

To: Chair Regina Jackson, Chair Oakland Police Commission
From: Use of Force Ad Hoc Committee Representatives, Commissioner Anderson, Commissioner Harris and Vice Chair Gage.
Date: Updated May 7, 2020
RE: Use of Force Ad Hoc Bi-Weekly Report

Background

In January 2020, the Oakland Police Commission voted to approve a new version of Department General Order (DGO) K-03 Use of Force, to be in compliance with AB 392 an act to amend Sections 196 and 835a of the Penal Code, relating to peace officers. As a part of the discussion about approving the new K-03, effective January 1, 2020, the Oakland Police Commission and Oakland Police Department collectively asserted during this meeting that the ultimate goal to best serve the community is a more comprehensive revision of K-03. Members of the Use of Force Ad Hoc (UOF Ad Hoc) agreed to reconvene to complete the comprehensive revision. Subsequently, at the January 16th meeting of the UOF Ad Hoc the committee worked to establish purpose and goals for the revision of K-03 and referenced Training Bulletins. During the February 27, 2020 Oakland Police Commission the UOF Ad Hoc committed to produce regular reports on the progress of the revision process.

Meeting Update: March 5, 2020

The UOF Ad Hoc met on Thursday March 5th. The meeting content focused on De-Escalation goals, considerations, resources, tactics, techniques, and principles. The committee proposes the creation of an entire section devoted to De-Escalation. The emphasis on De-Escalation reinforces the priority that thoughtful resolutions to situations reduce the likelihood of harm to all persons involved. Including a section devoted to De-Escalation in Use of Force policy is a national best practice.

The committee reviewed sections from the following model Use of Force policies during the course of the meeting;

- Albuquerque, NM
- Camden, NJ
- Cleveland, OH
- Denver, CO
- Seattle, WA

The UOF Ad Hoc completed review of the De-Escalation section during the committee meeting. The next meeting is scheduled for March 19, 2020.

Meeting Update: March 19, 2020

The UOF Ad Hoc met remotely on March 19, 2020. The meeting content focused on general considerations and policy including objectively reasonable, necessary, and proportional force. The committee discussed the provisions on use of force, and officer duty to intervene, warnings and De-escalation after force has been used.

The committee reviewed sections from the following model Use of Force policies during the course of the meeting;

Camden, NJ
Denver, CO
San Francisco, CA
Seattle, WA

The UOF Ad Hoc completed review of the general considerations and policy section during the committee meeting. The next meeting is scheduled for March 26, 2020.

Meeting Update: March 26, 2020

The UOF Ad Hoc met remotely on March 26, 2020. The meeting content focused on levels of resistance and levels of force. The discussion included conditions of compliance and explored the distinguishing characteristics between the following levels of resistance; passive, active, assaultive and life threatening forms of resistance. The discussion on levels of force included techniques, tactics, and tools available to Oakland police Department officers in the context of levels of resistance. Emphasis was placed on not creating a continuum of force.

The Committee reviewed sections from the following model Use of Force policies during the course of the meeting;

Denver, CO
San Francisco, CA
Seattle, WA

The Committee agreed to continue discussions on level of force during the next meeting. The next meeting is scheduled for April 2, 2020.

Meeting Update: April 2, 2020

The UOF Ad Hoc met remotely on April 2, 2020. The meeting content focused on levels of resistance and levels of force. The discussion continued on levels of force, including techniques, tactics, and tools available to Oakland police Department officers in the context of levels of resistance. The discussion included in-depth discussion on commands and less-lethal force and how best to structure the policy to be clearly understood by Oakland Police Department officers.

The Committee reviewed sections from the following model Use of Force policies during the course of the meeting;

District of Columbia (DC) Metro
Seattle, WA

Meeting Update: April 15, 2020

The UOF Ad Hoc met remotely on April 15, 2020. The meeting content focused on Lethal Force. Discussion included review of Assembly Bill 392 which amended the text of Penal Code 835a, the intent of the legislature relative to limiting the use of lethal force. Revisions focused on conduct

related to drawing, exhibiting, upholstering, pointing, and discharging firearms. A significant amount of time was devoted to discussing prohibitions on discharging firearms from moving vehicles.

The Committee reviewed sections from the following model Use of Force policies during the course of the meeting;

San Francisco, CA
Seattle, WA

The Committee agreed to continue discussions on lethal force during the next meeting. The next meeting is scheduled for April 30, 2020.

Meeting Update: April 30, 2020

The UOF Ad Hoc met remotely on April 30, 2020. The meeting content focused on a review of key outstanding questions on Use of Force-General Considerations and Policy, Levels of Resistance, Levels of Force, and Less Lethal Force. A substantial amount of discussion was devoted to descriptions of policy on the use of less-lethal tools and the appropriate level of tactical detail to include in the the Use of Force Department General Order from Training Bulletins. Training Bulletins are considered department policy and typically include very specific descriptions on the use of an item or weapon. The next meeting is scheduled for May 7, 2020.

Meeting Update: May 7, 2020

The UOF Ad Hoc met remotely on May 7, 2020. The meeting content focused on prohibitions on firearms, and force likely to cause great bodily injury or death. In addition discussion covered considerations after force, which include preventing positional asphyxia, administrative leave after lethal force incidents and counseling services after lethal force incidents. The final subject covered was training requirements.

The Committee reviewed sections from the following model Use of Force policies during the course of the meeting;

District of Columbia (DC) Metro

The next meeting is scheduled for May 21, 2020.