal and binding agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful and binding upon you, in any court, anywhere in America, without your protest or objection and/or that of those who represent you. Your silence is your acquiescence. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." Also, see: *U.S. v. Tweel*, 550 F. 2d. 297. "*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.*"

What I say in this letter is based in the supreme, superseding authority of the Constitution for the United States of America, circa 1787, as amended in 1791, with the Bill of Rights, and the California Constitution, to which all public officials, such as you, have sworn or affirmed oaths, under which they are bound by Law. It is impossible for an oath taker to *lawfully* defy and oppose the authority of the documents to which he or she swore or affirmed his or her oath.

Since America and California are both Constitutional Republics, not democracies, they are required to operate under the Rule of Law, and not the rule of man. The Supreme Law and superseding authority in this nation is the national Constitution, as declared in Article VI of that document. In Article IV, Section 4 of that

**EXHIBIT A**

Constitution, every state is guaranteed a republican form of government. Any "laws", rules, regulations, codes and policies which conflict with, contradict, oppose and violate the national and state Constitutions are null and void, *ab initio*. It is a fact that your oath requires you to support and uphold the national and state Constitutions and the rights of the people secured therein and all aspects of constitutional due process.

My claims, statements and averments pertain to violations of your oaths, particularly as they pertain to your role as Parks and Recreation Manager in the River Management Plan and with other associated government agencies. When I use the term "public official(s)", this term includes you.

No public official, including you, has the constitutional authority to oppose, deny, defy, violate and disparage the very documents to which he or she swore or affirmed his or her oath. All actions by public officials conducted in the performance of their official duties either support and defend the national and state Constitutions, or oppose and violate them.

*"The Oath of Office is a quid pro quo contract in which clerks, officials, or officers of the government pledge to perform (Support and uphold the United States and State Constitutions) in return for substance (wages, perks, benefits). Proponents are subjected to the penalties and remedies for Breach of Contract, conspiracy under Title 28 U.S.C., Title 18 Sections 241, 242, treason under the Constitution at Article 3, Section 3, and intrinsic fraud..."*

Any enterprise, undertaken by any public official, such as you, who tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths.

You have been regularly apprised that individuals under your supervision and control are routinely falsifying information relative to the River Management Plan. Evidence of Noah Rucker-Triplett's collusion with representatives of the River Management Advisory Committee (RMAC), American River Conservancy, Chamber of Commerce Political Action Committee, and State Parks personnel to manipulate public perceptions and obstruct residents' right to participate in public forums were specifically discussed with you during our 8/3/15 meeting, as well as on other audio-recorded occasions when I was accompanied by a retired member of law enforcement. (**See Exhibit A**)

The River Management Advisory Committee and Parks & Recreation Commissioners merely serve to organize faction, to give it an artificial and powerful force to put in place a small but enterprising minority of special interest rafting groups within the community. In reality, these individuals do NOT represent the greater majority of river residents. It is a fact they have proven to be extremely hostile and

overbearing, meanwhile routinely operating outside of the law with the full knowledge and blessing of your staff, the Planning Commissioners, and the Board of Supervisors. The public administration of their self-serving plan mirrors the ill-concerted and incongruous projects of Parks and Recreation, rather than a policy which supports and defends Constitutional principles for all El Dorado County residents. It is nothing short of demagoguery.

In a memo dated May 9, 2017 ACAO Laura Schwartz states, *"...we recommend that this committee [RMAC] be dissolved and that the County encourage interested participants to form an ad-hoc committee...Over the past several months, the majority of RMAC members have stepped down from the Committee resulting in not enough members to reach quorum. Several meetings have been cancelled at the request of RMAC due to a lack of a quorum or no issues to discuss...The Chief Administrative Office recommends that the Board consider filling the vacancies noting that RMAC may be dissolved by the end of the year."*

It is a fact that RMAC members have NOT stepped down; they've regularly continued to conduct serial meetings and for decades have falsified minutes that are routinely approved by Parks & Recreation staff. It is a fact that Lori Parlin and Sue Taylor have participated in many of those serial meetings. As you are aware, serial meetings are strictly prohibited by the Brown Act. We've also discussed Parks & Rec Commissioner Kris Payne's role in RMAC meetings in tandem with Lori Parlin and Sue Taylor, none of whom live anywhere near the S. Fork American River, yet they have actively participated in the RMAC Resolution being used as the format during the upcoming 3/18/19 RMAC meeting in Coloma. Your culpability is made evident by your knowledge of staff misconduct and deliberate failure to take remedial action.

