



OAKLAND POLICE COMMISSION REGULAR MEETING AGENDA

**September 8, 2022
6:30 P.M.**

The purpose of the Oakland Police Commission is to oversee the Oakland Police Department to ensure its policies, practices, and customs conform to national standards of constitutional policing, and to oversee the Office of the Inspector General, led by the civilian Office of Inspector General for the Department, as well as the Community Police Review Agency (CPRA), led by the Executive Director of the Agency, which investigates police misconduct and recommends discipline.

Pursuant to California Government Code Section 54953(e), members of the Police Commission, as well as the Commission's Counsel and Community Police Review Agency staff, will participate via phone/video conference, and no physical teleconference locations are required.



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PUBLIC PARTICIPATION

The Oakland Police Commission encourages public participation in the online board meetings. The public may observe and/or participate in this meeting in several ways.

OBSERVE:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10
- To observe the meeting by video conference, please click on this link: <https://us02web.zoom.us/j/86938805668> at the noticed meeting time. Instructions on how to join a meeting by video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193>, which is a webpage entitled “Joining a Meeting”
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):

+1 669 444 9171 or +1 669 900 9128 or +1 719 359 4580 or +1 253 215 8782 or +1 346 248 7799 or +1 646 931 3860
Webinar ID: 869 3880 5668

After calling any of these phone numbers, if you are asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting By Phone.”

PROVIDE PUBLIC COMMENT: There are three ways to make public comment within the time allotted for public comment on an eligible Agenda item.

- Comment in advance. To send your comment directly to the Commission and staff BEFORE the meeting starts, please send your comment, along with your full name and agenda item number you are commenting on, to opc@oaklandcommission.org. Please note that e-Comment **submissions close at 4:30 pm**. All submitted public comment will be provided to the Commissioners prior to the meeting.
- By Video Conference. To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” are available at: <https://support.zoom.us/hc/en-us/articles/205566129>, which is a webpage entitled “Raise Hand In Webinar.”
- By Phone. To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing STAR-NINE (“*9”) to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. Once it is your turn, you will be unmuted and allowed to make your comment. After the allotted time, you will be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting by Phone.”

If you have any questions about these protocols, please e-mail Kelly Yun at opc@oaklandcomission.org



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I. Call to Order, Welcome, Roll Call and Determination of Quorum

Chair Tyfahra Milele

Roll Call: Vice Chair Marsha Peterson; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell; Commissioner Jesse Hsieh; Commissioner Regina Jackson, Commissioner David Jordan; Alternate Commissioner Angela Jackson-Castain; Alternate Commissioner Karely Ordaz

II. Adoption of Renewal Resolution Electing to Continue Conducting Meetings Using Teleconferencing in Accordance with California Government Code Section 54953(E), a Provision of AB-361. The Commission will re-adopt findings to permit it to continue meeting via teleconference under the newly amended provisions of the Brown Act. ***This is a recurring item.*** ([Attachment 1](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

III. Open Forum Part 1 (2 minutes per speaker, 15 minutes total)

After ascertaining how many members of the public wish to speak, Vice Chair Marsha Peterson will invite Members of the public wishing to address the Commission on matters that are not on tonight's agenda but are related to the Commission's work should raise their hands and they will be called on in the order their hands were raised. Comments regarding agenda items should be held until the agenda item is called for discussion. Speakers not able to address the Commission during this Open Forum will be given priority to speak during Open Forum Part 2, at the end of the agenda.

IV. Presentation and Possible Approval of Policy DGO 1-18 Member Personal Social Media and Policy DGO I-19 Electronic Communication Devices

The Commission will review and discuss Policy DGO 1-18 Member Personal Social Media and Policy DGO I-19 Electronic Communication Devices. ***This is a new item.*** ([Attachment 2](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

V. Presentation and Possible Approval of Policy K-7 (Militarized Equipment)

The Commission will review and discuss Policy K-7 (Militarized Equipment). ***This is a new item.*** ([Attachment 3](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

VI. Motion for Approval of Presentation and Possible Approval of Policy K-6 (Department Rifles), Policy TB-III-H (Specialty Impact Munitions) and Policy TB-III-P.04 (Armored Vehicles)

The Commission will vote on whether to hear the presentation and possible approve Policy K-6 (Department Rifles) Policy TB-III-H (Specialty Impact Munitions) and Policy TB-III-P.04 (Armored Vehicles) pursuant to Oakland Municipal Code Section 2.20.080.D. (Department Rifles). ***This is a new item.***

- a. Discussion
- b. Public Comment
- c. Action, if any

VII. Presentation and Possible Approval of Policy K-6 (Department Rifles)

The Commission will review and discuss Policy K-6 (Department Rifles). ***This is a new item.*** ([Attachment 4](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

VIII. Presentation and Possible Approval of Policy TB-III-H (Specialty Impact Munitions)

The Commission will review and discuss Policy TB-III-H (Specialty Impact Munitions). ***This is a new item.*** ([Attachment 5](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

IX. Presentation and Possible Approval of Policy TB-III-P.04 (Armored Vehicles)

The Commission will review and discuss Policy TB-III-P.04 (Armored Vehicles). ***This is a new item.*** ([Attachment 6](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

X. Committee Reports

Representatives from Standing and Ad Hoc Committees will provide updates on their work. ***This is a recurring item.*** ([Attachment 7](#)).

Inspector General Policies

(Commissioners Peterson, Harbin-Forte, Jackson)

The Ad Hoc is tasked with reviewing draft policies submitted by the Office of the Inspector General

Oakland Black Officers Association (OBOA)

(Commissioners Harbin-Forte, Jackson, Karely Ordaz)

This Ad Hoc Committee is tasked with selecting an outside firm through the City's Request for Proposals process, to investigate allegations made by the Oakland Black Officers Association that the Oakland Police Department engages in racially discriminatory hiring and promotions.

CPRA Executive Director Search

(Commissioners Milele, Jackson and Peterson)

The Ad Hoc is tasked with recruiting for the open CPRA position.

- a. Discussion
- b. Public Comment
- c. Action, if any

XI. Open Forum Part 2 (2 minutes per speaker)

Members of the public wishing to address the Commission on matters that were not on tonight's agenda but are related to the Commission's work should raise their hands and they will be called on in the order their hands were raised. ***Persons who spoke during Open Forum Part 1 will not be called upon to speak again without prior approval of the Commission's Chairperson.***

XII. Upcoming/Future Agenda Items

The Commission will engage in a working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas. ***This is a recurring item. (Attachment 8).***

- a. Discussion
- b. Public Comment
- c. Action, if any

XIII. Adjournment

NOTICE: In compliance with the Americans with Disabilities Act, for those requiring special assistance to access the videoconference meeting, to access written documents being discussed at the Discipline Committee meeting, or to otherwise participate at Commission meetings, please contact Kelly Yun at opc@oaklandcommission.org for assistance. Notification at least 48 hours before the meeting will enable the Police Commission to make reasonable arrangements to ensure accessibility to the meeting and to provide any required accommodations, auxiliary aids or services.

OAKLAND POLICE COMMISSION

RESOLUTION NO. 22-13

ADOPT A RESOLUTION DETERMINING THAT CONDUCTING IN-PERSON MEETINGS OF THE OAKLAND POLICE COMMISSION AND ITS COMMITTEES WOULD PRESENT IMMINENT RISKS TO ATTENDEES' HEALTH, AND ELECTING TO CONTINUE CONDUCTING MEETINGS USING TELECONFERENCING IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 54953(e), A PROVISION OF AB-361.

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency related to COVID-19, pursuant to Government Code Section 8625, and such declaration has not been lifted or rescinded. *See* <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>; and

WHEREAS, on March 9, 2020, the City Administrator in their capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, 2020, the City Council passed Resolution No. 88075 C.M.S. ratifying the proclamation of local emergency pursuant to Oakland Municipal Code (O.M.C.) section 8.50.050(C); and

WHEREAS, City Council Resolution No. 88075 remains in full force and effect to date; and

WHEREAS, the Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. *See* <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

WHEREAS, the CDC recommends that people who live with unvaccinated people avoid activities that make physical distancing hard. *See* <https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/caring-for-children/families.html>; and

WHEREAS, the CDC recommends that older adults limit in-person interactions as much as possible, particularly when indoors. *See* <https://www.cdc.gov/aging/covid19/covid19-older-adults.html>; and

WHEREAS, the CDC, the California Department of Public Health, and the Alameda County Public Health Department all recommend that people experiencing COVID-19

symptoms stay home. See <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>; and

WHEREAS, persons without symptoms may be able to spread the COVID-19 virus. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

WHEREAS, fully vaccinated persons who become infected with the COVID-19 Delta variant can spread the virus to others. See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>; and

WHEREAS, the City's public-meeting facilities are indoor facilities that do not ensure circulation of fresh / outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart; and

WHEREAS, holding in-person meetings would encourage community members to come to City facilities to participate in local government, and some of them would be at high risk of getting very sick from COVID-19 and/or would live with someone who is at high risk; and

WHEREAS, in-person meetings would tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to come to City facilities and participate in local government; and

WHEREAS, attendees would use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households; and

WHEREAS, on October 14, 2021 the Oakland Police Commission adopted a resolution determining that conducting in-person meetings would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing in accordance with California Government Code Section 54953(e), a provision of AB-361; now therefore be it:

RESOLVED: that the Oakland Police Commission finds and determines that the foregoing recitals are true and correct and hereby adopts and incorporates them into this resolution; and be it

FURTHER RESOLVED: that, based on these determinations and consistent with federal, state and local health guidance, the Oakland Police Commission renews its determination that conducting in-person meetings would pose imminent risks to the health of attendees; and be it

FURTHER RESOLVED: that the Oakland Police Commission firmly believes that the community's health and safety and the community's right to participate in local government, are both critically important, and is committed to balancing the two by continuing to use teleconferencing to conduct public meetings, in accordance with California Government Code Section 54953(e), a provision of AB-361; and be it

FURTHER RESOLVED: that the Oakland Police Commission will renew these (or similar) findings at least every thirty (30) days in accordance with California Government Code section 54953(e) until the state of emergency related to COVID-19 has been lifted, or the Oakland Police Commission finds that in-person meetings no longer pose imminent risks to the health of attendees, whichever occurs first.

ON SEPTEMBER 8, 2022, AT A MEETING OF THE OAKLAND POLICE COMMISSION IN OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES –

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

Oakland Police Commission
City of Oakland, California



MEMORANDUM

TO: Tyfahra Milele
Chair, Oakland Police Commission

FROM: Mark Love
Human Resources

SUBJECT: **DGO – I19** – *Electronic Communications Devices* and **DGO- I18** *Member Personal Social Media*

DATE: September 2, 2022

PURPOSE

This memorandum and the attached policies DGO I19- *Electronic Communications Devices* and DGO I18 – *Member Personal Social Media* are the submission of policies at the conclusion of the meet and confer process with the labor organizations which represent employees of the Oakland Police Department (“OPD”).

BACKGROUND

The Oakland Police Department and the Oakland Police Commission (via ad-hoc committee), in consultation with the Court-ordered Monitoring Team developed the DGO-I19 *Electronic Communications Devices* and DGO I18 – *Member Personal Social Media*. Per the Meyers-Milias-Brown Act, state law which governs labor management relations in local agencies, the City noticed labor organizations including Oakland Police Officers’ Association (“OPOA”), Services Employees International Union Local 1021 (“SEIU 1021”) and the International Federation of Professional & Technical Engineers (“Local 21”) on or around April 13, 2022.

Meeting with Labor Organizations

The City met three times with the OPOA to discuss both policies. Employee Relations and the OPD have had ongoing correspondence with SEIU 1021 on both policies, including a remote meeting with the Union team on DGO – I19.

The enclosed policies represent the product of a collaborative process with the City’s labor organizations, namely the OPOA and SEIU 1021. The City has completed its meetings with the OPOA and is close to concluding its discuss with SEIU 1021 with minimal changes to the policy expected.

The City listened to the Unions’ respective questions and concerns regarding both policies and in some cases made modifications to the policies drafted by the ad-hoc committees. The attached policies are substantively similar to the policies drafted by the OPD and the Commission and represent a work product that is somewhat more specific and is clearly enforceable. Below is a brief summary of the modifications made to the respective policies as a result of the meet and confer process:

DGO – I19 – Electronic Communications Devices

- Captains (previously Lieutenants) and above will be required to have work cell phones accessible (on and off duty)

To: Chair Tyfahra Milele, Oakland Police Commission
Subject: Ad Hoc Report and Policy Submission – DGO I-19
Date: April 8, 2022

- Requires lock screen passcode for OPD issued cell phones
- OPD commitment to training
- Clarification of privacy rights regarding accessing city email.
- Definition for C-7, #3 “Hate group, racist, or anti-government material”
- Examples of what constitutes Social Media.

DGO – I18 Member Personal Social Media

- Makes clear that the Department has an obligation to prevent employee speech that could disrupt the OPD’s mission of providing law enforcement services with the utmost respect, fairness, sound judgement and commitment to equity.
- Further defines what constitutes “personal social media.”
- Further defines D-2 Prohibition on Discriminatory Posts and Interactions
- Clarifies nexus to job for non-sworn, professional staff and sworn staff

CONCLUSION AND RECOMMENDATION

The Department of Human Resources and the Oakland Police Department recommend adoption of both the DGO – I19 *Electronic Communication Devices* and DGO I18 – *Member Personal Social Media*.

Respectfully submitted,

Mark Love
Employee Relations Manager
Human Resources Department

Attachment (2):

A – Department General Order I-19, Electronic Communication Devices
B – Member Personal Social Media



DEPARTMENTAL GENERAL ORDER

D-18: MEMBER PERSONAL SOCIAL MEDIA

Effective Date: XX XX 22

Coordinator: Office of Chief of Police

COMMAND INTENT

This policy is intended to provide both guidance and rules about the use of personal social media by members of the Oakland Police Department. While this policy provides guidelines for the regulation and balancing of member speech and expression with the needs of the Department, it also addresses a larger need: that the Department and its staff commit to celebrating the best selves of the members and their service to the community while at the same time protecting members – with both guidance and accountability – against some of the pitfalls of social media. **The policy also makes clear that ~~extreme views~~ public speech which ~~that~~ denigrates others, advocates violence, or promotes harm ~~have~~ has no place within the Department, and those who espouse those views have no place guarding our community.**

The community of Oakland expects that all members of the Police Department will have a “Guardian” mindset when it comes to keeping the peace and to policing in concert with the community. With this mindset must come a recognition by police personnel, especially sworn officers, of the serious power with which they are entrusted. The Department has a commitment to serve and to prevent ~~any information shared on social media platforms that might prejudice or seemingly prejudice the perception of OPD members beyond that they serve with the utmost respect, fairness, sound judgement, and a commitment to equity.~~ employee speech that could reasonably be predicted to disrupt the Department’s mission of providing law enforcement services with the utmost respect, fairness, sound judgment, and commitment to equity.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private individual, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

~~Toxic, unreasonable, and inappropriate expression — such as social media posts that degrade others or promote extremism — threaten the relationship of the Department to the community and create the fear that the awesome powers given to police personnel will be misused. While this type of language may be allowed by First Amendment law, this type of expression conflicts with the values of the Oakland Police Department and will likely lead to termination of employment by the Department and the City of Oakland.~~

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OAKLAND POLICE DEPARTMENT

Effective Date
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A. VALUES AND RULES OF THE OAKLAND POLICE DEPARTMENT

A - 1. Department Mission

The Oakland Police Department's mission is to provide police service focused on public safety and the *sanctity of life*, to hold ourselves accountable to a high standard of conduct, efficiency, and efficacy, and to promote mutual respect between the Department and the Communities of Oakland.

A - 2. City of Oakland Administrative Instruction

The City of Oakland sets forth specific anti-discrimination and non-harassment policy in [Administrative Instruction \(AI\) 71](#).

AI 71 strictly prohibits any form of unlawful employment discrimination and/or harassment or other inappropriate conduct based on race, color, religion/religious creed, sex/gender, pregnancy, marital status, age, national origin/ancestry, physical and/or mental disability, medical condition, sexual orientation, gender identity, military or veteran status, or status in any other group protected by federal, state or local law.

Conduct includes not only physical conduct but also verbal conduct (epithets, slurs, derogatory or demeaning comments—even if not directed at a specific person or persons, innuendo, jokes or ridicule, hostile or more severe treatment based on a person's protected characteristic or status, threats of violence or comments indicating stereotyping) and visual conduct (obscene, derogatory or demeaning images, photos, cartoons, e-mail, screen savers or drawings).

A - 3. Law Enforcement Code of Ethics

The Department expects that all members, both sworn and professional staff, will make every effort to adhere to the Department's codification of the Law Enforcement Code of Ethics, including the following section:

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

A - 4. Manual of Rules

The Oakland Police Department's Manual of Rules sets forth specific rules that members must follow. The following sections are highlighted because members' personal social media activity must also comport with these rules and applicable law:

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- **314.03 – General Conduct**
- **314.04 – Conduct Toward Others – Harassment and Discrimination**
- **384.32 – Political Activity**
- **384.56 – Membership in Organizations**
- **384.70 – Subversive Organization**

B. DEFINITIONS

B - 1. Social Media

A category of internet-based resources that integrate user-generated content and user participation. Social media includes, but is not limited to, social networking sites, local / national newspaper / news media comment sections, photo and video sharing sites, wikis, blogs, and websites/apps such as Facebook, Instagram, YouTube, LinkedIn, Snapchat, Twitter, Reddit, Discord, Twitch, and TikTok.

B - 2. Personal Social Media

Personal social media includes:

- Accounts established by Department members with third-party providers (e.g., Facebook, Instagram, Twitter, etc.) that are not officially authorized by the Department, or accounts used by Department members for purposes outside of the scope of a member's official duties.
- Social media accounts established or administered by individual members of the Department for fraternal or charity organizations, off-duty employment, civic or community organizations, etc., are also subject to the provisions of this policy.

Personal social media does not include:

- Official accounts of the Oakland Police Department, curated and monitored as part of the job duties of members; and
- Social media accounts that are used solely for the purposes of criminal investigation, intelligence, or other job-related duties.
- Personal photo streaming applications which are limited to individuals participating by private invitation and not accessible via any public social media or internet services. These applications are generally used for sharing family photographs.
- Personal electronic email accounts.
- Social media accounts and emails utilized by individual members and the designated bargaining unit representative in conjunction with activities related to labor relations and collective bargaining.

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C. GENERAL CONSIDERATIONS FOR PERSONAL SOCIAL MEDIA USE

C - 1. Personal Social Media Use May Impact Peer, Department, and Community Perception of the Member

The community of Oakland expects that all members of the Police Department will have a “Guardian” mindset (as defined by OPD) when it comes to keeping the peace and to policing in concert with the community. With this mindset must come a recognition by police personnel, especially sworn officers, of the serious power with which they are entrusted.

This trust can be easily damaged by unprofessional personal social media interactions. Furthermore, the perception of a member in the eyes of their peers, the Department, and the community can be shaken, or even broken beyond repair, due to toxic, unreasonable, and inappropriate expression on personal social media. As public servants, even associations with ideas such as hate groups, racism, discrimination, or harassment on personal social media can weaken the moral foundation upon which the legitimacy of your ability to perform your duties is based.

C - 2. Personal Social Media Use May ~~Impact-Disrupt~~ the Operation of the Department

While members may consider the views, opinions, and actions expressed on social media as only reflecting their own personal views, this may not be the case in the eyes of the public. Once a member has been identified by the media or public as a member of the Oakland Police Department, any documented social media activity associated to the member will naturally be scrutinized. This scrutiny may increase with the member’s assignment (e.g., Internal Affairs, OIG) or holding of a higher rank within the Department. The demonstrated views, opinions, and actions may not be scrutinized in the context of a private individual, but instead in a generalized context, representing the views of Department as an institution and/or all members of the Oakland Police Department.

~~Any views, opinions, and actions (taken in or out of context) that erode public trust and confidence in the members of the Oakland Police Department are unnecessarily distracting, and potentially detrimental, to the overall mission and operations of the Department.~~

Members have the right to express themselves as private individuals speaking on matters of public concern while using social media. At the same time, members must understand that their social media activity, even on personal social media accounts, may be seen by the public as attributable to the Department and has the potential to interfere with Department operations.

To determine whether personal social media activity has a nexus to employment and is of the nature prohibited by this policy (i.e., disruptive or harmful to the Department’s public service), the Department will consider criteria including, but not limited to, the nature and context of

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the content or activity (e.g., whether the speech is a matter of private or public concern), the actual and intended audience(s), whether it is of a character that could reasonably be predicted to disrupt harm or actually disrupts harms the public service the Department provides, the nature and responsibilities of a member's particular position (e.g., sworn versus non-sworn or professional staff), references to employment, and photos in work uniform or at work-related events.

For sworn members, the types of expression or statements prohibited under this policy are more likely than for non-sworn members to disrupt operations because the effectiveness of the Department depends on the trust of the community and the perception in the community that the Department and its officers swear to uphold the law and enforce the law fairly, even-handedly, and without bias. Even if sworn members do not post references to the Department or photos of themselves in uniform, they may be more easily identifiable via personal photos or their username as sworn officers due to their public facing role and the public nature, generally, of the fact of their employment as officers.

C - 3. Any Social Media Content May Become Public

Members must be mindful that any activities or statements made on social media are made in an online setting, where confidentiality cannot be assured even if the member creates "private" or "limited access" accounts or customizes privacy settings, or if they use another name, nickname, or moniker. Any statements, photographs, video clips, audio clips, live interactions, or other information sent over the internet may still be viewed and disseminated by third parties (including the social media provider), via screen shots or other methods, even after the content has been edited or deleted by the user.

C - 4. Personal Social Media May Create Safety Risks

Certain types of information or digital images posted on personal social media may endanger the safety of members of the Department and/or their family members, even if unintentionally. Members are urged not to disclose or allude to their status as a member of the Department on personal social media accounts. Divulging identifying information on personal social media could possibly compromise ongoing investigations, as well as limit a member's eligibility for certain assignments (e.g., work in an undercover capacity, work in highly sensitive assignments, etc.).

C - 5. Public Content May be Reviewed by the Department

Any social media interactions by members that are public or become public through the efforts of third parties (e.g., press, hackers, authorized viewers

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sharing posts) may be reviewed by the Department. If this content violates this policy or other policies, the content may lead to discipline.

C - 6. Member Personal Social Media Content May be Used to Impeach a Member in Court

Personal social media activity that is public or becomes public may form the basis for undermining or impeaching a member's testimony in criminal or other court proceedings.

C - 7. Content Accessed or Posted Using Department Resources May be Reviewed by the Department

Members ~~forfeit any~~ have a reduced expectation of privacy in any content published, maintained, or viewed on any Internet website that is accessed on any Department technology system or Department-issued device.

The Department ~~reserves~~ asserts the right to access, audit, and disclose for whatever reason any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department. This includes the Department e-mail system, computer network, Department-issued smartphone or other device, or any information placed into storage on any Department system or device. It also includes records of all keystrokes or web-browsing history made on any Department computer or any Department-issued smartphone or other device, or over any Department network.

The fact that access to a website requires a username or password ~~will~~ may not create an expectation of privacy if it is accessed through a Department computer or network, or using a Department-issued device. The Department may request or require a member to disclose a personal username, password, or other method for the purpose of accessing an employer-issued electronic device. (California Labor Code § 980).

C - 8. Department Requests for Personal Social Media Passwords or Access

Generally, the Department may not require or request that an employee disclose a personal username or password for, or grant access to, a personal social media website, or involuntarily divulge any personal social media. However, the Department may request that an employee divulge personal social media reasonably believed to be relevant to an investigation of allegations of member misconduct or member violation of applicable laws and regulations, provided that the social media is used solely for purposes of that investigation or a related proceeding. (California Labor Code § 980). If during an investigation the Department discovers offensive social media that may violate any other policy, manual of rules, or applicable law, the appropriate action may be taken by the Department.

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D. SPECIFIC RULES FOR PERSONAL SOCIAL MEDIA USE BY MEMBERS

D - 1. Compliance with City and Department Rules

Members' social media use must comply with other City and Department rules and policies including but not limited to those rules and policies highlighted above in A - 2 through A - 4.

D - 2. Prohibition on Discriminatory Posts and Interactions

Members shall not post, transmit, share, adopt, advocate for¹, and/or disseminate any content, in any form, that ~~denigrates, demeans, or shows hostility or aversion toward any person or group based on race, color, religion/religious creed, national origin/ancestry, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibility, homelessness, physical and/or mental disability, matriculation, political affiliation, pregnancy, medical condition, military or veteran status, or status in any other groups~~ inconsistent with Administrative Instruction 71 and constitutes unlawful employment discrimination and/or harassment or other inappropriate conduct based on protected status. Protected statuses include: race, color, ancestry, national origin (including immigration status, cultural or linguistic characteristics), religion, creed (including religious dress and grooming practices), age (over 40), disability (including both mental and physical), sex (including pregnancy or medical conditions related to pregnancy, childbirth, or breastfeeding), sexual orientation, gender identity, gender expression, medical condition (including cancer and genetic characteristics), genetic information (including family medical history), marital status, military and veteran status, and other characteristics protected by federal, state or local law or the putting down of persons for personal attributes or political beliefs.

D - 3. Prohibition on Harassment and Threats of Violence

Members shall not post, transmit, share, and/or disseminate on personal social media any content that constitutes or advocates unlawful harassment, violence, or threats of violence.

D - 4. Prohibition on Personal Social Media that ~~Compromises or Detracts~~ Disrupts from the Department's Mission

Members shall not post, transmit, share, and/or disseminate any content on personal social media ~~that is significantly linked to, or related to, the Department and which~~ that interferes with or ~~has the potential to~~ can reasonably be expected to interfere with members' performance of their job duties and/or

¹ While social media is ever changing, advocating for may include such actions as "liking" or "re-posting" another user's content, even if that content was not created or modified in any way by the member.

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Department operations. Examples include, but are not limited to, the following (unless otherwise protected by applicable law):

- Expression that indicates disregard for the law or the state or U.S. Constitution.
- Expression that demonstrates support for criminal activity.
- Expression that could reasonably be expected to have a negative impact on the credibility of the member as a witness, such as any expression that glorifies or endorses dishonesty, unlawful discrimination and/or harassment, or illegal behavior.
- Expression that could reasonably be expected to have a negative impact on the safety of Department members, such as operational plans or security precautions at Department buildings.
- Content that depicts any person in an obscene or sexually explicit manner.
- Content that advocates for, celebrates, or otherwise furthers the cause(s) of extremist political, racial, or gender-based positions or groups that espouse violence, ~~a denigration, "othering", or subjugation~~ or the unlawful discrimination of another person or people based on the actual or perceived race, color, religion/religious creed, national origin/ancestry, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibility, homelessness, physical and/or mental disability, matriculation, political affiliation, pregnancy, medical condition, military or veteran status, or status in any other group protected by federal, state or local law ~~or the putting down of persons for personal attributes or political beliefs.~~

Members are reminded that expression or content that ~~compromises or detracts from the Department's mission~~ reasonably can be expected to disrupt the Department's mission (such as the examples above) will not be excused nor ignored because it is couched or explained as humor, ~~and a~~ abusive humor which ~~compromises or detracts from the Department's mission~~ reasonably can be expected to disrupt the Department's mission is similarly prohibited by this policy.

D - 5. Display of Department Uniforms or Logos

Members are cautioned against posting, on personal social media, images of themselves or other members in uniform. While celebration of achievements – such as successfully helping the community, progressing within the profession, or otherwise making a difference – is encouraged by the Department, members must curb their enthusiasm with an understanding of the messages their post may present, even if unintentional.

Members are cautioned against displaying images of official Department identification on their personal social media, including but not limited to patches, badges, emblems, logos, or marked/unmarked vehicles. Any such

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pictures shall be in accordance with all Department policies or similar rules about conduct, both in this policy and other policies.

These warnings do not apply to images or photographs taken at official Department events or that have been released or posted to official social media by the Department (e.g., promotions, awards, official photographs, photographs released to the public by the press information office, etc.).

Members should understand that posting photographs of themselves or others in uniform, or posting images or photographs from official Department events, will identify them as members of the Department and more closely tie a member's personal social media account and activity to the Department and opens the member's social media activity to closer scrutiny.

D - 6. Display of Department Identification for Commercial or Endorsement Purposes

Members shall not use Department identification, including but not limited to patches, badges, uniforms, emblems, logos, or marked/unmarked vehicles, on personal social media for commercial or endorsement purposes without authorization from the Department. Such authorization shall be limited to organizations that have 501(c) tax exemption from the Internal Revenue Service and which do not take positions or engage in activities which violate this or any other Department or City policy.

D - 7. Using Department or Organizational Identifiers on Social Media

Members are urged not to use Department or organizational identifiers (including but not limited to Bureau, Division, Section, or Unit names) as part of a personal or privately held social media moniker (e.g. @OPD_JohnDoe, @BFOIII_JaneDoe).

Members should understand that using Departmental or organizational identifiers more closely ties a member's personal social media account and activity to the Department and opens the member's social media activity to closer scrutiny.

D - 8. Limitation on Use of Personal Social Media on Duty

Members are prohibited from using personal social media while on duty, except in the following circumstances:

- When brief personal communication may be warranted by the circumstances (e.g. to inform family of extended hours); or
- During authorized breaks. Usage during breaks should be out of sight and sound of the public if feasible and shall not be disruptive to the work environment or interfere with the performance of any member's job duties.

D - 9. Prohibition of Use of City Email for Personal Social Media

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Members shall not use their City email address to sign up for personal social media. However, the Chief of Police or designee may designate a list of specified social media whose sole purpose is professional networking that is exempt from this constraint.

D - 10. Prohibition Against Disclosing Confidential Information

Members shall treat all official Department business as confidential. Members shall not post, transmit, share, and/or disseminate any information obtained as a result of their position with the Department (e.g., witness statements, crime scene photographs, etc.) on personal social media except as authorized, in writing, by a commander of the rank of Captain of Police or above.

D - 11. Removal of Personal Social Media Content

~~Members~~ ~~Once a member becomes aware, they~~ shall take reasonable and prompt action to remove any content posted by others on the member's social media account (e.g., inappropriate comments) that ~~they believe~~ is in violation of this policy from any web page, website, or user account maintained or controlled by the member (e.g., personal social media or personal website).

Members shall take reasonable and prompt action to remove any content from their personal social media depicting another member in which the other member requests its removal.

D - 12. Mandatory Reporting of Social Media Violations

Pursuant to [Manual of Rules](#) section 314.48 and DGO M-03², all members shall report social media content or activity by other members which violates this policy.

E. TRAINING

E - 1. Initial Training

All newly hired members, either as part of recruit training (for newly-sworn members) or within six months of hire (for lateral or professional staff members) shall receive training on this policy and on personal use of social media.

E - 2. Ongoing Training

~~Subject to available resources, the~~ Department ~~should~~ shall provide training regarding member speech and the use of social media periodically to all members of the Department.

² Ref. DGO M-03, Section II, E, 1, k.

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By order of

LeRonne L. Armstrong
Chief of Police

Date Signed: _____



DEPARTMENTAL GENERAL ORDER

I-19: ELECTRONIC COMMUNICATION DEVICES

Effective Date: DD MMM YY

Coordinator: Bureau of Services

The purpose of this policy is to set forth Departmental policy on the use of Department-issued cellular phones, the use of other Department-issued electronic devices, and the use of personal cellular phones on duty. This policy includes direction on training and audit procedures.

A. DEPARTMENT-ISSUED CELLULAR PHONES**A - 1. Issuance and Control**

All sworn members shall be issued a Department-issued cellular phone (“work cell phone”) upon appointment to a full-time sworn position. Annuitants and reserve sworn members may be issued a work cell phone as directed by the Chief of Police or designee.

All professional staff members at the rank of supervisor and above shall be issued a work cell phone within 90 days of appointment to the Department.

The Chief of Police or designee may authorize the issue of work cell phones to members beyond those described above, including issuance of multiple phones to a single member.

Work cell phones are property of the Department and shall be issued and controlled by the Department’s Information Technology Unit (ITU), with management of the device apps and settings by the City’s Department of Information Technology (DIT).

A - 2. Carry Requirements for Sworn Members

All sworn members shall carry their work cell phone when they are on duty, except where this requirement would interfere with their safety or duties (e.g., undercover or plainclothes assignment), where they are precluded from carrying the phone by rule or law (e.g., court appearances), or when permitted or ordered not to by a supervisor or commander.

Sworn members at the rank of Captain and above~~Sworn command officers (rank of Lieutenant and above and those who are acting in those ranks)~~ shall have their work cell phone accessible at all times, on and off duty, with the following exceptions:

1. Where this requirement would interfere with their safety or duties (e.g., undercover or plainclothes assignment);
2. Where they are precluded from carrying the phone by rule or law (e.g., court appearances, events specifically precluding the use or carrying of cell phones);
3. When permitted or ordered not to by a higher-ranking member; or

4. While on vacation, compensatory (comp) time, or other leave and there is a substitute or acting commander available in their stead.

A - 3. Carry Requirements for Professional Staff Members

Professional staff members who are issued one shall carry their work cell phone when they are on duty, except where this requirement would interfere with their safety or duties (e.g., undercover or plainclothes assignment), where they are precluded from carrying the phone by rule or law (e.g., court appearances), or when permitted or ordered not to by a supervisor or commander.

Professional staff members at the position of manager and above (and those acting in those ranks) shall have their work cell phone accessible at all times, on and off duty, with the following exceptions:

1. Where this requirement would interfere with their safety or duties (e.g., undercover assignment);
2. Where they are precluded from carrying the phone by rule or law (e.g., court appearances, events specifically precluding the use or carrying of cell phones);
3. When permitted or ordered not to by a higher-ranking member; or
4. While on vacation, comp time, or other leave and there is a substitute, acting manager, or superior available in their stead.

A - 4. On-Duty Use of Work Cell Phones

Work cell phones are meant to allow members to conduct official department business. Work cell phones supplement the use of fixed-position office phones and allow for remote meeting support.

