



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 JUN 27 PM 8:47

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne Kirkpatrick
Chief of Police

SUBJECT: POST Use of Force Curriculum
Development Grant

DATE: May 9, 2019

City Administrator Approval

Date: 6/27/19

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate Grant Funds To The Oakland Police Department (OPD) In An Amount Not To Exceed Two Hundred Thousand Dollars (\$200,000) From The State Of California Commission On Peace Officer Standards And Training (POST) For The Innovative Grant Program During The Grant Period Of April 1, 2019 Through March 31, 2021, To Fund The Development Of Use Of Force And De-Escalation Curricula And Delivery Of Training To OPD Sworn Staff, And To Authorize The General Purpose Services Fund To Contribute Twenty Seven Thousand Eight Hundred And Twenty Seven Dollars (\$27,827) To Cover The Central Services Overhead Charges.

EXECUTIVE SUMMARY

The Oakland Police Department (OPD) was awarded a two-year grant of two hundred thousand dollars (\$200,000) from the State of California Commission on Peace Officer Standards and Training (POST) via its 2019 Innovative Grant Program (IGP). The grant is from April 1, 2019 – March 31, 2021. Funding will be invested in training OPD sworn staff on Use of Force (UOF) and De-Escalation, one of the five program topic areas identified by POST for IGP funding. Grant funds will cover curriculum and training development and related equipment purchases to deliver training to 475 OPD officers, sergeants, and commanders during the two-year grant. That said, OPD aims to present the training to all 688 sworn members of OPD during the grant award period.

BACKGROUND / LEGISLATIVE HISTORY

POST was established by the California Legislature in 1959 to set minimum selection and training standards for the state's law enforcement agencies. POST participation is voluntary and incentive-based. More than 600 agencies (including OPD) are designated as POST-

Item: _____
City Council
July 9, 2019

participating and are eligible to receive the Commission's services and benefits. Pursuant to California Penal Code §13509, POST has developed the Innovations Grant Program (IGP), which is designed to grant funds on a competitive basis to qualified public and private entities for the purposes of fostering innovations in training and procedures for law enforcement officers; the goal of the program is to reduce the number of officer-involved shootings statewide. The IGP Program is supported through the California State General Fund, under the 2018 State Budget Act.

OPD values and prioritizes in-depth training, as reflected by the length of its Basic Academy that far exceeds the required hours. OPD officers often receive training in excess of POST requirements. OPD officers are provided access to specialized equipment such as rifles, 40mm launchers, and ballistic shields. This equipment can help officers to de-escalate critical incidents and resolve them without using force or with a level of force other than an officer-involved shooting. Officers may receive the minimally required training to be certified in the use of the equipment (e.g. range qualifications), but they can benefit from additional training to better optimize the use of such equipment.

ANALYSIS AND POLICY ALTERNATIVES

The IGP grant will fund the formation of a 10-hour class where students will use equipment and scenarios to practice trouble-shooting and resolving critical incidents utilizing de-escalation techniques and creative problem solving. The training will better position officers to safely and strategically utilize de-escalation techniques with the aim of decreasing the prevalence of UOF and officer-involved shootings from OPD officers.

This added UOF and De-Escalation curricula will complement and expand upon training already provided to new and existing officers. The curriculum will be evidence-based and evidence-informed, drawing on extensive experience and training of the instructors, and will be developed by OPD's Tactics Training Coordinator and members of the Department's Range and Force Options staff, Crisis Intervention Training Coordinator, and Defensive Tactics staff. Most of the grant award will fund the actual instruction, and classes will be led by OPD's numerous instructors capable of teaching this class. OPD already has access to the proper facilities to conduct the training and the grant will pay for the fees for use of that facility. Likewise, while OPD has some of the necessary equipment to conduct this training, funds from this grant will be used to purchase the remaining required equipment.

OPD is committed to providing this UOF and de-escalation training to all sworn personnel. Numerous members of OPD's Tactical Team are POST-certified instructors and subject matter experts in the required fields. Instructors will draw upon existing training for the Tactical Operations Team and Patrol Rifle Officer Program, but the curriculum for the proposed training will be crafted to be accessible and useful for patrol officers as well – regardless of whether or not they have received specific training. Incidents such as armed and barricaded suspects, armed suspects in vehicles, and armed individuals with a mental disorder occur – all sworn personnel should be trained in the use of the specialized equipment that promotes both officer and public safety; specialized equipment can help responding officers to resolve or contain these types of incidents with zero or minimal UOF. The IGP grant for curricula

development will allow OPD to train more officers to be prepared for these types of police situations.

Curriculum will be developed by OPD's Tactics Training Coordinator and members of the Department's Range and Force Options staff, Crisis Intervention Training Coordinator, and Defensive Tactics staff. Development and POST Course Certification of the proposed training is expected by September 2019. The objective of the proposed course is to train every OPD officer, sergeant and lieutenant during the grant period on UOF and de-escalation techniques and tactics. The training will occur during the 2020 calendar year with officers scheduled evenly throughout the year.

Training for all OPD officers will be provided at the Contra Costa County Sheriff's Office range located in Clayton, California. OPD utilizes this facility regularly and will have access to it for the duration of the grant performance period. It is one of the few ranges in the region large enough to accommodate the proposed training. Training will include classroom instruction, range qualifications, and reality-based scenarios. Learning objectives will include familiarity with the case law, legal statutes, and best practices regarding the UOF with a focus on the equipment covered in the training. Learning activities will allow students the opportunity to practice meeting the learning objectives and receive feedback regarding their performance. After completion of the learning activities, students will participate in evaluation activities such as reality-based scenarios that allow instructors to evaluate the decision making of the students, the results of those decisions, and whether students have achieved enough proficiency. A tracking system will be created and monitored by the project director.

