



OAKLAND POLICE COMMISSION SPECIAL MEETING AGENDA

**January 7, 2021
5:30 PM**

Pursuant to the Governor's Executive Order N-29-20, members of the Police Commission, as well as the Commission's Counsel and Community Police Review Agency staff, will participate via phone/video conference, and no physical teleconference locations are required.



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PUBLIC PARTICIPATION

The Oakland Police Commission encourages public participation in the online board meetings. The public may observe and/or participate in this meeting in several ways.

OBSERVE:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10
- To observe the meeting by video conference, please click on this link: <https://us02web.zoom.us/j/87847358743> at the noticed meeting time. Instructions on how to join a meeting by video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193>, which is a webpage entitled “Joining a Meeting”
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):

+1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799
Webinar ID: 878 4735 8743

After calling any of these phone numbers, if you are asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting By Phone.”

PROVIDE PUBLIC COMMENT: There are three ways to make public comment within the time allotted for public comment on an eligible Agenda item.

- Comment in advance. To send your comment directly to the Commission and staff BEFORE the meeting starts, please send your comment, along with your full name and agenda item number you are commenting on, to clove@oaklandca.gov. Please note that e-Comment **submissions close at 4:30 pm**. All submitted public comment will be provided to the Commissioners prior to the meeting.
- By Video Conference. To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” are available at: <https://support.zoom.us/hc/en-us/articles/205566129>, which is a webpage entitled “Raise Hand In Webinar.”
- By Phone. To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing STAR-NINE (“*9”) to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. Once it is your turn, you will be unmuted and allowed to make your comment. After the allotted time, you will be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting by Phone.”

If you have any questions about these protocols, please e-mail clove@oaklandca.gov.



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I. **Call to Order**
Chair Regina Jackson

II. **Roll Call and Determination of Quorum**
Chair Regina Jackson

III. **Public Comment on Closed Session Items**

THE OAKLAND POLICE COMMISSION WILL ADJOURN TO CLOSED SESSION AND WILL REPORT ON ANY FINAL DECISIONS DURING THE POLICE COMMISSION'S OPEN SESSION MEETING AGENDA.

IV. **Closed Session**

PUBLIC EMPLOYEE APPOINTMENT
Title: Chief of Police

V. **Report out of Closed Session and Action on Closed Session Item**
The Commission will report on any actions taken during Closed Session, as required by law. The Commission may also take a public vote on closed session items.

- a. Discussion
- b. Public Comment
- c. Action, if any

VI. **Welcome, Purpose, and Open Forum** (1 minute per speaker)
Chair Regina Jackson will welcome public speakers. The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's (OPD) policies, practices, and customs to meet or exceed national standards of constitutional policing, and to oversee the Community Police Review Agency (CPRA) which investigates police misconduct and recommends discipline.

VII. **Recognition of Thomas Lloyd Smith**
The Commission will recognize Thomas Lloyd Smith for his service on the Commission as he completes his term. ***This is a new item.***

- a. Discussion
- b. Public Comment
- c. Action, if any

VIII. Armed and Unresponsive Persons Policy Draft

The Commission will discuss the draft policy that the Armed and Unresponsive Persons and Arrest Teams Ad Hoc Committee developed and may vote to approve the draft. ***This is a new item. (Attachment 8).***

- a. Discussion
- b. Public Comment
- c. Action, if any

IX. Dedicated Arrest Teams (DAT) Policy Draft

The Commission will discuss the draft policy that the Armed and Unresponsive Persons and Arrest Teams Hoc Committee developed and may vote to approve the draft. ***This is a new item. (Attachment 9).***

- a. Discussion
- b. Public Comment
- c. Action, if any

X. Reimagining Public Safety Task Force Update

The Commission will discuss the letter that was sent to the Task Force and may share other updates. ***This item was discussed on 12.10.20. (Attachment 10).***

- a. Discussion
- b. Public Comment
- c. Action, if any

XI. Commission Retreat

The Commission will discuss details of the upcoming retreat on January 30, 2021 ***This item was discussed on 3.12.20, 5.14.20, 9.10.20, 10.24.20, 10.8.20, and 12.10.20.***

- a. Discussion
- b. Public Comment
- c. Action, if any

XII. Adjournment

TRAINING



BULLETIN

Effective Date:
XX XX 21

Index Number: III-P.01
Alpha Index: High Risk Incidents
Barricaded Person Incidents
Critical Incidents

Evaluation Coordinator: Training Division
Automatic Revision Cycle: 3 Years

“Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy.”