Members are reminded that work cell phones, because of their nexus to job-related activities, are subject to public records requests, subpoenas, and discovery requests – contents of the devices may be publicly disclosed.

Members are encouraged not to conduct any personal business on their work phone, and any actions taken using the phone must comply with this policy and its prohibitions (see section C for specific prohibitions). Any personal use of a work cell phone shall be kept to a minimum and be brief. Examples include, but are not limited to:

1. Calls to notify family members, physicians, etc. regarding an injury on the job; or
2. Calls to notify family members when required to work overtime without advance notice.

A - 5. International Use of Work Cell Phones

Members who are traveling outside of the United States of America for official business, and who bring a work cell phone or other work electronic device with mobile data, shall contact the ITU at least one (1) week prior to their departure date so that the device can be moved to an international data plan.

A - 6. Evidence Procedures

Electronic material (e.g., pictures, audio, text messages, electronically generated messages) potentially related to a criminal or internal investigation and recorded on work cell phones shall be handled as evidence.

A - 7. Confidentiality and Reporting of Lost Phones

Department work phones and any confidential material stored therein shall be treated as sensitive material and shall be secured at all times with a lock screen passcode.

Lost or stolen devices shall be reported pursuant to DO N-05, with an information copy to ITU.

B. OTHER DEPARTMENT-ISSUED ELECTRONIC DEVICES

B - 1. Issuance and Control

Workstation computers purchased through ITU shall be assigned to specific work spaces by the ITU. Laptop computers purchased by ITU may be issued to specific members based on assignment. Any ITU issuance of laptop computers shall be with the written approval of a Deputy Chief/Director or higher. Costs for laptop computers shall be paid from the requesting unit's funding code.

All other computers shall be issued by the unit purchasing the computer, and units purchasing computers shall pay for the computers using their funding codes. Control over programs and administration of computers connecting to the City's networks shall continue to be with DIT.

Other electronic devices, if not issued and controlled by ITU (e.g., robots, throw-phones, GPS trackers) shall be issued and controlled by the Unit/Section/Division which oversees that program, or as directed by policy.

B - 2. Work-related Use

Electronic devices assigned to members or to their unit are provided to allow members to conduct official department business.

Members may use the desktop or laptop computer assigned to them or their unit for appropriate personal business while on break (e.g., perusing the news). However, see section C, below, for prohibited activity.

B - 3. Devices with Specific Policies

Electronic devices with specific policies (e.g., as a result of Surveillance Technology Ordinance or Militarized Equipment Ordinance) shall be used and

issued according to those policies. If any provisions in a device-specific policy conflict with this policy, the provisions in the specific device policy shall supersede this policy.

B - 4. Confidentiality and Reporting of Lost Devices

Work electronic devices and any confidential material stored therein shall be treated as sensitive material and shall be secured at all times.

Lost or stolen devices shall be reported pursuant to [DGO N-05](#), with an information copy to ITU.

C. PROHIBITED ACTIVITY FOR DEPARTMENT-ISSUED CELL PHONES, PERSONAL CELL PHONES, AND ELECTRONIC DEVICES

C - 1. Use of Any Device to the Point of Distraction or Interference with Duty

Members shall not utilize work or personal cell phones, other telecommunications devices, or personal electronic devices to the extent that such usage adversely affects their performance or productivity or interferes with their safety or the safety of others (Manual of Rules 356.80).

C - 2. Use of Cell Phones While Driving

Members shall not operate a Department vehicle while using a cell phone, whether work or personal, unless they are using a hands-free device or unless exigent circumstances exist. Use of a cell phone as a GPS navigation tool or to play work-appropriate music while driving is specifically exempted from this prohibition.

C - 3. Use of Personal Cell Phones for Department Business

Members are prohibited from using their personal cell phones or electronic communication devices for Department business except for the following:

1. Members may use city email for official business on their personal phone¹;
2. Members who have timecard approval responsibilities may approve timecards on their personal phone;
3. Members who do not have access to their work cell phone may make urgent work-related phone calls or text messages from their personal phones; and
4. Members who are not issued a work cell phone may conduct administrative work-related business (e.g., call in to the office, submit or approve timecards, etc.) using their personal cell phone.

¹City email is a cloud-based service. Member's authorized access of city email from a personal electronic device shall not constitute a waiver of any privacy interest in a personal electronic device, and OPD shall not justify an attempt to access contents of a member's personal electronic device based solely on the member's authorized access of city email via the personal device.

Members shall not monitor or operate work-related social media accounts from personal cell phones (e.g., forward-facing social media accounts that represent the Department or investigative social media accounts). This prohibition does not preclude members from engaging in non-work-related social media contacts with other members using their personal devices (e.g., being “friends” on social media, connecting over social media with other Department members regarding shared hobbies or interests, etc. Refer to [DGO D-18](#), however, for rules around personal social media use.).

C - 4. Use of Work Cell Phones and Work Electronic Devices for Personal Business

Except for permissible brief personal use (see sections A-5 and B-2, above), work cell phones and work electronic devices shall not be used for personal business.

Without exception, no personal social media² accounts or applications (“apps”) shall be accessed or installed on work cell phones or electronic devices (Reference [DGO D-18](#) regarding personal social media). This does not include social media applications used for work purposes (e.g. investigative purposes or for administering and posting on the Department’s public accounts).

C - 5. International Data Access and Charges

Members must have permission from their first-level commander to bring work cell phones or electronic devices outside of the United States of America. Members who bring a work phone or work electronic device outside of the United States of America shall be responsible for any

² Personal social media includes: [Policy and Publication Unit Note: This footnote is reserved for the definition of “personal social media” in DGO D-18 when that policy is finalized.]

- Accounts established by Department members with third-party providers (e.g., Facebook, Instagram, Twitter, etc.) that are not officially authorized by the Department, or accounts used by Department members for purposes outside of the scope of a member’s official duties.
- Social media accounts established or administered by individual members of the Department for fraternal or charity organizations, off-duty employment, civic or community organizations, etc., are also subject to the provisions of this policy.

Personal social media does not include:

- Official accounts of the Oakland Police Department, curated and monitored as part of the job duties of members; and
- Social media accounts that are used solely for the purposes of criminal investigation, intelligence, or other job-related duties.
- Personal photo streaming applications which are limited to individuals participating by private invitation and not accessible via any public social media or internet services. These applications are generally used for sharing family photographs.
- Personal electronic email accounts.
- Social media accounts and emails utilized by individual members and the designated bargaining unit representative in conjunction with activities related to labor relations and collective bargaining

Reference DGO D-18, *Member Personal Social Media*.

surcharges, fees, or increased data or calling charges that result unless the device is moved to an international plan as specified in section A-5.

C - 6. Tampering with or Modifying Work Cell Phones and Work Electronic Devices

Work cell phones and work electronic devices shall not be physically modified or tampered with without express written permission from the ITU. This includes, but is not limited to, the following:

1. Removing the SIM (subscriber identity module) card from a work cell phone or device and installing it into a personally owned phone and
2. Adding or removing hardware such as RAM, disc drives, or motherboards to department computers.

This section does not limit using appropriate peripheral devices such as USB memory sticks, plug-and-play external hardware, or speakers.

C - 7. Accessing Inappropriate Material on Work Cell Phones and Electronic Devices

Members are prohibited from accessing inappropriate content on their work cell phones and electronic devices when it is not within the scope of their duties – this behavior is prohibited by the Department’s [Manual of Rules](#). This includes, but is not limited to, the following:

1. Pornography (MOR 356.30).
2. Any material which violates the anti-harassment or anti-discrimination policies of the Department (DGO D-20) and/or City ([Administrative Instruction 71](#)) (MORs 356.30, 314.04).
3. Hate group, racist, or anti-government material³ (MORs 356.30, 384.70).
4. Gambling websites or applications (MORs 356.30, 328.07).
5. Any material related to the member’s outside commercial or personal financial activity (MORs 356.30, 328.07).

D. INSPECTION AND AUDITING OF DEPARTMENT CELLULAR PHONES AND ELECTRONIC DEVICES

D - 1. Definitions

³ Reference the definition in [DGO D-18](#) of extremist content: Content that advocates for, celebrates, or otherwise furthers the cause(s) of extremist political, racial, or gender-based positions or groups that espouse violence, a denigration, “othering”, or subjugation of another person or people based on the actual or perceived race, color, religion/religious creed, national origin/ancestry, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibility, homelessness, physical and/or mental disability, matriculation, political affiliation, pregnancy, medical condition, military or veteran status, or status in any other group protected by federal, state or local law or the putting down of persons for personal attributes or political beliefs.

Inspection – inspections of work cell phones include reviewing of call logs, messaging apps, browsing history, and social media applications with the purpose of reviewing the device for policy compliance in an efficient manner. Inspections will necessarily be limited in scope and intensity but may lead the inspecting member to perform a deeper look at the phone. Inspections involve reviewing the devices and records from the device, but do not involve using a digital forensic tool.

Audit – audits of work cell phones include using a digital forensic tool to extract the entirety of the data stored on the phone, including deleted data, for the purpose of reviewing the device for policy compliance. Audits involve an expanded scope and significantly more intensity than inspections, and will typically have a planned review to significantly sample and examine the data extracted from the device.

Search – searches are a focused attempt to find something (e.g. evidence of misconduct or criminal activity, or specific communication that could prove or disprove an allegation of misconduct) that could reasonably exist on the device. The scope and intensity of a search, and the use of digital forensic tools to conduct a search, will depend on what is being searched for.

D - 2. Right of Department to Inspect Work Cell Phones and Electronic Devices at Any Time

The Department may inspect, audit, or search work cell phones and work electronic devices at any time. Such inspections, audits, and searches shall not be arbitrary, capricious, or harassing, and shall not be based on personal bias or animus.

Supervisors and commanders may conduct inspections of the work phones of members in their chain of command. Inspections of work cell phones or electronic devices by supervisors or commanders outside of planned or ordered inspections, audits, or investigations shall be documented in a memorandum to the Captain of Internal Affairs, no matter the outcome of the inspection.

D - 3. Department Work Cell Phone Inspection Plan

Bureau Threshold Inspections

1. BRM will complete a written inspection plan within 180 days of this policy being signed, and will review the plan at least every two (2) years subsequently.
2. The BRM inspection plan will utilize thresholds based on data points such as
 - a. Number of citizen complaints which are associated with misconduct
 - b. Uses of force
 - c. Amount of data used during the review period

To develop a list of at least twenty-five (25) members assigned a work cell phone per Bureau.

From the list for each Bureau, the BRM shall, at the beginning of each quarter (January, April, July, and October) randomly select⁴ at least four (4) per Bureau and send the names to the respective Bureau Deputy Chief or Director.

The Bureau Deputy Chief or Director shall direct the work cell phones of the members on the list **inspected** (see definition in section D-1) by supervisors or commanders in the Bureau.

3. Random inspections pursuant to thresholds shall be done by a member at least one rank higher than the member to whom the phone is assigned.
4. Violations of this policy noted during the inspections shall be reported and handled pursuant to [DGO M-03](#).
5. The inspections shall be completed by the end of the quarter (March, June, September, December), and the results of these inspections shall be documented in the monthly management report (or in a memorandum to the Assistant Chief of Police with an information copy to IAD for sections that do not complete monthly management reports). If the member randomly selected is unavailable for the entirety of the quarter (e.g., on military leave, on injury leave, etc.) this shall be noted in the report or memorandum.

Integrity Unit Random Audits

1. The IAD Integrity Unit shall conduct a quarterly audit of no less than two (2) randomly selected⁵ work cell phones, with the audits conducted in accordance with Integrity Unit operating procedures. The results of these audits shall be documented in a quarterly memorandum to the IAD Commander.

D - 4. Department Searches of Work Cell Phones and Electronic Devices

In addition to inspections and audits, as detailed above, the Department may also search work cell phones and work electronic devices when there are reasonable grounds for suspecting that the search will reveal evidence of work-related misconduct or criminal misconduct.

D - 5. Internal Record Keeping and Asset Management

⁴ Random selection shall be accomplished by using a random number generator, with a minimum of 1 and a maximum of 25, where the numbers generated will correspond to the row or column upon which the member's name exists in the spreadsheet or data array.

⁵ Random selection shall be accomplished by using a random number generator, with a minimum of 1 and a maximum of the number of the total lines in the work phone record mentioned in D-4, and matching the first two (2) (or as many numbers need to be generated to gather the requisite number of phones to be inspected) random numbers generated to the row of the work phone record mentioned in D-4.

The ITU shall keep a record of issued work cell phones. This shall include, but is not limited to:

1. Phone number, if applicable
2. Device serial number or identifying number
3. Member assigned the device(s)

E. TRAINING

E - 1. Academy and Initial Hire Training

Upon graduating the Basic Police Academy, the Training Division shall provide training for the new police officers on the provisions of this policy and the appropriate use of work cell phones and electronic devices.

All professional staff and sworn members who join the Department outside of the Basic Police Academy process shall review and sign off on this policy via PowerDMS within 90 days of their appointment to their position.

By order of

LeRonne L. Armstrong
Chief of Police

Date Signed: _____



DEPARTMENTAL GENERAL ORDER

K-7: Military Equipment Funding, Acquisition and Use Policy

Effective Date: 20 May 2022

Coordinator: Special Operations Section

COMMAND INTENT

The purpose of this policy is to provide rules for the approval, acquisition, use, and reporting requirements of military equipment, as outlined in Government Code § 7070, Oakland Municipal Code (OMC) 9.65, et. seq., in order to safeguard the public's welfare, safety, civil rights, and civil liberties.

A. POLICY AND APPLICABILITY

It is the policy of the Oakland Police Department (OPD) to have legally enforceable safeguards, including transparency, oversight, and accountability, in place to protect the public's welfare, safety, civil rights, and civil liberties with respect to the funding, acquisition, and use of equipment defined by statute as military equipment. The acquisition of military equipment and its deployment in our communities may impact the public's safety and welfare. The public has a right to know about any funding, acquisition, or use of military equipment by local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment. Decisions regarding whether and how military equipment is funded, acquired, or used should consider the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input. The members of this Department will comply with the provisions of Assembly Bill 481, Government Code § 7070, Oakland Municipal Code (OMC) 9.65, et. seq. with respect to military equipment.

B. DEFINITIONS

The definitions related to this policy are defined in Government Code § 7070 and OMC 9.65:

Governing body – Means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, "governing body" means the board of supervisors of the county. [Government Code § 7070(a)]. As it pertains to the City of Oakland, the Oakland City Council is the Governing body, but OPD must go through the Oakland Police Commission for requests or submitting reports pertaining to military equipment.

Law Enforcement Agency – A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges. [Government Code § 7070(b)(2)].

Military equipment – Defined military equipment includes, but not limited to, the following [Government Code § 7070(c)(1)-(15)] and [OMC 9.65]:

Controlled equipment – This term and term “Military equipment” are used interchangeably.

- Unmanned, remotely piloted, powered aerial or ground vehicles [Government Code § 7070].
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision [Government Code § 7070].
- Wheeled vehicles that are built or modified to provide ballistic protection to their occupants, such as mine-resistant ambush protected (MRAP) vehicles or armored personnel carriers. Police versions of standard consumer vehicles are specifically excluded from this section [OMC 9.65]
- High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision [Government Code § 7070].
- Wheeled vehicles that are built to operate both on-road and off-road, such as a high mobility multipurpose wheeled vehicle (HMMWV), commonly referred to as a Humvee, a two and one-half (2½)-ton truck, or a five (5)-ton truck, or vehicles built or modified to use a breaching or entry apparatus as an attachment. Unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this section [OMC 9.65].
- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion [Government Code § 7070].
- Tracked vehicles that are built or modified to provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion [OMC 9.65].
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units [Government Code § 7070].
- Weaponized aircraft, vessels, or vehicles of any kind [Government Code § 7070].
- Weapon-bearing aircraft, vessels, or vehicles of any kind, whether manned or unmanned [OMC 9.65].

- Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision [Government Code § 7070].
- Breaching apparatus designed to provide rapid entry into a building or through a secured doorway, including equipment that is mechanical, such as a battering ram, equipment that is ballistic, such as a slug, or equipment that is explosive in nature, but excluding handheld battering rams that can be operated by one person [OMC 9.65].
- Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision [Government Code § 7070] and [OMC 9.65].
- Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision [Government Code § 7070] and [OMC 9.65].
- Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in § 30510 and §30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or state agency [Government Code § 7070] and [OMC 9.65].
- Any firearm or firearm accessory that is designed to launch explosive projectiles [Government Code § 7070].
- Active area denial weapons, such as the taser shockwave, microwave weapons, water cannons, and the long-range acoustic device (LRAD). [Government Code § 7070]. [OMC 9.65].
- The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons, and "riot guns" used to disperse chemical agents [OMC 9.65]. [Government Code § 7070].¹
- Any weapon designed for hand-to-hand combat, including any knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for purposes of hand-to-hand combat, but excluding service-issued telescopic or fixed-length straight batons [OMC 9.65].

¹ Riot guns was added to this section from OMC 9.65.

- Explosives and pyrotechnics, such as "flashbang" grenades and explosive breaching tools, and chemical weapons such as "teargas" and "pepper balls" but excluding standard, service-issued handheld pepper spray [OMC 9.65] [Government Code § 7070].
- Crowd-control equipment, such as riot batons, riot helmets, and riot shields, but excluding service-issued telescopic or fixed-length straight batons [OMC 9.65].
- Military surplus equipment [OMC 9.65].
- Any other equipment as determined by a governing body (City Council) or a state agency to require additional oversight [Government Code § 7070] and [OMC 9.65].

Controlled Military Equipment Impact Report- means a publicly released, written document that includes, at a minimum, all of the following [OMC 9.65]:

1. **Description:** A description of each type of controlled equipment, the quantity sought, its capabilities, expected lifespan, intended uses and effects, and how it works, including product descriptions from the manufacturer of the controlled equipment.
2. **Purpose:** The purposes and reasons for which the Oakland Police Department (hereinafter, "Police Department") proposes to use each type of controlled equipment.
3. **Fiscal Cost:** The fiscal cost of each type of controlled equipment, including the initial costs of obtaining the equipment, the estimated or anticipated costs of each proposed use, the estimated or anticipated costs of potential adverse impacts, and the estimated or anticipated annual, ongoing costs of the equipment, including operating, training, transportation, storage, maintenance, and upgrade costs.
4. **Impact:** An assessment specifically identifying any potential impacts that the use of controlled equipment might have on the welfare, safety, civil rights, and civil liberties of the public, and what specific affirmative measures will be implemented to safeguard the public from potential adverse impacts.
5. **Mitigations:** Specific, affirmative technical and procedural measures that will be implemented to safeguard the public from such impacts.
6. **Alternatives:** A summary of all alternative method or methods the Police Department considered to accomplish the purposes for which the controlled equipment is proposed to be used, the annual costs of alternative method or methods, and the potential impacts of alternative method or methods on the welfare, safety, civil rights, and civil liberties of the public.

7. Location: The location(s) it may be used, using general descriptive terms.
8. Third Party Dependence: Whether use or maintenance of the controlled equipment will require the engagement of third-party service providers.
9. Track Record: A summary of the experience (if any) other entities, especially government entities, have had with the proposed controlled equipment, including, if available, quantitative information about the effectiveness of the controlled equipment in achieving its stated purpose in other jurisdictions, and any known adverse information about the controlled equipment (such as unanticipated costs, failures, or civil rights and civil liberties abuses).
10. Additionally, the Annual Impact Report will include the following from the Government Code 7072:
 - A summary of any complaints or concerns received concerning the military equipment.
 - The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
 - The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
 - The quantity possessed for each type of military equipment.
 - If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

Some of these additions are already captured on Appendix A- Military Equipment List.

Controlled Equipment Use Policy- means a publicly released, legally enforceable written document governing the use of controlled equipment by the Oakland Police Department that addresses, at a minimum, all of the following [OMC 9.65] and [Government Code § 7070]:

A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment [Government Code § 7070] and Appendix A.

Purpose: The specific purpose or purposes that each type of controlled equipment is intended to achieve [OMC 9.65] and [Government Code § 7070].

Authorized Use: The specific uses of controlled equipment that are authorized, and rules and processes required prior to such use [OMC 9.65] and [Government Code § 7070].

The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment [Government Code § 7070].

The legal and procedural rules that govern each authorized use [Government Code § 7070].

Prohibited Uses: A non-exclusive list of uses that are not authorized.

Training: The course of training that must be completed before any officer, agent, or employee of the Police Department is allowed to use each specific type of controlled equipment [OMC 9.65]. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy [Government Code § 7070].

Auditing and Oversight: The mechanisms to ensure compliance with the controlled equipment use policy, including which independent persons or entities have oversight authority, and what legally enforceable sanctions are put in place for violations of the policy [OMC 9.65] and [Government Code § 7070].

Transparency: The procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of controlled equipment, and how the Police Department will ensure that each complaint, concern, or question receives a response in a timely manner [OMC 9.65] and [Government Code § 7070].

Annual Controlled Equipment Report -means a publicly released written document that includes, at a minimum, all of the following information for the immediately preceding calendar year:

1. Production descriptions and specifications for controlled equipment and inventory numbers of each type of controlled equipment in the Police Department's possession. The Police Commission may waive the remaining obligations for annual reporting for a specific type of equipment if the Police Department certifies, in advance of issuing the Annual Controlled Equipment Report, that the equipment was not used or purchased in the immediately preceding calendar year.
2. A summary of how controlled equipment was used.
3. If applicable, a breakdown of where controlled equipment was used geographically by police area. For each police area, the Police Department shall

- report the number of days controlled equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization.
4. A summary of any complaints or concerns received concerning controlled equipment.
 5. The results of any internal audits, any information about violations of controlled equipment use policies to the extent permitted by law, and any actions taken in response.
 6. The estimated annual cost for each type of controlled equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for controlled equipment in the calendar year following submission of the annual report.
 7. Impact: An updated assessment specifically identifying any potential impacts that the use of the controlled equipment might have on the welfare, safety, civil rights, and civil liberties of the public, and what specific affirmative measures will be implemented to safeguard the public from potential adverse impacts.
 8. Mitigations: Specific, affirmative technical and procedural measures that have been implemented to safeguard the public from such impacts.
 9. Alternatives: An updated summary of all alternative method or methods the Police Department considered to accomplish the purposes for which the controlled equipment is proposed to be used, the annual costs of alternative method or methods, and the potential impacts of alternative method or methods on the welfare, safety, civil rights, and civil liberties of the public.

C. MILITARY EQUIPMENT COORDINATOR

The Chief shall designate the Special Operations Section Commander or designee as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

1. Acting as liaison to the governing body for matters related to the requirements of this policy.
2. Identifying equipment that qualifies as military equipment in the current possession of the Oakland Police Department, or the equipment OPD intends to acquire that requires approval by the governing body.
3. Facilitate an inventory of all military equipment at least annually.

4. Collaborating with any allied agency that may use military equipment within the jurisdiction of Alameda County (Government Code § 7071).

5. Preparing for, scheduling, and coordinating the annual community engagement meeting to include:

a. Publicizing the details of the meeting.

b. Preparing for public questions regarding the Oakland Police Department's funding, acquisition, and use of equipment.

6. Preparing the annual military equipment report for submission to the governing body and ensuring that the report is made available on the Oakland Police website (Government Code § 7072) (OMC 9.65).

D. APPROVAL FOR FUNDING, ACQUISITION, AND USE

The Oakland Police Department or authorized designee shall submit to the Oakland Police Commission a Controlled Equipment Impact Report and a Controlled Equipment Use Policy prior to engaging in any of the following:

- Requesting the transfer of Controlled Equipment pursuant to Section 2576a of Title 10 of the United States Code.
- Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- Accepting funds for Controlled Equipment, including, but not limited to, private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- Acquiring Controlled Equipment either permanently or temporarily, including by borrowing or leasing.
- Collaborating with another law enforcement agency, such as commanding, controlling, or otherwise directing that agency or its personnel, in the deployment or other use of Controlled Equipment within Oakland.
- Using any new or existing Controlled Equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to OMC 9.65.
- Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- Acquiring military equipment through any means not provided above.

The Police Department shall not accept funding for, acquire, or use Controlled Equipment without the review and recommendation, by the Police Commission, and approval, by City Council, of a Controlled Equipment Impact Report and a Controlled Equipment Use Policy submitted pursuant to OMC 9.65.

The Police Department shall not seek or apply for state, federal or private funds or in-kind or other donations for Controlled Equipment without prior review and approval by the Police Commission at a regularly noticed meeting. The Police Department may seek such approval here without submitting an Impact Report and/or a Controlled Equipment Use Policy, by informing the Police Commission of the needs for the funds and/or equipment, or otherwise justifying the request.

Submission to the Police Commission

- When seeking the review and recommendation of the Police Commission, the Police Department shall submit to the Police Commission a Controlled Equipment Impact Report and Controlled Equipment Use Policy.
- The Controlled Equipment Impact Reports and Controlled Equipment Use Policies shall be made publicly available on the Department's website for as long as the Controlled Equipment is proposed or approved for use.
- The Police Commission shall consider Controlled Equipment Impact Reports and Controlled Equipment Use Policies as an agenda item for review at least one open session of regularly noticed meeting.

Annual Reports on the Use of Controlled Equipment

The Oakland Police Department shall submit an Annual Controlled Equipment Report to the Police Commission no later than March 15th of each year, unless the Police Commission advises the Police Department that an alternate date is preferred. The Police Department shall make each annual report available on its website for as long as the Controlled Equipment is available for use. Within 60 days of the Police Department's submission and publication of an Annual Controlled Equipment Report, the Police Commission shall place the report as an agenda item for an open session of a regular meeting.

Notwithstanding the above, the Oakland Police Department may acquire military equipment without first obtaining City Council approval in the following situations:

1. In the event of an emergency, the Oakland Police Department may acquire additional stock of approved military equipment without City Council approval only if the Chief determines that doing so is necessary to respond to the emergency.
2. If there is an unanticipated exhaustion or reduction in the stock of ammunition, flash bangs, or chemical agents covered by this policy that would impair the Oakland Police Department's ability to maintain essential public safety functions or ensure the safety and security of the jails, OPD may acquire the minimum

additional stock necessary to maintain these functions until City Council approval can be obtained. This exception applies only to ammunition, flash bangs, or chemical agents, and does not permit OPD to acquire any other military equipment without prior Council approval.

3. The Chief of Police shall submit a report within 30 days through the Police Commission to the City Council documenting the emergency. At a minimum the report shall contain the following:
 - Summary
 - Dates of the emergency
 - Items purchased by OPD that are defined as “Military equipment.”
 - Describe if items were used and the reason for the use.
 - Fiscal Cost
 - Purchased items used during the emergency

E. MILITARY EQUIPMENT USE CONSIDERATIONS

Military equipment shall only be used by an OPD employee only after applicable training, including any course required by the Commission on Peace Officer Standards and Training (POST) has been completed, unless exigent circumstances arise. The military equipment acquired and authorized by the Oakland Police Department is:

1. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. Reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
3. The acquisition of the Military equipment is necessary to safe guard officer and public safety.

F. MILITARY EQUIPMENT REPORTING

Upon approval of a military equipment policy, OPD or the authorized designee shall submit a military equipment report to the Police Commission for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (OMC 9.65) [Government Code § 7072].

1. The Oakland Police Department shall also make each annual military equipment report publicly available on its internet website for as long as the military equipment is available for use.

2. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:
 - a. A summary of how the military equipment was used and the purpose of its use.
 - b. A summary of any complaints or concerns received concerning the military equipment.
 - c. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
 - d. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
 - e. The quantity possessed for each type of military equipment.
 - f. If OPD intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

G. COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Oakland Police Department through the Police Commission shall hold at least one well-publicized and conveniently located community engagement meeting, at which the department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

H. COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the category for the military equipment is approved for use in accordance with this policy.

Mutual Aid requests for Crowd Management will be managed in accordance with General Order L-03, Training Bulletin III-G, and any other Court Order.

I. INQUIRY AND COMPLAINT PROCESS

(Government Code 7070 d (7)) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

The Oakland Police Department DGO M-3: **Complaints Against Departmental Personnel or Procedures** will inform all employees and the public of procedures for accepting, processing and investigating complaints concerning allegations of member employee misconduct.²

Any member of the public can also use the OPD Internal Affairs 24-hour Complaint Hotline at (866) 214-8834 to file your complaint - leave a detailed message describing the complaint.

Anyone can also send their complaint via U.S. Mail:
Oakland Police Department - Internal Affairs Division
455 - 7th Street
Oakland, CA 94607

Oakland Community Police Review Agency (CPRA):
Anyone can also file a complaint in person by visiting CPRA at 250 Frank Ogawa Plaza, Suite 6302 Oakland, CA 94612 (near City Hall) and file the complaint with an Intake Technician. The phone number at CPRA is (510) 238-3159. Office hours are Monday through Friday, 9:00 a.m. to 5:00 p.m.

For general inquiries regarding OPD Military equipment can be made by the following:

1. By email at militaryequipmentinquiries@oaklandca.gov.
2. By mail to:

Oakland Police Department
Special Operations Section
Re: Military Equipment Coordinator
2651 73rd Ave
Oakland, CA 94607

² DGO M-3 states, "IAD investigations shall be completed, reviewed, and approved within 180 days unless approved by the IAD commander."

General questions or concerns will be routed to the Military Equipment Coordinator for response in a timely manner. The Military Equipment Coordinator shall track all inquiries and responses for inclusion into the Military Equipment Report.

J. AUDITING AND OVERSIGHT

Government Code 7072 (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

*OMC 6.95 (5) 5. Auditing and Oversight: The mechanisms to ensure compliance with the controlled equipment use policy, including which **independent persons or entities** have oversight authority, and what legally enforceable sanctions are put in place for violations of the policy.*

The Oakland Police Department will conduct a yearly internal audit and provide any information on violations of this policy. This report will be added to the yearly Annual Report.

The Oakland Police Commission will be the independent entity with oversight authority. The Office of Inspector General (OIG) will conduct audits to ensure compliance and accuracy of the inventory list.

K. REPORTING/ RECORDS KEEPING

The Support Operations Commander will keep records of the Military equipment used by the Oakland Police Department. Defined Military equipment will have a reporting section in each of the policies to assure accurate usage is captured.

L. MILITARY EQUIPMENT INVENTORY

The attached list is the current qualifying list of equipment utilized by the Oakland Police Department. The Office does not currently possess controlled or prohibited equipment acquired from the United States military. Instead, the department's current inventory consists of commercially available equipment.

Please refer to the attached list.

- Appendix A – Military Equipment Inventory

By order of

LeRonne L. Armstrong
Chief of Police

Date Signed: _____

DRAFT



DEPARTMENTAL GENERAL ORDER

K-7: Military Equipment Funding, Acquisition and Use Policy

Effective Date: 20 May 2022

Coordinator: Special Operations Section

COMMAND INTENT

The purpose of this policy is to provide rules for the approval, acquisition, use, and reporting requirements of military equipment, as outlined in Government Code § 7070, Oakland Municipal Code (OMC) 9.65, et. seq., in order to safeguard the public's welfare, safety, civil rights, and civil liberties.

A. POLICY AND APPLICABILITY

It is the policy of the Oakland Police Department (OPD) to have legally enforceable safeguards, including transparency, oversight, and accountability, in place to protect the public's welfare, safety, civil rights, and civil liberties with respect to the funding, acquisition, and use of equipment defined by statute as military equipment. The acquisition of military equipment and its deployment in our communities may impact the public's safety and welfare. The public has a right to know about any funding, acquisition, or use of military equipment by local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment. Decisions regarding whether and how military equipment is funded, acquired, or used should consider the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input. The members of this Department will comply with the provisions of Assembly Bill 481, Government Code § 7070, Oakland Municipal Code (OMC) 9.65, et. seq. with respect to military equipment.

B. DEFINITIONS

The definitions related to this policy are defined in Government Code § 7070 and OMC 9.65:

Governing body – Means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, "governing body" means the board of supervisors of the county. [Government Code § 7070(a)]. As it pertains to the City of Oakland, the Oakland City Council is the Governing body, but OPD must go through the Oakland Police Commission for requests or submitting reports pertaining to military equipment.

Law Enforcement Agency – A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges. [Government Code § 7070(b)(2)].

Military equipment – Defined military equipment includes, but not limited to, the following [Government Code § 7070(c)(1)-(15)] and [OMC 9.65]:

Controlled equipment – This term and term “Military equipment” are used interchangeably.

- Unmanned, remotely piloted, powered aerial or ground vehicles [Government Code § 7070].
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision [Government Code § 7070].
- Wheeled vehicles that are built or modified to provide ballistic protection to their occupants, such as mine-resistant ambush protected (MRAP) vehicles or armored personnel carriers. Police versions of standard consumer vehicles are specifically excluded from this section [OMC 9.65]
- High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision [Government Code § 7070].
- Wheeled vehicles that are built to operate both on-road and off-road, such as a high mobility multipurpose wheeled vehicle (HMMWV), commonly referred to as a Humvee, a two and one-half (2½)-ton truck, or a five (5)-ton truck, or vehicles built or modified to use a breaching or entry apparatus as an attachment. Unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this section [OMC 9.65].
- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion [Government Code § 7070].
- Tracked vehicles that are built or modified to provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion [OMC 9.65].
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units [Government Code § 7070].
- Weaponized aircraft, vessels, or vehicles of any kind [Government Code § 7070].
- Weapon-bearing aircraft, vessels, or vehicles of any kind, whether manned or unmanned [OMC 9.65].

- Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision [Government Code § 7070].
- Breaching apparatus designed to provide rapid entry into a building or through a secured doorway, including equipment that is mechanical, such as a battering ram, equipment that is ballistic, such as a slug, or equipment that is explosive in nature, but excluding handheld battering rams that can be operated by one person [OMC 9.65].
- Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision [Government Code § 7070] and [OMC 9.65].
- Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision [Government Code § 7070] and [OMC 9.65].
- Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in § 30510 and §30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or state agency [Government Code § 7070] and [OMC 9.65].
- Any firearm or firearm accessory that is designed to launch explosive projectiles [Government Code § 7070].
- Active area denial weapons, such as the taser shockwave, microwave weapons, water cannons, and the long-range acoustic device (LRAD). [Government Code § 7070]. [OMC 9.65].
- The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons, and "riot guns" used to disperse chemical agents [OMC 9.65]. [Government Code § 7070].¹
- Any weapon designed for hand-to-hand combat, including any knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for purposes of hand-to-hand combat, but excluding service-issued telescopic or fixed-length straight batons [OMC 9.65].