For example, during the January 14, 2019 RMAC meeting Bill Crenshaw and Adam Anderson repeatedly interrupted, harassed, mocked and heckled me while I was specifically attempting to dialog with you. **Anderson has proven to be a liar and has admitted to "legal manipulations" in order to remain as the RMAC Business rep.** On several occasions during the two hour meeting Adam Anderson made a distracting spectacle of holding up his cell phone to video record me while I was at the podium presenting factual information about River Mafia Mob assaults, threats, harassment, slander, libel and collusion with county staff. As you'll recall, I testified that RMAC Resident Representative, Rob Smay, was present during the court trial involving the stalking and sexual assault by his best friend and neighbor, Bob Palacios, who has a history of violence. When Palacios was served with a TRO Palacios refused to relinquish his guns to law enforcement as required by law. This too was discussed with you and RMAC consultant Steve Petersen during one of our audio recorded meetings. **(See Exhibit B)**

As you are aware, Palacios was under investigation by EDSO along with Greg Jorgensen, Howard Penn, Mike Bean, Harry Mercado and other extreme left environmentalists known as members of the River Mafia Mob. They have repeatedly demonstrated blatant hostility and retaliation against residents, particularly female



conservatives. Refer to EDSO case files #EG15-5698, EG15-5793, EG18-0098 and EG18-06720 which are now a matter of public record.

During the recent January 2019 meeting you witnessed Ythsta Resovich & Greg Jorgensen identify themselves as members of the River Mafia Mob. When I took my turn at the podium RMAC members falsely claimed that I was out of order, they called a break and walked away from the dais. That's when Adam Anderson approached me in a threatening manner at the rear of the room and he commenced to harass and shout at me. As I discussed with you afterwards, our heated exchange was captured on my audio recorder. When RMAC members returned to their seats you advised that they should have left the room. ***I did absolutely nothing wrong and was perfectly within my First Amendment rights.*** It was the RMAC members who violated the Brown Act, but you took absolutely no action to stop them. In so doing you aided and abetted their unlawful conduct, deprived me of my First Amendment rights and thus violated your oaths of office.

Misprision of crime is a serious Federal offense. When any public official is notified yet fails to take remedial action, it condones and perpetuates the misconduct for which they can be held liable. Any act by any public official that doesn't support and defend the Constitution, opposes and violates it. (See also USGC Title 18, Sections 241 & 242).

The River Mafia Mob is broadcasting throughout El Dorado County their disrespect for women and the law because they know EDSO has a sordid reputation for being tolerant of lawbreakers and unresponsive to constituents. As you are aware, I've been shot at, assaulted, libeled, slandered, hacked, and harassed. At least four other women have already been threatened and run out of EDC by the River Mafia Mob. *It is highly doubtful you would be tolerant of their behavior if it was one of your own family members being harassed or threatened.* Many of these incidents go unreported because women especially fear retaliation, or they know law enforcement will be ***unresponsive***. Consequently the potential exists to escalate into yet another serious act of violence or even civil unrest.

Another example was the 9/14/15 RMAC meeting concerning Code Enforcement and noise violations within the Quiet Zone of the SFAR. Kris Payne, Claudia Wade, Sue Taylor, and a retired member of law enforcement attended the meeting at my request. They all witnessed another setup by the River Mafia Mob with the full knowledge and support of Roger Trout and Supervisor Mike Ranalli who were also present. During that meeting you witnessed Tim Lasko and Adam Anderson create a sudden distraction by falsely accusing me of using profanity. The truth is I was seated quietly in the audience which is proven by the audio recordings. You also witnessed as I took my turn at the podium when Nate Rangle falsely accused me of violating the Brown Act and began admonishing me when it was obvious I did nothing wrong whatsoever. You took no action whatsoever to control or correct their unlawful behavior. In an email I addressed to you dated September 23, 2015 at 4:10 PM I requested the RMAC minutes reflect specific corrections, including a public apology.

You refused to do so making it apparent that meeting was another set-up just like the May 2010 RMAC "Brown Act seminar" conducted by Mike Ciccozzi.

As we discussed with you, one of our legal consultants from **Californians Aware** had laid down the law about the Brown Act during the March 2010 RMAC meeting. Dave Martinez, Steve Lyles, and Martin Harris were so shook up about being exposed for their illicit and despicable conduct that they submitted their resignations from RMAC. During another meeting Steve Lyles and Dave Martinez had made exceedingly offensive anti-Semitic remarks which I captured on audio. I shared the context of the recording on the National Governors Prayer Team conference call to demonstrate how out of control the River Mafia Mob had become, and then it was reported publicly to the Board of Supervisors.

