



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: LeRonne L. Armstrong
Interim Chief of Police

SUBJECT: OPD Concord Police Association
Firearms Range Agreement

DATE: August 11, 2021

City Administrator Approval

Date:

Sep 8, 2021

RECOMMENDATION

Staff Recommends That City Council Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into An Agreement With The Concord Police Officers Association (CPA) To Define The Terms For Use Of The CPA Firearms Range By The Oakland Police Department (OPD) In An Amount Not To Exceed Two Hundred Sixty Thousand Dollars (\$260,000) Per Year For A Three (3) Year Term For The Period Of January 1, 2022 Through December 31, 2024, For A Total Not To Exceed Amount Of Seven Hundred Eighty Thousand Dollars (\$780,000).

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. OPD cannot run officer training academies without sufficient firearms range capacity. Some local ranges also have very limited capacity for OPD use. The Concord Police Academy (CPA) Firearms Range provides a large enough space as well as scheduling availability for OPD personnel training. The current agreement with CPA will expire on December 31, 2021. A new proposed agreement would allow for OPD to use the CPA Firearms Range for the period of January 1, 2022 through December 31, 2024.

The proposed resolution restricts OPD CPA Firearms Range spending authority to a maximum of \$260,000 per year. OPD spent \$232,075 in the 2019-20 fiscal year for use of the CPA Firearms Range, so a \$260,000 per year limit should be sufficient for ongoing firearms training needs.

Staff recommends that the City Council adopt the resolution and authorize the City Administrator or designee to enter into an agreement with the CPA to define the terms for use of the CPA Firearms Range by the OPD.

BACKGROUND / LEGISLATIVE HISTORY

The California Commission on Peace Officer Standards and Testing (POST) requires that every peace officer shall satisfactorily complete an introductory course of training in arrest and

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firearms. Additionally, POST requires that police officers train in the use of firearms each year (continual professional training, or "CPT") to maintain otherwise-perishable firearms skills. OPD does not own its own firearms range or tactical training area, and thus must find other areas for required trainings for both new police officer trainees in police academies as well as CPT.

OPD currently uses the CPA Firearms Range for police officer trainee and CPT firearms trainings¹. OPD has previously contracted with CPA via the following government cooperative contracts²:

- City of Concord (July 2019 – December 2021)
- California Department of Corrections and Rehabilitation (January 2017- June 30, 2019)
- California Highway Patrol (2012-2017)

OPD's current agreement with CPA Firearms Range will expire by December 31, 2021.

ANALYSIS AND POLICY ALTERNATIVES

OPD cannot produce police officer training academies without the use of the CPA Firearms Range. California POST requires a minimal number of live-fire trainings for the academy as well as for in-service personnel as previously mentioned. OPD would have to consider sending new police officer recruits to academies with other law enforcement agencies should OPD fail to maintain access to this firearms range. OPD does not recommend such an option. OPD must train trainees to be prepared to understand and learn numerous OPD-specific policies and standards, none of which would be taught during other law enforcement academies. Furthermore, there may be a higher attrition rate with other academies than with OPD-produced training academies as has been proven by past practice.

A new agreement with the CPA Firearms Range is critical to OPD's ongoing efforts to achieve full compliance with the Negotiated Settlement Agreement (NSA)³. The NSA Task 43 "Academy and In-Service Training" requires OPD to provide 40 hours of training to all OPD members every 18 months and the training is to emphasize professionalism and ethics using curricula that employ realistic scenario-based training exercises. Firearms training is included in those 40 hours to meet the California POST requirements. The firearms training provided by the Department at the Concord Range is comprehensive and involves critical scenario-based exercises and de-escalation training. OPD needs new trainees as well as all officers to have access to this training.