¹ Riot guns was added to this section from OMC 9.65.

- Explosives and pyrotechnics, such as "flashbang" grenades and explosive breaching tools, and chemical weapons such as "teargas" and "pepper balls" but excluding standard, service-issued handheld pepper spray [OMC 9.65] [Government Code § 7070].
- Crowd-control equipment, such as riot batons, riot helmets, and riot shields, but excluding service-issued telescopic or fixed-length straight batons [OMC 9.65].
- Military surplus equipment [OMC 9.65].
- Any other equipment as determined by a governing body (City Council) or a state agency to require additional oversight [Government Code § 7070] and [OMC 9.65].

Controlled Military Equipment Impact Report- means a publicly released, written document that includes, at a minimum, all of the following [OMC 9.65]:

1. **Description:** A description of each type of controlled equipment, the quantity sought, its capabilities, expected lifespan, intended uses and effects, and how it works, including product descriptions from the manufacturer of the controlled equipment.
2. **Purpose:** The purposes and reasons for which the Oakland Police Department (hereinafter, "Police Department") proposes to use each type of controlled equipment.
3. **Fiscal Cost:** The fiscal cost of each type of controlled equipment, including the initial costs of obtaining the equipment, the estimated or anticipated costs of each proposed use, the estimated or anticipated costs of potential adverse impacts, and the estimated or anticipated annual, ongoing costs of the equipment, including operating, training, transportation, storage, maintenance, and upgrade costs.
4. **Impact:** An assessment specifically identifying any potential impacts that the use of controlled equipment might have on the welfare, safety, civil rights, and civil liberties of the public, and what specific affirmative measures will be implemented to safeguard the public from potential adverse impacts.
5. **Mitigations:** Specific, affirmative technical and procedural measures that will be implemented to safeguard the public from such impacts.
6. **Alternatives:** A summary of all alternative method or methods the Police Department considered to accomplish the purposes for which the controlled equipment is proposed to be used, the annual costs of alternative method or methods, and the potential impacts of alternative method or methods on the welfare, safety, civil rights, and civil liberties of the public.

7. Location: The location(s) it may be used, using general descriptive terms.
8. Third Party Dependence: Whether use or maintenance of the controlled equipment will require the engagement of third-party service providers.
9. Track Record: A summary of the experience (if any) other entities, especially government entities, have had with the proposed controlled equipment, including, if available, quantitative information about the effectiveness of the controlled equipment in achieving its stated purpose in other jurisdictions, and any known adverse information about the controlled equipment (such as unanticipated costs, failures, or civil rights and civil liberties abuses).
10. Additionally, the Annual Impact Report will include the following from the Government Code 7072:
 - A summary of any complaints or concerns received concerning the military equipment.
 - The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
 - The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
 - The quantity possessed for each type of military equipment.
 - If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

Some of these additions are already captured on Appendix A- Military Equipment List.

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A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment [Government Code § 7070] and Appendix A.

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Authorized Use: The specific uses of controlled equipment that are authorized, and rules and processes required prior to such use [OMC 9.65] and [Government Code § 7070].

The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment [Government Code § 7070].

The legal and procedural rules that govern each authorized use [Government Code § 7070].

Prohibited Uses: A non-exclusive list of uses that are not authorized.

Training: The course of training that must be completed before any officer, agent, or employee of the Police Department is allowed to use each specific type of controlled equipment [OMC 9.65]. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy [Government Code § 7070].

Auditing and Oversight: The mechanisms to ensure compliance with the controlled equipment use policy, including which independent persons or entities have oversight authority, and what legally enforceable sanctions are put in place for violations of the policy [OMC 9.65] and [Government Code § 7070].

Transparency: The procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of controlled equipment, and how the Police Department will ensure that each complaint, concern, or question receives a response in a timely manner [OMC 9.65] and [Government Code § 7070].

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1. Production descriptions and specifications for controlled equipment and inventory numbers of each type of controlled equipment in the Police Department's possession. The Police Commission may waive the remaining obligations for annual reporting for a specific type of equipment if the Police Department certifies, in advance of issuing the Annual Controlled Equipment Report, that the equipment was not used or purchased in the immediately preceding calendar year.
2. A summary of how controlled equipment was used.
3. If applicable, a breakdown of where controlled equipment was used geographically by police area. For each police area, the Police Department shall

- report the number of days controlled equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization.
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 5. The results of any internal audits, any information about violations of controlled equipment use policies to the extent permitted by law, and any actions taken in response.
 6. The estimated annual cost for each type of controlled equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for controlled equipment in the calendar year following submission of the annual report.
 7. Impact: An updated assessment specifically identifying any potential impacts that the use of the controlled equipment might have on the welfare, safety, civil rights, and civil liberties of the public, and what specific affirmative measures will be implemented to safeguard the public from potential adverse impacts.
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C. MILITARY EQUIPMENT COORDINATOR

The Chief shall designate the Special Operations Section Commander or designee as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

1. Acting as liaison to the governing body for matters related to the requirements of this policy.
2. Identifying equipment that qualifies as military equipment in the current possession of the Oakland Police Department, or the equipment OPD intends to acquire that requires approval by the governing body.
3. Facilitate an inventory of all military equipment at least annually.

4. Collaborating with any allied agency that may use military equipment within the jurisdiction of Alameda County (Government Code § 7071).

5. Preparing for, scheduling, and coordinating the annual community engagement meeting to include:

a. Publicizing the details of the meeting.

b. Preparing for public questions regarding the Oakland Police Department's funding, acquisition, and use of equipment.

6. Preparing the annual military equipment report for submission to the governing body and ensuring that the report is made available on the Oakland Police website (Government Code § 7072) (OMC 9.65).

D. APPROVAL FOR FUNDING, ACQUISITION, AND USE

The Oakland Police Department or authorized designee shall submit to the Oakland Police Commission a Controlled Equipment Impact Report and a Controlled Equipment Use Policy prior to engaging in any of the following:

- Requesting the transfer of Controlled Equipment pursuant to Section 2576a of Title 10 of the United States Code.
- Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- Accepting funds for Controlled Equipment, including, but not limited to, private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- Acquiring Controlled Equipment either permanently or temporarily, including by borrowing or leasing.
- Collaborating with another law enforcement agency, such as commanding, controlling, or otherwise directing that agency or its personnel, in the deployment or other use of Controlled Equipment within Oakland.
- Using any new or existing Controlled Equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to OMC 9.65.
- Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- Acquiring military equipment through any means not provided above.

The Police Department shall not accept funding for, acquire, or use Controlled Equipment without the review and recommendation, by the Police Commission, and approval, by City Council, of a Controlled Equipment Impact Report and a Controlled Equipment Use Policy submitted pursuant to OMC 9.65.

The Police Department shall not seek or apply for state, federal or private funds or in-kind or other donations for Controlled Equipment without prior review and approval by the Police Commission at a regularly noticed meeting. The Police Department may seek such approval here without submitting an Impact Report and/or a Controlled Equipment Use Policy, by informing the Police Commission of the needs for the funds and/or equipment, or otherwise justifying the request.

Submission to the Police Commission

- When seeking the review and recommendation of the Police Commission, the Police Department shall submit to the Police Commission a Controlled Equipment Impact Report and Controlled Equipment Use Policy.
- The Controlled Equipment Impact Reports and Controlled Equipment Use Policies shall be made publicly available on the Department's website for as long as the Controlled Equipment is proposed or approved for use.
- The Police Commission shall consider Controlled Equipment Impact Reports and Controlled Equipment Use Policies as an agenda item for review at least one open session of regularly noticed meeting.

Annual Reports on the Use of Controlled Equipment

The Oakland Police Department shall submit an Annual Controlled Equipment Report to the Police Commission no later than March 15th of each year, unless the Police Commission advises the Police Department that an alternate date is preferred. The Police Department shall make each annual report available on its website for as long as the Controlled Equipment is available for use. Within 60 days of the Police Department's submission and publication of an Annual Controlled Equipment Report, the Police Commission shall place the report as an agenda item for an open session of a regular meeting.

Notwithstanding the above, the Oakland Police Department may acquire military equipment without first obtaining City Council approval in the following situations:

1. In the event of an emergency, the Oakland Police Department may acquire additional stock of approved military equipment without City Council approval only if the Chief determines that doing so is necessary to respond to the emergency.
2. If there is an unanticipated exhaustion or reduction in the stock of ammunition, flash bangs, or chemical agents covered by this policy that would impair the Oakland Police Department's ability to maintain essential public safety functions or ensure the safety and security of the jails, OPD may acquire the minimum

- additional stock necessary to maintain these functions until City Council approval can be obtained. This exception applies only to ammunition, flash bangs, or chemical agents, and does not permit OPD to acquire any other military equipment without prior Council approval.
3. The Chief of Police shall submit a report within 30 days through the Police Commission to the City Council documenting the emergency. At a minimum the report shall contain the following:
 - Summary
 - Dates of the emergency
 - Items purchased by OPD that are defined as “Military equipment.”
 - Describe if items were used and the reason for the use.
 - Fiscal Cost
 - Purchased items used during the emergency

E. MILITARY EQUIPMENT USE CONSIDERATIONS

Military equipment shall only be used by an OPD employee only after applicable training, including any course required by the Commission on Peace Officer Standards and Training (POST) has been completed, unless exigent circumstances arise. The military equipment acquired and authorized by the Oakland Police Department is:

1. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. Reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
3. The acquisition of the Military equipment is necessary to safe guard officer and public safety.

F. MILITARY EQUIPMENT REPORTING

Upon approval of a military equipment policy, OPD or the authorized designee shall submit a military equipment report to the Police Commission for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (OMC 9.65) [Government Code § 7072].

1. The Oakland Police Department shall also make each annual military equipment report publicly available on its internet website for as long as the military equipment is available for use.

2. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:
 - a. A summary of how the military equipment was used and the purpose of its use.
 - b. A summary of any complaints or concerns received concerning the military equipment.
 - c. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
 - d. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
 - e. The quantity possessed for each type of military equipment.
 - f. If OPD intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

G. COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Oakland Police Department through the Police Commission shall hold at least one well-publicized and conveniently located community engagement meeting, at which the department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

H. COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the category for the military equipment is approved for use in accordance with this policy.

Mutual Aid requests for Crowd Management will be managed in accordance with General Order L-03, Training Bulletin III-G, and any other Court Order.

I. INQUIRY AND COMPLAINT PROCESS

(Government Code 7070 d (7)) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

The Oakland Police Department DGO M-3: **Complaints Against Departmental Personnel or Procedures** will inform all employees and the public of procedures for accepting, processing and investigating complaints concerning allegations of member employee misconduct.²

Any member of the public can also use the OPD Internal Affairs 24-hour Complaint Hotline at (866) 214-8834 to file your complaint - leave a detailed message describing the complaint.

Anyone can also send their complaint via U.S. Mail:
Oakland Police Department - Internal Affairs Division
455 - 7th Street
Oakland, CA 94607

Oakland Community Police Review Agency (CPRA):
Anyone can also file a complaint in person by visiting CPRA at 250 Frank Ogawa Plaza, Suite 6302 Oakland, CA 94612 (near City Hall) and file the complaint with an Intake Technician. The phone number at CPRA is (510) 238-3159. Office hours are Monday through Friday, 9:00 a.m. to 5:00 p.m.

For general inquiries regarding OPD Military equipment can be made by the following:

1. By email at militaryequipmentinquiries@oaklandca.gov.
2. By mail to:

Oakland Police Department
Special Operations Section
Re: Military Equipment Coordinator
2651 73rd Ave
Oakland, CA 94607

² DGO M-3 states, "IAD investigations shall be completed, reviewed, and approved within 180 days unless approved by the IAD commander."

General questions or concerns will be routed to the Military Equipment Coordinator for response in a timely manner. The Military Equipment Coordinator shall track all inquiries and responses for inclusion into the Military Equipment Report.

J. AUDITING AND OVERSIGHT

Government Code 7072 (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

*OMC 6.95 (5) 5. Auditing and Oversight: The mechanisms to ensure compliance with the controlled equipment use policy, including which **independent persons or entities** have oversight authority, and what legally enforceable sanctions are put in place for violations of the policy.*

The Oakland Police Department will conduct a yearly internal audit and provide any information on violations of this policy. This report will be added to the yearly Annual Report.

The Oakland Police Commission will be the independent entity with oversight authority. The Office of Inspector General (OIG) will conduct audits to ensure compliance and accuracy of the inventory list.

K. REPORTING/ RECORDS KEEPING

The Support Operations Commander will keep records of the Military equipment used by the Oakland Police Department. Defined Military equipment will have a reporting section in each of the policies to assure accurate usage is captured.

L. MILITARY EQUIPMENT INVENTORY

The attached list is the current qualifying list of equipment utilized by the Oakland Police Department. The Office does not currently possess controlled or prohibited equipment acquired from the United States military. Instead, the department's current inventory consists of commercially available equipment.

Please refer to the attached list.

- Appendix A – Military Equipment Inventory

By order of

LeRonne L. Armstrong
Chief of Police

Date Signed: _____

DRAFT



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GENERAL
ORDER

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Evaluation Coordinator:
Patrol Rifle Program Instructor Staff

Index as:

Department Rifles

DEPARTMENT RIFLES

The purpose of this order is to set forth Department policy and procedures to regulate the field deployment of Department Rifles and memorialization of their deployment; and establish selection, certification, and training protocols for Patrol Rifles issued to field officers within the Patrol Rifle Program (PRP).

I. VALUE STATEMENT

Recognizing officers are not normally equipped to safely address threats from persons wearing body armor, are at distances beyond the effective range of standard-issue pistols and shotguns, and encounter subjects armed with various firearms, the Department has implemented specially-trained Patrol Rifle Officers (PRO) who, along with qualified Tactical Operations Team members, may deploy rifles to enhance officer and public safety. The field deployment of any rifle shall be in accordance with the core values and mission of the Oakland Police Department.

II. DEFINITIONS

A. Department Rifle

The collective term for either a Patrol or Tactical Team Rifle.

B. Patrol Rifle

1. The department Patrol Rifle shall be an AR-15 semi-automatic carbine, utilizing .223 caliber/5.56 mm ammunition.

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- a. The present Patrol Rifle is the Colt LE6920 Rifle.
- b. New or replacement Patrol Rifles shall be approved by the Patrol Rifle Program Instructor Staff, and pass requisite departmental approval before implementation.

C. Tactical Team Rifles

Members of the Entry and Sniper elements of the Tactical Operations Team utilize either AR or manual bolt action rifles.

1. The Tactical Team AR Rifle, as utilized by Entry and Sniper Team members, shall be an AR-15 semi-automatic carbine, utilizing .223 caliber/5.56 mm ammunition.
 - a. The present Tactical Team AR Rifles are the BCM CQB MCMR 11 Rifle, the Noveske N4 Rifle, and the Colt LE6920 Rifle.
 - b. New or replacement Tactical Team AR Rifles shall be approved by the Entry/Sniper Tactical Team Leaders, and pass requisite departmental approval before implementation.
2. The Sniper Rifle shall be either a manual bolt-action rifle or AR-10 semi-automatic carbine, utilizing .308 Winchester ammunition.
 - a. The present Sniper Rifles are the GA Precision Bolt Action .308 Win Rifle and the Seekins Precision SP10 AR-10.
 - b. New or replacement Sniper Rifles shall be approved by the Sniper Team Leaders, and pass requisite departmental approval before implementation.
3. Entry and Sniper Team members may utilize privately-owned AR-15 carbine rifles, or manual bolt-action or AR-10 Sniper Rifles (Sniper Team members only).
 - a. Privately-owned rifles shall be approved for use by the operator's respective Tactical Team Leader(s).

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- b. Operators utilizing a privately-owned rifle must pass the current team marksmanship qualification before deploying with the rifle in the field.
- c. Privately-owned rifles used in place of Department Rifles shall be subject to this order and all related orders in the same fashion as Department Rifles. References in this order to Department Rifles categorically include authorized privately-owned rifles.

D. Patrol Rifle Program (PRP) Instructor Staff

Certified firearms instructors responsible for coordinating and providing selection and training for Patrol Rifle Officers in the Patrol Rifle Program, and collecting and reporting requisite statistics and data as required by the department.

E. Patrol Rifle Officer (PRO)

An officer that has successfully completed the selection and training process described in this order that has been issued a Patrol Rifle and is current on all training and qualifications set by the PRP Instructor Staff.

III. POLICY

- A. Only PROs and Entry and Sniper Team members shall be authorized to deploy Department Rifles (Patrol Rifle, Tactical Team AR Rifle, or Sniper Rifle) per section IX of this order.
- B. Discharge and/or deployment of a Department Rifle shall be in accordance with the provisions of Departmental General Order K-3, USE OF FORCE or K-5, TACTICAL OPERATIONS TEAM, as applicable. Officers discharging a rifle must be able to articulate clearly the reasons for the use of lethal force, including whether the officer's life or the lives of others were in immediate peril and if there was no reasonable alternative.
- C. Discharge and/or deployment of a Department Rifle shall be reported in accordance with the provisions of Departmental General Order K-4, REPORTING AND INVESTIGATING THE USE OF FORCE or K-5, TACTICAL OPERATIONS TEAM, as applicable.

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- D. To ensure members of the Patrol Rifle Program maintain skill levels required by the Department, PROs shall successfully complete an initial Departmental training course, and additional training as determined by the PRP Instructor Staff (see section XIV).
- E. Entry and Sniper Team members shall be required to complete a respective Tactical Operations Entry or Sniper School, along with requisite training as determined by the respective element's Tactical Team Leaders.

IV. PATROL RIFLE PROGRAM ORGANIZATION

The PRP is designed to regulate the use of the Patrol Rifle, train PROs, and provide the Department with an additional tool to enhance officer and public safety. The PRP is not an organizational unit. Members are assigned to uniformed, field-based assignments, primarily the Patrol Division, to ensure appropriate coverage of the city. They shall report to their assigned supervisors within their normal chain-of-command.

V. RESPONSIBILITIES OF THE PATROL RIFLE PROGRAM INSTRUCTOR STAFF

Designees of the PRP Instructor Staff shall report directly to the Special Operations Section Commander regarding all matters concerning the PRP. The PRP Instructor Staff shall:

- A. Coordinate the selection process of all PROs.
- B. Coordinate all PRO training.
- C. Gather and maintain PRO deployment data.
- D. Issue and recover Patrol Rifles as necessary.
- E. Ensure maintenance of the Patrol Rifle, beyond operator-level maintenance and cleaning, is performed by a certified Department AR armorer.

VI. PATROL RIFLE PROGRAM INSTRUCTOR STAFF CRITERIA

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Members of the PRP Instructor Staff shall minimally meet the following criteria:

- A. Successfully complete a POST-certified Firearms Instructor School.
- B. Successfully complete a POST-certified Patrol Rifle Instructor School.
- C. Successfully complete a manufacturer's or equivalent AR armorer course.
- D. Appointees shall be designated by the existing PRP Instructor Staff.

Adjunct instructors not meeting the above criteria may assist with PRO training under the approval and supervision of the PRP Instructor Staff.

VII. PATROL RIFLE OFFICER SELECTION

- A. Officers requesting assignment as a PRO shall submit a memorandum through their chain of command (to the level of their Bureau Deputy Chief) to the PRP Instructor Staff.
- B. The PRP Instructor Staff shall maintain submitted requests for use in the selection process.
- C. The requesting officer's supervisor shall:
 - 1. Review the memorandum based on the criteria set forth herein.
 - 2. Submit the memorandum for review and endorsement through their chain-of-command (up to the Area Captain) to the PRP Instructor Staff.
- D. Prospective PRO candidates shall meet the following minimum qualification criteria:
 - 1. Full-time sworn member (non-probationary) at the rank of officer, assigned to a field-based, uniformed assignment with a minimum of one (year) of Patrol duty experience, unless prior relevant training/experience is present as determined by the PRP Instructor Staff.

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2. Exhibit the ability to work independently and with minimal supervision.
 3. Exhibit the ability to maintain a calm, professional demeanor while making sound decisions during stressful situations.
 4. Exhibit the ability to properly apply the principles of de-escalation and an understanding of the Department's Mission, Purpose, and Core Principles surrounding use of force.¹
 5. Exhibit the ability to communicate professionally with the public.
 6. Exhibit an ability to render effective testimony in court.
 7. Exhibit proficiency in report writing.
- E. All candidates meeting the above criteria shall participate in the remaining selection process.
- F. The selection process for all PROs shall include:
1. Selection Panel

The PRP Instructor Staff shall convene an oral board selection panel to personally interview each candidate. The interview shall address Departmental policies, tactics, and the candidate's motivation, judgment, and leadership abilities.
 2. Reality-based Scenario Test

The PRP Instructor Staff shall design a reality-based training scenario for the candidates in which the candidates' tactics, demeanor, de-escalation skills, communication skills, leadership abilities, and decision-making are evaluated.
 3. Physical Agility Test

¹ Reference DGO K-03, *Use of Force*, section A.

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The physical agility test consists of a series of events designed to evaluate strength, agility, and endurance as determined by the PRP Instructor Staff.

4. Rifle Marksmanship Test

Candidates must demonstrate accuracy in shooting the Patrol Rifle, as determined by the PRP Instructor Staff.

5. Pistol Marksmanship Test

Candidates must demonstrate accuracy in shooting the pistol, as determined by the PRP Instructor Staff.

6. Departmental Work History Evaluation (Matrix) prepared by the PRP Instructor Staff. The candidate shall be evaluated on:

- a. Performance appraisals
- b. IAD sustained findings
- c. Preventable vehicle collisions
- d. Sick and injury record
- e. Out of compliance uses of force
- f. Disciplinary history
- g. Patrol duty experience
- h. Overall officer experience
- i. Law Records Management Systems (LRMS) review

7. Other

Additional relevant information may also be considered (e.g., letters of appreciation, training, self-improvement, military experience, and firearm-related experience).

G. The PRP Instructor Staff shall prepare a list of candidates based on the following:

1. Overall evaluation of "Pass."
2. Ranking based on selection process scores.

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3. The Department's operational needs for PROs, based on Patrol Rifle availability, and geographic and temporal coverage throughout the City. Priority shall be given to PRO assignments in the Patrol Division.

4. The PRP Instructor Staff shall determine the number of candidates that will attend the Department Patrol Rifle School, based on factors such as rifle availability, range availability and size, and instructor availability. The PRP Instructor Staff may elect to include more candidates in a school than there are available rifles in order to account for future program attrition and the establishment of a list of qualified Patrol Rifle Officers pending issuance of a Patrol Rifle.

5. Officers who successfully complete the Patrol Rifle School and are issued a Patrol Rifle shall be certified as PROs. Those successfully completing the Patrol Rifle School that are not issued a Patrol Rifle due to equipment shortages shall, at the discretion of the PRP Instructor Staff, be included in future PRO training to maintain certification status until a Patrol Rifle can be issued to them.

VIII. PATROL RIFLE ASSIGNMENT

Patrol Rifle Officers assigned to the Patrol Division shall not select their Patrol Division assignments based on their PRO status.

IX. AUTHORIZED DEPLOYMENT

The purpose of deploying a Department Rifle is to enhance officer and public safety against actual or potential threats beyond those which normally-equipped field officers may encounter. Deploying members must be able to articulate how deployment of a rifle provides a distinct tactical advantage in favor of officer and public safety.

In line with Departmental General Order K-03, USE OF FORCE, a rifle may only be deployed when the officer reasonably believes it is necessary for his or her own safety or the safety of others. The deployment of a rifle by law enforcement officers can be perceived as threatening and intimidating and, when unwarranted, may cast a negative impression on officers.

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When safe, feasible, and without compromising law enforcement priorities, officers shall use de-escalation tactics and techniques in order to reduce the need for force. The goal of the Department is to promote thoughtful resolutions to situations and to reduce the likelihood of harm to all persons.

A. Officers equipped with rifles shall adhere to the fundamental rules of firearms safety:

1. Treat every firearm as if it is loaded.
2. Always keep the firearm pointed in a safe direction.
3. Keep your finger out of the trigger guard and off the trigger until you have made the conscious decision to fire.
4. Be aware of your target and the area around it.

B. The following factors shall be considered prior to deploying a Department Rifle:

1. The engaged person is known to possess or is suspected to possess a deadly weapon or firearm.
2. The engaged person is beyond the effective range of Departmental pistols or shotguns (generally within 25 yards).

Effective shooting ranges vary. Factors evaluating effective shooting ranges for any firearm include, but are not limited to: the subject or target area/size, terrain, stability in stance or shooting platform, shooting position, shooter and/or target movement, marksmanship proficiency, and stress. Distance is one factor in the totality of circumstances in determining rifle use.

3. The engaged person is known to be wearing or is suspected of wearing body armor.

The above is not an exhaustive list of circumstances under which a rifle may be deployed, nor are the points necessarily automatic grounds for

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rifle deployment. The tactical need to deploy is based on the totality of circumstances, and the deploying member must be able to articulate the reasonable need to deploy.

- C. The deployment of a Department Rifle follows the same reporting criteria as other firearms regarding the KDE disposition code.
- D. Patrol Rifle Officers shall not be deployed as a substitute for use of the Department Tactical Operations Team (refer to Departmental General Order K-5, TACTICAL OPERATIONS TEAM).
- E. When a member is directed to deploy his/her rifle in what is believed to be an inappropriate circumstance, he/she shall advise the directing supervisor/commander prior to deploying. There may be instances in which the supervisor/commander has additional information to which the rifle officer is unaware, and time may not allow for an explanation of the circumstances before a rifle is deployed. When practical, the officer and supervisor/commander should brief the situation together. Though an officer may be directed to deploy their rifle, the discharge of a rifle shall still be in accordance with the provisions of Departmental General Order K-3, USE OF FORCE or K-5, TACTICAL OPERATIONS TEAM, as applicable.

Any such deployment in this subsection must still be memorialized per section XII of this order.
- F. Department Rifles shall only be discharged during actual duty deployment or at a firearms range that can accommodate rifle fire.
- G. Entry and Sniper Team members may deploy Tactical Team AR Rifles in the field during a Tactical Operations Team activation, or absent a Tactical Operations Team activation if the above-listed criteria in this section is met.
- H. Sniper Rifles may be deployed during a Tactical Operations Team activation, or absent a Tactical Operations Team activation, if the criteria in this section is met and the necessity for long-distance armed cover—beyond the capabilities of the Tactical Team AR Rifle—is required.

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- I. Rifles shall be returned to the vehicle or place of storage as soon as practical after the purpose for deployment has been resolved (e.g., a yard search for a person has been completed, the person who was being sought or detained has been secured, etc.).

X. MODIFICATIONS

- A. Modifications to a Patrol Rifle (to include altering components, replacing them with alternative components, and additions to the rifle) are prohibited unless approved by the Patrol Rifle Program Instructor Staff and shall only be completed by a member of the staff. The following list, though not exhaustive, are components under which this section applies:

1. Trigger assembly/mechanism
2. Bolt carrier group, to include the bolt and firing pin
3. Lower receiver, to include the stock, buffer, and buffer spring
4. Upper receiver, to include the barrel, gas block and tube, and forend
5. Mechanical sights
6. Red dot optic

- B. The following components are department-issued, but may be replaced on a Patrol Rifle with approval and inspection by the Patrol Rifle Program Instructor Staff:

5. Sling
6. Flashlight and mount
7. Charging handle

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- C. Handguard grips and handstops may be attached to the forend of a Patrol Rifle only with approval, inspection, and installation by a member of the Patrol Rifle Program Instructor Staff.
- D. The above subsections (A-C) are not exhaustive component lists under which this policy applies. Any modification to a Patrol Rifle shall first be approved by the Patrol Rifle Program Instructor Staff, and may not, in any way, change the functionality of a rifle so as to make it fire in a method beyond the semi-automatic platform for which it was designed. Any modification or component that allows burst or fully-automatic firing is prohibited.
- E. Modifications to any Tactical Team Rifle (to include altering components, replacing them with alternative components, and additions to the rifle) are prohibited unless approved and inspected by a Tactical Team Leader. Modifications may not, in any way, change the functionality of a rifle so as to make it fire in a method beyond the semi-automatic (or manual bolt-action) platform for which it was designed. Any modification or component that allows burst or fully-automatic firing is prohibited.
- F. No attachments that, by design, are considered weapons (e.g., bayonets, separate launchers, etc.) may be attached to any rifle.
- G. Personal magazine rifles may be used upon approval and inspection by the Patrol Rifle Program Instructor Staff (for Patrol Rifles) or a Tactical Team Leader (for Tactical Team Rifles). Marking magazines beyond the operator's name, serial number, or alpha-numeric numbering to differentiate magazines is prohibited.
- H. Morale patches or aftermarket emblems, stickers, tokens, or other artifacts shall not be attached or affixed to any rifle or magazine.

XI. PROHIBITED USES

Department Rifle deployment, to include privately-owned rifles deployed for departmental purposes, under conditions beyond those listed in section IX of this order are prohibited. Examples of prohibited deployments include, but are not limited to:

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- A. During non-high-risk vehicle or pedestrian stops. High-risk stops are generally those involving a person or persons suspected of having committed a serious crime, or presenting an immediate or anticipated threat necessitating having armed cover throughout the detention process until the subject is handcuffed and otherwise deemed safely detained. Absent these circumstances, rifles should not be deployed during these stops.
- B. During routine patrol with no specific threat or articulable facts, as outlined in section IX, lending to the deployment of a rifle.
- C. Rifles shall not be slung and carried as a matter of course during an incident if deployment is not reasonably required or reasonably pending.
- D. Rifles shall not be used to dispatch² a dangerous animal, except when a Departmental pistol or shotgun is inappropriate (e.g., distance, type of animal, etc.).
- E. Rifles shall not be used as impact weapons, unless any of the following circumstances exist (Department General Order K-3, USE OF FORCE):
 - 1. When an officer reasonably believes and can articulate that a person is attempting to take the rifle away from the officer;
 - 2. When lethal force is permitted; or
 - 3. When using specific defensive tactics muzzle strikes as taught by the PRP Instructor Staff, Entry or Sniper Tactical Team Leaders, or Firearms training staff.

XII. RIFLE LOGS AND DEPARTMENT RIFLE USE REPORTING

- A. Rifle deployments shall be documented in the Patrol Rifle Log Book assigned to that rifle, or by other means insomuch that the required data in subsection D are memorialized, and may be submitted as required to the PRP Instructor Staff (for PROs) or Tactical Team Leader (for Entry and Sniper Team members).

² Reference DGO K-03, Section H-07 for rules on discharging firearms at animals.

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- B. Department rifle training shall also be logged for the purposes of memorializing rifle round counts and any significant maintenance.
- C. Each PRO shall submit his/her rifle deployments, round count, and maintenance entries to the PRP Instructor Staff on a quarterly basis.
- D. Each deployment log entry shall minimally include:
 - 1. The associated incident and RD number.
 - 2. The location of the deployment (specific address or block, and Area).
 - 3. The date and time of the deployment.
 - 4. The associated crime or reason for the deployment.
- E. The PRP Instructor Staff shall review and consolidate all PRO logs on a quarterly basis, and prepare and forward a quarterly report listing rifle deployment data in subsection D to the Special Operations Section Commander.
- F. After a Tactical Operations Team activation, deployments of Entry and Sniper Team rifles shall be reported by the respective element's Team Leaders to the Tactical Operations Support Team (TOST).
- G. Entry and Sniper Team members deploying rifles in the field during non-Tactical Operations Team activations shall maintain a deployment log as listed above, which shall be reviewed by the respective element's Team Leaders and reported quarterly to the Special Operations Section Commander.
- H. Personally-owned rifle deployments shall be memorialized categorically by type (i.e., as an AR-15, AR-10 sniper rifle, or manual bolt-action sniper rifle) for the purposes of reporting the deployment of military equipment.

XIII. STORAGE AND SECURITY

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- A. When on-duty, PROs shall store their Patrol Rifles in one (1) of two (2) conditions:
 - 1. In a gun case in the locked trunk or rear locked storage compartment of their assigned police vehicle.
 - 2. Locked in the designated rifle rack of a police vehicle.

- B. In either situation above, the rifle shall be in the following condition:
 - 1. Safety placed on “Safe.”
 - 2. Bolt/carrier group closed/forward on an empty chamber.
 - 3. Loaded magazine fully inserted into the magazine well. This is not required if the trunk or rear locked storage compartment of the vehicle does not provide adequate space.
 - 4. Dust cover is closed.

- C. At the end of a PRO’s shift, the Patrol Rifle shall be stored in a secure location with restricted access (e.g., locker, secured cabinet).

- D. A PRO may take his/her Patrol Rifle home at the end of their shift if they are adequately secured at their residence.

- E. Patrol Rifles shall not be stored in a privately-owned vehicle except when traveling to and from work and home, or to and from training.

- F. In addition to the above, Tactical Team Rifles may also be stored in their respective team’s equipment vehicle.

XIV. TRAINING AND QUALIFICATION

- A. Patrol Rifle Officers shall attend quarterly marksmanship training and undergo physical fitness, shooting, and decision-making evaluations (qualifications).

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- B. The PRP Instructor Staff shall document and maintain training and qualification records for all PROs.

- C. Entry and Sniper Team members are required to attend training as required by the Tactical Operations Team, with training records maintained by the respective element's Team Leaders. Refer to Departmental General Order K-5, TACTICAL OPERATIONS TEAM.

XV. DECERTIFICATION OF PATROL RIFLE OFFICERS

- A. Removal from the PRO Program shall occur automatically when a member is promoted to a rank other than Police Officer or is permanently transferred to a non-field-based assignment.

- B. A PRO may voluntarily resign from the program by submitting a memorandum to the PRP Instructor Staff.

- C. The PRP Instructor Staff may decertify a PRO for any of the following reasons:
 - 1. Substandard performance.

