

Oakland Police Department
Controlled Equipment Impact Report

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.

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

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).

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.

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

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.

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.

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.