



CITY OF OAKLAND

AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: LeRonne L. Armstrong
Chief of Police,
Oakland Police
Department

SUBJECT: OPD's Militarized/Controlled
Equipment Polices LRAD and Mobile
Command Centers

DATE: November 16, 2022

City Administrator Approval

Date: Dec 1, 2022

RECOMMENDATION

Staff Recommends That The City Council Adopt An Ordinance Approving Controlled Equipment Use Policies For The Oakland Police Department To Acquire And Use The Following Types Of "Militarized" Equipment In Conformance With Government Code Section 7070 And Oakland Municipal Code Chapter 9.65: (1) The Long Range Acoustic Device; And (2) Mobile Command Centers

EXECUTIVE SUMMARY

This memorandum is to submit Oakland Police Department (OPD) policies to the City Council for approval. These policies fall under California Government Code § 7070 et seq. (aka "AB 481") and Oakland Municipal Code (O.M.C.) Chapter 9.65. Collectively, these will be referred to as the "militarized and controlled equipment laws." The laws require police departments to submit a Controlled Equipment Use Policy/Impact Report prior to using or purchasing any "military" equipment.

O.M.C. 9.65.020 requires the Police Department (Department) to submit the proposed Policies and Impact Reports through the Police Commission. The Police Commission shall only recommend "Adopt", "Modify" or "Reject." With a collaboration of the Police Commission and Community, the following military policies are ready for approval along with their corresponding impact reports (see **Attachments A** for Long-Range Acoustical Device (LRAD) and **Attachment B** for Mobile Command Center).

Department General Order I-27: Long-Range Acoustical Device (LRAD)

The purpose of this policy is to provide direction and procedures on the use of the LRAD, an acoustic hailing device used for emitting amplified public announcements and establishing communication during search warrant services, barricaded suspect incidents, and other tactical operations. The policy specifically bars the Department from using LRAD as an "area of denial" device.

City Council
December 6, 2022

Department General Order I-28: Mobile Command Centers

The purpose of this policy is to provide direction and procedures on the use of the Department's mobile command centers, which are vehicles that are designed to allow for centralization of information or command at critical incidents, natural disasters, community events, community relations, and search operations.

On October 13, 2022, the Police Department provided presentations on the above-listed DGO's to the Police Commission and recommended the Commission adopt both orders.

REASON FOR URGENCY

Several policies and impact reports already recommended for adoption by the Police Commission (see [City Of Oakland file ID # 22-0776](#)) are on the December 6, 2022 City Council agenda. As these two policies are part of this larger whole (policies and impact reports governed by California Government Code § 7070 Et Seq. (Aka "AB 481") and Oakland Municipal Code Chapter 9.65, the Department respectfully requests that these policies be added to the overall agenda item so that all policies and impact reports can be considered by the City Council at the same time.

ANALYSIS

The Citywide priority identified for this recommended action is *responsive, trustworthy government*.

The purchase and use of military equipment and its deployment in our city can possibly adversely impact the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurrent of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

To address this issue, OPD addresses impacts and mitigations in the impact reports which are required for each policy. Generally, OPD's mitigation strategy includes policy controls around force and force reporting, complaint intake and investigation, community outreach and specific inquiry pathways for militarized equipment, and equipment-specific use policies developed in conjunction with the oversight body (Police Commission). OPD also specifically uses risk management processes, which analyze collected data that includes data on the race of persons impacted by policing strategies and equipment, to inform strategies and offer areas where mitigation or use policy modification may be appropriate.

The public has a right to know how the Police Department's military equipment is used. The adoption of the use and impact policies will put into place tracking mechanisms on transparency on where and why this equipment is being used.

OPD stands by its belief that military equipment is needed to keep community members and officers safe.

FISCAL IMPACT

See Impact Reports for fiscal costs. The Police Department currently has the military equipment in its inventory.

PUBLIC OUTREACH/ INTEREST

Starting on June 6, 2022, the Police Department members, Police Commission members and Community members have been meeting on a regular basis to collaborate on the military policies. Zoom meetings were live and open to the public and all the meetings have been posted on the Police Commission [website](#) for review. The Police Department has valued the input from the Commissioners and Community members to improve the Policies and Impact reports to make them more comprehensive and progressive.

The Police Commission held public meetings (via Zoom) to discuss the military policies in a public forum. The meetings were held on:

- September 8, 2022
- September 16, 2022
- September 22, 2022
- October 13, 2022

The public had the opportunity to attend the meetings and comment on all the policies in this agenda.

COORDINATION

The Police Commission, Budget Bureau, and the Office of the City Attorney were consulted on the development of this report and accompanying resolution.

SUSTAINABLE OPPORTUNITIES

Economic: Fiscal impacts details are included in the impact reports (**Attachments A and B**).

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

Race and Equity: Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities. To address this issue, OPD addresses impacts and mitigations in the impact reports (**Attachments A and B**) which are required for each policy.

FOLLOW-UP

The Police Department is required to submit an annual controlled equipment report to the Police Commission no later than March 15th of each year. The report will contain a summary of how the controlled equipment was used, breakdown where (police area) the controlled equipment was deployed, summary of complaints received, estimated annual costs, impacts, mitigations and alternatives.

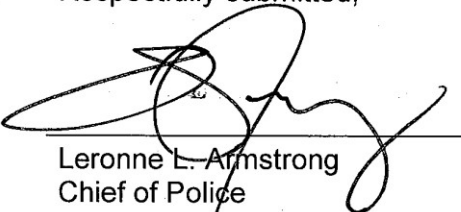
This report will be public and available to the community. The next report will be shared with the Police Commission at a regularly scheduled meeting of the Police Commission, subject to the constraints of the Commission's agenda.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Approving Oakland Police Department's (OPD) Policies I-27 (LRAD) And I-28 (Mobile Command Centers) In Accordance With California Government Code § 7070 Et Seq. (Aka "AB 481") And Oakland Municipal Code Chapter 9.65.

For questions regarding this report, please contact Joseph Turner, Lieutenant of Police, at 238-4476.

Respectfully submitted,



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Oakland Police Department

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Attachments (2):

A: LRAD Impact Report

B: Mobile Command Center Impact Report