Additional proof has been publicly submitted proving that RMAC habitually operates "ultra vires" (outside of the law) as witnessed by Larry Weitzman. The following excerpts are from columns published in the Mountain Democrat and frequently discussed during Taxpayer Association meetings:

**7/31/17:**

At a very recent River Management Advisory Committee meeting in the Marshall Gold Discovery Park Museum to discuss the updated County River Management Plan, the rafters want to tell the county how to run the river concessions. Isn't that the tail wagging the dog? **There was no county representative present at a very one-sided meeting that bordered on mob rule. While an official county advisory committee, their actions may have been beyond the law and their authority. It's called an "ultra vires act."**

**8/16/17:**

"...at the Aug. 10 Planning Commission meeting when discussing item No. 5 regarding the new updated River Management Plan (RMP), I thought Schwartz had morphed into Nancy Pelosi, when she said, **"We need to pass the RMP before we do a financial analysis of its impact."** Pelosi said an almost identical statement when she said, **"We need to pass Obamacare to see what's in it."**

Are you kidding me? What was the name of that turnip truck I just fell off? Of course, in spite of the objections of certain members of the public who even presented information as to the preliminary sheriff's costs relative to the river totaling about \$1 million, there was no analysis or method within the plan of how to recover these taxpayers' costs. Yet, the entire Planning Commission approved the RMP recommending that the Board of Supervisors approve the RMP "as is."

Understand that RMP appears to have been crafted by mostly the commercial rafting industry here in EDC as there are no provisions for cost recovery to the county for costs their industry creates. Sounds like the tail may be wagging the dog.

In fact, one of the ringleaders, **Nate Rangel**, in his column and in his appeal to the Planning Commission at the hearing to pass this updated RMP, attempted to counter facts that with respect to their approximately \$30,000 grant for shuttle buses, the money doesn't come from EDC, but comes from some state or local government environmental grant. Hello! Can anybody tell me where any government money comes from? ...It comes from one place and one place only—the taxpayers. All Rangel is saying in his obfuscation of the facts is that the shuttle buses are essentially being paid for by different taxpayers, but paying just the same.

We also have no idea about code enforcement, another huge (cost) issue along the river, and that includes continuing violations of many concessionaire's special use permits. **Inquiring minds want to know, but unfortunately none of these minds reside in the EDC administration and/or the Planning Commission members.**

**8/23/17:**

Meetings are attended by a few people. At the one I attended on Aug. 14 about 10 interested people were there, mostly from the rafting community.

**Adam Anderson is the chair and business representative. His connection is ownership of the Villa Florentino, which is under scrutiny regarding its special use permit because of complaints. A hearing is scheduled shortly in front of the Planning Commission. Anderson lives somewhere in Placerville, away from the river.** Also in attendance were our very competent Deputy Chief Administrative Officer Laura Schwartz and **Vickie Sanders of Parks and Recreation.**

The committee meets about 11 times a year, which creates a huge problem for taxpayers. But first I must describe the meeting I attended which lasted nearly two and a half hours. **My time watching Looney Tunes was better spent, it was so unproductive (maybe it was a live action Looney Tunes).** Not only did not one panel member understand their charge, they didn't even understand their own agenda which consisted of three items. The first one was the approval of the prior meeting's erroneous minutes and the approval of the agenda for that night.

I also attended the prior meeting at the Marshall Gold Discovery Park Museum, which seemed to operate **ultra vires.** They were mostly concerned about the county's recommendation that RMAC be disbanded.

**After listening to Schwartz's description of the nonfunctioning RMAC, many times not fielding a quorum, not understanding their duty or "job," not understanding their purpose, and certainly not understanding the Brown Act or how to conduct a meeting, it didn't take a rocket scientist to see the writing on the wall.**

After two and a half hours, the meeting was done and nothing was accomplished but to set another meeting and perhaps another special meeting before the regularly scheduled meeting. **The only thing I learned from the RMAC meeting was government dysfunction at its worst.**

Attending this meeting were two very highly paid EDC employees. In fact, their total annual cost to EDC including salary and all benefits as reported by Transparent California exceeds \$400,000. That's an hourly cost of more than \$200 an hour combined...What I am pointing out is the fact that each of these meetings cost the taxpayer a lot of money.

And now there is an outcry that the CAO staff, and Parks and Rec staff has recommended that RMAC be disbanded. Why did it take this long? **To add some gasoline to the fire, RMAC has been nothing more than to protect the interests of the commercial rafting industry, the concessionaires along the river and other related enterprises.** Have they solved any problems? No. **The noise, crime, vandalism, and pollution are as big as ever. Have they ever told the board that it's many times out of control? Of course not.**

**Let's determine what the "industry" really costs the county, sheriff, emergency response, environmental management, code enforcement, and SUP violations. We need to know the whole nine yards and then the causation needs to pay their way. Not the taxpayers. Disbanding RMAC is a great start.**