ARMED UNRESPONSIVE PERSONS

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REVISION RECORD

The page numbering format has been revised to facilitate updating and tracking revisions to publications contained in this policy.

When a minor revision is made to a publication, the 'Revision Number' will be indicated on the Special Order and shall be accompanied by the updated page(s). The 'Revision Date' and 'Reference Page Number(s)' shall be recorded in the appropriate box on the same line as the indicated 'Revision Number'.

When it is necessary to make a major policy or content revision, the publication shall be rewritten in its entirety. The 'Revision Number' and 'Revision Date' shall be indicated on the new Order. The 'Revision Date' shall be recorded in the appropriate box on the same line as the indicated 'Revision Number'. The term 'NEW' shall be recorded in the 'Reference Page Number(s)' box to indicate the promulgation of a new Order.

| Revision Number | Revision Date | Reference Page Number(s) | Revision Number | Revision Date | Reference Page Number(s) |
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ARMED UNRESPONSIVE PERSONS

Mission, Intent, and Policy Overview

Mission and Intent

The protection of human life is the overarching mission of the Oakland Police Department and must be the primary consideration when responding to incidents of armed, unresponsive persons.

This policy provides guidance and direction to personnel on situations involving persons who are armed with weapons but are unresponsive. The highest priority is the safety of the unresponsive person, the officers, and the public. Continuous assessment and planning by personnel will often lead to the best possible outcome given the circumstances. Further, it is the intent of the Department that the principles of de-escalation, as encapsulated in DGO K-03, *Use of Force*, be utilized to ensure safe resolution of these incidents.

The primary goals of all personnel responding to armed unresponsive persons include:

- Keeping the public safe
- Keeping the unresponsive person safe
- Keeping oneself and other officers safe
- Using appropriate de-escalation tactics and techniques
- Assessing and re-assessing the situation constantly
- Communicating important information with other officers, supervisors, commanders, and communications personnel.

While the vast majority of this policy is intended to refer to incidents involving persons armed with firearms, the concepts within this bulletin can be applied to situations where an unresponsive person is armed with a weapon other than a firearm. **In situations where the weapon involved is not a firearm, the principles and goals typically stay the same but the level and intensity of response may be reduced, sometimes dramatically.** Specific considerations surrounding police response to unresponsive persons armed with weapons other than firearms are placed throughout the document to guide personnel in their responses to these situations.

Overview

Officers may encounter unresponsive persons in possession of firearms or other weapons both as dispatched calls for service and as on-viewed incidents.¹ While one of the most common ways officers encounter armed unresponsive persons is when the person is in a vehicle, the unresponsive

¹ “Officers” includes all sworn members of all ranks and is used for brevity. Individuals can be unresponsive for a variety of reasons as covered later in this policy. The term “unresponsive” is used throughout this policy for brevity.



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person may also be in some other area that presents a risk to the safety of the public, officers, and the person.

The unique challenge of these situations is that as the person becomes responsive, they might be disoriented, startled, erratic, or unable or unwilling to cooperate with initial attempts at de-escalation.

During assessment and planning, officers should consider if the situation involves people who are members of vulnerable populations. Vulnerable populations include children, elderly persons, pregnant women, people with physical, mental, and developmental disabilities, and people who have difficulty communicating including because of limited English proficiency or hearing and communication impairment. Challenges faced by those who are members of vulnerable populations may impact communication, their ability to comply, their understanding of the situation, and may cause the person to experience additional harm.

The response shall be organized to increase the time available for officers to assess the situation and bring additional resources as part of an appropriate response which safely resolves the situation and to increase the time available for the person to become compliant with orders.

These situations also require consideration of additional factors. One is that the person may become conscious at any point, even if officers are not yet attempting to rouse them. Another is that officers must assess if the person is suffering from an injury or other medical condition requiring an immediate response. Ideally, a thorough and detailed plan with contingencies on how to respond will allow officers to dictate the outcome of the incident.

