

CITY OF OAKLAND

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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne Kirkpatrick
Chief of Police

SUBJECT: COPS Grant Fiscal Year 2018
2nd Supplemental Report

DATE: May 15, 2019

City Administrator Approval

Date:

5/16/19

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, to Accept and Appropriate The Fiscal Year (FY) 2018 State Of California "Citizens Options For Public Safety" (State COPS Grant XXI) Allocation In The Amount Of Six Hundred Fifty-One Thousand Seven Hundred Forty-Three Dollars (\$651,743) Plus Accrued Interest Earnings, To Purchase a Mobile Command Vehicle, a BearCat Armored Vehicle, And Officer Trauma Plate Packs.

REASON FOR THE SUPPLEMENTAL REPORT

The report "Citizens Options for Public Safety Grant Fiscal Year 2018 Supplemental Report" was presented to the Public Safety Committee (PSC) of the Oakland City Council on April 23, 2019. The report explained that OPD request to use State COPS XX1 grant funds be used to purchase a Mobile Command Vehicle, a BearCat Armored Vehicle, And Officer Trauma Plate Packs. The report dated April 17, 2019 explained the rationale for these purchases. The PSC voted to send the resolution (authorizing the grant acceptance and appropriation) to the City Council. The City Council on May 7, 2019 moved the item to the May 21st City Council meeting with the request for the following additional information.

1. Rules for BearCat Deployment
2. Reasons for deployment of the BearCat
3. Data on past BearCat deployment
4. Lifespan of BearCat and why a second one is needed

OPD's rules for deployment of the BearCat by units other than the Tactical Operations Team were established in August 2016 in recognition of the potential for deployment of armored vehicles to increase the likelihood of a safe resolution to various critical incidents. A safe resolution involves distance and cover, which provides personnel with time (for decision making and de-escalation). The better the cover, the more time available. OPD deploys its one bearcat for different critical incidents each month where – many incidents involving suspects with firearms or other dangerous situations are resolved without officers resulting to using their firearms – the distance and cover provided by the armored vehicle are an important factor in these safe resolutions. Without the cover provided by the armored vehicle, personnel would

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more often rely on SWAT team callouts – making different critical incidents more time-consuming and requiring more officer overtime.

Rules for BearCat deployment

A police commander (Lieutenant or above) must approve each deployment of the BearCat. The rules also specify that the BearCat shall not be deployed for incidents that do not involve actual, threatened, or suspected violence, related to loss of life or serious bodily injury, or crowd control situations unless articulable facts dictate the need to deploy the equipment. The rules are in the form of a directive approved by the Chief of Police (**Attachment A**). These rules are being incorporated into the policy under development for Dedicated Arrest Teams.

Rules for deployment of the BearCat (see **Attachment A**) by the Tactical Operations Team are not currently specified in policy. However, the Tactical Operations Team is only deployed to high risk incidents and operations (e.g. hostage situations, barricade situations, sniper situations, high-risk warrant service, and suicidal persons). Rules for deployment of the BearCat by the Tactical Operations Team can be incorporated into the next revision of the Tactical Operations Team policy.

Reasons for deployment of the BearCat

The BearCat is purposely built as a protective piece of specialized civilian law enforcement equipment and significantly increases the options available to de-escalate and safely resolve critical incidents. The BearCat far exceeds the capabilities of a patrol vehicle or an armored SUV. The BearCat's large size is similar to a commercial truck, is essential to its effectiveness, and is one of the characteristics that sets it apart from other equipment. Some of the capabilities of the BearCat that increase the safety of the public and officers include:

- Ballistic protection - The BearCat provides protection from most firearms. A patrol vehicle provides little protection except for the engine block. An armored SUV can also provide protection from most firearms, but only has the capacity to protect a few officers and not an entire team.
- Large interior and multiple doors - The BearCat's capacity to rapidly transport and deploy up to a dozen officers and their equipment to a critical incident or evacuate the public or officers from a critical incident is several times greater than that of a patrol vehicle or SUV.
- Large exterior - The BearCat is also large enough to provide cover to a team of officers in a static position while a patrol vehicle or SUV is only sufficiently large to provide cover to a few officers. A larger team of officers with a variety of tools such as less lethal equipment increases the likelihood a critical incident can be de-escalated safely.
- Not military grade - there are types of BearCat models more relevant to military use. However, BearCat G2¹ model requested by OPD is specific to police and government use.
- Size and weight - Due to its size and weight, the BearCat can be used to block in vehicles that could otherwise push through a smaller vehicle. Additionally, the BearCat's

¹ <https://www.lencoarmor.com/model/bearcat-g2-police-government/>

ballistic protection allow it to be used in situations where it would not be safe to use a patrol vehicle.

- Height - The height of the BearCat exceeds that of any patrol vehicle or SUV, which allows officers to better assess threats whether they be in a vehicle or in a building. Additionally, the BearCat has an opening to the roof which allows for an even greater field of view.
- Storage space - The BearCat allows for the secure storage and rapid deployment of specialized equipment such as ballistic shields and stop sticks. This equipment is frequently too expensive or bulky to be issued to every officer.

