

EXHIBIT B



DEPARTMENTAL
GENERAL
ORDER

Effective Date:
XX XXX XX

K-6

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.

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).
 - 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.
- 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

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.
 - 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

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

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

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.
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.

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.
4. Commanders and officers shall make reasonable efforts to ascertain 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 (as defined in DGO K-03).

If present, commanders and officers shall make reasonable efforts to avoid the deployment of patrol rifles in the immediate presence of the above people.

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

- 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.).

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

- 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.
- F. Rifles shall not be deployed for recruitment, public relations, or promotional activities.
- G. Rifles shall not be deployed for purposes of crowd management, crowd control, or crowd dispersal in connection with any demonstration or crowd event in the City of Oakland. Nothing about a crowd control situation eliminates or changes any of the constraints and criteria governing the use of lethal force in the Department's Use of Force Policy DGO K-03.

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).
- 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

- 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).
- 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.
- 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 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

DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT

K-6

Effective Date:
XX XXX XX

LeRonne L. Armstrong
Chief of Police

Date Signed: _____