During another RMAC meeting both you and Mr. Weitzman witnessed Laura Schwartz get up from her seat, walk across the room, and turn off the microphone while I was speaking merely because she objected to my observations about RMAC's

unlawful conduct. The Brown Act makes it clear she had no authority to deprive me of the right to testify or seek redress of grievances. The Brown Act specifically states:

**§54954.3 Public's right to testify at meetings.** (c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law. **Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body.**

**As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body.** Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that policies that prohibited members of the public from criticizing school district employees were unconstitutional. (*Leventhal v. Vista Unified School Dist.* (1997) 973 F. Supp. 951; *Baca v. Moreno Valley Unified School Dist.* (1996) 936 F. Supp. 719.) **These decisions found that prohibiting critical comments was a form of viewpoint discrimination and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialog.**

You acknowledged that you haven't received any emails from me since Don Ashton distributed an email on 8/17/18 restricting my ability to communicate electronically with unnamed public employees. Apparently you and other Park & Rec staff are among those public employees who have collaborated to deny my First Amendment rights. Consequently I've requested Supervisor Lori Parlin's admin, Shelley Wiley, to forward specific emails to you concerning RMAC and related Parks & Rec issues. **(See Exhibit C)**

The public is entitled to honest services. Your deliberate unresponsiveness suggests you have something to hide, is an abuse of your fiduciary and in violation of your oaths of office. Despite frequent public testimony and evidence submitted into the public record of fraudulent data and misinformation submitted by Parks & Rec staff, you have failed to take any corrective action. Consequently the Planning Commission and BOS will typically vote unanimously to approve any recommendations RMAC may make concerning the River Management Plan. Following are just a few examples we've specifically brought to your attention, but you've remained unresponsive:

- The 5/26/16 Special RMAC meeting was requested by Nate Rangel to be held in the MGD Park Museum at 6:00 PM. Although nobody showed up, it was never officially cancelled; however the next day the meeting minutes appeared on the EDC Legistar calendar indicating that the RMAC meeting commenced immediately at 6:30 PM **after** I had left the premises. The stall tactics apparently



were a strategic attempt to get me to leave so they could conduct the meeting without me. Since then the previously posted minutes have disappeared from the government website along with the audio. "Technical difficulties" appear to be a convenient and frequent excuse especially when there are issues concerning government transparency or RMAC's compliance with the law.

- The July 2017 RMAC meeting was held in the Marshall Gold Discovery Park Museum but there was no representative from the county present to ensure they adhered to the Brown Act. It was chaotic and bordered on mob rule. When I addressed a question, Nate Rangel claimed that counsel told them they "didn't don't have to answer my questions." Larry Weitzman was present to inform RMAC they were "ultra vires", or acting outside of the law.
- On numerous occasions it has been brought to your attention that corrections were never made to RMAC minutes, yet they were approved unanimously under Consent even though it was apparent none of the RMAC members actually read them.
- Adam Anderson had requested that the Whitewater Park item be added to the January RMAC agenda, but the issue was tabled until February when the item was only meant to be discussed. In violation of the Brown Act, in February RMAC took action on a discussion item to approve funding for a feasibility study. It was apparent that in the interim a decision had already been made behind closed doors to transfer money to the River Trust Fund to fund a feasibility study with Anderson's out of state consultant. It is significant that Anderson's resignation from RMAC was twice announced in 2018 but Anderson still remains as the Business Representative to RMAC due to his admitted "legal manipulations" and blatant lies.
- The 6/22/17 Planning Commission Agenda Item #4 was posted on Legistar as a RMAC workshop and falsely promoted by Nate Rangel as a hearing, when in actuality there was no discussion or action taken by the Planning Commission. It was nothing more than a government charade, obstructionism, and another waste of taxpayer's money.
- You've never responded to the following 9/4/15 @ 4:56 PM inquiry - *"I would appreciate an update on developments in addition to our discussion with you and Steve Peterson a couple months ago about "disempowering" the RMAC bullies. This is also relevant to the last Parks & Rec Commission meeting, item #2 concerning Chili Bar litigation."* (Wade vs. EDC & ARC – eminent domain and harassment involving Noah Rucker.) You were made aware of the circumstances surrounding this particular case were also discussed during our meeting with Assemblyman Frank Bigelow relative to the EDC retaliation and threats by the River Mafia Mob. **(See Exhibit D)**

Any enterprise, undertaken by any public official, such as you, that tends to weaken public confidence and undermines the sense of security for individual rights is against public policy. Fraud, in its elementary common-law sense of **deceit**, is the

simplest and clearest definition of that word [483 U.S. 372] in the statute. See *United States v. Dial*, 757 R2d 163, 168 (7<sup>th</sup> Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 – Concealment, removal, or mutilation generally. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths.