The successful resolution of these situations relies heavily on de-escalation, including the following principles:

- **Time:** Slowing down the response to a situation gives additional opportunity to make plans; assess risks to officers, other residents, and the person; identify and bring additional resources; and communicate with the person.
- **Distance:** Increasing distance from a threat can diminish the risk and provide additional reaction time.
- **Physical cover:** Increasing the safety of officers by using a barrier or obstruction that protects them from a potential threat allows them to choose de-escalation tactics to achieve a successful resolution of the situation.
- **Position:** Officers should position themselves such that they can decrease the threat while maximizing their ability to complete their mission. This may include actions such as ensuring they are not in the direct line of fire of the potential threat, or that there are clear lines of sight to maximize their ability to assess the unresponsive person.

Assessment and Reassessment

Principles of Assessment

As with any critical incident, it is imperative that officers continually assess the situation to determine if their understanding of the circumstances is still accurate and if their chosen course of action is still likely to succeed. This concept is frequently referred to as the OODA loop (Observe–Orient–Decide–Act). Part of the assessment includes considering what “success” is – depending on the circumstances, success may be mitigation of public safety threats, containment, isolation, resolution, or disengagement.



Reassessment should be continual throughout any situation as you seek and receive additional information. There is no substitute for your own judgment as the situation unfolds.

For incidents involving armed unresponsive persons, assessments generally fall into the following categories:

- **Safety Risks to the Public, Officers, and the Unresponsive Person(s)**

Officers must weigh the safety risks to the public, the officers, and the unresponsive person when deciding whether to take immediate action. Officers must weigh the safety risks of taking action against the safety risks of not taking action. For example, if there is a serious danger to the public, officers may decide that despite the risks, they need to act immediately. Assessments of risk to the public, officers, or unresponsive person(s) include, but are not limited to:

- Obtaining details about the weapon, including its capabilities and limitations and its location.
- Assessing the threat posed by the armed person, and proportional force options to respond to immediate contingencies if necessary. Depending on the ability of officers to mitigate the immediate threat posed by an armed person to officers and the public, officers may not need to necessarily use force pre-emptively even if the person moves or awakens and does not immediately disarm themselves.
- Determining whether the unresponsive person is suffering from a medical condition.
- Determining if there are other life-threatening conditions which officers need to mitigate or otherwise respond to.
- Obtaining details about any vehicle and its condition.
- Obtaining details about the area (terrain, residences, businesses, etc.).
- Determining whether the unresponsive person can be isolated and/or contained.
- Determining the availability of physical cover or concealment that provides optimal positioning while mitigating safety risks for officers and others
- Determining what threat the person might present if they wake up.
- Determining whether bystanders can be safely evacuated from the area

Remember to reassess the situation continually, including the realistic possibilities of risk to the officers and public and whether the response is proportional. Both the situation and the available information can change. You might need revise the planned course of action based on these changes.

- **Assessments of the Unresponsive Person(s)**

Assessments of the unresponsive person(s) include attempting to gather as much information about the person, their capabilities, the weapon(s) they are armed with, and other information about that person, their situation, and their motivations that can inform the judgments of officers. These assessments include, but are not limited to:

- Maintaining or establishing contact with the original reporting person (RP) and other persons who may have additional information
 - Have an officer make direct contact with the RP or other persons with information to reduce confusion and lag time
 - Contact the RP even if they were refused or requested no contact



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- Determine if RP is in a place where they can safely remain and talk
- Ask if the RP or anyone else knows the person's name, date of birth, address, phone number or other information about the person which can be helpful to resolving the situation
- Ask if the RP or anyone else has insight about why the person may be unresponsive, including information about their medical history and any history of drug use
- Obtain details about the weapon, ammunition, and its location
- Obtain details about any vehicle and its condition
- Obtain details about the area (terrain, residences, businesses, etc.)
- Identify other people to contact who may have additional information and may help with the resolution of the situation
- Determining why the person is unresponsive. Note any evidence such as injuries, alcohol bottles/cans, medications, and/or paraphernalia that would support one possibility more than another. Possibilities include, but are not limited to, the person being:
 - Asleep
 - Injured
 - Under the influence (alcohol/drugs/medicine)
 - Physically or mentally disabled
 - Experiencing a mental health disorder (5150 Welfare & Institutions Code)
 - Feigning unresponsiveness
- Determining whether reasonable suspicion exists to detain the person and/or vehicle for a crime other than being in possession of a firearm in public. If so, determining whether the crime is one of violence and/or likely to continue.
- If a crime has been committed, officers may determine the impact on an investigation if the person wakes up and leaves before officers are on scene, or whether anyone might be endangered if the person is allowed to escape.
- Checking the person's criminal and medical records

Remember to reassess the situation continually, including the realistic possibilities of risk to the officers and public and whether the response is proportional. Both the situation and the available information can change. Officers may need to revise the planned course of action based on these changes.