OPD's current contract for use of the CPA Firearms Range will expire by December 31, 2021 with a remaining spending allowance of approximately \$40,000. OPD has processed \$214,089

¹ The City Council adopted a resolution on October 6, 2020 to authorize an agreement between the City and the Contra Costa Office of the Sheriff (CCOF) for the use of the CCOF firearms range; OPD uses this range specifically for training for its Special operations Division (SOD). The CCOF Range is designed to allow for rifle and tactical training.

² Coop or "piggyback" contracts allow other jurisdictions to use a preestablished contract between another government and the contracting entity. These contracts allow another government or agency (e.g., OPD) to join an existing contract for efficiency and to share in established rates.

³ <https://www.oaklandca.gov/resources/oakland-police-negotiated-settlement-agreement-nsa-reports>

in invoices for Fiscal Year (FY) 2020-21. OPD will likely reach the spending authority under this current coop contract before the December 31, 2021 deadline. OPD therefore needs a new agreement with CPA to continue to utilize this critical training facility.

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: 1) the main agreement with CPA for the use of their firearms range; and 2) a separate agreement for the use of the CPA Live Fire Shoot House, located within the range facility.

The agreements stipulate a current rate of \$60.00 per hour, with a minimum two-hour use for the main firearms range, and \$75.00 per hour for the live fire shoot house. Furthermore, the resolution accompanying this report stipulates a maximum annual spending authority of \$260,000 per year. OPD spent \$214,089 in the 2020-21 fiscal year. Staff therefore believe that a \$260,000 per year maximum spending authority would be sufficient for its use of the CPA Firearms Range.

The agreements require that OPD supply a POST-qualified Range Master to control all live firing exercise (OPD firearms training personnel have this certificate). The main agreement also stipulates that the City will indemnify, defend, and hold harmless CPA and its officers, directors, members, agents and employees from and against any and all claims, damages and/or liabilities arising from, out of, or in connection with the negligent use of or willful misconduct of OPD personnel, agents, invitees, or guests of the CPA range facilities. Furthermore, the main agreement stipulates that both parties reserve the right and authority to terminate the agreement with or without cause; either party may immediately terminate the agreement for cause following the other party's breach of any term or condition, or without cause by providing the other party ten (10) days' notice prior to such termination taking effect.

The proposed agreement with CPA for use of their gun range promotes the Citywide priority of holistic community safety, as OPD seeks to ensure that all sworn officers are properly trained in the use of firearms.

FISCAL IMPACT

Contract Year	Fiscal Year	Amount
Year 1	FY 2021-22	\$260,000.00
Year 2	FY 2022-23	\$260,000.00
Year 3	FY 2023-24	\$260,000.00
Total Contract		\$780,000.00

The annual cost associated with the contract will be paid from Fund 1010 - General Fund: General Purpose, Organization 103430 - Training Unit, Account 53211 - Rental: Land and Building, Project 1000008 - DP1000 Administrative Project, PS09 – Police 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.

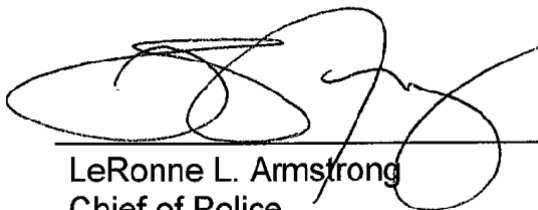
Race and Social Equity: All Oakland residents and visitors benefit by ensuring that OPD personnel charged with providing public safety receive proper training to deliver professional police services.

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 Concord Police Officers Association (CPA) To Define The Terms For Use Of The CPA Firearms Range By The Oakland Police Department (OPD) In An Amount Not To Exceed Two Hundred Sixty Thousand Dollars (\$260,000) Per Year For A Three (3) Year Term For The Period Of January 1, 2022 Through December 31, 2024, For A Total Not To Exceed Amount Of Seven Hundred Eighty Thousand Dollars (\$780,000).

For questions regarding this report, please contact Brian Alaura, Sergeant of Police at BAlaura@oaklandca.gov.

Respectfully submitted,



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