You've been apprised on numerous occasions that River Supervisor Noah Rucker-Triplett has colluded with county staff and State Parks personnel to unethically circumvent the law, deny Citizens due process, or reply to CA Public Record Act Requests. Your knowledge of deliberate misconduct within your department, and failure to take remedial measures, does not demonstrate transparency or "Good Governance" by any stretch of the imagination. Furthermore, it is against all public policy. For example in an email sent October 5, 2015 @ 1:58 PM to CA State Park RMAC representatives, Noah Triplett wrote:

*"We received a public records request from Melody Lane which requests copies of correspondence between RMAC representatives and me. I am seeking an opinion from County Counsel on whether I can I include the emails between you to because there is a confidentiality statement with your emails so she may have to request them from the State."*

In another email dated April 28, 2014 @ 3:21 PM, Noah Triplett informed all RMAC representatives:

*"Vickie informed the committee that the County is looking at starting a more comprehensive update to the RMP beyond what was identified in the 5 year summary reports next year (July 2014). This update would include the River Rescue proposal and Institutional Proposal and anything else. The goal being to not piecemeal updates but to try and do it all at once. **This is also going to cost money since the County wants to use the consultant who did the 2001 RMP and as you know the RTF is broke.***

*The floodplain litter ord. was tabled indefinitely.*

*The alternate RMAC representative proposal was also continued. Maybe Stephen and Keith could get together and come up with a proposal since it sounds like there may be differences?*

***Please do not respond to all as that could be considered a violation of the Brown act."***

Ms. Sanders, you have been regularly apprised on numerous occasions of your staff's failure to comply with the law and the deliberate strategy to delay and obfuscate financial and other pertinent data, particularly as it concerns the River Management Plan. By your actions, you follow neither the letter of the law, nor the spirit of the law, and consistently violate the Supreme Law of the Land and the California Constitution to which you have sworn or affirmed your oath.

Whenever constitutional violations are committed by public officers such as you, there are constitutional remedies available to the people. Such remedies make those who violate their oaths accountable and liable for their unconstitutional actions conducted in perjury of their oaths. When public officers take oaths, yet are ignorant of the constitutional positions to which they are bound by their oaths, and then fail to abide by them in the performance of their official duties, this suggests that they may have had no intention of ever honoring their oaths, and their signatures upon the oath documents constitute fraud. Fraud vitiates any action.

It is the duty of every Citizen to demand that government employees, such as you, specifically perform pursuant to the constitutional mandates contained within their oaths, thereby uphold and protect the rights of the people, as opposed to upholding and promoting the profits of a rapacious, destructive association that perniciously violates the rights of the people as its apparent routine custom, practice and policy.

Any enterprise, undertaken by any public official, such as you and other county staff which tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths.

Another example emanating from a memo dated May 9, 2017 wherein ACAO Laura Schwartz states, *"...we recommend that this committee [RMAC] be dissolved and that the County encourage interested participants to form an ad-hoc committee...Over the past several months, the majority of RMAC members have stepped down from the Committee resulting in not enough members to reach quorum. Several meetings have been cancelled at the request of RMAC due to a lack of a quorum or no issues to discuss...The Chief Administrative Office recommends that the Board consider filling the vacancies noting that RMAC may be dissolved by the end of the year."*

It is a fact that RMAC members have NOT stepped down; they've regularly continued to conduct serial meetings at Camp Lotus and the Marshall Gold Discovery Park. As you are aware, **serial meetings are strictly prohibited by the Brown Act**. This has been discussed with you on several occasions when we met with you and Steve Petersen. The public's objections to fraudulent data and the recurring pattern of staff misconduct have demonstrated that meetings and public input are nothing more than bureaucratic charades to falsely and fraudulently convince Citizens that their input makes a difference. Subsequently such actions and omissions by you and staff directly under your supervision have caused the BOS to vote to approve staff's predetermined recommendations, thus demonstrating the policy, practice, and custom of deliberate indifference to the liberty, will, consent and inherent rights of Citizens, to wit:

The preamble of the Ralph M. Brown Act states, "The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people do not yield

their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created.”

54952.2. (b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, **use a series of communications of any kind, directly or through intermediaries**, to discuss, deliberate, or **take action** on any item of business that is within the subject matter jurisdiction of the legislative body.