Data on past BearCat deployment

Since 2016, the BearCat has been deployed hundreds of times for a variety of incidents. The BearCat is frequently deployed to planned events to deter attacks or respond to attacks if they do occur. The BearCat is regularly deployed to special events with the intention of deterring or better responding to attacks such as the mass shooting that occurred in Las Vegas, NV. It is also deployed at peaceful demonstrations - not for crowd control - but to protect the public from attacks such as the one in Charlottesville, VA where a motorist deliberately drove into a peaceful rally with the result of one death and 28 injuries. The BearCat is well received at these events by attendees who express their appreciation for its presence.

Since 2016, the BearCat has been deployed dozens of times to critical incidents where the safety of the public and officers was threatened. In the first fifteen (15) weeks of 2019, the BearCat was deployed twenty-seven (27) times for incidents such as: shootings, robberies, and homicide suspects inside buildings; people asleep in vehicles with firearms; people in public with rifles; and reports of shots fired. None of the incidents in 2019 resulted in an officer involved shooting.

Lifespan of BearCat and why OPD is requesting a second BearCat

OPD currently has only one BearCat armored vehicle, which is now twelve (12) years old. As with any motor vehicle, the lifespan of the BearCat depends on how frequently it is used. As an older vehicle that is used regularly, it is out of service for maintenance and repairs more frequently. Purchasing a second BearCat will have many benefits such as:

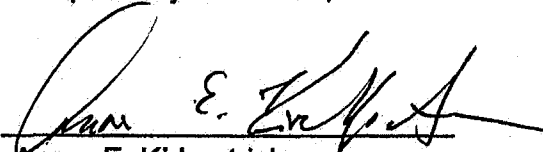
- Ability to properly respond to critical incidents. Most critical incidents require at least two pieces of reliable cover such as that provided by the BearCat. A single BearCat is insufficient to block in a vehicle; a vehicle blocked at the front can simply drive away in reverse. A single BearCat can provide protection for a team at the front door where a suspect has barricaded himself, but a second BearCat is frequently needed to provide cover at the back door to prevent the suspect's escape.
- Increases the likelihood that at least one BearCat is always available even if the other one is out of service.
- Decreases the wear and tear on only a single vehicle, which extends its longevity and usefulness. Many parts such as the armor could last for decades but are useless if the engine no longer works or requires cost-prohibitive repairs.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator, Or Designee, to Accept and Appropriate The Fiscal Year (FY) 2018 State Of California "Citizens Options For Public Safety" (State COPS Grant XXI) Allocation In The Amount Of Six Hundred Fifty-One Thousand Seven Hundred Forty-Three Dollars (\$651,743) Plus Accrued Interest Earnings, To Purchase a Mobile Command Vehicle, a BearCat Armored Vehicle, And Officer Trauma Plate Packs.

For questions regarding this report, please contact Donneshia Nell Wallington, OPD, Fiscal Services Manager at (510)238-3288 or Lieutenant Christopher Shannon, Lieutenant, Bureau of Field Operations 1 at (510) 238-7339

Respectfully submitted,



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Oakland Police Department

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Prepared by:
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Attachments (1)

A: OPD Policy for the use of the Bearcat

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OPD Policy for the use of the Bearcat and Armored Suburban

(Issued via email to commanders 8/4/16, 1/30/17, and 3/10/18)

1. The use of the equipment shall not be used in lieu of utilizing a Tactical Team Call Out when circumstances dictate a Blue Alert is required.
2. The tactical equipment shall be deployed under the direction of the watch commander.
3. The equipment shall only be operated by current members of the Entry or Sniper elements of the Tactical Team. Additionally, Patrol Rifle Officers who have been trained in the use of the armored vehicles may operate them.
4. There are several situations where the use of the Bearcat or Suburban may be utilized to provide cover for officers, facilitate movement, or initiate tactical action prior to tactical team arrival. Some examples include:
 - Active Shooter: Bearcat provides cover and movement capabilities for the Dedicated Arrest Team (DAT) and inner perimeter personnel
 - Barricaded Suspect where possible rescue is anticipated (i.e., armed suspect with hostage): Bearcat provides cover and movement capabilities for DAT and inner perimeter personnel
 - Armed Suspect in vehicle: We have had incidents with citizens asleep/unconscious with firearms inside a vehicle. Bearcat allows closer proximity to deploy less-lethal munitions (bean bag) to alert/wake up occupant. Note: in these situations, the Bearcat shall not be used by Patrol to enter the vehicle to detain/arrest the occupant.
 - Suicide attempts: Bearcat allows deployment of less-lethal munitions to subdue individuals threatening suicide who may be armed with non-firearm related weapons
 - Mobile critical incident with armed suspects: The Suburban can be utilized providing armored protection for officers making high-risk vehicle stops
5. The tactical equipment shall not be deployed for incidents that do not involve actual, threatened, or suspected violence, related to loss of life or serious bodily injury, or crowd control situations unless articulable facts dictate the need to deploy the equipment. Examples for crowd control situations include active shooter or medical rescue situations with hostile crowds.
6. The watch commander shall ensure the SOS commander (Lt. Shannon or A/Lt. Beaver) is notified as soon as practical regarding the use of the equipment or pending Blue Alert. The watch commander shall also indicate the use of tactical equipment in Major Incident Notifications. The use of the equipment shall be memorialized in the appropriate police report.