 - 2. Failure to successfully complete required training.

 - 3. Failure to progress at training.

 - 4. Any documented willful and deliberate mistreatment, neglect, or improper use of the Patrol Rifle.

 - 5. Failure to satisfactorily complete a physical fitness, shooting, or reality-based training proficiency evaluation and subsequent remediation.

 - 6. Exhibiting a pattern of unsafe tactics during actual Patrol Rifle deployments.

 - 7. Failure to comply with the provisions of this order.

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- D. The PRP Instructor Staff shall submit a memorandum documenting the circumstances which led to the decertification to the BFO Deputy Chief, the PRO's immediate supervisor, first-level Commander, and Area Commander.
- E. The PRP Instructor Staff shall consult with the BFO Deputy Chief to determine if remedial training would rectify the problem(s) or if the PRO is to be immediately removed from the program.
- F. Any PRO removed from the program shall immediately surrender his/her Patrol Rifle to a PRP Instructor Staff member or member of the Range Staff.
- G. Remedial Training
 - 1. In the event remedial training is prescribed, the PRP Instructor Staff shall schedule the appropriate training with the subject PRO.
 - 2. The PRP Instructor Staff shall notify the BFO Deputy Chief of the satisfactory completion of the remedial training with a recommendation for recertification.
 - 3. Upon positive endorsement from the BFO Deputy Chief, the PRP Instructor Staff shall notify the subject PRO and his/her immediate supervisor of the recertification.
 - 4. If remedial training has not been satisfactorily completed, the PRP Instructor Staff shall forward a memorandum through channels to the BFO Deputy Chief detailing the remedial training provided and the PRO's failure to satisfactorily complete the training, and shall recommend the removal of the PRO from the program.
 - 5. Upon the negative endorsement from the BFO Deputy Chief, the PRP Instructor Staff shall notify the subject PRO and his/her immediate supervisor of the removal from the program.
- H. A PRO who is decertified for unacceptable performance or conduct shall have the right to appeal that action in the same manner and within the same time frames as a member may appeal a Performance Appraisal

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Report, with the final determination made by the Chief of Police.

- I. Refer to Departmental General Order K-5, TACTICAL OPERATIONS TEAM, for member decertification.

XVI. INQUIRY AND COMPLAINT PROCESS

(Government Code 7070 d (7)) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

The Oakland Police Department DGO M-3, COMPLAINTS AGAINST DEPARTMENTAL PERSONNEL OR PROCEDURES will inform all employees and the public of procedures for accepting, processing and investigating complaints concerning allegations of member employee misconduct.

By Order of

LeRonne L. Armstrong
Chief of Police

Date Signed: _____



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Evaluation Coordinator:
Patrol Rifle Program Instructor Staff

Index as:

Department Rifles

DEPARTMENT RIFLES

The purpose of this order is to set forth Department policy and procedures to regulate the field deployment of Department Rifles and memorialization of their deployment; and establish selection, certification, and training protocols for Patrol Rifles issued to field officers within the Patrol Rifle Program (PRP).

I. VALUE STATEMENT

Recognizing officers are not normally equipped to safely address threats from persons wearing body armor, are at distances beyond the effective range of standard-issue pistols and shotguns, and encounter subjects armed with various firearms, the Department has implemented specially-trained Patrol Rifle Officers (PRO) who, along with qualified Tactical Operations Team members, may deploy rifles to enhance officer and public safety. The field deployment of any rifle shall be in accordance with the core values and mission of the Oakland Police Department.

II. DEFINITIONS

A. Department Rifle

The collective term for either a Patrol or Tactical Team Rifle.

B. Patrol Rifle

1. The department Patrol Rifle shall be an AR-15 semi-automatic carbine, utilizing .223 caliber/5.56 mm ammunition.

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- a. The present Patrol Rifle is the Colt LE6920 Rifle.
- b. New or replacement Patrol Rifles shall be approved by the Patrol Rifle Program Instructor Staff, and pass requisite departmental approval before implementation.

C. Tactical Team Rifles

Members of the Entry and Sniper elements of the Tactical Operations Team utilize either AR or manual bolt action rifles.

- 1. The Tactical Team AR Rifle, as utilized by Entry and Sniper Team members, shall be an AR-15 semi-automatic carbine, utilizing .223 caliber/5.56 mm ammunition.
 - a. The present Tactical Team AR Rifles are the BCM CQB MCMR 11 Rifle, the Noveske N4 Rifle, and the Colt LE6920 Rifle.
 - b. New or replacement Tactical Team AR Rifles shall be approved by the Entry/Sniper Tactical Team Leaders, and pass requisite departmental approval before implementation.
- 2. The Sniper Rifle shall be either a manual bolt-action rifle or AR-10 semi-automatic carbine, utilizing .308 Winchester ammunition.
 - a. The present Sniper Rifles are the GA Precision Bolt Action .308 Win Rifle and the Seekins Precision SP10 AR-10.
 - b. New or replacement Sniper Rifles shall be approved by the Sniper Team Leaders, and pass requisite departmental approval before implementation.
- 3. Entry and Sniper Team members may utilize privately-owned AR-15 carbine rifles, or manual bolt-action or AR-10 Sniper Rifles (Sniper Team members only).
 - a. Privately-owned rifles shall be approved for use by the operator's respective Tactical Team Leader(s).

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- b. Operators utilizing a privately-owned rifle must pass the current team marksmanship qualification before deploying with the rifle in the field.
- c. Privately-owned rifles used in place of Department Rifles shall be subject to this order and all related orders in the same fashion as Department Rifles. References in this order to Department Rifles categorically include authorized privately-owned rifles.

D. Patrol Rifle Program (PRP) Instructor Staff

Certified firearms instructors responsible for coordinating and providing selection and training for Patrol Rifle Officers in the Patrol Rifle Program, and collecting and reporting requisite statistics and data as required by the department.

E. Patrol Rifle Officer (PRO)

An officer that has successfully completed the selection and training process described in this order that has been issued a Patrol Rifle and is current on all training and qualifications set by the PRP Instructor Staff.

III. POLICY

- A. Only PROs and Entry and Sniper Team members shall be authorized to deploy Department Rifles (Patrol Rifle, Tactical Team AR Rifle, or Sniper Rifle) per section IX of this order.
- B. Discharge and/or deployment of a Department Rifle shall be in accordance with the provisions of Departmental General Order K-3, USE OF FORCE or K-5, TACTICAL OPERATIONS TEAM, as applicable. Officers discharging a rifle must be able to articulate clearly the reasons for the use of lethal force, including whether the officer's life or the lives of others were in immediate peril and if there was no reasonable alternative.
- C. Discharge and/or deployment of a Department Rifle shall be reported in accordance with the provisions of Departmental General Order K-4, REPORTING AND INVESTIGATING THE USE OF FORCE or K-5, TACTICAL OPERATIONS TEAM, as applicable.

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- D. To ensure members of the Patrol Rifle Program maintain skill levels required by the Department, PROs shall successfully complete an initial Departmental training course, and additional training as determined by the PRP Instructor Staff (see section XIV).
- E. Entry and Sniper Team members shall be required to complete a respective Tactical Operations Entry or Sniper School, along with requisite training as determined by the respective element's Tactical Team Leaders.

IV. PATROL RIFLE PROGRAM ORGANIZATION

The PRP is designed to regulate the use of the Patrol Rifle, train PROs, and provide the Department with an additional tool to enhance officer and public safety. The PRP is not an organizational unit. Members are assigned to uniformed, field-based assignments, primarily the Patrol Division, to ensure appropriate coverage of the city. They shall report to their assigned supervisors within their normal chain-of-command.

V. RESPONSIBILITIES OF THE PATROL RIFLE PROGRAM INSTRUCTOR STAFF

Designees of the PRP Instructor Staff shall report directly to the Special Operations Section Commander regarding all matters concerning the PRP. The PRP Instructor Staff shall:

- A. Coordinate the selection process of all PROs.
- B. Coordinate all PRO training.
- C. Gather and maintain PRO deployment data.
- D. Issue and recover Patrol Rifles as necessary.
- E. Ensure maintenance of the Patrol Rifle, beyond operator-level maintenance and cleaning, is performed by a certified Department AR armorer.

VI. PATROL RIFLE PROGRAM INSTRUCTOR STAFF CRITERIA

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Members of the PRP Instructor Staff shall minimally meet the following criteria:

- A. Successfully complete a POST-certified Firearms Instructor School.
- B. Successfully complete a POST-certified Patrol Rifle Instructor School.
- C. Successfully complete a manufacturer's or equivalent AR armorer course.
- D. Appointees shall be designated by the existing PRP Instructor Staff.

Adjunct instructors not meeting the above criteria may assist with PRO training under the approval and supervision of the PRP Instructor Staff.

VII. PATROL RIFLE OFFICER SELECTION

- A. Officers requesting assignment as a PRO shall submit a memorandum through their chain of command (to the level of their Bureau Deputy Chief) to the PRP Instructor Staff.
- B. The PRP Instructor Staff shall maintain submitted requests for use in the selection process.
- C. The requesting officer's supervisor shall:
 - 1. Review the memorandum based on the criteria set forth herein.
 - 2. Submit the memorandum for review and endorsement through their chain-of-command (up to the Area Captain) to the PRP Instructor Staff.
- D. Prospective PRO candidates shall meet the following minimum qualification criteria:
 - 1. Full-time sworn member (non-probationary) at the rank of officer, assigned to a field-based, uniformed assignment with a minimum of one (year) of Patrol duty experience, unless prior relevant training/experience is present as determined by the PRP Instructor Staff.

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2. Exhibit the ability to work independently and with minimal supervision.
 3. Exhibit the ability to maintain a calm, professional demeanor while making sound decisions during stressful situations.
 4. Exhibit the ability to properly apply the principles of de-escalation and an understanding of the Department's Mission, Purpose, and Core Principles surrounding use of force.¹
 5. Exhibit the ability to communicate professionally with the public.
 6. Exhibit an ability to render effective testimony in court.
 7. Exhibit proficiency in report writing.
- E. All candidates meeting the above criteria shall participate in the remaining selection process.
- F. The selection process for all PROs shall include:
1. Selection Panel

The PRP Instructor Staff shall convene an oral board selection panel to personally interview each candidate. The interview shall address Departmental policies, tactics, and the candidate's motivation, judgment, and leadership abilities.
 2. Reality-based Scenario Test

The PRP Instructor Staff shall design a reality-based training scenario for the candidates in which the candidates' tactics, demeanor, de-escalation skills, communication skills, leadership abilities, and decision-making are evaluated.
 3. Physical Agility Test

¹ Reference DGO K-03, *Use of Force*, section A.

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The physical agility test consists of a series of events designed to evaluate strength, agility, and endurance as determined by the PRP Instructor Staff.

4. Rifle Marksmanship Test

Candidates must demonstrate accuracy in shooting the Patrol Rifle, as determined by the PRP Instructor Staff.

5. Pistol Marksmanship Test

Candidates must demonstrate accuracy in shooting the pistol, as determined by the PRP Instructor Staff.

6. Departmental Work History Evaluation (Matrix) prepared by the PRP Instructor Staff. The candidate shall be evaluated on:

- a. Performance appraisals
- b. IAD sustained findings
- c. Preventable vehicle collisions
- d. Sick and injury record
- e. Out of compliance uses of force
- f. Disciplinary history
- g. Patrol duty experience
- h. Overall officer experience
- i. Law Records Management Systems (LRMS) review

7. Other

Additional relevant information may also be considered (e.g., letters of appreciation, training, self-improvement, military experience, and firearm-related experience).

G. The PRP Instructor Staff shall prepare a list of candidates based on the following:

1. Overall evaluation of "Pass."
2. Ranking based on selection process scores.

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3. The Department's operational needs for PROs, based on Patrol Rifle availability, and geographic and temporal coverage throughout the City. Priority shall be given to PRO assignments in the Patrol Division.
4. The PRP Instructor Staff shall determine the number of candidates that will attend the Department Patrol Rifle School, based on factors such as rifle availability, range availability and size, and instructor availability. The PRP Instructor Staff may elect to include more candidates in a school than there are available rifles in order to account for future program attrition and the establishment of a list of qualified Patrol Rifle Officers pending issuance of a Patrol Rifle.
5. Officers who successfully complete the Patrol Rifle School and are issued a Patrol Rifle shall be certified as PROs. Those successfully completing the Patrol Rifle School that are not issued a Patrol Rifle due to equipment shortages shall, at the discretion of the PRP Instructor Staff, be included in future PRO training to maintain certification status until a Patrol Rifle can be issued to them.

VIII. PATROL RIFLE ASSIGNMENT

Patrol Rifle Officers assigned to the Patrol Division shall not select their Patrol Division assignments based on their PRO status.

IX. AUTHORIZED DEPLOYMENT

The purpose of deploying a Department Rifle is to enhance officer and public safety against actual or potential threats beyond those which normally-equipped field officers may encounter. Deploying members must be able to articulate how deployment of a rifle provides a distinct tactical advantage in favor of officer and public safety.

In line with Departmental General Order K-03, USE OF FORCE, a rifle may only be deployed when the officer reasonably believes it is necessary for his or her own safety or the safety of others. The deployment of a rifle by law enforcement officers can be perceived as threatening and intimidating and, when unwarranted, may cast a negative impression on officers.

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When safe, feasible, and without compromising law enforcement priorities, officers shall use de-escalation tactics and techniques in order to reduce the need for force. The goal of the Department is to promote thoughtful resolutions to situations and to reduce the likelihood of harm to all persons.

- A. Officers equipped with rifles shall adhere to the fundamental rules of firearms safety:
1. Treat every firearm as if it is loaded.
 2. Always keep the firearm pointed in a safe direction.
 3. Keep your finger out of the trigger guard and off the trigger until you have made the conscious decision to fire.
 4. Be aware of your target and the area around it.
- B. The following factors shall be considered prior to deploying a Department Rifle:
1. The engaged person is known to possess or is suspected to possess a deadly weapon or firearm.
 2. The engaged person is beyond the effective range of Departmental pistols or shotguns (generally within 25 yards).

Effective shooting ranges vary. Factors evaluating effective shooting ranges for any firearm include, but are not limited to: the subject or target area/size, terrain, stability in stance or shooting platform, shooting position, shooter and/or target movement, marksmanship proficiency, and stress. Distance is one factor in the totality of circumstances in determining rifle use.
 3. The engaged person is known to be wearing or is suspected of wearing body armor.

The above is not an exhaustive list of circumstances under which a rifle may be deployed, nor are the points necessarily automatic grounds for

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rifle deployment. The tactical need to deploy is based on the totality of circumstances, and the deploying member must be able to articulate the reasonable need to deploy.

- C. The deployment of a Department Rifle follows the same reporting criteria as other firearms regarding the KDE disposition code.
 - D. Patrol Rifle Officers shall not be deployed as a substitute for use of the Department Tactical Operations Team (refer to Departmental General Order K-5, TACTICAL OPERATIONS TEAM).
 - E. When a member is directed to deploy his/her rifle in what is believed to be an inappropriate circumstance, he/she shall advise the directing supervisor/commander prior to deploying. There may be instances in which the supervisor/commander has additional information to which the rifle officer is unaware, and time may not allow for an explanation of the circumstances before a rifle is deployed. When practical, the officer and supervisor/commander should brief the situation together. Though an officer may be directed to deploy their rifle, the discharge of a rifle shall still be in accordance with the provisions of Departmental General Order K-3, USE OF FORCE or K-5, TACTICAL OPERATIONS TEAM, as applicable.
- Any such deployment in this subsection must still be memorialized per section XII of this order.
- F. Department Rifles shall only be discharged during actual duty deployment or at a firearms range that can accommodate rifle fire.
 - G. Entry and Sniper Team members may deploy Tactical Team AR Rifles in the field during a Tactical Operations Team activation, or absent a Tactical Operations Team activation if the above-listed criteria in this section is met.
 - H. Sniper Rifles may be deployed during a Tactical Operations Team activation, or absent a Tactical Operations Team activation, if the criteria in this section is met and the necessity for long-distance armed cover—beyond the capabilities of the Tactical Team AR Rifle—is required.

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- I. Rifles shall be returned to the vehicle or place of storage as soon as practical after the purpose for deployment has been resolved (e.g., a yard search for a person has been completed, the person who was being sought or detained has been secured, etc.).

X. MODIFICATIONS

- A. Modifications to a Patrol Rifle (to include altering components, replacing them with alternative components, and additions to the rifle) are prohibited unless approved by the Patrol Rifle Program Instructor Staff and shall only be completed by a member of the staff. The following list, though not exhaustive, are components under which this section applies:

1. Trigger assembly/mechanism
2. Bolt carrier group, to include the bolt and firing pin
3. Lower receiver, to include the stock, buffer, and buffer spring
4. Upper receiver, to include the barrel, gas block and tube, and forend
5. Mechanical sights
6. Red dot optic

- B. The following components are department-issued, but may be replaced on a Patrol Rifle with approval and inspection by the Patrol Rifle Program Instructor Staff:

5. Sling
6. Flashlight and mount
7. Charging handle

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- C. Handguard grips and handstops may be attached to the forend of a Patrol Rifle only with approval, inspection, and installation by a member of the Patrol Rifle Program Instructor Staff.
- D. The above subsections (A-C) are not exhaustive component lists under which this policy applies. Any modification to a Patrol Rifle shall first be approved by the Patrol Rifle Program Instructor Staff, and may not, in any way, change the functionality of a rifle so as to make it fire in a method beyond the semi-automatic platform for which it was designed. Any modification or component that allows burst or fully-automatic firing is prohibited.
- E. Modifications to any Tactical Team Rifle (to include altering components, replacing them with alternative components, and additions to the rifle) are prohibited unless approved and inspected by a Tactical Team Leader. Modifications may not, in any way, change the functionality of a rifle so as to make it fire in a method beyond the semi-automatic (or manual bolt-action) platform for which it was designed. Any modification or component that allows burst or fully-automatic firing is prohibited.
- F. No attachments that, by design, are considered weapons (e.g., bayonets, separate launchers, etc.) may be attached to any rifle.
- G. Personal magazine rifles may be used upon approval and inspection by the Patrol Rifle Program Instructor Staff (for Patrol Rifles) or a Tactical Team Leader (for Tactical Team Rifles). Marking magazines beyond the operator's name, serial number, or alpha-numeric numbering to differentiate magazines is prohibited.
- H. Morale patches or aftermarket emblems, stickers, tokens, or other artifacts shall not be attached or affixed to any rifle or magazine.

XI. PROHIBITED USES

Department Rifle deployment, to include privately-owned rifles deployed for departmental purposes, under conditions beyond those listed in section IX of this order are prohibited. Examples of prohibited deployments include, but are not limited to:

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- A. During non-high-risk vehicle or pedestrian stops. High-risk stops are generally those involving a person or persons suspected of having committed a serious crime, or presenting an immediate or anticipated threat necessitating having armed cover throughout the detention process until the subject is handcuffed and otherwise deemed safely detained. Absent these circumstances, rifles should not be deployed during these stops.
- B. During routine patrol with no specific threat or articulable facts, as outlined in section IX, lending to the deployment of a rifle.
- C. Rifles shall not be slung and carried as a matter of course during an incident if deployment is not reasonably required or reasonably pending.
- D. Rifles shall not be used to dispatch² a dangerous animal, except when a Departmental pistol or shotgun is inappropriate (e.g., distance, type of animal, etc.).
- E. Rifles shall not be used as impact weapons, unless any of the following circumstances exist (Department General Order K-3, USE OF FORCE):
 - 1. When an officer reasonably believes and can articulate that a person is attempting to take the rifle away from the officer;
 - 2. When lethal force is permitted; or
 - 3. When using specific defensive tactics muzzle strikes as taught by the PRP Instructor Staff, Entry or Sniper Tactical Team Leaders, or Firearms training staff.

XII. RIFLE LOGS AND DEPARTMENT RIFLE USE REPORTING

- A. Rifle deployments shall be documented in the Patrol Rifle Log Book assigned to that rifle, or by other means insomuch that the required data in subsection D are memorialized, and may be submitted as required to the PRP Instructor Staff (for PROs) or Tactical Team Leader (for Entry and Sniper Team members).

² Reference DGO K-03, Section H-07 for rules on discharging firearms at animals.

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- B. Department rifle training shall also be logged for the purposes of memorializing rifle round counts and any significant maintenance.
- C. Each PRO shall submit his/her rifle deployments, round count, and maintenance entries to the PRP Instructor Staff on a quarterly basis.
- D. Each deployment log entry shall minimally include:
 - 1. The associated incident and RD number.
 - 2. The location of the deployment (specific address or block, and Area).
 - 3. The date and time of the deployment.
 - 4. The associated crime or reason for the deployment.
- E. The PRP Instructor Staff shall review and consolidate all PRO logs on a quarterly basis, and prepare and forward a quarterly report listing rifle deployment data in subsection D to the Special Operations Section Commander.
- F. After a Tactical Operations Team activation, deployments of Entry and Sniper Team rifles shall be reported by the respective element's Team Leaders to the Tactical Operations Support Team (TOST).
- G. Entry and Sniper Team members deploying rifles in the field during non-Tactical Operations Team activations shall maintain a deployment log as listed above, which shall be reviewed by the respective element's Team Leaders and reported quarterly to the Special Operations Section Commander.
- H. Personally-owned rifle deployments shall be memorialized categorically by type (i.e., as an AR-15, AR-10 sniper rifle, or manual bolt-action sniper rifle) for the purposes of reporting the deployment of military equipment.

XIII. STORAGE AND SECURITY

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- A. When on-duty, PROs shall store their Patrol Rifles in one (1) of two (2) conditions:
1. In a gun case in the locked trunk or rear locked storage compartment of their assigned police vehicle.
 2. Locked in the designated rifle rack of a police vehicle.
- B. In either situation above, the rifle shall be in the following condition:
1. Safety placed on "Safe."
 2. Bolt/carrier group closed/forward on an empty chamber.
 3. Loaded magazine fully inserted into the magazine well. This is not required if the trunk or rear locked storage compartment of the vehicle does not provide adequate space.
 4. Dust cover is closed.
- C. At the end of a PRO's shift, the Patrol Rifle shall be stored in a secure location with restricted access (e.g., locker, secured cabinet).
- D. A PRO may take his/her Patrol Rifle home at the end of their shift if they are adequately secured at their residence.
- E. Patrol Rifles shall not be stored in a privately-owned vehicle except when traveling to and from work and home, or to and from training.
- F. In addition to the above, Tactical Team Rifles may also be stored in their respective team's equipment vehicle.

XIV. TRAINING AND QUALIFICATION

- A. Patrol Rifle Officers shall attend quarterly marksmanship training and undergo physical fitness, shooting, and decision-making evaluations (qualifications).

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- B. The PRP Instructor Staff shall document and maintain training and qualification records for all PROs.
- C. Entry and Sniper Team members are required to attend training as required by the Tactical Operations Team, with training records maintained by the respective element's Team Leaders. Refer to Departmental General Order K-5, TACTICAL OPERATIONS TEAM.

XV. DECERTIFICATION OF PATROL RIFLE OFFICERS

- A. Removal from the PRO Program shall occur automatically when a member is promoted to a rank other than Police Officer or is permanently transferred to a non-field-based assignment.
- B. A PRO may voluntarily resign from the program by submitting a memorandum to the PRP Instructor Staff.
- C. The PRP Instructor Staff may decertify a PRO for any of the following reasons:
 - 1. Substandard performance.
 - 2. Failure to successfully complete required training.
 - 3. Failure to progress at training.
 - 4. Any documented willful and deliberate mistreatment, neglect, or improper use of the Patrol Rifle.
 - 5. Failure to satisfactorily complete a physical fitness, shooting, or reality-based training proficiency evaluation and subsequent remediation.
 - 6. Exhibiting a pattern of unsafe tactics during actual Patrol Rifle deployments.
 - 7. Failure to comply with the provisions of this order.

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- D. The PRP Instructor Staff shall submit a memorandum documenting the circumstances which led to the decertification to the BFO Deputy Chief, the PRO's immediate supervisor, first-level Commander, and Area Commander.

- E. The PRP Instructor Staff shall consult with the BFO Deputy Chief to determine if remedial training would rectify the problem(s) or if the PRO is to be immediately removed from the program.

- F. Any PRO removed from the program shall immediately surrender his/her Patrol Rifle to a PRP Instructor Staff member or member of the Range Staff.

- G. Remedial Training
 - 1. In the event remedial training is prescribed, the PRP Instructor Staff shall schedule the appropriate training with the subject PRO.

 - 2. The PRP Instructor Staff shall notify the BFO Deputy Chief of the satisfactory completion of the remedial training with a recommendation for recertification.

 - 3. Upon positive endorsement from the BFO Deputy Chief, the PRP Instructor Staff shall notify the subject PRO and his/her immediate supervisor of the recertification.

 - 4. If remedial training has not been satisfactorily completed, the PRP Instructor Staff shall forward a memorandum through channels to the BFO Deputy Chief detailing the remedial training provided and the PRO's failure to satisfactorily complete the training, and shall recommend the removal of the PRO from the program.

 - 5. Upon the negative endorsement from the BFO Deputy Chief, the PRP Instructor Staff shall notify the subject PRO and his/her immediate supervisor of the removal from the program.

- H. A PRO who is decertified for unacceptable performance or conduct shall have the right to appeal that action in the same manner and within the same time frames as a member may appeal a Performance Appraisal

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Report, with the final determination made by the Chief of Police.

- I. Refer to Departmental General Order K-5, TACTICAL OPERATIONS TEAM, for member decertification.

XVI. INQUIRY AND COMPLAINT PROCESS

(Government Code 7070 d (7)) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

The Oakland Police Department DGO M-3, COMPLAINTS AGAINST DEPARTMENTAL PERSONNEL OR PROCEDURES will inform all employees and the public of procedures for accepting, processing and investigating complaints concerning allegations of member employee misconduct.

By Order of

LeRonne L. Armstrong
Chief of Police

Date Signed: _____



Item(s): Department Rifles and Associated Ammunition
 Applicable Use Policy: DGO [K-06](#), *Department Rifle Program*

Description and Purpose

Colt LE6920 AR-15 Rifle	
Description	A semi-automatic shoulder-fired long gun that fires a rifle caliber cartridge. The Department-approved AR15 style weapon system is designed to fire a .223/5.56 caliber projectile.
Manufacturer's Product Description	Colt's reliability, performance, and accuracy provide our Armed Forces the confidence required to accomplish any mission. Colt's LE6920 series shares many features of its combat proven brother, the Colt M4.
Capabilities / How the item works	This is a direct-impingement, AR-15 pattern center-fire semi-automatic rifle, capable of firing a .223 round and striking a target at ranges up to 200 yards in the hands of a trained operator.
Expected lifespan	Barrel life approximately 15K rounds; with care, item can last up to 30 years.
Quantity	72 owned
Purpose and intended uses and/or effects	Recognizing that officers are not normally equipped to safely address threats from persons wearing body armor and/or who are at distances beyond the effective range of standard issue police pistols and shotguns, the PRP has been implemented to address such threats and enhance police officer and public safety.

Noveske N4	
Description	A semi-automatic shoulder-fired long gun that fires a rifle caliber cartridge. The Department-approved AR15 style weapon system is designed to fire a .223/5.56 caliber projectile.
Manufacturer's Product Description	<ul style="list-style-type: none"> • Action: Gas Operated Semi-Auto • Air cooled • Magazine feed • Barrel Length: 10.5", stainless steel • Chambered in 5.56 • Capacity: 30+1
Capabilities / How the item works	This is a direct-impingement, AR-15 pattern center-fire semi-automatic rifle, capable of firing a .223 round and striking a target at ranges up to 200 yards in the hands of a trained operator.
Expected lifespan	Barrel life approximately 15K rounds; with care item can last up to 30 years.
Quantity	25 owned

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Purpose and intended uses and/or effects	The Tactical Operations Team may be activated at the discretion of the Patrol Division Watch Commander, or an Area Commander who is on the scene and assumes Incident Command. This is covered in Oakland Police Policy DGO K-5. Tactical team entry element operators are assigned these rifles.
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Bravo Company Manufacturing (BCM CQU MCMR 11)	
Description	A semi-automatic shoulder-fired long gun that fires a rifle caliber cartridge. The Department-approved AR15 style weapon system is designed to fire a .223/5.56 caliber projectile.
Manufacturer's Product Description	<ul style="list-style-type: none"> • Action: Gas Operated Semi-Auto • Air cooled • Magazine feed • Barrel Length: 10.5", stainless steel • Chambered in 5.56 • Capacity: 30+1
Capabilities / How the item works	This is a direct-impingement, AR-15 pattern center-fire semi-automatic rifle, capable of firing a .223 round and striking a target at ranges up to 200 yards in the hands of a trained operator.
Expected lifespan	Barrel life approximately 15K rounds; with care item can last up to 30 years.
Quantity	30 owned
Purpose and intended uses and/or effects	The Tactical Operations Team may be activated at the discretion of the Patrol Division Watch Commander, or an Area Commander who is on the scene and assumes Incident Command. This is covered in Oakland Police Policy DGO K-5. Tactical team entry element operators are assigned these rifles.

GA Precision Bolt Action .308 Win Rifle	
Description	The rifle has a 22" barrel, internal magazine (four round capacity), manual safety selector switch, and manual bolt action. The rifle is chambered for .308 Win ammunition.
Manufacturer's Product Description	The rifle is a custom GA Precision product built for Oakland PD, based on their Crusader model. It is built off of the Remington 700 short-action receiver platform, but manufactured and outfit by GA Precision, using a variety of components from different manufacturers. The barrel is manufactured by Broughton; it is 22" long, fluted, and has a 1/11.25" twist. The rifle stock is manufactured by Manner. The trigger group is a custom build by GA Precision. The scopes are manufactured by Nightforce (NX8), with Badger Ordnance scope rings and bases. The bipods are manufactured by Harris. The rifles were built from different components, but serialized under GA Precision.

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Capabilities / How the item works	Bolt-action centerfire rifle, capable of firing a .308 round and striking a target at ranges up to 1000 yards in the hands of a trained operator.
Expected lifespan	None indicated, but with care item can last up to 30 years.
Quantity	12 owned
Purpose and intended uses and/or effects	The Tactical Operations Team may be activated at the discretion of the Patrol Division Watch Commander, or an Area Commander who is on the scene and assumes Incident Command. GA Precision Bolt Action .308 Win Rifles are assigned to the Sniper element of the Tactical Operations Team.

Speer LE Gold Dot .223 75 Grain Ammunition	
Description	.223 caliber centerfire rifle ammunition for AR-15 pattern rifles.
Manufacturer's Product Description	SPEER LE Gold Dot Duty Rifle brings proven bullet technology to rifle platform. The Gold Dot bullet was the first high performance, bonded-core bullet available in handgun ammunition, and has since set the bar for duty ammunition. The nation's number one law enforcement option is now available in rifle ammunition for agencies everywhere. Gold Dot rifle bullets are optimized to ensure expansion out of barrels down to 10" at a wide variety of velocities out to 200 yards.
Capabilities / How the item works	Rifle cartridge – when the trigger for the firearm is pulled, the firing pin strikes the primer which in turn ignites the gunpowder inside the casing. The bullet is propelled forward out the end of the barrel. Depending on the rifle through which it was fired, a .223 caliber round is capable of causing great bodily injury or death through a combination of temporary and permanent wound cavities.
Expected lifespan	~10 years
Quantity	~10 cases owned
Purpose and intended uses and/or effects	.223 caliber or 5.56mm rifle ammunition used in conjunction with an AR-15 type rifle provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns.

Federal .223 55 Grain Ammunition	
Description	.223 caliber centerfire rifle ammunition for AR-15 pattern rifles.
Manufacturer's Product Description	American Eagle® rifle ammunition offers consistent, accurate performance at a price that's perfect for high-volume shooting. The loads feature quality bullets, reloadable brass cases and dependable primers. <ul style="list-style-type: none"> • Ideal for target practice • Accurate and reliable • Consistent primers and brass

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Capabilities / How the item works	Rifle cartridge – when the trigger for the firearm is pulled, the firing pin strikes the primer which in turn ignites the gunpowder inside the casing. The bullet is propelled forward out the end of the barrel. Depending on the rifle through which it was fired, a .223 caliber round is capable of causing great bodily injury or death through a combination of temporary and permanent wound cavities.
Expected lifespan	~10 years
Quantity	~30 cases owned
Purpose and intended uses and/or effects	.223 practice ammunition used in rifle training

Winchester Ranger 556B 64 Grain Ammunition

Description	.223 caliber centerfire rifle ammunition for AR-15 pattern rifles.
Manufacturer's Product Description	Rifle cartridge – when the trigger for the firearm is pulled, the firing pin strikes the primer which in turn ignites the gunpowder inside the casing. The bullet is propelled forward out the end of the barrel.
Capabilities / How the item works	Rifle cartridge – when the trigger for the firearm is pulled, the firing pin strikes the primer which in turn ignites the gunpowder inside the casing. The bullet is propelled forward out the end of the barrel. Depending on the rifle through which it was fired, a .223 caliber round is capable of causing great bodily injury or death through a combination of temporary and permanent wound cavities.
Expected lifespan	~10 years
Quantity	~10 cases
Purpose and intended uses and/or effects	5.56 ammunition used for training

Federal Tactical Bonded 308 Win 165 Grain Ammunition

Description	.308 caliber centerfire rifle ammunition
Manufacturer's Product Description	The Tactical Bonded line is a trusted partner for some of the most intense conditions. Made exclusively for law enforcement, it achieves accuracy and terminal performance that defeats tough barriers with minimal deviation.

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Capabilities / How the item works	Rifle cartridge – when the trigger for the firearm is pulled, the firing pin strikes the primer which in turn ignites the gunpowder inside the casing. The bullet is propelled forward out the end of the barrel. Depending on the rifle through which it was fired, a .308 caliber round is capable of causing great bodily injury or death through a combination of temporary and permanent wound cavities.
Expected lifespan	10 years
Quantity	~12 cases
Purpose and intended uses and/or effects	Training and deployment round for the OPD sniper rifle. It affords the ability to engage lethal threats with precision at long distances behind barriers such as glass.

