



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: LeRonne L. Armstrong
Chief of Police

SUBJECT: Acquisition and Use Of Military and
Militaristic Equipment Ordinance
Supplemental Report

DATE: June 10, 2021

City Administrator
Approval

Date Jun 10, 2021

RECOMMENDATION

Staff Recommends That The City Council Receive This Supplemental Report From The Oakland Police Department (OPD) Regarding An Ordinance Adding Chapter 9.65 To The Oakland Municipal Code Establishing Rules For The Oakland Police Department's Acquisition And Use Of Military And Militaristic Equipment.

REASON FOR THE SUPPLEMENTAL REPORT

The Public Safety Committee of the Oakland City Council voted unanimously to adopt an ordinance adding Chapter 9.65 to Oakland's Municipal Code (OMC). OMC 9.65 would regulate OPD's acquisition and ongoing use of "specified military and militaristic equipment" by requiring the submission of: policies, impact reports, and annual reports. These three documents would need to be produced for each type of equipment defined by the ordinance and presented to the Oakland Police Commission for review; the Commission would then make recommendations to the City Council regarding the acquisition and use of the equipment.

This report is provided to the City Council to provide a fiscal impact analysis of these proposed rules and requirements. The following fiscal impact analysis is provided so that the City Council can consider the additional administrative burden to OPD to fully comply with these additional responsibilities.

Fiscal Impact

The newly proposed ordinance creating Chapter 9.65 would create a new regulatory environment similar to the Oakland Surveillance Technology Ordinance. The Surveillance Technology Ordinance created OMC 9.64: "Regulations on City's Acquisition and Use of Surveillance Technology." OPD currently develops use policies, impact reports, and annual reports for different types of surveillance technology subject to OMC 9.64. These work products require significant staff time to develop, refine, and present to the Oakland Privacy Advisory Commission. Numerous professional and sworn staff of different classifications and rank need

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to be involved. OPD has very limited staff to currently address the numerous privacy regulations required by current OMC 9.64.

The new "Acquisition and Use of Military and Militaristic Equipment Ordinance" (OMC 9.65) may require the coordination of disparate inventory systems that were not created to work together in a manner that leads to efficient tracking per OMC 9.65 reporting requirements. There will be an increase in the manual workload to implement the necessary requirements. Staff believes that the addition of OMC 9.65 will likely lead to a similar if not greater level of administrative burden than currently required by the Surveillance Technology Ordinance (OMC 9.64). OPD does not currently have the necessary budget allocation to sustain the new work requirements OMC 9.65 would require. Below is the projected additional staffing needed to comply with this new request. OPD believes that without this additional staffing, OPD will not be able to successfully comply with this new regulatory framework.

Table 1: Proposed OPD Positions and Costs to Comply with OMC 9.65

Position	Fully Loaded Position Cost: FY* 2021-22	Fully Loaded Position Cost: FY 2022-23	Number of Positions	Total Cost of Positions Over FY 2021-22 and FY 2022-23
Administrative Assistant II	\$165,558	\$171,458	4	\$1,348,064

* FY = fiscal year

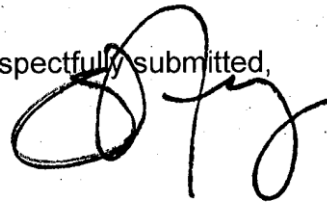
OPD projects that the administrative burden to fully comply with OMC 9.65 extends beyond the capacity of the proposed four administrative analyst II positions. OPD currently dedicates part of the capacity of several professional and sworn staff (e.g., management assistants and managers, officers, lieutenants, captains, and deputy chiefs) towards Surveillance Technology Ordinance (OMC 9.64) requirements. The fully compliance cost of OMC 9.65 compliance, in terms of total staff time, is therefore even greater than the personnel cost quantified in the table above.

ACTION REQUESTED OF THE FINANCE AND MANAGEMENT COMMITTEE

Staff Recommends That The City Council Receive This Supplemental Report From The Oakland Police Department (OPD) Regarding An Ordinance Adding Chapter 9.65 To The Oakland Municipal Code Establishing Rules For The Oakland Police Department's Acquisition And Use Of Military And Militaristic Equipment.

For questions regarding this report, please contact Kiona Suttle, Director, Bureau of Services at ksuttle@oaklandca.gov.

Respectfully submitted,



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