FISCAL IMPACT

POST will grant \$200,000 to OPD to develop UOF and De-Escalation curriculum and implement related training, during the grant period of April 1, 2019 to March 31, 2019. The budget allocates grant funds for development of the curriculum, attendance of the required POST project management workshops, purchase of equipment required for the training, course facility costs, and instructor costs and is outlined in the table below.

Use of Funds	Amount
Sergeant OT (80 hours) for Curriculum Development	\$8,232
Required POST travel and workshops	\$586
Equipment for reality-based training scenarios for 475 students	\$19,885
Delivery of 30 Training Courses of 16 students (total of 475 students @ \$360.62/student)	\$171,297
TOTAL	\$200,000

Funds will be allocated in the in the State of California Grant Fund 2159, Training Division Org. 103430; Training Division Program PS09, in a Project to be determined. Based on the City's Central Services Overhead (CSO) rates, overhead charges associated with the grant's personnel costs will be approximately \$27,827. However, per the granting agency, indirect costs such as CSO charges are disallowed; staff therefore requests the City's General-Purpose Fund contribute \$27,827 to cover the CSO charges.

PUBLIC OUTREACH / INTEREST

No public outreach was required in the development of this report and resolution.

COORDINATION

This report and legislation have been reviewed by the Office of the City Attorney and the Budget Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities identified in this report.

Environmental: There are no environmental opportunities identified in this report.

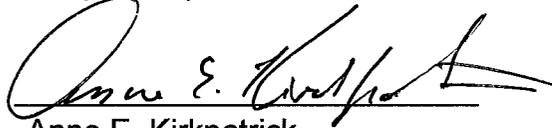
Social Equity: The activities completed under this grant will better position officers to safely and strategically utilize de-escalation techniques with the aim of decreasing the prevalence of officer-involved shootings within the City of Oakland, which will benefit Oakland residents.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate Grant Funds To The Oakland Police Department (OPD) In An Amount Not To Exceed Two Hundred Thousand Dollars (\$200,000) From The State Of California Commission On Peace Officer Standards And Training (POST) For The Innovative Grant Program During The Grant Period Of April 1, 2019 Through March 31, 2021, To Fund The Development Of Use Of Force And De-Escalation Curricula And Delivery Of Training To OPD Sworn Staff, And To Authorize The General Purpose Services Fund To Contribute Twenty Seven Thousand Eight Hundred And Twenty Seven Dollars (\$27,827) To Cover The Central Services Overhead Charges.

For questions concerning this report, please contact Lieutenant Chris Shannon at 510-238-7339.

Respectfully submitted,



Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Reviewed by:
D. Nell Wallington, Fiscal Services Manager
OPD, Fiscal Services Division

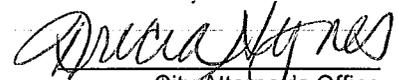
Bruce Stoffmacher, Acting Police Services Manager,
OPD, Training Division, Research and Planning

Prepared by:
Molly Giesen-Fields, Grants Coordinator
OPD, Fiscal Services Division

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 JUN 27 PM 8:47

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO ACCEPT AND APPROPRIATE GRANT FUNDS TO THE OAKLAND POLICE DEPARTMENT (OPD) IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000) FROM THE STATE OF CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST) FOR THE INNOVATIVE GRANT PROGRAM DURING THE GRANT PERIOD OF APRIL 1, 2019 THROUGH MARCH 31, 2021, TO FUND THE DEVELOPMENT OF USE OF FORCE AND DE-ESCALATION CURRICULA AND DELIVERY OF TRAINING TO OPD SWORN STAFF, AND TO AUTHORIZE THE GENERAL PURPOSE SERVICES FUND TO CONTRIBUTE TWENTY SEVEN THOUSAND EIGHT HUNDRED AND TWENTY SEVEN DOLLARS (\$27,827) TO COVER THE CENTRAL SERVICES OVERHEAD CHARGES.

WHEREAS, the Innovative Grant Program (IGP), from the State of California, Commission on Peace Officers Standards and Training (POST), is designed to foster innovations in training and procedures for law enforcement officers, with the goal of reducing the number of officer-involved shootings statewide; and

WHEREAS, POST awarded grant funds of Two Hundred Thousand Dollars (\$200,000) to the Oakland Police Department (OPD) to develop Use of Force and De-Escalation curricula and deliver training to OPD sworn staff; and

WHEREAS, the 2019 IGP grant award period of performance is April 1, 2019 through March 31, 2021; and

WHEREAS, POST does not allow IGP grant awards to be used for indirect overhead costs, therefore, OPD requests that the general-purpose services fund contribute twenty-seven thousand eight hundred and twenty-seven dollars (\$27,827), based on a 15.5 percent Central Services Overhead (CSO) rate; now, therefore be it

RESOLVED: That the City Council does hereby authorize the City Administrator or designee to accept and appropriate a grant award in the amount of two hundred thousand dollars (\$200,000) from the State of California, POST; and be it

FURTHER RESOLVED: That the general-purpose services fund will contribute twenty seven thousand eight hundred twenty seven dollars (\$27,827) to cover the CSO costs; and be it

FURTHER RESOLVED: That the grant funds shall be maintained in the State of California Grant Fund: 2159, Training Division Org.: 103430; Training Division Program: PS09, in a Project to be determined; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or designee to act as an agent to conduct all negotiations and related actions and to sign all applications and agreements that may be necessary for the completion of the aforementioned grant.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO, AND
PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California