Hornady 308 WIN TAP 168 Grain Ammunition	
Description	.308 caliber centerfire rifle ammunition
Manufacturer's Product Description	Hornady 308 WIN TAP 168 gr. ELD MATCH TAP PRECISION ammunition was designed as an improvement on the 168 gr. A-MAX TAP PRECISION load by incorporating the new ELD Match bullet. The 168 gr. ELD Match bullet with Heat Shield tip delivers the excellent terminal performance TAP Precision is known for, but features a resilient, heat resistant polymer tip that improves the ballistic coefficient, resulting in higher impact velocities, less drop, less wind drift, and more energy on target.
Capabilities / How the item works	Rifle cartridge – when the trigger for the firearm is pulled, the firing pin strikes the primer which in turn ignites the gunpowder inside the casing. The bullet is propelled forward out the end of the barrel. Depending on the rifle through which it was fired, a .308 caliber round is capable of causing great bodily injury or death through a combination of temporary and permanent wound cavities.
Expected lifespan	10 years
Quantity	~33 cases
Purpose and intended uses and/or effects	Training and deployment round for the OPD sniper rifle. It affords the ability to engage lethal threats with precision at long distances behind barriers such as glass.

Remington 700 Rifle	
Description	Bolt-action .308 caliber rifle.

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Manufacturer's Product Description	<p>The Model 700 SPS Tactical is a highly maneuverable member of the family. It's built for tack-driving accuracy with a 20" heavy-contour tactical-style barrel and dual-point pillar bedding in its black synthetic stock. Hogue® overmoldings on the stock facilitate sure handling, and it has a semi-beavertail fore-end for added stability off a rest.</p> <ul style="list-style-type: none"> • 20" heavy barrel • X-Mark Pro® externally adjustable trigger • Hogue® overmolded pillar-bedded stock • Durable satin black oxide metal finish • Hinged floorplate magazine • Select models - SKU's 84205 and 85538, feature 5/8x24 threaded muzzles with thread protectors, ready to accept a range of muzzle devices or silencers. • SuperCell® Recoil Pad
Capabilities / How the item works	<p>Bolt-action centerfire rifle, capable of firing a .308 round and striking a target at ranges up to 1000 yards in the hands of a trained operator.</p>
Expected lifespan	<p>None indicated, but with care item can last over 30 years.</p>
Quantity	<p>1 owned</p>
Purpose and intended uses and/or effects	<p>Last example of the previously issued rifle for the Sniper Team. Replaced by GA Precision rifles, above. Kept for training and testing purposes.</p>

Seekins Precision SP10 Rifle	
Description	<p>AR-10 pattern semi-automatic .308 caliber rifle</p>
Manufacturer's Product Description	<p>The SP10 has been specifically designed and tested for our nation's most elite Special Operations warriors. The SP10's proprietary design of the upper receiver and handguard provides a rigid, no-flex platform for repeatable, extreme accuracy under any condition. The SP10 lower receiver offers full ambidextrous controls allowing effective, efficient manipulation of the weapon from either side. The SP10 is the perfect large-frame AR platform for hunting, competition, or duty use. NOW AVAILABLE in 7 semi-custom color options to match your specific needs.</p> <p>Calibers:</p> <ul style="list-style-type: none"> • 6 Creedmoor/ 1:8 twist • 6.5 Creedmoor/ 1:8 twist

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	<ul style="list-style-type: none"> .308/ 1:11.25 <p>Specs:</p> <ul style="list-style-type: none"> Weight: 10.5lbs Barrel: .308 18"; 6 & 6.5 Creedmoor 22" 5R 416 Stainless Steel Receivers: IRMT Upper/SP10 Lower 7075-T6 billet Handguard: 15" SP3R MLOK Gas Block: Seekins Low Profile Adjustable Gas Block Trigger: Timney trigger, single stage set at 3lbs Colors: Armorer Black, FDE, OD Green, Sniper Gray, Battle Worn FDE, Battle Worn OD Green Finish: Black oxide coating Stock: Seekins 10X Muzzle Device: Seekins ATC brake 5/8X24
Capabilities / How the item works	Semi-automatic AR-10 pattern rifle, capable of firing a .308 round and striking a target at ranges up to 1000 yards in the hands of a trained operator.
Expected lifespan	None indicated, but with care item can last over 30 years.
Quantity	XX ordered
Purpose and intended uses and/or effects	Designed to augment or supplant bolt-action sniper rifles, the AR-10 rifle allows for the Department to use the superior ballistic performance of the .308 / 7.26 NATO cartridge for long-distance precision shooting while maintaining the abilities afforded by the semi-automatic AR-10 workings that provide benefits in follow-up shots if needed, ergonomics, and ease of maintenance. The Department's Seekins rifles will be customized with certain accessories (e.g., rifle scopes, handguards, or trigger assemblies) that do not alter the primary functions (semi-automatic only fire) of the rifle nor add additional weapons (e.g., bayonets, grenade launchers) to the rifle.

Fiscal Costs

Initial Costs

The Oakland Police Department (OPD) currently owns/possesses/uses the equipment.

Initial costs of the items were approximately:

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- Colt rifle: ~\$1100/unit
- Noveske rifle: ~\$1500/unit
- BCM rifle: ~\$1400/unit
- GA Precision rifle: ~\$9000/unit
- Remington 700 rifle: ~\$1400/unit
- Seekins Precision rifle: ~\$XXXX/unit
- Speer ammunition: \$315/case
- Winchester ammunition: \$300/case
- Federal .223 ammunition: \$182/case
- Federal .308 ammunition: \$499/case
- Hornady ammunition: \$215/case

The Department also has ongoing costs related to the purchasing of ammunition; during a typical year every use of ammunition during the course of the year is during training.

OPD proposes to obtain the equipment. Initial costs are anticipated to be:

Estimated or anticipated costs for each proposed use

Patrol rifles: Staff assigned patrol rifles are on-duty and respond during their normal shift.

Tactical team rifles: Staff assigned to the entry or sniper teams may be on duty during incidents requiring the tactical team. If they are, they may deploy as patrol officers and use their assigned rifles. For a tactical team call-out, other members of the team will respond even if they are off-duty, resulting in overtime expenditures. The amount of expenditure is based on the time the incident takes to resolve.

Cost of deployment / discharge: Beyond any regular or overtime staff costs (discussed above), the cost of deployment of these items is nominal; the rifle is typically stored in the officer's patrol vehicle or in the equipment vehicle, so there is no added cost of transportation. For discharges, beyond the cost of each round of ammunition, there is the associated accumulation of maintenance costs (wear and tear) from utilizing the machine. As noted, barrels typically have a service life of around 15k rounds, after which they need to be replaced. While rare, the discharge of a patrol rifle to strike another person may have serious costs, including loss of life. Even justified uses of lethal force may result in costly litigation or other costs. These costs are likely similar to the costs anticipated with the discharge of an officer's service handgun at another.

Estimated or anticipated costs of potential adverse impacts

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There is no way of anticipating every possible adverse impact, and there may be some impacts that occur which are extremely unlikely or unforeseeable. Additionally, even some known possible adverse effects may be so remote that they were not assessed for the purposes of this report. Furthermore, injuries may result as a consequence (unintended or not) of the use of controlled equipment. If the controlled equipment is a weapon, then the cost of injuries resulting from use of that weapon can vary considerably. Since persons in OPD's custody are typically treated at Alameda County Hospital, Highland Campus, the costs for this treatment, if not covered by insurance or other means, may be paid with public funds. Recovery from injuries and/or trauma relating from situations in which controlled equipment is used could include ongoing costs such as medications or counseling. Finally, costs of even likely adverse effects may vary wildly based on other circumstances which are difficult to predict and can vary from incident to incident. Keeping this in mind, some potential adverse effects and their possible costs are:

Deliberate misuse might cause the Department to be exposed to liability, which could include monetary judgments against the City.

Unintentional misuse might cause the Department to be exposed to liability, which could include monetary judgments against the City.

Failures of the equipment might cause the Department to have to purchase additional items, at a cost per item as indicated.

Estimated or anticipated ongoing costs

Costs for operation and training include ammunition – currently approximately \$40,000 per year.

Training costs also include rental of a range facility (typically around \$60/hour). The patrol rifle program has four days of training per quarter (~\$10k/yr), and the Tactical team typically rents a range at least once per month (~\$8000/yr). Additionally, some training may either require the person attending training to be on overtime, or for overtime to backfill that person's position while they are at training. Unknown yearly costs.

Maintenance and storage have costs – while the rifles have long lifespans, like any machine they occasionally need replacement of parts. Depending on the part, the cost per item can range from fractions of a dollar (for small springs) to several hundred dollars (for a new barrel). Storage is typically done in the Police buildings, but this comes with an opportunity cost for other storage.

Upgrade and replacement will typically require purchase of an entirely new rifle, at a cost of between \$1,000-\$9,000 depending on the model and capabilities.

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Impacts

Reasonably anticipated impacts

Deliberate misuse.

Though unlikely, it is possible that Department Rifles and Associated Ammunition may be deliberately misused by employees. Some of the ways that the Department attempts to prevent deliberate misuse is through background checks of prospective employees, supervision and training, strict policy guidelines, robust reporting and accountability practices, and discipline for deliberate misconduct up to and including termination. Suspected criminal misuse of equipment may also be forwarded to the District Attorney's office or other appropriate prosecuting agency for charging consideration.

Unintentional misuse.

Unintentional misuse of Department Rifles and Associated Ammunition may come in many forms, from unfamiliarity or lack of training to the encountering of a scenario that was not anticipated in training or policy. The Department attempts to prevent unintentional misuse through thorough training, clear policy prescriptions, and robust review processes such as force reports, force review boards, and pursuit review boards.

Perception of militarization or exacerbation of a police/community divide.

While it is not the intent of the Department that this occur, the Department does recognize the possibility that its use of Department Rifles and Associated Ammunition may lead to a perception of militarization of the Department, or an exacerbation of any existing divides between the Department and the community it serves and is a part of. The Department attempts to overcome challenges such as this by taking full advantage of community forums required by policy and law (see for instance the mandated community engagement meeting in DGO K-07 and CA Government Code § 7072(b)), by completing full and robust reports such as this one, and by collaborating with the Police Commission in the creation of use policies and procedural safeguards surrounding this equipment.

Impact of unintended persons

Any time a firearm is discharged by law enforcement, there exists the possibility that the round will strike something or someone that is not the intended target. This impact is noticeably decreased in rifles as compared to duty handguns due to the inherent accuracy of a shoulder-fired rifle compared to a handgun. However, this possibility exists and is remedied by training; patrol rifle officers train at least four times per year whereas Tactical Team members train at least once per month.

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Mitigations

Use of force and de-escalation policy – [DGO K-03](#)

Controlled and military equipment frequently takes the form of a force option, or else is often used during high risk situations where force may be used. OPD, in concert with the Police Commission, created a state-of-the-art use of force policy that centers the Department's mission, purpose, and core principles, provides clear guidance that force is only allowed when reasonable, necessary, and proportional, and makes clear the consequences of unreasonable force. Additionally, OPD's use of force policy incorporates a robust de-escalation policy (Section C), which mandates that officers use de-escalation tactics and techniques in order to reduce the need for force when safe and feasible.

The entirety of this policy – which encapsulates OPD's values surrounding force and commitment to de-escalation – is a clear general procedural mitigation to the possible adverse impacts of the use of this equipment.

Force reporting and review policy and practice – [DGOs K-04 and K-04.1](#)

Though the Department expects that every use of this equipment will be within the boundaries of policy and law, the Department also has clear procedures regarding force reporting and review in place. DGO K-04 and its attendant special orders require that force by officers – including force where controlled equipment was used – be properly reported and reviewed, with the level of review commensurate to the severity of the force incident. Additionally, for severe uses of force or where a use of force had severe outcomes, the Department utilizes Force Review Boards, led by top Department command staff and often attended and observed by Community Police Review Agency staff or Police Commission Chairs, to review every part of a force incident. These boards not only determine whether the force was proper, but also have wide latitude to suggest changes in policy, training, or practice, including with controlled equipment.

OPD's force reporting and review policies and practices serve as important procedural mitigations to the possible adverse impacts of the use of this equipment.

Complaint receipt and investigation procedures – [DGO M-03](#)

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The use of controlled equipment, as with any use of the police powers, is subject to the rules and laws that govern the Department and its employees. Complaints and allegations that the Department or its employees have violated these rules or laws are treated with the utmost seriousness, including proper intake at the Internal Affairs Division and investigation by the appropriate investigative individual. Where allegations are found to be substantiated, the Department uses a progressive discipline structure to serve both deterrent and rehabilitative functions. Finally, deliberate misconduct or actions contrary to the Department's values are not tolerated, and can lead to termination of employment.

OPD's complaint receipt and investigation procedures serve as important procedural mitigations to the possible adverse impacts of the use of this equipment.

Community outreach and specific inquiry pathways - DGO K-07

Use of controlled equipment, especially equipment that may have analogues used by militaries or quasi-military federal law enforcement, can drive perceptions of a militarized police force that is pre-disposed to the use of force as opposed to thoughtful, deliberate resolutions to incidents using de-escalation and minimizing the use of force. An important procedural mitigation to this type of perception is regularly communicating with the community served, as a way for information to be shared in both directions. This serves to dispel common misconceptions as well as provide valuable perspective for the Department and its employees. OPD uses community outreach, such as social media, community events, and a specific, annual community forum as required by DGO K-07. Additionally, OPD's overarching controlled equipment policy sets forth processes for inquiries about the equipment.

Equipment-specific use policy and Police Commission oversight - OMC 9.65

While most every law enforcement agency is bound by state law (Government Code § 7070 et. seq.), the very nature of police oversight in Oakland provides one of the most powerful procedural mitigations of potentially adverse impacts. For instance, state law requires that most agencies have their controlled equipment use policies approved by their governing body (e.g., City Council, or Board of Supervisors). In the case of OPD, however, there is an additional layer of oversight in the Police Commission, which must review any controlled equipment use policy prior to it being approved by the City Council. This requirement, set forth in Oakland's municipal code section 9.65, is a procedural mitigation to the possible adverse impacts of the use of this equipment.

Technical safeguards

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Every rifle owned by the Department is semi-automatic – for each round fired, the trigger must be pulled. Though the AR-15 platform is capable of burst or even automatic fire, the Department specifically has not obtained rifles with this capacity to decrease the chances of accidental misuse or striking an unintended target. Additionally, every AR-15 patterned rifle has a manual safety which must be disengaged before the weapon is fired.

For the .223 ammunition that is issued for duty use by patrol rifle officers, the Department specifically chose the Speer LE Gold Dot round because the bullet is bonded, providing superior performance through thin barriers such as auto glass, which still reliably not over-penetrating when tested in gelatin ballistic blocks.

For the Department's .308 ammunition, the larger bullet may provide more energy on target. This ammunition is only used in the Department's sniper rifles, which all are modified with special purpose scopes that allow for the trained members of the sniper element to achieve a high degree of accuracy.

Procedural safeguards

Unlike other agencies, OPD does not issue every officer a patrol rifle. Through a rigorous selection process, OPD is able to control which officers are provided access to this tool. Additionally, selections to the Tactical Team are further vetted. Finally, all persons who deploy a rifle must attend both initial training (40 hours for PRO, 3 weeks for Tactical Team) and ongoing training in order to stay proficient.

Alternatives

De-escalation and alternative strategies

As mentioned in the Mitigations section, above, OPD officers are mandated to use de-escalation strategies and tactics when safe and feasible. These strategies and tactics, which are predicated on de-escalation best practices around communication, containment, positioning, and time/distance/cover, reflect the Department's commitment to de-escalation over the reliance on force to compel compliance.

However, even during de-escalation strategies and actions, controlled equipment may be used or ready to further a safe outcome to the event for the engaged person, the community, and the officers. Generally, a built-in alternative to the actual use of controlled equipment – especially as a force option – is its use as a tool to provide safety, information, or containment to an incident so that officers can bring the situation under control and hopefully encourage a peaceful outcome. This, in conjunction with other de-escalation or alternative strategies,

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provides a baseline for OPD officers in the conduct of their duties when using or contemplating the use of this controlled equipment.

It is also instructive to consider the possible adverse costs of not possessing this equipment. For instance, the unavailability of a particular tool may adversely impact the safety of police personnel and the community by limiting de-escalation strategies, exposing personnel to greater risk, or limiting the options available to safely resolve situations.

There are other manufacturers of AR-15 pattern rifles, AR-10 pattern rifles, and bolt-action precision rifles. However, since these are standardized items, most items will have the same or similar capabilities.

Location

Department Rifles and Associated Ammunition will typically be used within the areas that OPD has jurisdiction or in areas of the State of California where OPD is specifically conducting operations or investigations. This includes the entirety of the City of Oakland, and may include neighboring jurisdictions or other areas within the State.

Third Party Dependence

- This item does not require third-party actors for operation.
- This item does require third-part actors for operation:

Track Record

As noted, many other agencies issue patrol rifles to every sworn officer. The patrol rifle is an integral part of American law enforcement, mainly because the weapon system allows officers to keep distance and match firepower against weapons that are readily available to private citizens.

The City of Santa Rosa reports that they issue a patrol rifle as standard issue to every sworn officer and, as standard issue, do not report it pursuant to AB 481.

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The City of Berkeley Police Department writes in its impact report regarding rifles that, “[t]he M4 patterned rifle, which fires the .223 Remington cartridge, is a superior firearm to stop a lethal threat compared to the issued pistols to police officers, in that officers equipped with this firearm shoot less rounds, fire more accurately, and are less likely to fire errant rounds. Highly volatile and violent incidents, such as a hostage situation, can be more safely and efficiently resolved with a rifle.”

The need for law enforcement to have access to precision rifles to counter armed persons has been shown in several incidents, such as the North Hollywood Shootout. Additionally, the proliferation of firearms in American society, especially since the pandemic, unfortunately requires that law enforcement be prepared to overcome persons armed with many different types of firearms.

TRAINING



BULLETIN

Effective Date:
XX MMM 22

Index Number: III-H
Alpha Index: Specialty Impact Munitions

Evaluation Coordinator: Training Division

“Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy.”

SPECIALTY IMPACT MUNITIONS

Introduction

The purpose of this Training Bulletin is to provide members with guidelines on the use of Specialty Impact Munitions (SIM). This Training Bulletin does not supersede the training and qualification requirements members shall meet to use and deploy SIM.

This Training Bulletin is a supplemental to Department General Order K-3, USE OF FORCE, which is the master policy regarding the use of force. In addition to this policy, members shall have a complete and thorough understanding of DGO K-3, USE OF FORCE and TB III-H.2, HAND HELD IMPACT WEAPONS which outline, in part, when the use of an impact weapon is appropriate and objectively reasonable, criteria for consideration, definitions, force options and medical requirements.

Purpose of Specialty Impact Munitions

Specialty Impact Munitions (SIM) are pieces of ammunition that are fired from either specifically-designed firearms (such as the 40mm launcher) or from firearms that can be utilized to fire the SIM ammunition (such as the 12 gauge shotgun). SIM are designed as less-lethal weapons; while these may cause injury, when used within the scope of law, policy, and manufacturer recommendations the likelihood of death or great bodily injury, while existent, is minimal.

SIM are impact weapons, and are an intermediate force option. Less-lethal weapons, such as SIM, are used to interrupt an engaged person’s threatening behavior so that officers may take physical control of the engaged person with less risk of injury to the engaged person or officer than posed by other force applications¹. SIM specifically allow for the application of less-lethal intermediate force at a distance; distance, along with physical cover and other factors, can be used to enhance de-escalation efforts as well as the safety of the engaged person, officers, and the community during an incident. SIM are used when it is not safe for an officer to close on a physically violent person and try to control that person with physical strength and skill, or when a safe, standoff distance is needed. In addition, SIM may be used to further safe resolution of

¹ [DGO K-03](#), Section G-3.



incidents by hitting or destroying items from a distance (e.g., windows or surveillance cameras) with minimal exposure of officers to dangerous conditions.

Authorized Use

General Use Requirements

Only trained and currently qualified members are authorized to use SIM, and members are only authorized to use the specific SIM for which they have been trained.

As a Use of Force

Except during crowd control (when the use of SIM is severely restricted; reference TB III-G), less-lethal SIM shall only be used as a weapon against an engaged person when objectively reasonable, necessary, and proportional². The use of SIM is an intermediate use of force³ and is not authorized against persons who are only engaged in **non-compliance** or **passive resistance**. SIM use is intended to overcome **active** and **assaultive resistance**.⁴

“Reasonable force” is defined by law as that amount of force that is objectively reasonable to affect a lawful police purpose and protect the safety of officers or others based upon the totality of the circumstances.

The United States Supreme Court ruled in *Graham v. Connor* that force must be analyzed under the Fourth Amendment’s objectively reasonable test⁵. The application of this test requires an analysis of the totality of circumstances, including these factors to determine if the seizure is reasonable:

1. The severity of the crime at issue;
2. Whether the suspect poses an immediate threat to the safety of law enforcement officers or others; and
3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

The determination of reasonableness is not based on the 20/20 vision of hindsight.

As a Distraction or to Target Objects

All SIM specified in this policy may be used in non-Crowd Control or Crowd Management Operations as distraction devices or to destroy an object by firing against objects, (e.g., buildings, walls, doors, windows). Verbal notice to members and outside law enforcement agency personnel shall be made before their use as a distraction device or against an object.

² [DGO K-03](#), Section D-1.

³ *Deorle v. Rutherford* 272 F.3d 1272,1279 (9th Cir. 2001)

⁴ DGO K-03, Section F-03.

⁵ 490 U.S. 386 (1989)



Against Animals

SIM may be used to subdue, distract or chase away vicious animals, but not to dispatch animals (see prohibited uses, below).

Lethal vs. Less-lethal

The distinction between lethal force and less-lethal force is important.

“Less-lethal” force is defined as:

Any use of force, other than lethal force, which by design and application is less likely to cause great bodily injury or death. The possibility of an unintended lethal outcome, although very rare, still exists. SIM are less-lethal weapons. Refer to DGO K-3 for additional less-lethal force options.

Use of Direct Fired Specialty Impact Munitions (SIM)

1. Direct Fired SIM are less-lethal specialty impact weapons that are designed to be direct fired at a specific target including but not limited to Drag Stabilized Flexible Batons (DSFB), often referred to as a "bean bags".
2. A member and/or supervisor on the scene, absent exigent circumstances, shall take reasonable steps to have the engaged person submit to police authority and issue a verbal warning before the use of SIM
3. Members shall, absent exigent circumstances, avoid intentionally targeting the upper chest. Impacts to center mass have the highest potential for immediate incapacitation, but also have the highest potential to cause serious internal injury or in some very rare instances, death.
4. Lethal force backup shall be in place prior to SIM usage, absent exigent circumstances.
5. Any person struck by SIM shall be transported to a hospital for observation and any necessary treatment. Ambulance service, if required, shall be ordered per Department General Order I-4, AMBULANCE SERVICE. First aid, when necessary, shall be administered per Training Bulletin III-K, FIRST AID. Members shall, absent exigent circumstances summon medical personnel to stage near the scene when they reasonably believe the use of SIM is imminent.

Prohibited Uses

1. Direct Fired SIM shall not be used against a person who is under restraint⁶.

⁶ See DGO K-03, Section B-24 for definition.



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2. Members shall not intentionally target and fire specialty impact munitions at an engaged person's head, neck, spleen, liver, kidneys, throat, spine, left arm pit, or groin due to the increased likelihood of serious bodily injury or death. Absent the engaged person presenting a lethal threat or engaging in life-threatening resistance, members shall not target these areas.
3. Absent the engaged person presenting a lethal threat or engaging in life-threatening resistance, direct fired drag-stabilized beanbag (DSFB) shall not be used against a person within 7 yards (21 feet).
4. Direct Fired SIM shall not be used indiscriminately against a person, a crowd, or group of people even if some members of the crowd or group are violent or disruptive.
5. Members shall not use SIM to dispatch animals.
6. Members shall not use SIM against persons who are only engaged in non-compliance or passive resistance.
7. SIM shall not be "skip-fired" (i.e., intentionally fired such that the round impacts another surface first before striking the intended target).

Crowd Control and Crowd Management Usage

All use of SIM during Crowd Control and Crowd Management is controlled by OPD's Crowd Control Policy ([Training Bulletin III-G](#)). [Insert the key point here from III-G / AB 48 about SIM only being utilized during crowd control on a specific person who poses immediate threat to life or safety]

Deployment Considerations

1. Members shall, absent exigent circumstances, reasonably evaluate the intended person for the following Special Conditions before using SIM:
 - a. Pregnant People: Members shall not use SIM against a person who is known, or should reasonably be known, by a member to be pregnant, unless the member believes it is objectively reasonable that his/her life, or life of another, is in immediate danger of death or serious bodily injury, and alternative arrest and control techniques would pose a greater safety or injury risk to the engaged person, third parties or members.
 - b. Pre-Teen Children/Elderly people: Members shall not use SIM against a person known, or should reasonably be known, by the member to be the age of ten (10) or younger or over the age of seventy (70), unless the member believes it is objectively reasonable that his/her life, or life of another, is in immediate danger of death or serious bodily injury, and alternative arrest and



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control techniques would pose a greater safety or injury risk to the engaged person, third parties or members.

- c. Physically Disabled: Members shall not use SIM against a person known, or should reasonably be known, by the member to be physically disabled unless the member believes it is objectively reasonable that his/her life, or life of another, is in immediate danger of death or serious bodily injury, and alternative arrest and control techniques would pose a greater safety or injury risk to the engaged person, third parties or members.
2. Members shall, absent exigent circumstances, consider, as applicable to the incident, the following factors which may have a direct effect on the engaged person, members or third parties which would influence the decision to use SIM, or whether to use force at all. At all times, members shall be guided by the Department's Mission, Purpose, and Core Principles (DGO K-03, Section A) and the Department's Policy Requirement Regarding De-escalation (DGO K-03, Section C-3). The factors specific to SIM that officers shall consider include, but are not limited to:
 - Is the engaged person armed and, if so, with what type of weapon? If the engaged person is armed with a firearm, will the firing of "less-lethal" SIM cause the engaged person to fire his/her firearm?
 - Is the level of force by the officer appropriate for the level of resistance or aggression exhibited by the engaged person?
 - What is the type of situation? Is the engaged person holding a hostage or are there other bystanders in the immediate area?
 - Are the officers on the Dedicated Arrest Team (DAT), the inner perimeter, and other surrounding areas aware that less-lethal SIM may be deployed? Has notification been made or will it be made to the surrounding officers? Will the firing of less-lethal SIM cause other officers to initiate sympathetic fire?

Absent exigent circumstances, notification before and after the use of a SIM shall be made over the radio and/or in person when radio volume may be turned down for tactical reasons, radio communication problems are occurring or the incident involves outside agency personnel who may not have radio contact with the OPD.

Absent exigent circumstances, members shall ensure that personnel from other public safety agencies involved in the incident acknowledge receipt of the information prior to the use of SIM. This is to ensure the employment of SIM is not mistaken for lethal force.



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- Are other tactics in place, (e.g., O.C., TASERS, K-9's, multiple less-lethal SIM shooters, and arrest teams) as an alternate or contingency plan should less-lethal SIM not create the desired results?
- What is the distance of the threat in relation to the less-lethal SIM shooter? The farther the threat, the less accurate the munitions and the less kinetic energy delivered. As the threat gets closer to the less-lethal SIM shooter, the shooter must lower the point of aim, (i.e., to the legs, buttocks, etc.)
- What is the distance of the threat in relation to the arrest team? The further away the arrest team, the longer the threat has to recover from the effects of the SIM.
- Follow up shots: because the first round may miss or not be effective, always be prepared to fire multiple rounds at the engaged person.
- What is the availability of spare less-lethal SIM?
- Are there any language or hearing barriers that affect the engaged person's ability to comprehend clear and articulate communication/directions from members?
- Is the engaged person under the influence of medication, illegal drugs, or an intoxicant?
- Are there any potential secondary injury possibilities to the engaged person (e.g. falling off of a building, running into traffic, etc.)?
- Does the engaged person have any mental or psychological impairment?
- What is the age of the engaged person? Does their age factor into the level of resistance the engaged person is posing or the immediacy of the threat they present?
- What was the success or resilience to the use of previous SIM?
- What is the probability of success in achieving the intended results with the SIM and a engaged person's defenses (e.g. engaged person swinging a jacket, body protection, etc.)?
- Are alternative plans of action in place should the SIM not have the intended results?

Training

Sworn members shall receive training on SIM during every continued professional training (CPT) cycle. This training shall include, but is not limited to, the following:

- Live fire of SIM at practice targets with emphasis on proper target selection;
- Overview of the provisions of this SIM policy;



- Information on situations in which SIM may be used for tactical purposes other than as a weapon; and
- Information on SIM prohibitions during crowd control.

Staff conducting training shall keep a running count of how many SIM are expended during training and report it quarterly to the Department's Military Equipment Coordinator or designee.

All training/qualification records and lesson plans shall be maintained by the Training Section. The records shall not be purged once training and qualification have been updated or renewed. The records shall represent the entire history of the member's training, qualifications and the curriculum utilized for each training session.

Non-flexible vs. Flexible Projectiles

There are two categories of SIM projectiles: non-flexible and flexible.

Non-flexible projectiles are composed of rigid or semi-rigid materials such as hard rubber or wood. Non-flexible projectiles DO NOT conform to the contour of the surface they strike.

Flexible projectiles are generally composed of lead or silica filled cloth bags, or a softer substance such as foam. Flexible projectiles conform to the contour of the surface they strike.

Single Projectile vs. Multiple Projectiles

Generally, single projectile munitions (e.g. Drag stabilized flexible baton round, 40 mm sponge round) are rounds that launch one projectile with an expectation of point of aim – point of impact accuracy. Generally, these munitions are intended to be direct-fired munitions.

Multiple projectile munitions (e.g. Wooden dowels, 40mm foam baton round) are rounds launching more than one—or multiple—projectiles at the same time. Generally, these rounds are “skip-fired”. Indirect or skip fire munitions are prohibited.

Direct Fired vs. Indirect Fired/Skip Fired

There are two methods in which less-lethal SIM are deployed onto a target: direct fired and indirect or skipped fired.

Direct fired munitions are intended to be fired directly at an engaged person while reasonably attempting to avoid prohibited areas, as specified in parts 5 and 6 of the *Use of Direct Fire Specialty Impact Munitions (SIM)* section, above.

Indirect or skipped fired munitions are intended to be fired so that the projectile impacts the ground first and then “skips” into the intended target. Indirect or skip fire munitions are prohibited.

Psychological (Mental) Effects



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Impact munitions have a tremendous mental effect on an individual. In many cases, the mental effects far outweigh the physical effects and may be the determining factor in the engaged person's response to the munitions.

Possible effects in engaged persons who have SIM deployed against them are fear, anxiety, and panic:

Fear: Impact munitions may cause a powerful mental distraction. If the engaged person has prior knowledge of the effects of impact munitions and realizes that he/she is about to be targeted, this realization may be enough to cause the engaged person to comply or, at least, be distracted long enough for a plan of action to be implemented. The engaged person must also mentally cope with the physical pain that he/she feels after being struck with impact munitions.

Anxiety: The action of pointing a firearm directly at an individual and/or firing a projectile at him or her arouses fear in the individual of being shot with a firearm. The pain and, sometimes, the appearance of the injury may reinforce this belief.

Panic: Because it may create the "fight or flight" response, panic may not be the most desired effect.

Members shall consider and prepare contingencies for a panic response. Should it induce a "fight" response, a reliable secondary plan for incapacitation is needed. Should it induce the "flight" response, a secure perimeter along with other available assets should overcome any eluding actions.

Physiological (Physical) Effects

There are two types of injuries caused by projectiles: penetrating and non-penetrating.

Penetrating injuries are caused from low mass, high velocity projectiles, such as bullets and some SIM if used at a close distance, or low velocity sharp objects such as knives.

Non-penetrating injuries are caused when blunt objects impact the surface of the body at moderate speeds causing blunt trauma but do not penetrate the body.

In simple terms, blunt trauma is the primary desired physical effect of less-lethal impact munitions.

The flexible baton inflicts enough pain to get most individuals to comply yet, when used properly, has a low probability of causing serious physical harm. Generally, the impact of the projectile along with the associated pain works to deter the individual from unwanted aggressive behavior.



The possibility of physical injury always exists whenever impact weapons are used. Inappropriate use of a SIM significantly increases the risk of injury or death to a suspect. Abrasions, lacerations, contusions, and fractures may result and need to be addressed by trained medical personnel (See DGO K-3, TB III- K, and DGO I-4 regarding first aid and emergency medical treatment.)

The human body can withstand high levels of force for very short durations of time if the force is distributed on the strong parts of the skeleton. The soft body tissues are responsible for absorbing and dissipating a great deal of force without producing a large amount of compression. However, if the amount and speed of blunt trauma is greater than can be absorbed, soft tissues can be damaged by tearing or rupturing, causing lacerations, cuts, and bruises.

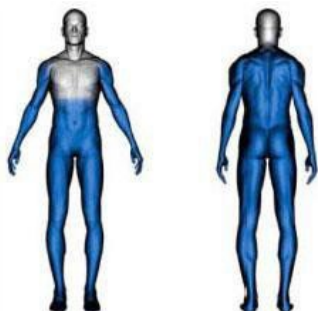
Impacts to the abdomen can cause injury to the liver and spleen causing crushing deformation. Chest impacts can displace internal organs and possibly lacerate major vessels by crushing or stretching.

Although rare, penetration into the body has occurred and is always a possibility, especially when improperly used, as a result of a combination of kinetic energy (weight, size, shape, and velocity); target distance; the engaged person's weight, mass, clothing, or other material coverings; and the area of the body at which the engaged person is impacted. Members shall use SIM within training guidelines and Department policy.

Viable Target Areas

The authorized target areas for SIM are the same as for hand held impact weapons.

The primary target areas are areas consisting of large muscle groups such as the buttocks and thighs. Other target areas are the shoulder, upper arms, elbows, lower arms, lower abdomen area, knees, and lower legs. Skeletal target areas include the wrists, hands, ankles, and feet. It should be noted that impacting skeletal target areas may result in fractures.