*The issue of serial meetings stands at the vortex of two significant public policies: first, the constitutional right of citizens to address grievances and communicate with their elected representatives; and second, the Act's policy favoring public deliberation by multi-member boards, commissions and councils. **The purpose of the serial meeting prohibition is not to prevent citizens from communicating with their elected [or appointed] representatives, but rather to prevent public bodies from circumventing the requirement for open and public deliberation of issues.** The Act expressly prohibits serial meetings that are conducted through direct communications, personal intermediaries or technological devices for the purpose of developing a concurrence as to action to be taken. (§ 54952.2(b); Stockton Newspapers, Inc. v. Redevelopment Agency (1985) 171 Cal.App.3d 95, 103.)*

Additionally falsified minutes are routinely approved by your staff. Your culpability is made evident by your knowledge of staff misconduct and deliberate failure to take remedial action. As we discussed, evidence reveals your collusion with other county staff to deprive Citizens of their right to public information, obstructionism, refusal to engage in dialog, or participate in the deliberation of public policy. Consequently, the decisions made by Parks and Recreation, the Planning Commission and Board of Supervisors that are based on collusion and deliberately falsified information will ultimately affect all EDC tax payers through unnecessarily expensive litigation, thus undermining the public trust in local government.

By your actions and in some cases, inaction, it is clear that you have violated on numerous occasions each and every one of the above provisions. You've been made aware of unlawful government practices within your department, yet you've failed to take any corrective measures. In so, doing you've aided and abetted the perpetuation of government fraud, and are therefore culpable, complicit and liable.

When you and other public officers violate the Constitutions, at will as an apparent custom, practice and policy of office, you and they subvert the authority, mandates and protection of the Constitutions, thereby act as domestic enemies to these Republics and their people. When large numbers of public officers so act, this reduces America, California, and the County of El Dorado to the status of frauds operating for the benefit of government and their corporate allies, and not for the people they theoretically serve.



You have no constitutional or any other valid authority to defy the Constitution, to which you owe your LIMITED authority, delegated to you by and through the People, and to which you swore your oath. Yet, by your actions against me, committed repeatedly on the aforementioned dates and several other occasions, you've deprived me of my inherent rights.

It is apparent the public's input has been reduced to irrelevancy, thereby demonstrating that public RMAC meetings are little more than predetermined outcomes designed to falsely give Citizens the impression of government transparency and accountability, while providing neither. This is blatant fraud perpetrated by you and other elected/appointed officers against the people they are required to serve and who pay their respective salaries.

***Depriving the public of honest services is a federal crime.*** My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. All public officers within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves and owes a fiduciary duty to the public. The fiduciary responsibilities of a public officer cannot be less than those of a private individual. You have failed your fiduciary responsibilities and duty as Parks and Recreation Manager.

Furthermore, any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word [483 U.S. 372] in the statute. *See United States v. Dial, 757 R2d 163, 168 (7<sup>th</sup> Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 – Concealment, removal, or mutilation generally.*

The First Amendment guarantees the Right of free speech and the Right to petition government for **redress of grievances**, which, the oath taker, pursuant to his oath, is mandated to uphold. If he fails this requirement, then, he has violated two provisions of the First Amendment, the Public Trust and perjured his oath. By not responding and/or not rebutting, the oath taker denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. By your own actions, pursuant to your oath, you have violated these First Amendment guarantees. An American Citizen, such as I, can expect, and has the Right and duty to demand, that government officers uphold their oaths to the Constitution(s) and abide by all constitutionally imposed mandates of their oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

Furthermore, there is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to letters or emails, which in this case act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents or by Citizens injured by their actions. When public officers harm the Citizens by their errant actions, as you have done, and then refuse to respond to or rebut petitions from Citizens, as you have also done, then those public officers are domestic enemies, acting in sedition and insurrection to the declared Law of the land and **must be opposed, exposed and lawfully removed from office.**

As stated previously, actions by a public officer either uphold the Constitutions and rights secured therein, or oppose them. By your stepping outside of your delegated authority you lost any "perceived immunity" of your office and you can be sued for your wrongdoing against me, personally, privately, individually and in your professional capacity, as can all those in your jurisdiction, including your supervisors and anyone having oversight responsibility for you, including any judges or prosecuting attorneys and public officers for that jurisdiction, if, once they are notified of your wrongdoing, they fail to take lawful actions to correct it, pursuant to their oaths and their duties, thereto:

*"Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation." (Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988)).*

If those superiors referenced above fail to act and correct the matter, then, they condone, aid and abet your criminal actions, and further, collude and conspire to deprive me and other Citizens of their Rights guaranteed in the Constitutions, as a custom, practice and usual business operation of their office and the jurisdiction for which they work. This constitutes treason by the entire jurisdiction against the Citizens of El Dorado County, in the instant case, me, and based upon the actions taken and what exists on the public record, it is impossible for any public officer to defend himself against treason committed. See: 18 USC § 241 - Conspiracy against rights and 18 USC § 242 - Deprivation of Rights Under Color of Law. See also: U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239.