- **Availability of Resources, Tactics, or Strategies to Resolve the Incident**

The function of resources, tactics, and strategies is to continually ensure that officers are in the best position to accomplish the mission: the preservation of life and the safe resolution of the incident. Every person on scene, from the Incident Commander down to the lowest ranking person, must continually assess the situation, including resources, tactics, and strategies, with a constant eye towards improving the position of the individual and the team. These assessments include, but are not limited to:



- Observation of the scene if possible (visually or through other means such as helicopter, Unmanned Aerial Vehicle (UAV), closed-circuit surveillance, etc.)
 - Confirm as many details provided by the RP, or anyone else, as possible
 - Verify the weapon(s) present, their exact location, the direction in which they are pointed, and how accessible they are to the unresponsive person or other persons in the area
 - Assess whether the weapon can be removed
 - Observe the scene from a position of physical cover and/or concealment.
 - Observe the scene from a distance that is unlikely to alert the person to their presence.
 - Observe the scene utilizing technology such as a building's security cameras.
 - Utilize sight-enhancement devices, such as binoculars or telescopes.
- Determining whether specialized resources (such as the Mobile Crisis Team, CIT-trained officers, MET or Crisis Response Teams, Patrol Rifle, officers who speak specific languages, or Tactical Team members) are needed
- Determining whether specialized equipment (such as armored vehicles, remote observation devices, helicopters, outside agency resources, etc.) is needed

Note: In most cases, even cases involving a gun, such equipment should be used to protect officers, not serve as platform for shooting the unresponsive person
- Whether sufficient resources are available to form a DAT or other response team
- Imagining possible contingencies which may occur, and how to mitigate them
- Balancing resources being utilized against other public safety priorities (e.g., incidents in other areas of the City where life is at risk)

Remember to reassess the situation continually, including the realistic possibilities of risk to the officers and public and whether the response is proportional. Both the situation and the available information can change. You might need to revise the planned course of action based on these changes.

Response to Unresponsive Persons with Access to Weapons other than Firearms

The principles of the assessments and tactics used to accomplish the mission stay constant regardless of the type of weapon that is near an unresponsive person. However, the response to that person may differ substantially – mainly due to the greatly diminished risk posed by weapons other than firearms, especially at distance, and the increased ability of officers to mitigate the risks posed by non-firearm weapons.

Mitigating Risks Posed by Non-Firearm Weapons

A situation involving a person with a weapon that is not a firearm typically presents more opportunities to use de-escalation tactics that will keep officers, the public, and the person safe. Additionally, officers may be able to limit the opportunities of the person to utilize a non-firearm weapon, in ways that are not feasible in the face of firearms.



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Limiting the opportunities of a person with a non-firearm weapon will lean heavily on tactical concepts present throughout this training bulletin. However, in addition officers will likely have increased ability to use physical cover, distance, tactical repositioning, and other de-escalation resources and tactics that may not be present when a firearm is involved. For instance, if a person becomes responsive and non-compliant while armed with a non-firearm weapon (such as a knife or machete), officers may still be able to limit that person's opportunity to present an increased threat to the officers by increasing distance, re-positioning themselves, placing obstacles between themselves and the person, containing the person separate from the officers and others, and otherwise altering the physical equation – options that may not be feasible with a person armed with a firearm.

Effectively Assessing Risk Posed by Non-Firearm Weapons

Assessment and clear-eyed understanding of the realities of risk dictate the tactics and response of officers. This is even more important when assessing the risks, or lack thereof, posed by non-firearm weapons that are near or accessible to unresponsive persons. For situations involving persons armed with non-firearm weapons, the maintenance of complete control of the person by officers is not always necessary. Instead, officers may be able to use tactics such as positioning, time, distance, physical cover, and communication to ensure that a situation does not escalate further. For instance, an unresponsive person armed with a knife may awaken and initially be non-cooperative or may even advance towards officers. Good tactics such as physical cover and distance may provide the ability to limit the person's ability to create risk to the officers or the public.