Preferred Target Areas in Blue

Center mass shots provide for the highest probability of immediate incapacitation but also have the highest potential to cause serious injury or, in rare instances, death (See part 6 of *Use of Direct Fire Specialty Impact Munitions (SIM)* section above.)



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Factors an officer shall consider when selecting a target area to strike are the following:

- Clothing – In colder climates, heavier clothing and jackets reduce the amount of blunt trauma the engaged person receives. Exposed target areas such as the legs should be considered. In hotter climates, where lighter clothing is worn, factors to consider are shot placement and engagement distance. Engaged persons may also wear “armor” to defeat/lessen the effects of impact munitions.
- Physical stature and condition – Is the engaged person heavy and muscular or is the engaged person thin and skeletal? How old is the engaged person? Most likely, a 250-pound person will be less physically affected than a 100-pound person when both are struck in the same target area. The blunt trauma effects and the potential for injury are much greater for the smaller stature engaged person.
- Immediate surroundings – Be aware of what or who is in the background. Are there any persons in the immediate area that might be struck from a deflected or missed shot?

Non-Target Areas

Department policy prohibits intentionally targeting and firing SIM at vulnerable body parts. Members shall avoid striking a engaged person’s head, neck, spleen, liver, kidneys, throat, spine, left arm pit, or groin with any type of specialty impact weapon. Unless your intent is to use LETHAL FORCE, all reasonable attempts shall be made to avoid striking these areas. It should be noted that, when an engaged person is moving or attempting to shield him/herself, avoiding these target areas may be difficult. Given the inherent risk of striking vulnerable body parts, members and supervisors should weigh the risk vs. benefit of using SIM against a moving person.

Members shall, absent exigent circumstances, avoid intentionally targeting the upper chest.

12 Gauge Specialty Impact Munitions

Safariland Drag Stabilized Bean Bag rounds (both marking #3028 and non-marking #3027), and the CTS Super-Sock (both marking #2581G and non-marking #2581) are the only authorized 12 gauge SIMs. These rounds are hereafter referred to as Drag Stabilized Flexible Baton, or DSFB, rounds.

All authorized 12 gauge SIMs share a common design and function in the same manner. These SIM rounds employ a tail design to improve accuracy and a conforming projectile to deliver blunt-force-trauma.

The Safariland rounds are single, tear-shaped, heavy-cotton and ballistic material projectiles with four stabilizer tails. The CTS rounds are single, tear shaped, heavy-cotton and ballistic material projectiles with a single cone shaped stabilizer tail. All





authorized DSFB rounds are filled with 40 grams (1.43 oz.) of #9 lead shot loaded into a translucent 12 gauge shell. The rounds use smokeless gunpowder as a propellant. When fired, the projectile travels at about 280 feet per second. Because it is tear-shaped with a stabilizer tail(s), it is very aerodynamic and has a high degree of accuracy. The tear shape also creates a blunt impacting surface, which causes fewer injuries than the discontinued flat flexible baton round.

The 12 gauge DSFB round has an optimal energy range of 20-75 feet and is intended to be a direct fired munition. The user shall be thoroughly trained, qualified and maintain the Department standard of annual qualification to maintain certification in its use.

Some encounters may require two or more shots placed on an engaged person to gain compliance and shall be justified as required by DGO K-3. Each application is a use of force. Alternate plans of action should be in place should the desired results not be achieved.



The Remington 870 Pump Action Shotgun

The 12 gauge Drag Stabilized Flexible Baton Round shall be fired from a barrel with a choke rating of “Cylinder Bore.” A “Cylinder Bore” choke is required to ensure that the SIM exits the barrel of the weapon system completely and does not become lodged inside. The only shotgun deployed by the Department that has this choke rating is the Remington, Model 870, 12 gauge pump-action shotgun.

Other factors adversely impacting a flexible baton projectile’s ability to exit the barrel when fired are:

- A dirty/fouled barrel;
- A bent/damaged barrel; and/or
- Damaged munitions.



Safety Checks

Incidents have occurred when peace officers in other agencies shot engaged persons with lethal shotgun ammunition when those officers believed that less-lethal ammunition was loaded into their shotguns. In order to prevent a lethal firearms discharge, members shall strictly follow the deployment safety checks detailed in this section.

Prior to the deployment of **any** 12 gauge less-lethal SIM, members shall thoroughly complete the following safety checks:

1. Clear the weapon system of all lethal ammunition. Double check to ensure that the weapon system is indeed clear of any lethal ammunition.
2. Have a second officer double check that the weapon system is clear of any lethal ammunition. This step is incorporated to ensure that an officer has not overlooked any lethal ammunition due to fatigue, darkness, or stress.
3. Ensure that lethal ammunition for the weapon system is inaccessible to the less-lethal shooter. The best course of action to ensure that no lethal ammunition is accessible is to lock it in a secure location such as the glove box or the trunk. THE LESS-LETHAL SHOOTER SHALL NEVER INTER-MINGLE LETHAL AMMUNITION FOR THE WEAPON SYSTEM ON HIS/HER PERSON OR SHOTGUN.
4. Inspect each less-lethal round to ensure that the munitions are less-lethal. Visually inspect each and every less-lethal round that is deployed to ensure that it is indeed less-lethal. Never assume.



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5. Have a second officer double check each less-lethal round to ensure that the munitions are in fact less-lethal. This step is incorporated to ensure that an officer has not overlooked any lethal ammunition due to fatigue, darkness, or stress.

Although there are designated orange colored less-lethal Remington, Model 870 shotguns for Crowd Control Operations, this does not preclude negligent lethal discharges. The only way to prevent negligent lethal discharges is to strictly follow the five safety checks listed above.

40mm Single and Multi Shot Launchers

40mm SIM shall be fired from a 40mm launcher. The launchers used by the Oakland Police Department are the Penn Arms Single and Multi Shot shoulder fired launchers and the Defense Technology 40LMTS. These launchers can be fired either in the single action or double action mode. Each launcher has a full length Picatinny rail adaptable for mounted electronic sight systems, and also a fixed front sight bead and rear ghost ring sight.

All users shall be thoroughly trained and qualify annually to maintain their Department certification in its use. The user shall visually inspect each round before placing it in the launcher to ensure he/she is using the intended round type.

40mm Multiple Foam Baton - A Direct and Indirect Fired SIM manufactured by Defense Technologies. It consist of a 1.60 inch diameter by 4.89 inch long casing that contains (3) foam rubber projectiles. This SIM uses smokeless powder as a propellant. Each foam rubber is a 1.40 inch cylindrical shaped baton made of foam. Each baton weighs .40 ounces. When fired, the batons travel at about 325 feet per second.

The 40 mm Foam Baton Round is intended to be direct fired. The operator shall be adequately trained in the use of Less Lethal Impact Munitions and have a thorough understanding of the round and considerations for selecting shot placement such as level of threat, target distance, size, and clothing.

The 40 mm Foam Baton Round is most suitable in close to medium ranges of fire, approximately 15 to 30 feet. Beyond 30 feet, the lightweight foam batons may move off target and lose most of their energy.

Engagement distances may be limited by walls or barriers. It may also prove valuable in urban riot situations where police lines and protestors are in close proximity. As a dynamic energy round for the incapacitation or distraction of single non-complaint or aggressive persons, it is best suited at close to moderate distances, approximately 10 to 20 feet. All users shall be thoroughly trained and qualify annually to maintain their Department certification in its use.



40mm Direct Impact Round – A Direct Fired SIM manufactured by Defense Technologies. It consists of a

1.60 inch diameter by 4.40 inch long casing that contains (1) crushable foam nose, powder payload and plastic body projectile. This SIM uses smokeless powder as a propellant. Each foam is a 2.92 inch cylindrical shaped projectile made of foam. Each foam weighs 1.45 ounces. When fired, the batons travel at about 295 feet per second.

The 40 mm Direct Impact Round is a “point-of-aim, point-of-impact” direct fire round that is most commonly used by tactical teams in situations where greater accuracy and deliverable energy is desired for the incapacitation of an aggressive, non-compliant engaged person at longer distances. The 40mm sponge round is the only SIM that may be deployed during Crowd Management and Control incidents.

The 40 mm Direct Impact Round is intended for direct fire deployment. The operator shall be adequately trained in the use of Less Lethal Impact Munitions and have a thorough understanding of the round and considerations for selecting shot placement such as level of threat, target distance, size and clothing. The 40 mm Direct Impact Round will prove most successful for incapacitation when used within their optimal energy range of 5 – 36 meters, although it may be used in situations from 2 – 50 meters.

All users shall be thoroughly trained and qualify annually to maintain their Department certification in its use. The user shall visually inspect each round before placing it in the launcher to ensure he/she is using the intended round type.

Hand Deployed Specialty Impact Munitions

The Oakland Police Department deploys the following hand deployed SIM.

#15 Stinger Grenade – The Stinger Grenade is a combination specialty impact munition and diversion device that may incorporate optional CS or OC laden powder. The Stinger Grenade is a maximum effect device because it delivers up to four stimuli for psychological and physiological effect: rubber pellets, bright light, sound, and optional chemical agent powder.

These munitions are 3.1 inches in diameter and 5.2 inches long. These munitions contain 8 ounces of flash powder and 150 .32 caliber soft rubber balls. The munitions that contain powder chemical agent can contain up to 2.0 grams of CS or .30 grams of OC. Other variations that may be deployed are the same munitions without the rubber pellets.



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The Stinger Grenade has an initial 1.5 second delay that initiates fuse assembly separation, followed by another .5 second delay before the device functions. The blast is sufficient to project the rubber balls and optional chemical agent powder in a 50 foot radius.

Only members of the Tactical Operations Team are authorized to use the Stinger Grenade and the user shall be thoroughly trained, qualified and maintain the Department standard of annual qualification to maintain authorization in its use. The Stinger Grenade is not authorized for use in any Crowd Control or Crowd Management Operation or against people (See exception under *Tactical Operations Deployment* section below).

Tactical Operations Deployment

The Stinger Grenade may only be deployed against a person by the Tactical Operations Team, during a Non- Crowd Control or Crowd Management Operation, when a member objectively and reasonably believes that his/her life, or life of another, is in immediate danger of death or serious bodily injury based upon the totality of the facts known at the time.

Post Deployment Considerations

After an engaged person has been taken into custody using a SIM, specific tasks shall be completed.

First Aid or Medical Treatment – Members shall provide, as necessary, and summon professional medical assistance, as soon as practical, whenever an engaged person is struck by a SIM and taken into custody (See DGO K-3, USE OF FORCE, TB III-K, FIRST AID, and DGO I-4, AMBULANCE SERVICE, regarding first aid and emergency medical treatment.)

Evidence – Personnel shall recover all expended casings and projectiles for documentation purposes and make inventory of all remaining live munitions for accountability. If the situation or exigency does not allow the recovery of the evidence (e.g. crowd control situation), officers shall document in their respective reports the number of munitions deployed and the circumstances disallowing the recovery of the evidence.

Additionally members shall, when notifying their supervisor of the use of force, notify their supervisor regarding the non- recovery of evidence.

Equipment Use Reporting

Any personnel firing or using a SIM outside of training shall report the use to their supervisor. Uses of force shall be handled as detailed in the next section. Other uses shall be reported via the military equipment deployment notification process by the deploying member's commander.



Documentation – As required by Department General Order K-4, REPORTING AND INVESTIGATING THE USE OF FORCE, a supervisor shall be summoned to the scene to conduct a Level 2 force investigation when SIM are used against a person.

At a minimum, members shall consider the following factors, as applicable, for detailed inclusion in their Offense, Supplemental or Investigation Report:

- The engaged person’s behavioral signals at the onset of the incident.
- The engaged person’s tone of voice or language (Was the engaged person yelling or using profanity or verbal threats, etc.?)
- The engaged person’s body language/physical gestures (shirt off, violent combative gestures/movements, hands clenched into fists, rapid pacing).
- Any signals of submission by the engaged person (compliance, agreement to comply, etc.)
- Any indications the engaged person made to comply with verbal instructions (submission, going to a specific location, relinquishing/dropping objects/weapons).
- The conditions that dictated shot placement (lighting, obstacles, distance, etc.)
- Environmental conditions (darkness, rain, sunlight).
- The engaged person’s approximate age, height, weight, clothing.
- Whether a physical confrontation would have resulted if less-lethal SIM had not been used.
- Whether BWC was viewed prior to writing the final version of the report.
- Identification of other Department members and public safety personnel, who were present, and their activities and/or role in the incident.
- What safety checks were done prior to deployment of SIM and who conducted the checks.
- When and type of first aid or emergency medical treatment that was provided, and by whom.
- Attach a copy of the paramedic and/or hospital medical report, if available.
- Evidence collected.



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- Names, contact information, and thorough recorded statements of witnesses.
- Time when supervisor was advised of the use of SIM.
- Availability of photographs, sketches, diagrams, video, etc. of the scene.
- Photos of the suspect and clothing.
- Other articulable factors which led the member to believe it was objectively reasonable to utilize force and the type of force used.

Inquiry and Complaint Process

The Oakland Police Department DGO M-3: **Complaints Against Departmental Personnel or Procedures** will inform all employees and the public of procedures for accepting, processing and investigating complaints concerning allegations of member employee misconduct.⁷

Refer to DGO K-7 for additional information on inquiries around controlled equipment.

⁷ DGO M-3 states, "IAD investigations shall be completed, reviewed, and approved within 180 days unless approved by the IAD commander."

TRAINING



BULLETIN

Effective Date:
XX MMM 22

Index Number: III-H
Alpha Index: Specialty Impact Munitions

Evaluation Coordinator: Training Division

“Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy.”

SPECIALTY IMPACT MUNITIONS

Introduction

The purpose of this Training Bulletin is to provide members with guidelines on the use of Specialty Impact Munitions (SIM). This Training Bulletin does not supersede the training and qualification requirements members shall meet to use and deploy SIM.

This Training Bulletin is a supplemental to Department General Order K-3, USE OF FORCE, which is the master policy regarding the use of force. In addition to this policy, members shall have a complete and thorough understanding of DGO K-3, USE OF FORCE and TB III-H.2, HAND HELD IMPACT WEAPONS which outline, in part, when the use of an impact weapon is appropriate and objectively reasonable, criteria for consideration, definitions, force options and medical requirements.

Purpose of Specialty Impact Munitions

Specialty Impact Munitions (SIM) are pieces of ammunition that are fired from either specifically-designed firearms (such as the 40mm launcher) or from firearms that can be utilized to fire the SIM ammunition (such as the 12 gauge shotgun). SIM are designed as less-lethal weapons; while these may cause injury, when used within the scope of law, policy, and manufacturer recommendations the likelihood of death or great bodily injury, while existent, is minimal.

SIM are impact weapons, and are an intermediate force option. Less-lethal weapons, such as SIM, are used to interrupt an engaged person’s threatening behavior so that officers may take physical control of the engaged person with less risk of injury to the engaged person or officer than posed by other force applications¹. SIM specifically allow for the application of less-lethal intermediate force at a distance; distance, along with physical cover and other factors, can be used to enhance de-escalation efforts as well as the safety of the engaged person, officers, and the community during an incident. SIM are used when it is not safe for an officer to close on a physically violent person and try to control that person with physical strength and skill, or when a safe, standoff distance is needed. In addition, SIM may be used to further safe resolution of

¹ [DGO K-03](#), Section G-3.



incidents by hitting or destroying items from a distance (e.g., windows or surveillance cameras) with minimal exposure of officers to dangerous conditions.

Authorized Use

General Use Requirements

Only trained and currently qualified members are authorized to use SIM, and members are only authorized to use the specific SIM for which they have been trained.

As a Use of Force

Except during crowd control (when the use of SIM is severely restricted; reference TB III-G), less-lethal SIM shall only be used as a weapon against an engaged person when objectively reasonable, necessary, and proportional². The use of SIM is an intermediate use of force³ and is not authorized against persons who are only engaged in **non-compliance** or **passive resistance**. SIM use is intended to overcome **active** and **assaultive resistance**.⁴

“Reasonable force” is defined by law as that amount of force that is objectively reasonable to affect a lawful police purpose and protect the safety of officers or others based upon the totality of the circumstances.

The United States Supreme Court ruled in *Graham v. Connor* that force must be analyzed under the Fourth Amendment’s objectively reasonable test⁵. The application of this test requires an analysis of the totality of circumstances, including these factors to determine if the seizure is reasonable:

1. The severity of the crime at issue;
2. Whether the suspect poses an immediate threat to the safety of law enforcement officers or others; and
3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

The determination of reasonableness is not based on the 20/20 vision of hindsight.

As a Distraction or to Target Objects

All SIM specified in this policy may be used in non-Crowd Control or Crowd Management Operations as distraction devices or to destroy an object by firing against objects, (e.g., buildings, walls, doors, windows). Verbal notice to members and outside law enforcement agency personnel shall be made before their use as a distraction device or against an object.

² [DGO K-03](#), Section D-1.

³ *Deorle v. Rutherford* 272 F.3d 1272,1279 (9th Cir. 2001)

⁴ [DGO K-03](#), Section F-03.

⁵ 490 U.S. 386 (1989)



Against Animals

SIM may be used to subdue, distract or chase away vicious animals, but not to dispatch animals (see prohibited uses, below).

Lethal vs. Less-lethal

The distinction between lethal force and less-lethal force is important.

“Less-lethal” force is defined as:

Any use of force, other than lethal force, which by design and application is less likely to cause great bodily injury or death. The possibility of an unintended lethal outcome, although very rare, still exists. SIM are less-lethal weapons. Refer to DGO K-3 for additional less-lethal force options.

Use of Direct Fired Specialty Impact Munitions (SIM)

1. Direct Fired SIM are less-lethal specialty impact weapons that are designed to be direct fired at a specific target including but not limited to Drag Stabilized Flexible Batons (DSFB), often referred to as a "bean bags".
2. A member and/or supervisor on the scene, absent exigent circumstances, shall take reasonable steps to have the engaged person submit to police authority and issue a verbal warning before the use of SIM
3. Members shall, absent exigent circumstances, avoid intentionally targeting the upper chest. Impacts to center mass have the highest potential for immediate incapacitation, but also have the highest potential to cause serious internal injury or in some very rare instances, death.
4. Lethal force backup shall be in place prior to SIM usage, absent exigent circumstances.
5. Any person struck by SIM shall be transported to a hospital for observation and any necessary treatment. Ambulance service, if required, shall be ordered per Department General Order I-4, AMBULANCE SERVICE. First aid, when necessary, shall be administered per Training Bulletin III-K, FIRST AID. Members shall, absent exigent circumstances summon medical personnel to stage near the scene when they reasonably believe the use of SIM is imminent.

Prohibited Uses

1. Direct Fired SIM shall not be used against a person who is under restraint⁶.

⁶ See DGO K-03, Section B-24 for definition.



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2. Members shall not intentionally target and fire specialty impact munitions at an engaged person's head, neck, spleen, liver, kidneys, throat, spine, left arm pit, or groin due to the increased likelihood of serious bodily injury or death. Absent the engaged person presenting a lethal threat or engaging in life-threatening resistance, members shall not target these areas.
3. Absent the engaged person presenting a lethal threat or engaging in life-threatening resistance, direct fired drag-stabilized beanbag (DSFB) shall not be used against a person within 7 yards (21 feet).
4. Direct Fired SIM shall not be used indiscriminately against a person, a crowd, or group of people even if some members of the crowd or group are violent or disruptive.
5. Members shall not use SIM to dispatch animals.
6. Members shall not use SIM against persons who are only engaged in non-compliance or passive resistance.
7. SIM shall not be "skip-fired" (i.e., intentionally fired such that the round impacts another surface first before striking the intended target).

Crowd Control and Crowd Management Usage

All use of SIM during Crowd Control and Crowd Management is controlled by OPD's Crowd Control Policy ([Training Bulletin III-G](#)). [Insert the key point here from III-G / AB 48 about SIM only being utilized during crowd control on a specific person who poses immediate threat to life or safety]

Deployment Considerations

1. Members shall, absent exigent circumstances, reasonably evaluate the intended person for the following Special Conditions before using SIM:
 - a. Pregnant People: Members shall not use SIM against a person who is known, or should reasonably be known, by a member to be pregnant, unless the member believes it is objectively reasonable that his/her life, or life of another, is in immediate danger of death or serious bodily injury, and alternative arrest and control techniques would pose a greater safety or injury risk to the engaged person, third parties or members.
 - b. Pre-Teen Children/Elderly people: Members shall not use SIM against a person known, or should reasonably be known, by the member to be the age of ten (10) or younger or over the age of seventy (70), unless the member believes it is objectively reasonable that his/her life, or life of another, is in immediate danger of death or serious bodily injury, and alternative arrest and



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control techniques would pose a greater safety or injury risk to the engaged person, third parties or members.

- c. Physically Disabled: Members shall not use SIM against a person known, or should reasonably be known, by the member to be physically disabled unless the member believes it is objectively reasonable that his/her life, or life of another, is in immediate danger of death or serious bodily injury, and alternative arrest and control techniques would pose a greater safety or injury risk to the engaged person, third parties or members.
2. Members shall, absent exigent circumstances, consider, as applicable to the incident, the following factors which may have a direct effect on the engaged person, members or third parties which would influence the decision to use SIM, or whether to use force at all. At all times, members shall be guided by the Department's Mission, Purpose, and Core Principles (DGO K-03, Section A) and the Department's Policy Requirement Regarding De-escalation (DGO K-03, Section C-3). The factors specific to SIM that officers shall consider include, but are not limited to:
 - Is the engaged person armed and, if so, with what type of weapon? If the engaged person is armed with a firearm, will the firing of "less-lethal" SIM cause the engaged person to fire his/her firearm?
 - Is the level of force by the officer appropriate for the level of resistance or aggression exhibited by the engaged person?
 - What is the type of situation? Is the engaged person holding a hostage or are there other bystanders in the immediate area?
 - Are the officers on the Dedicated Arrest Team (DAT), the inner perimeter, and other surrounding areas aware that less-lethal SIM may be deployed? Has notification been made or will it be made to the surrounding officers? Will the firing of less-lethal SIM cause other officers to initiate sympathetic fire?

Absent exigent circumstances, notification before and after the use of a SIM shall be made over the radio and/or in person when radio volume may be turned down for tactical reasons, radio communication problems are occurring or the incident involves outside agency personnel who may not have radio contact with the OPD.

Absent exigent circumstances, members shall ensure that personnel from other public safety agencies involved in the incident acknowledge receipt of the information prior to the use of SIM. This is to ensure the employment of SIM is not mistaken for lethal force.



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- Are other tactics in place, (e.g., O.C., TASERS, K-9's, multiple less-lethal SIM shooters, and arrest teams) as an alternate or contingency plan should less-lethal SIM not create the desired results?
- What is the distance of the threat in relation to the less-lethal SIM shooter? The farther the threat, the less accurate the munitions and the less kinetic energy delivered. As the threat gets closer to the less-lethal SIM shooter, the shooter must lower the point of aim, (i.e., to the legs, buttocks, etc.)
- What is the distance of the threat in relation to the arrest team? The further away the arrest team, the longer the threat has to recover from the effects of the SIM.
- Follow up shots: because the first round may miss or not be effective, always be prepared to fire multiple rounds at the engaged person.
- What is the availability of spare less-lethal SIM?
- Are there any language or hearing barriers that affect the engaged person's ability to comprehend clear and articulate communication/directions from members?
- Is the engaged person under the influence of medication, illegal drugs, or an intoxicant?
- Are there any potential secondary injury possibilities to the engaged person (e.g. falling off of a building, running into traffic, etc.)?
- Does the engaged person have any mental or psychological impairment?
- What is the age of the engaged person? Does their age factor into the level of resistance the engaged person is posing or the immediacy of the threat they present?
- What was the success or resilience to the use of previous SIM?
- What is the probability of success in achieving the intended results with the SIM and a engaged person's defenses (e.g. engaged person swinging a jacket, body protection, etc.)?
- Are alternative plans of action in place should the SIM not have the intended results?

Training

Sworn members shall receive training on SIM during every continued professional training (CPT) cycle. This training shall include, but is not limited to, the following:

- Live fire of SIM at practice targets with emphasis on proper target selection;
- Overview of the provisions of this SIM policy;



- Information on situations in which SIM may be used for tactical purposes other than as a weapon; and
- Information on SIM prohibitions during crowd control.

Staff conducting training shall keep a running count of how many SIM are expended during training and report it quarterly to the Department's Military Equipment Coordinator or designee.

All training/qualification records and lesson plans shall be maintained by the Training Section. The records shall not be purged once training and qualification have been updated or renewed. The records shall represent the entire history of the member's training, qualifications and the curriculum utilized for each training session.

Non-flexible vs. Flexible Projectiles

There are two categories of SIM projectiles: non-flexible and flexible.

Non-flexible projectiles are composed of rigid or semi-rigid materials such as hard rubber or wood. Non-flexible projectiles DO NOT conform to the contour of the surface they strike.

Flexible projectiles are generally composed of lead or silica filled cloth bags, or a softer substance such as foam. Flexible projectiles conform to the contour of the surface they strike.

Single Projectile vs. Multiple Projectiles

Generally, single projectile munitions (e.g. Drag stabilized flexible baton round, 40 mm sponge round) are rounds that launch one projectile with an expectation of point of aim – point of impact accuracy. Generally, these munitions are intended to be direct-fired munitions.

Multiple projectile munitions (e.g. Wooden dowels, 40mm foam baton round) are rounds launching more than one—or multiple—projectiles at the same time. Generally, these rounds are “skip-fired”. Indirect or skip fire munitions are prohibited.

Direct Fired vs. Indirect Fired/Skip Fired

There are two methods in which less-lethal SIM are deployed onto a target: direct fired and indirect or skipped fired.

Direct fired munitions are intended to be fired directly at an engaged person while reasonably attempting to avoid prohibited areas, as specified in parts 5 and 6 of the *Use of Direct Fire Specialty Impact Munitions (SIM)* section, above.

Indirect or skipped fired munitions are intended to be fired so that the projectile impacts the ground first and then “skips” into the intended target. Indirect or skip fire munitions are prohibited.

Psychological (Mental) Effects



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Impact munitions have a tremendous mental effect on an individual. In many cases, the mental effects far outweigh the physical effects and may be the determining factor in the engaged person's response to the munitions.

Possible effects in engaged persons who have SIM deployed against them are fear, anxiety, and panic:

Fear: Impact munitions may cause a powerful mental distraction. If the engaged person has prior knowledge of the effects of impact munitions and realizes that he/she is about to be targeted, this realization may be enough to cause the engaged person to comply or, at least, be distracted long enough for a plan of action to be implemented. The engaged person must also mentally cope with the physical pain that he/she feels after being struck with impact munitions.

Anxiety: The action of pointing a firearm directly at an individual and/or firing a projectile at him or her arouses fear in the individual of being shot with a firearm. The pain and, sometimes, the appearance of the injury may reinforce this belief.

Panic: Because it may create the "fight or flight" response, panic may not be the most desired effect.

Members shall consider and prepare contingencies for a panic response. Should it induce a "fight" response, a reliable secondary plan for incapacitation is needed. Should it induce the "flight" response, a secure perimeter along with other available assets should overcome any eluding actions.

Physiological (Physical) Effects

There are two types of injuries caused by projectiles: penetrating and non-penetrating.

Penetrating injuries are caused from low mass, high velocity projectiles, such as bullets and some SIM if used at a close distance, or low velocity sharp objects such as knives.

Non-penetrating injuries are caused when blunt objects impact the surface of the body at moderate speeds causing blunt trauma but do not penetrate the body.

In simple terms, blunt trauma is the primary desired physical effect of less-lethal impact munitions.

The flexible baton inflicts enough pain to get most individuals to comply yet, when used properly, has a low probability of causing serious physical harm. Generally, the impact of the projectile along with the associated pain works to deter the individual from unwanted aggressive behavior.



The possibility of physical injury always exists whenever impact weapons are used. Inappropriate use of a SIM significantly increases the risk of injury or death to a suspect. Abrasions, lacerations, contusions, and fractures may result and need to be addressed by trained medical personnel (See DGO K-3, TB III- K, and DGO I-4 regarding first aid and emergency medical treatment.)

The human body can withstand high levels of force for very short durations of time if the force is distributed on the strong parts of the skeleton. The soft body tissues are responsible for absorbing and dissipating a great deal of force without producing a large amount of compression. However, if the amount and speed of blunt trauma is greater than can be absorbed, soft tissues can be damaged by tearing or rupturing, causing lacerations, cuts, and bruises.

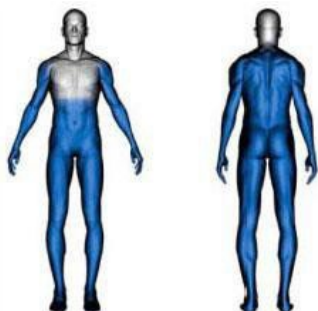
Impacts to the abdomen can cause injury to the liver and spleen causing crushing deformation. Chest impacts can displace internal organs and possibly lacerate major vessels by crushing or stretching.

Although rare, penetration into the body has occurred and is always a possibility, especially when improperly used, as a result of a combination of kinetic energy (weight, size, shape, and velocity); target distance; the engaged person's weight, mass, clothing, or other material coverings; and the area of the body at which the engaged person is impacted. Members shall use SIM within training guidelines and Department policy.

Viable Target Areas

The authorized target areas for SIM are the same as for hand held impact weapons.

The primary target areas are areas consisting of large muscle groups such as the buttocks and thighs. Other target areas are the shoulder, upper arms, elbows, lower arms, lower abdomen area, knees, and lower legs. Skeletal target areas include the wrists, hands, ankles, and feet. It should be noted that impacting skeletal target areas may result in fractures.



Preferred Target Areas in Blue

Center mass shots provide for the highest probability of immediate incapacitation but also have the highest potential to cause serious injury or, in rare instances, death (See part 6 of Use of Direct Fire Specialty Impact Munitions (SIM) section above.)



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Factors an officer shall consider when selecting a target area to strike are the following:

- Clothing – In colder climates, heavier clothing and jackets reduce the amount of blunt trauma the engaged person receives. Exposed target areas such as the legs should be considered. In hotter climates, where lighter clothing is worn, factors to consider are shot placement and engagement distance. Engaged persons may also wear “armor” to defeat/lessen the effects of impact munitions.
- Physical stature and condition – Is the engaged person heavy and muscular or is the engaged person thin and skeletal? How old is the engaged person? Most likely, a 250-pound person will be less physically affected than a 100-pound person when both are struck in the same target area. The blunt trauma effects and the potential for injury are much greater for the smaller stature engaged person.
- Immediate surroundings – Be aware of what or who is in the background. Are there any persons in the immediate area that might be struck from a deflected or missed shot?

Non-Target Areas

Department policy prohibits intentionally targeting and firing SIM at vulnerable body parts. Members shall avoid striking a engaged person’s head, neck, spleen, liver, kidneys, throat, spine, left arm pit, or groin with any type of specialty impact weapon. Unless your intent is to use LETHAL FORCE, all reasonable attempts shall be made to avoid striking these areas. It should be noted that, when an engaged person is moving or attempting to shield him/herself, avoiding these target areas may be difficult. Given the inherent risk of striking vulnerable body parts, members and supervisors should weigh the risk vs. benefit of using SIM against a moving person.

Members shall, absent exigent circumstances, avoid intentionally targeting the upper chest.

12 Gauge Specialty Impact Munitions

Safariland Drag Stabilized Bean Bag rounds (both marking #3028 and non-marking #3027), and the CTS Super-Sock (both marking #2581G and non-marking #2581) are the only authorized 12 gauge SIMs. These rounds are hereafter referred to as Drag Stabilized Flexible Baton, or DSFB, rounds.

All authorized 12 gauge SIMs share a common design and function in the same manner. These SIM rounds employ a tail design to improve accuracy and a conforming projectile to deliver blunt-force-trauma.

The Safariland rounds are single, tear-shaped, heavy-cotton and ballistic material projectiles with four stabilizer tails. The CTS rounds are single, tear shaped, heavy-cotton and ballistic material projectiles with a single cone shaped stabilizer tail. All





authorized DSFB rounds are filled with 40 grams (1.43 oz.) of #9 lead shot loaded into a translucent 12 gauge shell. The rounds use smokeless gunpowder as a propellant. When fired, the projectile travels at about 280 feet per second. Because it is tear-shaped with a stabilizer tail(s), it is very aerodynamic and has a high degree of accuracy. The tear shape also creates a blunt impacting surface, which causes fewer injuries than the discontinued flat flexible baton round.

The 12 gauge DSFB round has an optimal energy range of 20-75 feet and is intended to be a direct fired munition. The user shall be thoroughly trained, qualified and maintain the Department standard of annual qualification to maintain certification in its use.

Some encounters may require two or more shots placed on an engaged person to gain compliance and shall be justified as required by DGO K-3. Each application is a use of force. Alternate plans of action should be in place should the desired results not be achieved.



The Remington 870 Pump Action Shotgun

The 12 gauge Drag Stabilized Flexible Baton Round shall be fired from a barrel with a choke rating of “Cylinder Bore.” A “Cylinder Bore” choke is required to ensure that the SIM exits the barrel of the weapon system completely and does not become lodged inside. The only shotgun deployed by the Department that has this choke rating is the Remington, Model 870, 12 gauge pump-action shotgun.

Other factors adversely impacting a flexible baton projectile’s ability to exit the barrel when fired are:

- A dirty/fouled barrel;
- A bent/damaged barrel; and/or
- Damaged munitions.



Safety Checks

Incidents have occurred when peace officers in other agencies shot engaged persons with lethal shotgun ammunition when those officers believed that less-lethal ammunition was loaded into their shotguns. In order to prevent a lethal firearms discharge, members shall strictly follow the deployment safety checks detailed in this section.