You can either uphold your oath and the rights and best interests of the people, or violate your oath and your duties to the people. As stated previously, anytime you perjure your oath, defy the authority of the Constitutions and step outside of the lawful scope of your duties and authority, you are personally liable. In fact, the national Constitution provides remedy for the people when public officers, such as you, perjure their oaths, which remedy, in part, can be found at the referenced Sections 3 and 4 of the 14<sup>th</sup> Amendment.

The First Amendment guarantees the Right of free speech and the Right to petition government for **redress of grievances**, which, the oath taker, pursuant to his

oath, is mandated to uphold. If he fails this requirement, then he has violated two provisions of the First Amendment, the Public Trust and perjured his oath. By not responding and/or not rebutting, the oath taker denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. By your own actions, pursuant to your oath, you have violated these First Amendment guarantees. An American Citizen, such as I, can expect, and has the Right and duty to demand, that government officers uphold their oaths to the Constitution(s) and abide by all constitutionally imposed mandates of their oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

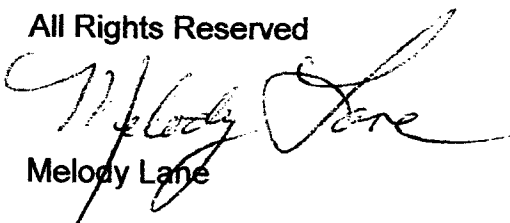
Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support and uphold. The mandates and protections set forth in the Constitutions are all-encompassing, all-inclusive and fully binding upon public employees, without exception, as they are upon you. All of the facts, claims and charges stated herein clearly demonstrate that you, pursuant to your oath, acted outside the lawful scope of your limited duties and constitutional authority; therefore, you acted on your own, as a private Citizen and renegade, outside of any governmental protection and/or immunity, whatsoever. If government were to protect and defend your unconstitutional actions, then, that government becomes complicit in those actions, condones, aids and abets them. (Refer to Title 18 USGC, Sections 241 & 242)

If you disagree with anything in this letter, then rebut that with which you disagree, in writing via a notarized affidavit *with particularity* to me within thirty (30) days of the date of this letter, and support your disagreement with valid evidence, fact and law.

Your failure to respond, as stipulated, is your agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful, and is your irrevocable agreement attesting to this, fully binding upon you, in any court in America, without your protest or objection and that of those who represent you.

Sincerely,

All Rights Reserved

A handwritten signature in cursive script, appearing to read "Melody Lane".

Melody Lane

Attachments:

- Exhibit A – 8/3/15 Agenda - Vickie Sanders
- Exhibit B – AOA letter to Palacios re: RMAC
- Exhibit C – Don Ashton email restricting my email
- Exhibit D - Wade vs EDC & ARC – Sweeney letter to BOS

CC: District #1 Supervisor John Hidahl  
District #2 Supervisor Shiva Frentzen  
District #3 Supervisor Brian Veerkamp  
District #4 Supervisor Lori Parlin  
District #5 Supervisor Sue Novasel  
CAO Don Ashton  
Barry Smith, Superintendent Marshall Gold Discovery State Historic Park



8/3/15 RMAC Meeting

Parks & Recreation – Vickie Sanders

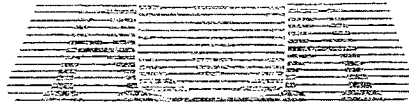
I. Personnel Issues

- A. Noah Rucker
- B. RMAC minutes/Brown Act violations/Audio recordings
- C. Conspiracy/harassment/discrimination
- D. Remedial action

II. Next RMAC Meeting

- A. Rescheduled Date?
- B. May 2010 Brown Act – Ciccozzi/Briggs/Mtn. Demo
- C. Wording of agenda > Bullying
- D. EDSO

**EXHIBIT A**



**Alfa Omega Associates**

Management Consulting • Public Relations • Publicity  
*Specializing in Environmental Organizational Management*

P.O. Box 7171 • Auburn, CA 95604-7171  
Tel/Fax: 530-888-1523 • Cell: 530-308-2689  
E-mail: drdalesmith@aoaconsult.net  
*Dr. Dale Smith, H.H.D., General Manager*

March 19, 2010

**PRIORITY MAIL DELIVERY**  
**CONFIRMATION**

Mr. Robert Palacios  
P.O. Box 545  
Coloma, CA 95613

Mr. Palacios,

After seeing you once before at an RMAC meeting and hearing your odious recorded outbursts against Melody Lane, under such circumstances, your request of Ms. Lane certainly will not be fulfilled. I have advised her NOT to send anything to you from *COMPAS* or have any contact whatsoever with you.

Because of the past, it would not be prudent for you to speak to Ms. Lane at any time by any means or for any reason.

If you want to find out about *COMPAS*, you can read the newspapers or make your request to me and I will consider it.

