



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Susan Manheimer  
Interim Chief of Police

**SUBJECT:** OPD Contra Costa County Firearms  
Range Use Agreement

**DATE:** August 20, 2020

City Administrator Approval 

Date: Sep 22, 2020

## **RECOMMENDATION**

**Staff Recommends That City Council Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into An Agreement With The Contra Costa Office Of The Sheriff (CCOF) To Define The Terms For Use Of The CCOF Firearms Range By The Oakland Police Department (OPD), For The Period Of July 1, 2020 Through June 30, 2023.**

## **EXECUTIVE SUMMARY**

OPD personnel require access to local firearms ranges for a variety of required firearms and tactical trainings. OPD does not possess its own firearms range; OPD must therefore utilize existing regional firearms ranges that provide the necessary space for practice and simulation training, as well as for storing onsite equipment. Some local ranges also have very limited capacity for OPD use; the CCOF firearms range provides a large enough space as well as scheduling availability for OPD personnel training. The current agreement with CCOF expired in June 30, 2020. A new proposed agreement would allow for OPD to use the CCOF firearms range for the period of July 1, 2020 through June 30, 2023; the agreement does not specifically offer the City a termination clause, but the agreement does not require OPD to use the range if not desired. The agreement also stipulates how and suits for liability and damages will be apportioned among the parties.

Staff recommends that the City Council adopt the resolution accompanying this report to authorize the City Administrator or designee to enter into an agreement with the CCOF to define the terms for use of the CCOF firearms range by the OPD.

## **BACKGROUND / LEGISLATIVE HISTORY**

The California Commission on Peace Officer Standards and Testing (POST) requires that police officers train in the use of firearms each year to maintain otherwise-perishable firearms skills. Officers assigned to OPD's Support Operations Division (SOD) require even greater levels of regular tactical training (training twice a month) to develop and maintain their physical skills and police unit preparedness. OPD does not own its own firearms range or tactical training area, and thus must find other areas for required trainings.

City Council  
October 6, 2020

OPD presently uses both the City of Concord Police Officer Association (POA) Range and the CCOF firearms range, but OPD has found increasing difficulty in scheduling dates for use of the Concord POA range, and has moved all Patrol Rifle Officer training to the CCOF range several years ago. The CCOF firearms range is unique in that it offers a combination of large range size, supply storage secured by the CCOF range master, and flexible scheduling system for arranging tactical and firearms practices. Law enforcement agencies are not prohibited from using non-law enforcement ranges; OPD utilizes a non-law enforcement San Leandro firearms practice range for POST in-service firearms training. practice can only be safely conducted on law enforcement facilities. However, the San Leandro firearms range as well as Concord POA are not designed for the tactical training OPD SOD requires. OPD also needs access to safe law enforcement firearms ranges for the following general OPD trainings:

- Patrol Rifle Officer school;
- Patrol Rifle Officer quarterly training;
- Ceasefire firearms training;
- Undercover Officer school;
- Reserve Officer firearms training,
- special weapons and tactics (SWAT) school.

OPD already relies on the Concord POA Range for police officer trainee academies and other ongoing required annual firearms training; there is virtually no capacity remaining for required tactical or rifle training. OPD can also utilize the Alameda County Sheriff's Office range occasionally, but this range only has limited scheduling capacity, offers the least versatility in terms of range use, and does not allow OPD to use any storage facilities.

### **ANALYSIS AND POLICY ALTERNATIVES**

OPD signed an agreement with CCOF in March 2017 which allowed OPD to use the CCOF range for the period of July 1, 2017 through June 30, 2020. Article V, Section 504(l) of the Oakland City Charter requires that the City Council approve all intergovernmental relationships and contracts. Therefore, staff recommends that the City Council adopt the resolution accompanying this report to authorize the City Administrator or designee to complete all required negotiations, certifications, assurances, and documentation required to execute, modify, extend and/or amend an agreement with the CCOF for the use of their firing range by OPD personnel. The agreement between the City of Oakland and CCOF will stipulate use costs of the following terms: \$370 for range use for a full day and \$195 for a half day; range classroom use at \$150 for a full day and \$100 for a half-day.

The agreement stipulates that CCOF may revoke this agreement at any time; the agreement does not provide a mechanism for the City of Oakland to terminate the agreement, however, the City of Oakland is not required to use the CCOF range according to this agreement when not desired. Through this agreement, the City of Oakland agrees to be responsible for the use and reasonable care to maintain CCOF firearms range property in a reasonable and satisfactory condition during the time it is being utilized by OPD personnel, and reimburse CCOF for any damage to the property by OPD personnel and/or trainees.

The agreement also stipulates that to the extent permitted by law, the City of Oakland will defend and indemnify the County of Contra Costa and its personnel from any and all claims or

actions for damages and injuries to all personnel and property from actions or conduct attributable to OPD personnel. To a lesser extent, CCOF agrees to indemnify and defend the City against claims for damages and injuries that are caused solely from the actions of CCOF personnel. OPD personnel take risk management and personal safety protocols seriously. OPD personnel have used the CCOF firearms range for several years with zero incidents; the range is mostly an open space and SOD and Training Division personnel ensure that firearms and tactical training always occurs safely. Therefore, OPD believes that the benefits of the CCOF firearms ranges to operational effectiveness outweigh the risks inherent in the use agreement.

### **FISCAL IMPACT**

Funds paid by OPD to CCOF for the use of the firearms range shall be paid through Project: 1000008, Task: 1010.PS09, Expense: 53211 (Rental-Land and Building), and Org: 103430.

OPD's spent approximately \$24,240 during the 2019-20 Fiscal Year. The OPD budget under this funding source is approximately \$130,000 for all training facilities and rentals (not specific to police officer academies or firearms training).

### **PUBLIC OUTREACH / INTEREST**

There was no public outreach required for the preparation of this report beyond standard City Council noticing requirements.

### **COORDINATION**

This report was reviewed by the Office of the City Attorney and the Budget Bureau.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** There is no economic impact associated with this report.

***Environmental:*** There are no environmental issues associated with this report.

***Race and Social Equity:*** All Oakland residents and visitors benefit by ensuring that OPD personnel charge with providing public safety receive proper training to deliver professional police services.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That City Council Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into An Agreement With The Contra Costa Office Of The Sheriff (CCOF) To Define The Terms For Use Of The CCOF Firearms Range By The Oakland Police Department (OPD), For The Period Of July 1, 2020 Through June 30, 2023.

For questions regarding this report, please contact Steve Toribio, Sergeant of Police and Canine Program Supervisor, at (408) 623-3336.

Respectfully submitted,



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