Prior to the deployment of **any** 12 gauge less-lethal SIM, members shall thoroughly complete the following safety checks:

1. Clear the weapon system of all lethal ammunition. Double check to ensure that the weapon system is indeed clear of any lethal ammunition.
2. Have a second officer double check that the weapon system is clear of any lethal ammunition. This step is incorporated to ensure that an officer has not overlooked any lethal ammunition due to fatigue, darkness, or stress.
3. Ensure that lethal ammunition for the weapon system is inaccessible to the less-lethal shooter. The best course of action to ensure that no lethal ammunition is accessible is to lock it in a secure location such as the glove box or the trunk. THE LESS-LETHAL SHOOTER SHALL NEVER INTER-MINGLE LETHAL AMMUNITION FOR THE WEAPON SYSTEM ON HIS/HER PERSON OR SHOTGUN.
4. Inspect each less-lethal round to ensure that the munitions are less-lethal. Visually inspect each and every less-lethal round that is deployed to ensure that it is indeed less-lethal. Never assume.



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5. Have a second officer double check each less-lethal round to ensure that the munitions are in fact less-lethal. This step is incorporated to ensure that an officer has not overlooked any lethal ammunition due to fatigue, darkness, or stress.

Although there are designated orange colored less-lethal Remington, Model 870 shotguns for Crowd Control Operations, this does not preclude negligent lethal discharges. The only way to prevent negligent lethal discharges is to strictly follow the five safety checks listed above.

40mm Single and Multi Shot Launchers

40mm SIM shall be fired from a 40mm launcher. The launchers used by the Oakland Police Department are the Penn Arms Single and Multi Shot shoulder fired launchers and the Defense Technology 40LMTS. These launchers can be fired either in the single action or double action mode. Each launcher has a full length Picatinny rail adaptable for mounted electronic sight systems, and also a fixed front sight bead and rear ghost ring sight.

All users shall be thoroughly trained and qualify annually to maintain their Department certification in its use. The user shall visually inspect each round before placing it in the launcher to ensure he/she is using the intended round type.

40mm Multiple Foam Baton - A Direct and Indirect Fired SIM manufactured by Defense Technologies. It consist of a 1.60 inch diameter by 4.89 inch long casing that contains (3) foam rubber projectiles. This SIM uses smokeless powder as a propellant. Each foam rubber is a 1.40 inch cylindrical shaped baton made of foam. Each baton weighs .40 ounces. When fired, the batons travel at about 325 feet per second.

The 40 mm Foam Baton Round is intended to be direct fired. The operator shall be adequately trained in the use of Less Lethal Impact Munitions and have a thorough understanding of the round and considerations for selecting shot placement such as level of threat, target distance, size, and clothing.

The 40 mm Foam Baton Round is most suitable in close to medium ranges of fire, approximately 15 to 30 feet. Beyond 30 feet, the lightweight foam batons may move off target and lose most of their energy.

Engagement distances may be limited by walls or barriers. It may also prove valuable in urban riot situations where police lines and protestors are in close proximity. As a dynamic energy round for the incapacitation or distraction of single non-complaint or aggressive persons, it is best suited at close to moderate distances, approximately 10 to 20 feet. All users shall be thoroughly trained and qualify annually to maintain their Department certification in its use.



40mm Direct Impact Round – A Direct Fired SIM manufactured by Defense Technologies. It consists of a

1.60 inch diameter by 4.40 inch long casing that contains (1) crushable foam nose, powder payload and plastic body projectile. This SIM uses smokeless powder as a propellant. Each foam is a 2.92 inch cylindrical shaped projectile made of foam. Each foam weighs 1.45 ounces. When fired, the batons travel at about 295 feet per second.

The 40 mm Direct Impact Round is a “point-of-aim, point-of-impact” direct fire round that is most commonly used by tactical teams in situations where greater accuracy and deliverable energy is desired for the incapacitation of an aggressive, non-compliant engaged person at longer distances. The 40mm sponge round is the only SIM that may be deployed during Crowd Management and Control incidents.

The 40 mm Direct Impact Round is intended for direct fire deployment. The operator shall be adequately trained in the use of Less Lethal Impact Munitions and have a thorough understanding of the round and considerations for selecting shot placement such as level of threat, target distance, size and clothing. The 40 mm Direct Impact Round will prove most successful for incapacitation when used within their optimal energy range of 5 – 36 meters, although it may be used in situations from 2 – 50 meters.

All users shall be thoroughly trained and qualify annually to maintain their Department certification in its use. The user shall visually inspect each round before placing it in the launcher to ensure he/she is using the intended round type.

Hand Deployed Specialty Impact Munitions

The Oakland Police Department deploys the following hand deployed SIM.

#15 Stinger Grenade – The Stinger Grenade is a combination specialty impact munition and diversion device that may incorporate optional CS or OC laden powder. The Stinger Grenade is a maximum effect device because it delivers up to four stimuli for psychological and physiological effect: rubber pellets, bright light, sound, and optional chemical agent powder.

These munitions are 3.1 inches in diameter and 5.2 inches long. These munitions contain 8 ounces of flash powder and 150 .32 caliber soft rubber balls. The munitions that contain powder chemical agent can contain up to 2.0 grams of CS or .30 grams of OC. Other variations that may be deployed are the same munitions without the rubber pellets.



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The Stinger Grenade has an initial 1.5 second delay that initiates fuse assembly separation, followed by another .5 second delay before the device functions. The blast is sufficient to project the rubber balls and optional chemical agent powder in a 50 foot radius.

Only members of the Tactical Operations Team are authorized to use the Stinger Grenade and the user shall be thoroughly trained, qualified and maintain the Department standard of annual qualification to maintain authorization in its use. The Stinger Grenade is not authorized for use in any Crowd Control or Crowd Management Operation or against people (See exception under *Tactical Operations Deployment* section below).

Tactical Operations Deployment

The Stinger Grenade may only be deployed against a person by the Tactical Operations Team, during a Non- Crowd Control or Crowd Management Operation, when a member objectively and reasonably believes that his/her life, or life of another, is in immediate danger of death or serious bodily injury based upon the totality of the facts known at the time.

Post Deployment Considerations

After an engaged person has been taken into custody using a SIM, specific tasks shall be completed.

First Aid or Medical Treatment – Members shall provide, as necessary, and summon professional medical assistance, as soon as practical, whenever an engaged person is struck by a SIM and taken into custody (See DGO K-3, USE OF FORCE, TB III-K, FIRST AID, and DGO I-4, AMBULANCE SERVICE, regarding first aid and emergency medical treatment.)

Evidence – Personnel shall recover all expended casings and projectiles for documentation purposes and make inventory of all remaining live munitions for accountability. If the situation or exigency does not allow the recovery of the evidence (e.g. crowd control situation), officers shall document in their respective reports the number of munitions deployed and the circumstances disallowing the recovery of the evidence.

Additionally members shall, when notifying their supervisor of the use of force, notify their supervisor regarding the non- recovery of evidence.

Equipment Use Reporting

Any personnel firing or using a SIM outside of training shall report the use to their supervisor. Uses of force shall be handled as detailed in the next section. Other uses shall be reported via the military equipment deployment notification process by the deploying member's commander.



Documentation – As required by Department General Order K-4, REPORTING AND INVESTIGATING THE USE OF FORCE, a supervisor shall be summoned to the scene to conduct a Level 2 force investigation when SIM are used against a person.

At a minimum, members shall consider the following factors, as applicable, for detailed inclusion in their Offense, Supplemental or Investigation Report:

- The engaged person's behavioral signals at the onset of the incident.
- The engaged person's tone of voice or language (Was the engaged person yelling or using profanity or verbal threats, etc.?)
- The engaged person's body language/physical gestures (shirt off, violent combative gestures/movements, hands clenched into fists, rapid pacing).
- Any signals of submission by the engaged person (compliance, agreement to comply, etc.)
- Any indications the engaged person made to comply with verbal instructions (submission, going to a specific location, relinquishing/dropping objects/weapons).
- The conditions that dictated shot placement (lighting, obstacles, distance, etc.)
- Environmental conditions (darkness, rain, sunlight).
- The engaged person's approximate age, height, weight, clothing.
- Whether a physical confrontation would have resulted if less-lethal SIM had not been used.
- Whether BWC was viewed prior to writing the final version of the report.
- Identification of other Department members and public safety personnel, who were present, and their activities and/or role in the incident.
- What safety checks were done prior to deployment of SIM and who conducted the checks.
- When and type of first aid or emergency medical treatment that was provided, and by whom.
- Attach a copy of the paramedic and/or hospital medical report, if available.
- Evidence collected.



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- Names, contact information, and thorough recorded statements of witnesses.
- Time when supervisor was advised of the use of SIM.
- Availability of photographs, sketches, diagrams, video, etc. of the scene.
- Photos of the suspect and clothing.
- Other articulable factors which led the member to believe it was objectively reasonable to utilize force and the type of force used.

Inquiry and Complaint Process

The Oakland Police Department DGO M-3: **Complaints Against Departmental Personnel or Procedures** will inform all employees and the public of procedures for accepting, processing and investigating complaints concerning allegations of member employee misconduct.⁷

Refer to DGO K-7 for additional information on inquiries around controlled equipment.

⁷ DGO M-3 states, "IAD investigations shall be completed, reviewed, and approved within 180 days unless approved by the IAD commander."

Oakland Police Department
Controlled Equipment Impact Report

Item(s): LMT 40mm Launcher, Penn Arms PGL 65-40 40mm Launcher, Wilson Combat Remington 870 12 Gauge Shotgun, 40mm Direct Impact Marking 6326, CTS 40mm Frangible Impact 4550 Orange Marking Powder, 40mm Foam Baton 6099, CTS 12Ga 2581 Super Sock specialty impact munitions

Applicable Use Policy: [K-03](#), *Use of Force*, [TB-III-H](#), *Specialty Impact Munitions*



Description and Purpose

40mm Launcher LMT 40mm	
Description	Single Shot, breech fed, rifled barrel, chambered for 40mm, with double action trigger
Manufacturer's Product Description	Manufactured exclusively for Defense Technology®, the 40LMTS is a tactical single shot launcher that features an expandable ROGERS Super Stoc and an adjustable Integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two point sling attachment. The 40LMTS will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems.
Capabilities / How the item works	With breech open, a 40mm cartridge/round can be manually loaded. Once breech is closed, launcher is fired by pulling the trigger. Once cartridge fires, the projectile travels down and out of the front of the barrel. Operator then opens breech to manually extract/eject spent casing of cartridge. The launcher is then ready to be reloaded. Capable of firing multiple different types of 40mm launched munitions.
Expected lifespan	No lifespan indicated by the manufacturer
Quantity	10
Purpose and intended uses and/or effects	The 40mm launcher is a delivery device for 40mm munitions. 40mm Specialty Impact Munitions are designed to be used as an intermediate force option at distance.

40mm Penn Arms PGL 65-40

Oakland Police Department

Controlled Equipment Impact Report

Item(s): LMT 40mm Launcher, Penn Arms PGL 65-40 40mm Launcher, Wilson Combat Remington 870 12 Gauge Shotgun, 40mm Direct Impact Marking 6326, CTS 40mm Frangible Impact 4550 Orange Marking Powder, 40mm Foam Baton 6099, CTS 12Ga 2581 Super Sock specialty impact munitions

Description	Six Shot capacity cylinder, pump action, rifled barrel, chambered for 40mm, with double action trigger
Manufacturer's Product Description	A 40mm pump-action advance magazine drum launcher with a fixed stock and combo rail. It has a six-shot capacity and rifled barrel. Previously labeled the PGL-65, the features include: Double-action trigger, trigger lock push button and hammer lock safeties.
Capabilities / How the item works	With cylinder opened, six 40mm cartridge/rounds can be manually loaded. Once cylinder is closed, launcher is fired by pulling the trigger. Once single cartridge fires, the projectile travels down and out of the front of the barrel. Operator, then pumps fore-end to advance cylinder to next cartridge/round. We do not use/deploy this launcher due to function unreliability.
Expected lifespan	No lifespan indicated by the manufacturer
Quantity	9
Purpose and intended uses and/or effects	The 40mm launcher is a delivery device for 40mm munitions. 40mm Specialty Impact Munitions are designed to be used as an intermediate force option at distance.

Orange Stock 12 Gauge Wilson Combat/Remington 870 Shotgun	
Description	12 Gauge, pump action shotgun with 18" smooth bore, and four shell capacity magazine tube.
Manufacturer's Product Description	The Remington 870 Police pump-action shotgun is a rugged 12-gauge with a short, tactical 18" barrel backed by a stout 3" chamber. The all-matte black gun is Parkerized for generalized durability and rust-resistance. Both the pump action forend and stock are robust and tough synthetic.
Capabilities / How the item works	See Description and Manufacturer's Product Description. Capable of firing both lethal and less-lethal shotgun munitions, but marked specifically for firing less-lethal rounds.
Expected lifespan	No lifespan indicated by the manufacturer
Quantity	Approximately 20 owned by Department
Purpose and intended uses and/or effects	The orange stocked 12 Gauge Shotguns are designated to be less lethal shotguns only. They are to be loaded only with 12 Gauge less lethal drag stabilized flexible baton rounds, which are Specialty Impact Munitions designed to be used as an intermediate

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force option at distance. These are no longer issued or allowed in the field by the Department.

40mm Direct Impact Marking 6326	
Description	Defense Technology Impact Munition, 40mm, crushable foam tip, green marking powder
Manufacturer's Product Description	The 40mm Direct Impact® munition is a point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with a green marking agent, the Direct Impact can be used to indicate the aggressor in a crowd or riot situation to the team on the ground.
Capabilities / How the item works	Launched from a 40mm Launcher. The crushable foam breaks on impact dispersing a green marking powder. Capable of causing blunt-trauma injuries similar to a hand-held impact weapon such as a police baton.
Expected lifespan	5 Years- Per manufacturer
Quantity	200
Purpose and intended uses and/or effects	40mm Direct Impact Marking 6326: Intended use is as a distance intermediate force option. It creates blunt force trauma. It is also used to strike objects in order to gain attention/compliance of subjects and break windows in order to improve visibility

CTS 40mm Frangible Impact 4550 Orange Marking Powder	
Description	Combined Tactical Systems, 40mm, crushable foam tip, orange marking powder
Manufacturer's Product Description	The 40mm Direct Impact® munition is a point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with a green marking agent, the Direct Impact can be used to indicate the aggressor in a crowd or riot situation to the team on the ground.

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Capabilities / How the item works	Launched from a 40mm Launcher. The crushable foam breaks on impact dispersing a orange marking powder. Capable of causing blunt-trauma injuries similar to a hand-held impact weapon such as a police baton.
Expected lifespan	5 years per manufacturer
Quantity	50
Purpose and intended uses and/or effects	40mm Frangible Impact 4550: Intended use is as a distance intermediate force option. It creates blunt force trauma. It is also used to strike objects in order to gain attention/compliance of subjects and break windows in order to improve visibility

40mmFoam Baton 6099	
Description	Defense Technology Impact Munition, 40mm, three foam projectiles
Manufacturer's Product Description	The 40 mm Multiple Foam Baton Round is most widely used as a crowd management tool where stand-off distances are limited. It may also prove valuable in riot situations where police lines and protestors are in close proximity. The round contains three foam projectiles. It utilizes smokeless powder and has more consistent velocities and tighter patterns compared to its 37 mm counterpart. The foam projectile allows for closer deployment, while minimizing injury.
Capabilities / How the item works	Launched from a 40mm Launcher. The three foam projectiles will spread over distance. Capable of causing blunt-trauma injuries similar to a hand-held impact weapon such as a police baton.
Expected lifespan	5 years- per manufacturer
Quantity	60
Purpose and intended uses and/or effects	40mm Foam Baton round is intended as a distance intermediate force option. <i>We do not use/deploy this round because of the higher potential for portions of the round to strike unintended targets.</i>

12Ga 2581 Super Sock	
Description	Combined Tactical Systems, 12 gauge drag stabilized flexible baton round, "bean bag" round

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Manufacturer's Product Description	The Model 2581 Super-Sock® is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to “unfold” or “stabilize.” The Super-Sock® is an aerodynamic projectile and it's accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock® is first in its class providing the point control accuracy and consistent energy to momentarily incapacitate violent, non-compliant subjects. Effective range is 75ft.
Capabilities / How the item works	Launched from a 12 gauge shotgun. Capable of causing blunt-trauma injuries similar to a hand-held impact weapon such as a police baton.
Expected lifespan	5 years- per manufacturer
Quantity	2000 in reserve- Every certified officer is issued 5
Purpose and intended uses and/or effects	12Ga 2581 Super Sock: Intended use is as a distance intermediate force option. It creates blunt force trauma. It is also used to strike objects in order to gain attention/compliance of subjects and break windows in order to improve visibility

Fiscal Costs

Initial Costs

The Oakland Police Department (OPD) currently owns/possesses/uses the equipment. Initial costs (if known) to obtain the equipment were:

The LMT 40mm launchers are approximately \$500 per launcher.

The Penn Arms 40mm multi-launchers are approximately \$1600 per launcher and were acquired through a grant.

The 12 Gauge Wilson Combat/Remington 870 shotguns are approximately \$1200 per.

The 40mm impact munition rounds are typically approximately \$25 per round. The 12Ga impact munitions are typically approximately \$5 per round.

OPD proposes to obtain the equipment. Initial costs are anticipated to be:

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Estimated or anticipated costs for each proposed use

Delivery devices (launchers and shotguns) require no recurring cost for use beyond normal wear and tear.

Impact munitions will need to be replenished as they are used during incidents or during training at a cost of \$25 per 40mm round and \$5 per 12ga round. Incidents involving the use of specialty impact munitions vary and trainings are annual per certified officer.

Like other less-lethal or lethal weapons that are used as force options, there may be serious costs such as injury or loss of life even when these weapons are used exactly as specified in law and policy. Even justified uses of less-lethal force may result in costly litigation or other costs.

Estimated or anticipated costs of potential adverse impacts

There is no way of anticipating every possible adverse impact, and there may be some impacts that occur which are extremely unlikely or unforeseeable. Additionally, even some known possible adverse effects may be so remote that they were not assessed for the purposes of this report. Furthermore, injuries may result as a consequence (unintended or not) of the use of controlled equipment. If the controlled equipment is a weapon, then the cost of injuries resulting from use of that weapon can vary considerably. Since persons in OPD's custody are typically treated at Alameda County Hospital, Highland Campus, the costs for this treatment, if not covered by insurance or other means, may be paid with public funds. Recovery from injuries and/or trauma relating from situations in which controlled equipment is used could include ongoing costs such as medications or counseling. Finally, costs of even likely adverse effects may vary wildly based on other circumstances which are difficult to predict and can vary from incident to incident. Keeping this in mind, some potential adverse effects and their possible costs are:

Deliberate misuse might cause the Department to be exposed to liability, which could include monetary judgments against the City.

Unintentional misuse might cause the Department to be exposed to liability, which could include monetary judgments against the City.

Failures of the equipment might cause the Department to have to purchase additional items, at a cost per item as indicated.

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Estimated or anticipated ongoing costs

The 40mm impact munitions are used only by certified members of the tactical team and Patrol Rifle program, and are not as widely used as the 12 gauge drag stabilized flexible baton rounds. Those that certify/recertify, do so once a year. That process includes the use of 40mm training rounds, which are reloadable/reusable.

The 12 Gauge Drag stabilized flexible baton rounds also vary in use depending on the incident. Every officer coming out of Academy is certified in the use of these rounds and are recertified annually. Expired rounds are used during recertification training.

Impacts

Reasonably anticipated impacts

Deliberate misuse.

Though unlikely, it is possible that LMT 40mm Launcher, Penn Arms PGL 65-40 40mm Launcher, Wilson Combat Remington 870 12 Gauge Shotgun, 40mm Direct Impact Marking 6326, CTS 40mm Frangible Impact 4550 Orange Marking Powder, 40mm Foam Baton 6099, CTS 12Ga 2581 Super Sock specialty impact munitions may be deliberately misused by employees. Some of the ways that the Department attempts to prevent deliberate misuse is through background checks of prospective employees, supervision and training, strict policy guidelines, robust reporting and accountability practices, and discipline for deliberate misconduct up to and including termination. Suspected criminal misuse of equipment may also be forwarded to the District Attorney's office or other appropriate prosecuting agency for charging consideration.

Unintentional misuse.

Unintentional misuse of LMT 40mm Launcher, Penn Arms PGL 65-40 40mm Launcher, Wilson Combat Remington 870 12 Gauge Shotgun, 40mm Direct Impact Marking 6326, CTS 40mm Frangible Impact 4550 Orange Marking Powder, 40mm Foam Baton 6099, CTS 12Ga 2581 Super Sock specialty impact munitions may come in many forms, from unfamiliarity or lack of training to the encountering of a scenario that was not anticipated in training or policy. The Department attempts to prevent unintentional misuse through thorough training, clear

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policy prescriptions, and robust review processes such as force reports, force review boards, and pursuit review boards.

Perception of militarization or exacerbation of a police/community divide.

While it is not the intent of the Department that this occur, the Department does recognize the possibility that its use of LMT 40mm Launcher, Penn Arms PGL 65-40 40mm Launcher, Wilson Combat Remington 870 12 Gauge Shotgun, 40mm Direct Impact Marking 6326, CTS 40mm Frangible Impact 4550 Orange Marking Powder, 40mm Foam Baton 6099, CTS 12Ga 2581 Super Sock specialty impact munitions may lead to a perception of militarization of the Department, or an exacerbation of any existing divides between the Department and the community it serves and is a part of. The Department attempts to overcome challenges such as this by taking full advantage of community forums required by policy and law (see for instance the mandated community engagement meeting in DGO K-07 and CA Government Code § 7072(b)), by completing full and robust reports such as this one, and by collaborating with the Police Commission in the creation of use policies and procedural safeguards surrounding this equipment.

Mitigations

Use of force and de-escalation policy - [DGO K-03](#)

Controlled and military equipment frequently takes the form of a force option, or else is often used during high risk situations where force may be used. OPD, in concert with the Police Commission, created a state-of-the-art use of force policy that centers the Department's mission, purpose, and core principles, provides clear guidance that force is only allowed when reasonable, necessary, and proportional, and makes clear the consequences of unreasonable force. Additionally, OPD's use of force policy incorporates a robust de-escalation policy (Section C), which mandates that officers use de-escalation tactics and techniques in order to reduce the need for force when safe and feasible.

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The entirety of this policy – which encapsulates OPD’s values surrounding force and commitment to de-escalation – is a clear general procedural mitigation to the possible adverse impacts of the use of this equipment.

Force reporting and review policy and practice – DGOs [K-04](#) and [K-04.1](#)

Though the Department expects that every use of this equipment will be within the boundaries of policy and law, the Department also has clear procedures regarding force reporting and review in place. DGO K-04 and its attendant special orders require that force by officers – including force where controlled equipment was used – be properly reported and reviewed, with the level of review commensurate to the severity of the force incident. Additionally, for severe uses of force or where a use of force had severe outcomes, the Department utilizes Force Review Boards, led by top Department command staff and often attended and observed by Community Police Review Agency staff or Police Commission Chairs, to review every part of a force incident. These boards not only determine whether the force was proper, but also have wide latitude to suggest changes in policy, training, or practice, including with controlled equipment.

OPD’s force reporting and review policies and practices serve as important procedural mitigations to the possible adverse impacts of the use of this equipment.

Complaint receipt and investigation procedures – [DGO M-03](#)

The use of controlled equipment, as with any use of the police powers, is subject to the rules and laws that govern the Department and its employees. Complaints and allegations that the Department or its employees have violated these rules or laws are treated with the utmost seriousness, including proper intake at the Internal Affairs Division and investigation by the appropriate investigative individual. Where allegations are found to be substantiated, the Department uses a progressive discipline structure to serve both deterrent and rehabilitative functions. Finally, deliberate misconduct or actions contrary to the Department’s values are not tolerated, and can lead to termination of employment.

OPD’s complaint receipt and investigation procedures serve as important procedural mitigations to the possible adverse impacts of the use of this equipment.

Community outreach and specific inquiry pathways – [DGO K-07](#)

Use of controlled equipment, especially equipment that may have analogues used by militaries or quasi-military federal law enforcement, can drive perceptions of a militarized

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police force that is pre-disposed to the use of force as opposed to thoughtful, deliberate resolutions to incidents using de-escalation and minimizing the use of force. An important procedural mitigation to this type of perception is regularly communicating with the community served, as a way for information to be shared in both directions. This serves to dispel common misconceptions as well as provide valuable perspective for the Department and its employees. OPD uses community outreach, such as social media, community events, and a specific, annual community forum as required by DGO K-07. Additionally, OPD's overarching controlled equipment policy sets forth processes for inquiries about the equipment.

Equipment-specific use policy and Police Commission oversight – OMC 9.65

While most every law enforcement agency is bound by state law (Government Code § 7070 et. seq.), the very nature of police oversight in Oakland provides one of the most powerful procedural mitigations of potentially adverse impacts. For instance, state law requires that most agencies have their controlled equipment use policies approved by their governing body (e.g., City Council, or Board of Supervisors). In the case of OPD, however, there is an additional layer of oversight in the Police Commission, which must review any controlled equipment use policy prior to it being approved by the City Council. This requirement, set forth in Oakland's municipal code section 9.65, is a procedural mitigation to the possible adverse impacts of the use of this equipment.

Technical safeguards

There are no specific technical safeguards other than their design to be used as less lethal impact munitions and if used properly lower the potential for adverse effects such as great bodily injury or death.

Procedural safeguards

Every officer that is certified to use specialty impact munitions have to be certified by POST certified instructors and recertify every 18 months during the continued professional training (CPT) cycle. The certification process includes, but not limited to, training: in policy, de-escalation, use of force, practical application. There are also procedural safeguards trained, that include procedures for ensuring absence of lethal ammunition, non-target areas (head,

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neck, throat, groin, left armpit, kidney, spleen, upper chest) and preferred target areas (Areas of large muscle groups (shoulder, arms, buttocks, legs).

Alternatives

De-escalation and alternative strategies

As mentioned in the Mitigations section, above, OPD officers are mandated to use de-escalation strategies and tactics when safe and feasible. These strategies and tactics, which are predicated on de-escalation best practices around communication, containment, positioning, and time/distance/cover, reflect the Department's commitment to de-escalation over the reliance on force to compel compliance.

However, even during de-escalation strategies and actions, controlled equipment may be used or ready to further a safe outcome to the event for the engaged person, the community, and the officers. Generally, a built-in alternative to the actual use of controlled equipment – especially as a force option – is its use as a tool to provide safety, information, or containment to an incident so that officers can bring the situation under control and hopefully encourage a peaceful outcome. This, in conjunction with other de-escalation or alternative strategies, provides a baseline for OPD officers in the conduct of their duties when using or contemplating the use of this controlled equipment.

It is also instructive to consider the possible adverse costs of not possessing this equipment. For instance, the unavailability of a particular tool may adversely impact the safety of police personnel and the community by limiting de-escalation strategies, exposing personnel to greater risk, or limiting the options available to safely resolve situations.

The closest reasonable alternative to Specialty Impact Munitions is the ECW specifically the Axon Taser 7 which we have and is now replacing our Taser X26. The ECW does provide an intermediate force option that can be used at distance but only to a max range of 25 ft. The specialty Impact munitions that we deploy are effective to 75ft.

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Location

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Third Party Dependence

- This item does not require third-party actors for operation.
- This item does require third-part actors for operation:

Track Record

Less-lethal specialty impact munitions have a long track record, as they create a long-distance alternative to weapons that police officers have been carrying for as long as there were organized patrols: impact weapons. Just like handheld impact weapons, SIM are intermediate force options which allow for use of less-lethal force at distances that don't require officers to be close to a person. These can be especially useful for persons who are armed with edged or blunt weapons that can cause great bodily injuries or death (such as knives or clubs), as using the less-lethal SIM can lead to non-lethal outcomes that might otherwise turn into encounters where the officer fired their lethal firearm.

OPD has had many successful uses of SIM as a long distance less-lethal force option, especially for cases of persons who were armed with weapons that were not firearms. Other police agencies report that SIM, especially 40mm SIM, are effective; Berkeley police noted that "it has been our experience that a 40mm projectile impact will almost always resolve a violent confrontation with 1 or 2 applications. The larger projectile produces more kinetic energy than the FN 303, which may require several applications to gain compliance." Santa Rosa PD reported that they deploy a 40mm SIM launcher in every marked patrol vehicle, and have different policies depending on the type of incident encountered.

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With these weapons, there have been notable times when the weapons were either misused or otherwise resulted in poor outcomes. For instance, in the case of *Deorle v. Rutherford*, a seminal case on the use of less-lethal SIM, a resident of Butte Co. California was struck by a SIM which resulted in the loss of his eye. Closer to the Bay Area, a protestor was struck by a SIM during an “Occupy” protest in downtown Oakland leading to life-threatening brain injury. Just like any weapon, SIM can be dangerous and must be handled properly; OPD’s policy is similar to many other agencies in its delineation of prohibited areas and requirement for training prior to the use of these weapons.



Effective Date:
XX MMM 22

Index Number: III-P.04
Alpha Index: High Risk Incidents
Barricaded Subject Incidents
Critical Incidents

Evaluation Coordinator: Training Division

“Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy.”

ARMORED VEHICLES

Overview

The purpose of this Training Bulletin is to serve as a guideline for the safe use and deployment of any armored vehicle allowed to operate in the Department's jurisdiction. This Training Bulletin applies to all armored vehicle deployments by the Department through mutual aid to other jurisdictions, and to armored vehicle deployments by other agencies operating in Oakland under the Department's control.

Purpose of Armored Vehicles

An armored vehicle is a piece of law enforcement equipment that may allow officers to use non-force options to safely resolve incidents involving actual, threatened, or reasonably suspected violence using firearms or explosives. The protective capabilities of an armored vehicle greatly exceed those of a patrol vehicle and proper deployment of armored vehicles may increase the safety of the public, law enforcement officers, and other first responders. Armored vehicles provide improved cover for officers, are stocked with tools that might be needed during a critical incident, and increase the options for a safe resolution.

The Department's armored vehicles¹ are listed below:

Name	Type
Lenco BearCat	Specialty Law Enforcement Armored Vehicle
Chevrolet Suburban	Consumer vehicle upfit with ballistic armor

¹ Reference the Department's Military Equipment Inventory, available at <https://cao-94612.s3.amazonaws.com/documents/Militarized-Equipment-Inventory.pdf>, for the quantity possessed, capabilities, expected lifespan, costs and fiscal impacts, and product descriptions of specific vehicles.



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Deployment of an armored vehicle might result in the safe apprehension of an engaged person in a timely manner. The Department recognizes that the deployment or appearance of certain armored vehicles may escalate tension, provoke fear, prevent clear communication, or increase distrust. The Department therefore restricts deployment of armored vehicles to those situations where the benefits of deployment outweigh the potential detrimental effects.

Authorized Uses of Armored Vehicles

Command officers (at the rank of Lieutenant of above) may authorize the deployment of an armored vehicle for:

- Use as mobile physical cover in incidents involving actual or threatened violence, or when reasonable suspicion, based on articulable facts, exists that violence will occur using firearms or explosives.
- Vehicle blocking for incidents involving armed and unresponsive persons in vehicles (Reference Training Bulletin III-P.01).
- Medical emergencies and disaster responses, when the armored vehicle's capabilities are necessary to prevent loss of life.
- Oversight and informational purposes, as authorized by the Police Commission

Commanders shall only authorize the deployment of armored vehicles when the specific capabilities of the armored vehicle selected for use are necessary to bring an incident to a safe conclusion. Any authorized departure from an armored vehicle's place of storage shall be considered a deployment.

Safe use of armored vehicles during authorized deployments:

Vehicle deployments will necessarily vary depending on the circumstances at hand. All uses of armored vehicles should be consistent with Department training and procedures and include:

- Maintaining adequate cover. The armored vehicle's capabilities greatly exceed those of any patrol vehicles and should be maximized.
- Restricting persons' movement. The armored vehicle may give an advantage over conventional patrol vehicles for such maneuvers as blocking in another vehicle.
- Allowing for peaceful negotiations. Armored vehicles may allow officers to get into position to safely negotiate while still maintaining cover.
- The armored vehicle should be placed in such a way as to maximize the position of protection for officers or others at risk of harm, to allow all reasonable means for resolving the incident peacefully.
- Protecting Life. Armored vehicles may be able to operate in situations (e.g. active shooter) where personnel driving conventional vehicles would be at risk.



- Assessing the threat posed by the armed person, and proportional force options to respond to immediate contingencies if necessary. Depending on the ability of officers to mitigate the immediate threat posed by an armed person to officers and the public, officers may not need to necessarily use force pre-emptively even if the person moves or awakens and does not immediately disarm themselves.

Pre-planned Operation of Armored Vehicles

All pre-planned deployments of armored vehicles must be authorized by a command officer at the rank of Captain or above. Commanders shall ensure that an operations plan (Reference Training Bulletin III-Q and TF –3116 Operations Plan and Risk Assessment Overview) is completed for all pre-planned deployments.

Commanders shall make every effort to avoid the deployment of armored vehicles in the presence of minors, the elderly, medically compromised people, people with physical, mental or intellectual disabilities, people with limited English proficiency, or other vulnerable people. (Reference DGO K-3 Use of Force for definition of “vulnerable people”.)

Commanders shall determine whether to deploy an armored vehicle based on credible intelligence, and consider the following variables when determining whether to deploy an armored vehicle, and the type of armored vehicle to deploy:

- Whether the use of an alternative operation location would diminish the need to use an armored vehicle.
- Potential presence of minors, elderly, medically compromised, people with physical, mental or intellectual disabilities, people with limited English proficiency, or other vulnerable people. (Note: This variable should be given special consideration due to the potential for trauma.)
- Potential presence of uninvolved persons. (Note: This variable should be given special consideration due to the potential for trauma.)
- Potential traumatic effect of an armored vehicle’s presence on neighbors and other bystanders.
- Lack of knowledge on relevant characteristics of the operation location and persons present.
- Reliability of intelligence source for information on the operation location and persons present.
- For night-time operations, potential effects on sleeping or just-awakened persons.
- Potential presence of firearms (including caliber and type), explosives, chemical agents, edged weapons.
- Potential skills of persons present to use firearms or other weapons, including experience in law enforcement, military, or other armed groups.