Any kind of harassment of Ms. Lane by you at any time or location would be especially irresponsible. To be sure, not only is *AOA* watching and listening very carefully but also other organizations which monitor the actions of public agencies have been appraised of this unacceptable state of affairs in a number of departments in El Dorado County.

Sincerely yours,

Dr. Dale Smith

**Cc: Bill Deichtman, RMAC Chair & Employee, Marshall Gold  
Discovery Historic State Park  
Greg Stanton, El Dorado County, Environmental Management  
Noah Rucker-Triplett, El Dorado County River Recreation  
Bill Salata, Public Safety & Enforcement – CA State Parks  
Melody Lane, President, *COMPAS*  
Area media and other interested parties**

***EXHIBIT B***

**From:** Donald Ashton [mailto:don.ashton@edcgov.us]

**Sent:** Friday, August 17, 2018 3:45 PM

**To:** Melody Lane

**Cc:** AD-Department-Heads-m; The BOSONE; The BOSTWO; The BOSTHREE; The BOSFOUR; The BOSFIVE

**Subject:** Email Access

Good afternoon Ms. Lane,

Over the last few months, you have sent numerous emails, sometimes including lengthy email chains and/or attachments along with your communication. These emails have included in their distribution numerous staff members in addition to Department Heads, my office, the offices of the Board of Supervisors and their assistants.

The County's email system is designed to make County operations more effective and efficient. In furtherance of that objective the County has a practice of limiting certain types of email traffic. The County has never by policy or practice opened its email system for indiscriminate use by the general public.

The County takes seriously its obligation to provide the constituents of the County with access to their local government, however, the County's email system is not a traditional public forum nor has the County designated it as such. As a nonpublic forum, the County can impose reasonable regulations on the use of its email system. In fact, even where a public forum is involved, the law allows reasonable time, place, and manner restrictions upon the use of that public forum. As has been noted "Freedom of expression does not mean that everyone with opinions or beliefs to express may do so at any time and place..." It has also been recognized that the government and the taxpayers it serves have a substantial interest in avoiding unnecessary drains upon the public resources. By sending these lengthy emails with extensive attachments to numerous County employees and officials, public resources are diverted from other important tasks when those employees and officials must open and review the email and attachments.

This is to let you know that effective immediately the County is restricting your ability to email County staff. In order to ensure you continue to have access to your local government, you will still be permitted to email all Board of Supervisors members, their assistants, County Department Heads as well as [edc.cob@edcgov.us](mailto:edc.cob@edcgov.us) and [planning@edcgov.us](mailto:planning@edcgov.us). You remain free to express any opinions, requests, or other comments in your emails as the County has no interest in restricting your ability express your viewpoint on matters of County governance.

We appreciate your interest in the operation of your local government and trust you understand that we share your desire to ensure that the County operates effectively and efficiently for all of the citizens of the County.

**WARNING:** This email and any attachments may contain private, confidential, and privileged material for the sole use of the intended recipient. Any unauthorized review, copying, or distribution of this email (or any attachments) by other than the intended recipient is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments.

**EXHIBIT C**

J. Sweeney Open Forum BAS 5/5/15

Statement to Board of Supervisors at Open Forum by James R. "Jack" Sweeney Date May 5, 2015

Subject: County Property at Chili Bar

On March 12, 2015 the American River Conservancy (ARC) advertised that they were seeking a Park Aide to work at Chili Bar. This raised my curiosity and prompted the following remarks. It also raises the question as to whether the ARC disregards the authority of the County and if they will continue to get away with such disregard?

When the American River Conservancy sold the property to the County all previous reserved rights merged and no rights were reserved upon that sale. Hence, the ARC retained absolutely no authority nor authorization to remain on the property. Since that sale, the ARC has been squatting on the Public Property owned by the County. ARC refused agreements for occupancy offered by the County.

Unless there has been an agreement made between the County and ARC since January 2013, they are still squatters and should not be offering employment on County Property. I have not seen any such agreement on the open public agenda! The County should immediately stop ARC from using Chili Bar or reach an appropriate agreement that is considered through the public agenda process.

While this matter was rising to the filing of a lawsuit, the County DOT Staff had reached a solution that would have been amicable to all parties; the Board was not given that solution!

The County is already involved in one lawsuit over the ARC misuse of Chili Bar and has countersued for use of an easement to which the County has absolutely no rights.

The County should withdraw the countersuit for the easement; I consider that action to be inappropriate and/or illegal!

The County should settle the original suit out of court.

I would be willing to work with the County to seek these solutions!

The case is Wade v. County of El Dorado and American River Conservancy

PC20120264 =  
Eminent Domain &  
Harassment

James R Sweeney

1 of 1

**EXHIBIT D**