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OAKLAND

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AGENDA REPORT

TO: FRED GLOVER-BLACKWELL
CITY ADMINISTRATOR

FROM: Sean Whent

SUBJECT: Crowd Control Equipment
and Training Cost

DATE: April 21, 2014

City Administrator
Approval

Date

4/25/14

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council accept this informational report on the cost and budgetary implication of the acquisition, training, use and deployment of less lethal weapons by the Oakland Police Department (OPD) for crowd control.

BACKGROUND/LEGISLATIVE HISTORY

Councilmember Rebecca Kaplan requested this cost and budgetary information report on less lethal and crowd control training for presentation to the Finance and Management Committee.

Until the development of less-lethal weapons, police officers had few, if any, less-than-lethal options for potentially dangerous situations. Common tactics used by police that were intended to be less-lethal included a slowly advancing skirmish line or officers on horses. Other reasonably successful approaches included shotguns with lower-powered cartridges called, "salt shells."

In the 1980s the development of the high-tensile plastics Kevlar Lexan revolutionized personal armor and shields, and led to new techniques for tactical squads and other special-purpose teams to use when facing violent crowds, in order to quickly disperse the danger. Coupled with the introduction of effective less-lethal chemical agents such as Oleoresin Capsicum (OC) offensive odor canisters, and less-lethal impact rounds such as rubber balls and "bean bag" flexible baton rounds, tactics for large disturbances were modified to rely less on aggressive responses and a return to the slowly advancing skirmish line.

"Less-lethal" force is defined as: Any use of force, other than lethal force, which by design and application is less likely to cause serious bodily injury or death. However, the possibility of an unintended lethal outcome, although

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very rare, exists. Less-lethal force options include, but are not limited to, Specialty Impact Munitions (SIM). [General Order K-3, Sect. II.D (Rev. 16Dec13)]

Traditionally, police officers either on patrol or assigned to crowd control were armed with a baton or pistol, or both, and less-lethal methods of subduing an attacker(s) centered on hand-fighting techniques and baton strikes. In the 1980s and 1990s, officers began deploying less-lethal options such as pepper spray and eventually electronic weapons such as Tasers, which were developed for use by the police. Various other forms of less-lethal weapons for police use rose in response to the growing debate on force options. Less-lethal weapons, referred to as SIM, were found to be useful in keeping the peace in the aftermath of riotous and violent conflicts.

In 2013 the Oakland Police Department had 258 incidents (including parades, festivals, sports events) that required its officers to engage in some sort of crowd control operations, many of which had the potential to turn volatile. During these crowd control operations OPD interacted with approximately 3.9 million people.

ANALYSIS

OPD utilizes and trains with SIM in order to use a level of force that is sufficient to affect an arrest, gain compliance, and/or ultimately minimize serious bodily injury and/or the use of deadly force. 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.” [General Order K-3, Sect. II.A, (Rev. 16DEC13)]

The Department’s crowd control training mandates are driven by the following:

- The Frazier Group, LLC, Special Report for the Independent Monitor directed OPD to purchase and deploy modern crowd control weapons and update the less lethal weapons use policy;
- The Negotiated Settlement Agreement Independent Monitoring Team (IMT) – compliance with required training identified in the reform provision tasks or reports;
- Oakland Police Department General Orders;
- California Commission of Peace Officer Standards and Training (POST).

Training requirements include on-going force options training and qualifications for the following:

- In-service members;
- Trainees in the basic academy;
- Trainees in the lateral academy;
- Specialized Weapons and Tactics (SWAT) members;

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A sufficient number of repetitions are needed to establish a baseline level of proficiency in training on any SIM system. Experience shows that proficiency will begin to degrade once training is stopped; hence, SIM training is recognized by Police Officer's Standard and Training (P.O.S.T.) as a "perishable skill." Unsatisfactory results can be predicted when training is inadequate. To maintain acceptable levels of proficiency, frequent training needs to be conducted. Therefore, sustainable training must be continued for OPD officers.

- The Compliance Director's Benchmark Plan, #19, directs the Training Division as follows: Develop needed training programs – Increase Patrol level use of force training for officers by 20 hours per year. These training hours, as defined by the Compliance Director, are in addition to the 20 baseline force options training hours already provided, bringing the total amount of training to 40 hours per year per patrol officer.