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- Whether the targeted person(s) have a history (within a time period relevant to the suspected crime) involving the criminal use of firearms or other weapons.
- Geographic factors, such as barriers, locked gates, water, thick brush, and narrow roads, and other factors that limit the maneuverability of the armored vehicle.
- Presence and type of animals present.

Prohibited Uses of Armored Vehicles

All uses that are not authorized by this policy are prohibited. For purposes of clarity, the following are specifically noted as prohibited uses:

- Recruitment, public relations, or promotional activities
- Crowd control
- Routine patrol operations
- Attachment of a weapon
- Attachment of a ram (outside of use during natural disasters or medical emergencies)

Operation of Armored Vehicles

Armored vehicles shall only be operated by officers² certified by the Tactical Operations Team commander. This includes, but is not limited to, all members of the Entry Team and Sniper Team elements. It also includes all Patrol Rifle Officers (PRO's).

Vehicle and Operations Training

All officers authorized to operate armored vehicles shall participate in training sessions for their proper operation, which shall be conducted by a member of the Department's Training Staff. Periodic training shall include a review of the essential features of the vehicle, and a driving, operational and tactical maneuvering assessment, to ensure all operators are proficient in its use, and aware of emergency procedures. The records of such training shall be maintained by the Department's Training Staff.

Armored vehicles shall also be included in scenario-based training, to provide officers who respond to critical incidents with continued familiarization to ensure the safe operation and effectiveness of these vehicles. Scenario and classroom-based training also offer the opportunity to screen for, monitor, and assess an officer's mental and physical readiness to conduct critical incident operations prior to deployment in such operations.

Use of an armored vehicle for training purposes shall be considered a "use" for purposes of reporting.

Use of Video Recording Devices with Armored Vehicles

² "Officers" includes all sworn members of all ranks and is used for brevity.



Officers operating an armored vehicle shall utilize any video recording devices assigned to that vehicle³ in accordance with Departmental policy for the use of portable digital recording devices (e.g. Departmental General Order I-15.1). This means that absent exigent circumstance (e.g. active shooter) the recording devices shall be attached to the armored vehicle and activated prior to initiating the circumstances enumerated in policy (e.g. detentions and arrests, serving a search or arrest warrant). Additionally, recording devices shall not be deactivated until allowed per policy.

Once an armored vehicle is deployed to the scene, the on-scene supervisor of the officers utilizing the armored vehicle (e.g. Team Leader of the Designated Arrest Team) shall ensure the cameras are positioned towards the person or the location of interest when it is feasible to do so safely.

The officer operating the armored vehicle is responsible for ensuring video recording devices are deployed with the armored vehicle and activated appropriately, recordings are uploaded to the appropriate system, and video recording devices are returned to their charging stations. These duties may be assigned to other personnel by the incident commander as necessary.

After Action and Documentation of Deployments

Commanders authorizing deployment of an armored vehicle shall notify their chain of command of the deployment as soon as is practical after the incident has been resolved. A commander who authorizes the deployment of an armored vehicle for purposes other than training or maintenance shall provide notification to the Department's Military Equipment Coordinator or designee to allow the completion of the annual military equipment report. The notification shall include a brief synopsis of the incident along with at least the following details:

- Date, time, and location
- Report and incident numbers
- Incident commander and tactical commander (if applicable)
- Scene supervisor(s)
- Which armored vehicle(s) were used
- Justification for deployment of the armored vehicle(s)
- Other controlled equipment used (e.g. patrol rifles, UAS, etc.)
- Demographic information about persons engaged at the target location (e.g., gender, race, age, membership in a vulnerable population)
- Presence or absence of media
- Description of arrests, injuries, uses of force, complaints, and/or property damage

³ This includes the portable video recording devices assigned each of the Department's armored vehicles, but might include additional devices purchased for armored vehicles in the future.



Armored Vehicles, Index Number III-P.04

Notifications of deployment shall include dissemination of information to the Department PIO and through Department social media channels. The commander of the Special Operations Section shall maintain a record of all deployments and ensure that information about all deployments (both callout and pre-planned), including for each of the above data points, is included in the division's Annual Management Report. Dispatch shall make a log entry in incident notes when an armored vehicle is deployed in a call-out (i.e. not pre-planned), for tracking and documentation purposes.

Auditing, Oversight, and Transparency

Armored vehicles are considered "controlled equipment" pursuant to Oakland Municipal Code 9.65 and some are considered "military equipment" pursuant to Government Code § 7070. As such, auditing, oversight and compliance, means for registering complaints, and transparency surrounding armored vehicles shall be controlled by DGO K-07, *Military Equipment Funding, Acquisition, and Use Policy*, which controls all equipment governed by either or both of these laws.

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Effective Date:
XX MMM 22

Index Number: III-P.04
Alpha Index: High Risk Incidents
Barricaded Subject Incidents
Critical Incidents

Evaluation Coordinator: Training Division

“Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy.”

ARMORED VEHICLES

Overview

The purpose of this Training Bulletin is to serve as a guideline for the safe use and deployment of any armored vehicle allowed to operate in the Department's jurisdiction. This Training Bulletin applies to all armored vehicle deployments by the Department through mutual aid to other jurisdictions, and to armored vehicle deployments by other agencies operating in Oakland under the Department's control.

Purpose of Armored Vehicles

An armored vehicle is a piece of law enforcement equipment that may allow officers to use non-force options to safely resolve incidents involving actual, threatened, or reasonably suspected violence using firearms or explosives. The protective capabilities of an armored vehicle greatly exceed those of a patrol vehicle and proper deployment of armored vehicles may increase the safety of the public, law enforcement officers, and other first responders. Armored vehicles provide improved cover for officers, are stocked with tools that might be needed during a critical incident, and increase the options for a safe resolution.

The Department's armored vehicles¹ are listed below:

Name	Type
Lenco BearCat	Specialty Law Enforcement Armored Vehicle
Chevrolet Suburban	Consumer vehicle upfit with ballistic armor

¹ Reference the Department's Military Equipment Inventory, available at <https://cao-94612.s3.amazonaws.com/documents/Militarized-Equipment-Inventory.pdf>, for the quantity possessed, capabilities, expected lifespan, costs and fiscal impacts, and product descriptions of specific vehicles.



 Armored Vehicles, Index Number III-P.04

Deployment of an armored vehicle might result in the safe apprehension of an engaged person in a timely manner. The Department recognizes that the deployment or appearance of certain armored vehicles may escalate tension, provoke fear, prevent clear communication, or increase distrust. The Department therefore restricts deployment of armored vehicles to those situations where the benefits of deployment outweigh the potential detrimental effects.

Authorized Uses of Armored Vehicles

Command officers (at the rank of Lieutenant of above) may authorize the deployment of an armored vehicle for:

- Use as mobile physical cover in incidents involving actual or threatened violence, or when reasonable suspicion, based on articulable facts, exists that violence will occur using firearms or explosives.
- Vehicle blocking for incidents involving armed and unresponsive persons in vehicles (Reference Training Bulletin III-P.01).
- Medical emergencies and disaster responses, when the armored vehicle's capabilities are necessary to prevent loss of life.
- Oversight and informational purposes, as authorized by the Police Commission

Commanders shall only authorize the deployment of armored vehicles when the specific capabilities of the armored vehicle selected for use are necessary to bring an incident to a safe conclusion. Any authorized departure from an armored vehicle's place of storage shall be considered a deployment.

Safe use of armored vehicles during authorized deployments:

Vehicle deployments will necessarily vary depending on the circumstances at hand. All uses of armored vehicles should be consistent with Department training and procedures and include:

- Maintaining adequate cover. The armored vehicle's capabilities greatly exceed those of any patrol vehicles and should be maximized.
- Restricting persons' movement. The armored vehicle may give an advantage over conventional patrol vehicles for such maneuvers as blocking in another vehicle.
- Allowing for peaceful negotiations. Armored vehicles may allow officers to get into position to safely negotiate while still maintaining cover.
- The armored vehicle should be placed in such a way as to maximize the position of protection for officers or others at risk of harm, to allow all reasonable means for resolving the incident peacefully.
- Protecting Life. Armored vehicles may be able to operate in situations (e.g. active shooter) where personnel driving conventional vehicles would be at risk.



- Assessing the threat posed by the armed person, and proportional force options to respond to immediate contingencies if necessary. Depending on the ability of officers to mitigate the immediate threat posed by an armed person to officers and the public, officers may not need to necessarily use force pre-emptively even if the person moves or awakens and does not immediately disarm themselves.

Pre-planned Operation of Armored Vehicles

All pre-planned deployments of armored vehicles must be authorized by a command officer at the rank of Captain or above. Commanders shall ensure that an operations plan (Reference Training Bulletin III-Q and TF –3116 Operations Plan and Risk Assessment Overview) is completed for all pre-planned deployments.

Commanders shall make every effort to avoid the deployment of armored vehicles in the presence of minors, the elderly, medically compromised people, people with physical, mental or intellectual disabilities, people with limited English proficiency, or other vulnerable people. (Reference DGO K-3 Use of Force for definition of “vulnerable people”.)

Commanders shall determine whether to deploy an armored vehicle based on credible intelligence, and consider the following variables when determining whether to deploy an armored vehicle, and the type of armored vehicle to deploy:

- Whether the use of an alternative operation location would diminish the need to use an armored vehicle.
- Potential presence of minors, elderly, medically compromised, people with physical, mental or intellectual disabilities, people with limited English proficiency, or other vulnerable people. (Note: This variable should be given special consideration due to the potential for trauma.)
- Potential presence of uninvolved persons. (Note: This variable should be given special consideration due to the potential for trauma.)
- Potential traumatic effect of an armored vehicle’s presence on neighbors and other bystanders.
- Lack of knowledge on relevant characteristics of the operation location and persons present.
- Reliability of intelligence source for information on the operation location and persons present.
- For night-time operations, potential effects on sleeping or just-awakened persons.
- Potential presence of firearms (including caliber and type), explosives, chemical agents, edged weapons.
- Potential skills of persons present to use firearms or other weapons, including experience in law enforcement, military, or other armed groups.



 Armored Vehicles, Index Number III-P.04

- Whether the targeted person(s) have a history (within a time period relevant to the suspected crime) involving the criminal use of firearms or other weapons.
- Geographic factors, such as barriers, locked gates, water, thick brush, and narrow roads, and other factors that limit the maneuverability of the armored vehicle.
- Presence and type of animals present.

Prohibited Uses of Armored Vehicles

All uses that are not authorized by this policy are prohibited. For purposes of clarity, the following are specifically noted as prohibited uses:

- Recruitment, public relations, or promotional activities
- Crowd control
- Routine patrol operations
- Attachment of a weapon
- Attachment of a ram (outside of use during natural disasters or medical emergencies)

Operation of Armored Vehicles

Armored vehicles shall only be operated by officers² certified by the Tactical Operations Team commander. This includes, but is not limited to, all members of the Entry Team and Sniper Team elements. It also includes all Patrol Rifle Officers (PRO's).

Vehicle and Operations Training

All officers authorized to operate armored vehicles shall participate in training sessions for their proper operation, which shall be conducted by a member of the Department's Training Staff. Periodic training shall include a review of the essential features of the vehicle, and a driving, operational and tactical maneuvering assessment, to ensure all operators are proficient in its use, and aware of emergency procedures. The records of such training shall be maintained by the Department's Training Staff.

Armored vehicles shall also be included in scenario-based training, to provide officers who respond to critical incidents with continued familiarization to ensure the safe operation and effectiveness of these vehicles. Scenario and classroom-based training also offer the opportunity to screen for, monitor, and assess an officer's mental and physical readiness to conduct critical incident operations prior to deployment in such operations.

Use of an armored vehicle for training purposes shall be considered a "use" for purposes of reporting.

Use of Video Recording Devices with Armored Vehicles

² "Officers" includes all sworn members of all ranks and is used for brevity.



Officers operating an armored vehicle shall utilize any video recording devices assigned to that vehicle³ in accordance with Departmental policy for the use of portable digital recording devices (e.g. Departmental General Order I-15.1). This means that absent exigent circumstance (e.g. active shooter) the recording devices shall be attached to the armored vehicle and activated prior to initiating the circumstances enumerated in policy (e.g. detentions and arrests, serving a search or arrest warrant). Additionally, recording devices shall not be deactivated until allowed per policy.

Once an armored vehicle is deployed to the scene, the on-scene supervisor of the officers utilizing the armored vehicle (e.g. Team Leader of the Designated Arrest Team) shall ensure the cameras are positioned towards the person or the location of interest when it is feasible to do so safely.

The officer operating the armored vehicle is responsible for ensuring video recording devices are deployed with the armored vehicle and activated appropriately, recordings are uploaded to the appropriate system, and video recording devices are returned to their charging stations. These duties may be assigned to other personnel by the incident commander as necessary.

After Action and Documentation of Deployments

Commanders authorizing deployment of an armored vehicle shall notify their chain of command of the deployment as soon as is practical after the incident has been resolved. A commander who authorizes the deployment of an armored vehicle for purposes other than training or maintenance shall provide notification to the Department's Military Equipment Coordinator or designee to allow the completion of the annual military equipment report. The notification shall include a brief synopsis of the incident along with at least the following details:

- Date, time, and location
- Report and incident numbers
- Incident commander and tactical commander (if applicable)
- Scene supervisor(s)
- Which armored vehicle(s) were used
- Justification for deployment of the armored vehicle(s)
- Other controlled equipment used (e.g. patrol rifles, UAS, etc.)
- Demographic information about persons engaged at the target location (e.g., gender, race, age, membership in a vulnerable population)
- Presence or absence of media
- Description of arrests, injuries, uses of force, complaints, and/or property damage

³ This includes the portable video recording devices assigned each of the Department's armored vehicles, but might include additional devices purchased for armored vehicles in the future.



Armored Vehicles, Index Number III-P.04

Notifications of deployment shall include dissemination of information to the Department PIO and through Department social media channels. The commander of the Special Operations Section shall maintain a record of all deployments and ensure that information about all deployments (both callout and pre-planned), including for each of the above data points, is included in the division's Annual Management Report. Dispatch shall make a log entry in incident notes when an armored vehicle is deployed in a call-out (i.e. not pre-planned), for tracking and documentation purposes.

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Item(s): Armored Vehicles
 Applicable Use Policy: [TB III P.04](#), *Armored Vehicles*

Description and Purpose

Lenco Bearcat	
Description	An armored vehicle is a piece of law enforcement equipment that may allow officers to use non-force options to safely resolve incidents involving actual, threatened, or reasonably suspected violence using firearms or explosives. The protective capabilities of an armored vehicle greatly exceed those of a patrol vehicle and proper deployment of armored vehicles may increase the safety of the public, law enforcement officers, and other first responders. Armored vehicles provide improved cover for officers, are stocked with tools that might be needed during a critical incident, and increase the options for a safe resolution.
Manufacturer's Product Description	The 2008 Lenco BearCat is equipped with emergency lights/sirens, rotating roof hatch, electric winches, running boards, protection against chemical agents, back-up camera, battering ram attachment, CS (tear gas) deployment nozzle, Thermographic cameras, and spot/flood lights. The vehicle is armored with a 0.5 – 1.5” thick steel and ballistic windows rated to stop a 0.50 BMG round.
Capabilities / How the item works	Depending on construction, ballistic-rated metal or materials such as Kevlar (or a combination of both) either constitutes the body of the vehicle or is upfit into the body of the vehicle under the sheet metal exterior. Depending on the rating of the ballistic material or metal, the vehicle is capable of protecting the occupants of the vehicle from gunfire.
Expected lifespan	15 Years
Quantity	1
Purpose and intended uses and/or effects	Commanders (Lieutenants and above) shall only authorize the deployment of armored vehicles when the specific capabilities of the BearCat or Armored Suburban are necessary to bring an incident to a safe conclusion. Any authorized departure from an armored vehicle's place of storage shall be considered a deployment.

Armored Chevrolet Suburban	
Description	An armored vehicle is a piece of law enforcement equipment that may allow officers to use non-force options to safely resolve incidents involving actual, threatened, or reasonably suspected violence using firearms or explosives. The protective capabilities of an armored vehicle greatly exceed those of a patrol vehicle and proper deployment of armored vehicles may increase the safety of the public, law enforcement officers, and other first responders. Armored vehicles provide improved cover for officers, are stocked with tools that might be needed during a critical incident, and increase the options for a safe resolution.

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 Item(s): Armored Vehicles

Manufacturer's Product Description	The 2015 Chevrolet 1500 Armored Suburban is equipped with emergency lights/sirens, steel front bumper, seating capacity for 9 personnel and backup camera. The vehicle is armored with B6 level armor capable of stopping 7.62X51mm rifle round.
Capabilities / How the item works	Depending on construction, ballistic-rated metal or materials such as Kevlar (or a combination of both) either constitutes the body of the vehicle or is upfit into the body of the vehicle under the sheet metal exterior. Depending on the rating of the ballistic material or metal, the vehicle is capable of protecting the occupants of the vehicle from gunfire.
Expected lifespan	15 Years
Quantity	1
Purpose and intended uses and/or effects	Commanders (Lieutenants and above) shall only authorize the deployment of armored vehicles when the specific capabilities of the BearCat or Armored Suburban are necessary to bring an incident to a safe conclusion. Any authorized departure from an armored vehicle's place of storage shall be considered a deployment.

Fiscal Costs

Initial Costs

The Oakland Police Department (OPD) currently owns/possesses/uses the equipment. Initial costs (if known) to obtain the equipment were:

Lenco BearCat: The cost of the Bearcat was approximately \$323,726, which was purchased through a UASI (Urban Areas Security Initiative)- US Department of Homeland Security grant.

#1697 Armored Suburban: The cost to obtain this item as new was ~\$140,000.

OPD proposes to obtain the equipment. Initial costs are anticipated to be:

Estimated or anticipated costs for each proposed use

Similar to utilizing any vehicle, there are associated wear and tear and fuel costs for each deployment of an armored vehicle. The Department fuels the armored vehicles at City fuel stations; this cost is within the entire fuel budget for the OPD fleet (OPD and other City Departments work with the City's Public Works Administration for fuel).

When used by field teams (such as Patrol or the violent crime operations center VCOC), members of those teams who are already on duty (not on overtime) pick up the vehicles from their storage locations and drive the vehicles to the scene. During tactical team deployments

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the tactical team may have several members who are called in on overtime; one of these members may be the one deploying the armored vehicle but this cannot be predicted before the deployment. Pursuant to [MOU](#), overtime for sworn officers is 1.5x their base pay.

Estimated or anticipated costs of potential adverse impacts

There is no way of anticipating every possible adverse impact, and there may be some impacts that occur which are extremely unlikely or unforeseeable. Additionally, even some known possible adverse effects may be so remote that they were not assessed for the purposes of this report. Furthermore, injuries may result as a consequence (unintended or not) of the use of controlled equipment. If the controlled equipment is a weapon, then the cost of injuries resulting from use of that weapon can vary considerably. Since persons in OPD's custody are typically treated at Alameda County Hospital, Highland Campus, the costs for this treatment, if not covered by insurance or other means, may be paid with public funds. Recovery from injuries and/or trauma relating from situations in which controlled equipment is used could include ongoing costs such as medications or counseling. Finally, costs of even likely adverse effects may vary wildly based on other circumstances which are difficult to predict and can vary from incident to incident. Keeping this in mind, some potential adverse effects and their possible costs are:

Deliberate misuse might cause the Department to be exposed to liability, which could include monetary judgments against the City.

Unintentional misuse might cause the Department to be exposed to liability, which could include monetary judgments against the City.

Failures of the equipment might cause the Department to have to purchase additional items, at a cost per item as indicated.

Estimated or anticipated ongoing costs

Each vehicle costs the Department a minimum of \$1,418 per month, which is an inter-departmental cost that is paid to the City's Public Works Administration for upkeep and maintenance of the vehicle. This ongoing cost covers wear and tear and repairs due to normal operation. Costs due to damage incurred as a result of misuse or the actions of others (e.g., persons ramming the vehicle) may not be covered by this cost nor reimbursed by the person responsible.

The Department must store each armored vehicle in a parking area that is secured from general public access; these spaces are generally used for other Department vehicle parking thus spreading the cost across the Department's fleet.

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The Department and City do seek to **replace** the Bearcat armored vehicle with a comparable but differently styled armored vehicle; this will likely have a similar cost to the initial cost of the Bearcat (~\$330k).

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Impacts

Reasonably anticipated impacts

Deliberate misuse.

Though unlikely, it is possible that Armored Vehicles may be deliberately misused by employees. Some of the ways that the Department attempts to prevent deliberate misuse is through background checks of prospective employees, supervision and training, strict policy guidelines, robust reporting and accountability practices, and discipline for deliberate misconduct up to and including termination. Suspected criminal misuse of equipment may also be forwarded to the District Attorney's office or other appropriate prosecuting agency for charging consideration.

Unintentional misuse.

Unintentional misuse of Armored Vehicles may come in many forms, from unfamiliarity or lack of training to the encountering of a scenario that was not anticipated in training or policy. The Department attempts to prevent unintentional misuse through thorough training, clear policy prescriptions, and robust review processes such as force reports, force review boards, and pursuit review boards.

Perception of militarization or exacerbation of a police/community divide.

While it is not the intent of the Department that this occur, the Department does recognize the possibility that its use of Armored Vehicles may lead to a perception of militarization of the Department, or an exacerbation of any existing divides between the Department and the community it serves and is a part of. The Department attempts to overcome challenges such as this by taking full advantage of community forums required by policy and law (see for instance the mandated community engagement meeting in DGO K-07 and CA Government Code § 7072(b)), by completing full and robust reports such as this one, and by collaborating with the Police Commission in the creation of use policies and procedural safeguards surrounding this equipment.

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Mitigations

Use of force and de-escalation policy – [DGO K-03](#)

Controlled and military equipment frequently takes the form of a force option, or else is often used during high risk situations where force may be used. OPD, in concert with the Police Commission, created a state-of-the-art use of force policy that centers the Department's mission, purpose, and core principles, provides clear guidance that force is only allowed when reasonable, necessary, and proportional, and makes clear the consequences of unreasonable force. Additionally, OPD's use of force policy incorporates a robust de-escalation policy (Section C), which mandates that officers use de-escalation tactics and techniques in order to reduce the need for force when safe and feasible.

The entirety of this policy – which encapsulates OPD's values surrounding force and commitment to de-escalation – is a clear general procedural mitigation to the possible adverse impacts of the use of this equipment.

Force reporting and review policy and practice – [DGOs K-04 and K-04.1](#)

Though the Department expects that every use of this equipment will be within the boundaries of policy and law, the Department also has clear procedures regarding force reporting and review in place. DGO K-04 and its attendant special orders require that force by officers – including force where controlled equipment was used – be properly reported and reviewed, with the level of review commensurate to the severity of the force incident. Additionally, for severe uses of force or where a use of force had severe outcomes, the Department utilizes Force Review Boards, led by top Department command staff and often attended and observed by Community Police Review Agency staff or Police Commission Chairs, to review every part of a force incident. These boards not only determine whether the force was proper, but also have wide latitude to suggest changes in policy, training, or practice, including with controlled equipment.

OPD's force reporting and review policies and practices serve as important procedural mitigations to the possible adverse impacts of the use of this equipment.

Complaint receipt and investigation procedures – [DGO M-03](#)

The use of controlled equipment, as with any use of the police powers, is subject to the rules and laws that govern the Department and its employees. Complaints and allegations that the Department or its employees have violated these rules or laws are treated with the utmost seriousness, including proper intake at the Internal Affairs Division and investigation by the appropriate investigative individual. Where allegations are found to be substantiated, the

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Department uses a progressive discipline structure to serve both deterrent and rehabilitative functions. Finally, deliberate misconduct or actions contrary to the Department's values are not tolerated, and can lead to termination of employment.

OPD's complaint receipt and investigation procedures serve as important procedural mitigations to the possible adverse impacts of the use of this equipment.

Community outreach and specific inquiry pathways - DGO K-07

Use of controlled equipment, especially equipment that may have analogues used by militaries or quasi-military federal law enforcement, can drive perceptions of a militarized police force that is pre-disposed to the use of force as opposed to thoughtful, deliberate resolutions to incidents using de-escalation and minimizing the use of force. An important procedural mitigation to this type of perception is regularly communicating with the community served, as a way for information to be shared in both directions. This serves to dispel common misconceptions as well as provide valuable perspective for the Department and its employees. OPD uses community outreach, such as social media, community events, and a specific, annual community forum as required by DGO K-07. Additionally, OPD's overarching controlled equipment policy sets forth processes for inquiries about the equipment.

Equipment-specific use policy and Police Commission oversight - OMC 9.65

While most every law enforcement agency is bound by state law (Government Code § 7070 et. seq.), the very nature of police oversight in Oakland provides one of the most powerful procedural mitigations of potentially adverse impacts. For instance, state law requires that most agencies have their controlled equipment use policies approved by their governing body (e.g., City Council, or Board of Supervisors). In the case of OPD, however, there is an additional layer of oversight in the Police Commission, which must review any controlled equipment use policy prior to it being approved by the City Council. This requirement, set forth in Oakland's municipal code section 9.65, is a procedural mitigation to the possible adverse impacts of the use of this equipment.

Technical safeguards

While not a specifically-requested aspect of the design, armored vehicles (as a consequence of the weight of the armor) typically cannot reach the same top speed as the commercially-available vehicles upon which they are based. Since speed is often a factor in vehicle collisions, this technical limitation of armored vehicles also serves as a de-facto safeguard against high-speed collisions.

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Procedural safeguards

OPD's armored vehicle policy includes several procedural safeguards. These include prohibitions against utilization of the armored vehicles for routine patrol or crowd control, as well as prohibitions against attachments of weapons (at any time) or rams (outside of extremely limited life-threatening emergencies) to the vehicle.

In addition, OPD's policy requires the approval of a command officer at the rank of Lieutenant or above for impromptu field deployments, and at the rank of Captain or above for pre-planned deployments. The policy also requires training for operators.

Finally, OPD's policy requires the use of video recording devices that are assigned to the armored vehicles during deployments, as a means of capturing the circumstances during the use of these vehicles.

Alternatives

De-escalation and alternative strategies

As mentioned in the Mitigations section, above, OPD officers are mandated to use de-escalation strategies and tactics when safe and feasible. These strategies and tactics, which are predicated on de-escalation best practices around communication, containment, positioning, and time/distance/cover, reflect the Department's commitment to de-escalation over the reliance on force to compel compliance.

However, even during de-escalation strategies and actions, controlled equipment may be used or ready to further a safe outcome to the event for the engaged person, the community, and the officers. Generally, a built-in alternative to the actual use of controlled equipment – especially as a force option – is its use as a tool to provide safety, information, or containment to an incident so that officers can bring the situation under control and hopefully encourage a peaceful outcome. This, in conjunction with other de-escalation or alternative strategies, provides a baseline for OPD officers in the conduct of their duties when using or contemplating the use of this controlled equipment.

It is also instructive to consider the possible adverse costs of not possessing this equipment. For instance, the unavailability of a particular tool may adversely impact the safety of police personnel and the community by limiting de-escalation strategies, exposing personnel to greater risk, or limiting the options available to safely resolve situations.

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A specific alternative to armored vehicles is to completely forgo their use. While this would result in lower direct expenditures, the alternative would necessarily increase the risk to Department personnel when confronting situations where engaged persons are armed with firearms. Other vehicles within the Department fleet do not have any ballistic protection built in.

Location

Armored Vehicles will typically be used within the areas that OPD has jurisdiction or in areas of the State of California where OPD is specifically conducting operations or investigations. This includes the entirety of the City of Oakland, and may include neighboring jurisdictions or other areas within the State.

Third Party Dependence

- This item does not require third-party actors for operation.
- This item does require third-part actors for operation:

Track Record

Many other agencies use armored vehicles to protect their employees during the course of their duties. Throughout the United States, agencies increasingly either have their own armored vehicle or cooperatively share a vehicle with surrounding agencies through memoranda of understanding (MOUs). Santa Rosa Police Department reports that they have an MOU with a nearby agency, and refer to a tactical procedures manual in lieu of policy for their use of the armored vehicle. Other nearby agencies, such as San Francisco Police Department, Alameda County Sheriff's Office, and San Leandro Police Department, all utilize various types of armored vehicles.

While most agencies limit the use of their armored vehicles in a manner similar to Oakland (i.e., requiring supervisory approval, limiting deployment to circumstances where weapons or violence are involved or possible), some high-profile instances of controversial deployments have occurred. The most visible of these were the use of armored vehicles during crowd control by the Ferguson Police Department (MO) after the death of Michael Brown and, in the

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Bay Area, the use of an armored vehicle by the Alameda County Sheriff's Office during an eviction of a group of housing protestors. These types of uses are not authorized by OPD's Armored Vehicle policy.



CITY OF OAKLAND | POLICE COMMISSION
250 FRANK H. OGAWA PLAZA, SUITE 6302 • OAKLAND, CA 94612

Current Committees

Standing Committee	Commissioners
Personnel	Jackson

Ad Hoc Committee	Commissioners
Budget	Milele, Peterson
Body Worn Cameras Policy	Peterson, Harbin-Forte, Hsieh
Chief of Staff Search	Milele, Jackson, Jordan
Community Outreach	Howell, Hsieh, Jordan
CPRA Executive Director Search	Milele, Jackson, Peterson
CPRA Director + IG Performance Evaluation	Milele, Peterson
IG Policies	Peterson, Harbin-Forte, Jackson
CPRA Policies	Harbin-Forte, Jackson-Castain, Ordaz
Militarized Equipment Policy	Hsieh, Jordan
OBOA Allegations Investigation	Harbin-Forte, Jackson
Racial Profiling Policy	Milele, Jackson, Jordan
Rules of Procedure	Harbin-Forte
OBOA Association	Jackson, Harbin-Forte, Karely Ordaz

Recently Completed/Paused/Dormant

Ad Hoc Committee	Commissioners
Annual Report	Milele, Jackson
Antidiscrimination Policy	Harbin-Forte, Hsieh, Jackson
Electronic Communication Devices	Howell, Harbin-Forte, Peterson
Police Chief Goals and Evaluation	Milele, Peterson, Jackson
Risk Management Policy	Peterson, Harbin-Forte, Howell
Social Media Policy	Milele, Hsieh, Jackson
White Supremacists and Other Extremist Groups	Harbin-Forte, Jackson
Community Policing (15-01)	Harbin-Forte, Howell, Hsieh

For a roster of current Commissioners and their emails, visit:

<https://www.oaklandca.gov/teams/police-commission>

Police Commission Pending Agenda Matters List

	A	B	C	D	E
1	Agenda Matter	Duties/Deliverables	Additional Information/Details	Timeline for 2022	Measure LL ("Charter") and Enabling Ordinance ("Ord.") Sections
	Performance Reviews of CPRA Director and OPD Chief	Conduct performance reviews of the Agency Director and the Chief	The Commission shall determine the performance criteria for evaluating the Chief and the Agency Director, and communicate those criteria to the Chief and the Agency Director one full year before conducting the evaluation.		Ord. Section 2.45.070(G)
2	Provide Policy Guidelines to CPRA Director re Case Prioritization				Ord. § 2.45.070(I)
3	Advise OIG of Priorities, Functions, & Duties				Ord § 2.45.120
4	Solicit/Consider Public Input re Quality of Interactions with CPRA and Commission				Ord. § 2.45.070(Q)
5	Review and Comment on Proposed Budget for Education and Training re: Job-related stress, PTSD Signs and Symptoms, and Other Job-related Mental Health/Emotional Issues				Charter § 604(d)(1) and Ord § 2.45.090
6	Propose a Budget for Education and Training re: Job-related stress, PTSD Signs and Symptoms, and Other Job-related Mental Health/Emotional Issues				Ord. § 2.45.070(C) & (D) (C) Review and comment on the education and training the Department provides its sworn employees regarding the management of job-related stress, and regarding the signs and symptoms of post-traumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. The Commission shall provide any recommendations for more or different education and training to the Chief who shall respond in writing consistent with section 604(b)(6) of the Oakland City Charter. (D) Prepare and deliver to the Mayor, the City Administrator and the Chief by April 15 of each year, or such other date as set by the Mayor, a proposed budget for providing the education and training identified in subsection C, above.
7	Two meetings per year outside City Hall - "Community Roundtables"	Agendized ten days in advance	Commission shall consider inviting to each roundtable individuals and groups familiar with the issues involved in building and maintaining trust between the Department and the community, including but not limited to representatives from the Department, members of faith-based groups, youth groups, advocacy groups, residents of neighborhoods that experience the most frequent contact with the Department and formerly incarcerated members of the community		Charter § 604(d)(1) and Ord. § 2.45.090
8	Establish Rules/Procedures re Mediation/Resolution of Complaints of Misconduct				Ord. § 2.45.070(N)
9	Review And Comment On Department's Practices/Policies Re: Reporting And Publishing Data On Its Activities				Ord. § 2.45.070(P)
10					

Police Commission Pending Agenda Matters List

	A	B	C	D	E
1	Agenda Matter	Duties/Deliverables	Additional Information/Details	Timeline for 2022	Measure 11 ("Charter") and Enabling Ordinance ("Ord.") Sections
	Public Hearing on OPD Policies	Commission may shall determine which Department policies are subject of the hearing			Charter Section 604(b)(2)
11	Public Hearing on OPD Budget	Purpose of hearing is to "determine whether budgetary allocations for the Department are aligned with the Department's policies"	Tentative release date of Mayor's proposed budget is May 1st of each year.		Charter Section 604(b)(7)
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13	Revisit OPD's Grooming & Presentation policy		Requested by Comm. Gage (1.13)		
14	Ad Hoc to review and learn about OPD's Tow policy		Requested by Comm. Harbin-Forte (4.14)		
	For the Chief:				
15	- Report on claims regarding bail and increase in crime		Requested by Comm. Harbin-Forte (4.14)		
16	Report from Chief Armstrong regarding OPD's homelessness policy		Requested by Comm. Harbin-Forte (2.10)		
17	Presentation from the Department of Violence Prevention		Requested by Comm. Jackson (2.24)		
18	Presentation from OPD's Risk Management team on traffic stops, towing and use of force		Requested by Comm. Hsieh (3.10)		