Resolution of Non-Firearm Weapon Incidents

As noted later in this bulletin, disengagement – deciding that, based on an analysis of risks versus benefits it is better for officers to leave the situation and disengage – is a resolution option that can be considered. However, for incidents involving a person who has access to a non-firearm weapon, the examination should be expanded; there are many more legitimate reasons for a person to be carrying a non-firearm weapon or impromptu weapon (e.g. machete, utility knife) within the city than to be carrying a firearm. In cases such as these, officers should consider assessments of whether a resolution is even necessary. These assessments should include, but are not limited to, the following questions:

- Is there probable cause to arrest the person for a violent crime, a crime which poses a safety risk to the public, or a crime that is an OPD priority?
- Is there reasonable suspicion to detain for a crime?
- Is there a reasonable need to detain in order to determine if the person poses an immediate safety risk to themselves or the public?
- Is there an original reporting party (RP)? Can they provide any information which will help officers determine whether there is a need to resolve this situation?

Depending on the specifics of a situation, officers may decide that there is no immediate safety risk or need to continue, and may decide to disengage from a person who is in possession of a non-firearm weapon. This decision may be made even if the person wakes up and does not cooperate with officers. For unresponsive persons who have access to non-firearm weapons, the patrol sergeant shall be advised and should be consulted prior to making a decision on disengagement, absent exigent circumstances.



Officers are not required to resolve every concern made by a reporting party, especially when there is no articulable crime or immediate safety risk to the public.

Initial Response

Field Personnel Initial Response

Incidents involving an unresponsive person armed with a weapon might begin with a person calling OPD Communications, a person communicating information to officers in the field, or officers on-viewing the incident. Regardless of how the incident begins, officers shall assess risks to public, officer, or engaged person safety and whether those risks necessitate an immediate overt response. Officers shall weigh these risks and immediate responses against the Department's overall intent for these incidents: that these situations be handled with preservation of life as the highest priority of all personnel, and that the assessment and planning by personnel lead to the best possible outcome given the circumstances.

Immediate Overt Responses During Initial Responses

Some circumstances might require an immediate response to the scene by officers (e.g. an unresponsive person with a firearm on a bench in a park with children; an unresponsive person with a firearm in a vehicle at a busy intersection.) If the threat posed by the unresponsive armed person necessitates an immediate overt response, officers should respond as dictated by other policies and training. For example, if the person is in a vehicle, then techniques for a high-risk vehicle stop should be utilized. If the person is on the ground or on a bench, then techniques for a high-risk walking stop might be more appropriate. As these techniques are constantly being refined and evolving, readers should refer to the applicable policies for those techniques (e.g., Training Bulletin III-B.2 - High Risk Vehicle Stops or Procedure 302, *Handcuffing and Restraints*).

Even if an immediate overt response is required, officer need not necessarily follow the procedures for that response all the way to their conclusion – there may be opportunity to de-escalate, create time and distance, and re-align the response towards a more deliberate response. For example, when safe to do so, officers can respond Code 3 without sirens and avoid shining headlights or other lights directly at the person. Officers can position their vehicles for a high-risk vehicle stop and form a DAT to address an exigency. However, they might then refrain from starting announcements if the person is still unresponsive until a plan for resolution is formed (See Resolutions section below).

Continued Initial Response by Field Personnel

Once initial assessments of immediate hazards to safety and mitigations (if necessary) are complete, officers shall be positioned as soon as possible where they are able to assess the scene and continue assessing and re-assessing safety risks and the engaged person. In the absence of a supervisor (e.g. an on-viewed incident or delayed supervisor response), the senior officer, or any officer who has gained sufficient situational awareness, shall establish themselves as the incident commander.

Officers responding to an incident of this nature will normally be directed to fill a role by the incident commander. However, this will not always be feasible, especially in the initial stages of the incident when information is limited and the situation is rapidly evolving. Officers might be required to take initiative to fill vacant roles and place themselves in tactically advantageous



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positions at the scene. This is not to be confused with taking self-initiated actions not in support of or in opposition to the incident commander's intent.