OPD SIM Expenses:

Currently, the only 12 gauge SIM authorized by OPD is the 12 gauge Drag Stabilized Flexible Baton (DSFB) Round, often referred to as a "bean bag." The DSFB Round is a single tear-shaped heavy-cotton projectile with four stabilizer tails. It is filled with 40 grams (1.43 oz.) of #9 lead shot loaded into a translucent 12 gauge shell. It uses smokeless gunpowder as a propellant. When fired, the projectile travels at about 280 feet per second. Because the DSFB is tear-shaped with four stabilizer tails, it is 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 to 75 feet. The only shotgun deployed by OPD is the Remington, Model 870, 12 gauge pump-action shotgun.

The 40mm Foam Baton Round (FBR) is a direct and indirect fired SIM. It consists 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 tip 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 and fired from a 40mm launcher.

The 40mm FBR is most suitable in close- to medium-range fire, approximately 15 to 30 feet. Beyond 30 feet, the lightweight foam batons may move off target and lose most of its energy. Engagement distances may be limited by walls or barriers. It is used in urban disturbances 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 subjects. Its optimal range is approximately 10 to 20 feet.

Table A: Cost of 12 Gauge Marking SIM

Description	Quantity	Per Price	Total
12 Gauge Drag Stabilized Flexible Baton (Marking)	5000	\$5.23	\$26,150.00
Tax:			\$2,353.50
Total:			\$28,503.50

Table B: Cost for 40mm Marking SIM

Description	Quantity	Per Price	Total
40mm Direct Impact Round (Marking)	500	\$19.50	\$9,750.00
40mm Reloadable Training Kit, 250 rounds	5	\$933.00	\$4,665.00
Tax:			\$1,297.35
Total:			\$15,712.35

The manufacturer recommended shelf life of most less lethal SIM munitions other than the 12 gauge DSFB is 5 years.

OPD officers are adequately trained in the use of SIM and have a thorough understanding of the round and considerations for selecting shot placement, such as the level of threat presented, target distance, size, and clothing.

The Overtime (OT) cost to train OPD officers in the use of SIM:

Table C: Backfill OT costs to cover for Field Unit members attending annual training on the 12 Gauge SIM

Rank	Volume	Backfill Hours	Cost per Hour	Total
Officer	450	2	\$61.20	\$55,080.00
Sergeant	122	2	\$81.62	\$19,915.28
Total:				\$74,995.28

Table D: Backfill OT costs to cover for SWAT members attending annually SIM (all variety of less-lethal) training

Rank	Volume	Backfill Hours	Cost per Hour	Total
Officer	35	4	\$61.20	\$8,568.00
Sergeant	6	4	\$81.62	\$1,958.88
Total:				\$10,526.88

PUBLIC OUTREACH / INTEREST

This is an informational report and did not require any additional public outreach. The Oakland Police Department is committed to upholding the constitutional rights of free speech and assembly while maintaining the public peace and order. Prior to any planned major event, the Police Department works with event organizers and other interested or affected parties to ensure the public's safety.

COORDINATION

The City Attorney's Office and the Budget Office were consulted in preparation of this report.

COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Total Project Costs: \$129,738.01

2. COST ELEMENTS OF AGREEMENT/CONTRACT:

Equipment (Tables A and B): \$44,215.00

Training (Backfill) (Tables C and D): \$85,522.16

3. SOURCE OF FUNDING:

Costs incurred are part of the OPD's annual budget appropriations.

4. FISCAL IMPACT:

Costs are covered within OPD's annual budgeted funds.

SUSTAINABLE OPPORTUNITIES

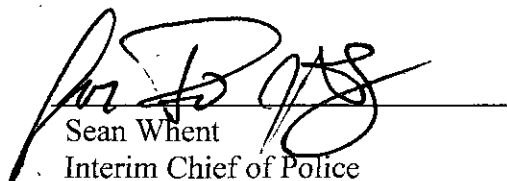
Economic: The local vendors that provide these products have valid City business tax licenses.

Environmental: No environmental impacts have been identified.

Social Equity: No social equity opportunities have been identified.

For questions regarding this report, please contact David Downing, Deputy Chief of the Bureau of Field Operations at (510) 238-7620.

Respectfully submitted,


Sean Whent
Interim Chief of Police

Prepared by:
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