Officers shall consider whether it is safe and feasible to deploy officers where they are able to assess the scene without alerting the person to the officers' presence. During this continued response by initial field personnel, officers should maintain the same tactical and de-escalation concepts which will be applicable to later, more formalized structures such as the DAT. These include:

- Time
- Distance
- Physical Cover
- Position
- Avoiding actions which may cause a startle reaction prior to a planned resolution.

If this can be accomplished, other officers can assemble at a command post (CP) nearby to form a DAT, gather necessary resources, and plan for exigencies and resolution of the incident prior to contacting the person. If officers cannot observe the scene, it still might be feasible to assess the scene through other means as detailed in the section above.

Officers responding Code 3 shall deactivate their sirens and adjust their emergency driving when near the scene to reduce the possibility that the person will become responsive before officers are prepared to respond to the person.

Techniques for officers to assess the scene covertly depend on the specific circumstances of the incident. When feasible, officers shall be deployed in pairs to ensure that one can be the observer and the other the armed cover officer.

The location of the initial CP should be in a position close enough to the scene to ensure that officers can respond immediately and rapidly to an exigency. Additionally, it should meet as many of the following criteria as feasible:

- Out of the line of sight of and with physical cover from the armed person.
- Not in the likely path of flight should the person flee.
- In a secure area, between the inner and outer perimeter once they are established.
- In a location with space for expansion and establishment of a staging area as additional resources arrive.
- Positioned such that the IC can effectively manage and communicate with the resources and personnel on scene
- Out of the sight of the public and media.

Initial Response of Supervisory and Command Personnel

The Patrol sergeant for the involved area shall be dispatched to reports of unresponsive persons with firearms. If this sergeant is unavailable, another field sergeant shall be assigned to the incident. For dispatched incidents involving unresponsive persons with non-firearm weapons (e.g., knives), the Patrol sergeant for the involved area shall be advised and evaluate if a supervisor should respond. For on-viewed incidents, officers shall advise their supervisor or another on-duty supervisor as soon as feasible.



Supervision begins immediately with assessment of the available information and initial directions to officers as to how and where to respond, even if the supervisor is not yet on scene. However, supervisors and commanders not yet on the scene should encourage a senior or situationally-aware officer at the scene to provide this information to responding officers.

Communications shall notify the watch commander of reports of unresponsive persons with firearms and, as soon as practical, the watch commander shall respond to the incident and assume the role of incident commander after being briefed by the current incident commander (e.g., Patrol sergeant).

Ongoing Planning, Contingencies, and Continued Assessments

Evolving responses to armed unresponsive persons require adherence to the same concepts as those followed during the initial response: assessment, unified command structure, and mission-driven actions. As additional resources become available, however, additional resources and tactical avenues open up which allow for a more fulsome response. These include:

Overwatch

An officer on overwatch provides primary armed cover from a distance that reduces the risk from the threat. A Patrol Rifle Officer (PRO) or Tactical Operations Team officer with a rifle is preferred as they can operate from a greater distance. An officer might be assigned as overwatch to provide primary armed cover while a Dedicated Arrest Team (DAT) is formed or prior to the DAT's deployment to the scene. Once a DAT is on scene, an overwatch officer might still be assigned as primary or secondary armed cover depending on the circumstances. The overwatch officer can provide triangulation and observations from a viewpoint different than the DAT.

Dedicated Arrest Teams²

The team leader of the DAT is responsible for formulating plans to respond to exigencies, as well as plans to resolve the incident, and presenting the plans to the IC (and TC if one is assigned) for approval in a timely manner. This includes plans for accepting the person's surrender, preventing the person's escape (on foot or by vehicle), and dealing with exigencies such as an immediate threat.

A DAT typically is established close to where the team can accomplish its mission: responding to the actions of the unresponsive person. Minimally, this requires that the DAT be in a place where it can assist with isolation and containment of the unresponsive person, and can safely execute the team leader's plans to 1) accept surrender; 2) prevent escape; and 3) react to exigencies which may arise.

While the DAT is typically established close to the scene, there may be reasons to initially form the DAT at the command post (CP), remote from the scene and away from the ultimate position that the DAT is expected to occupy. Reasons for forming a DAT may include scenes where there is limited mobility, where the need for explicit face-to-face instruction from the incident commander is desired, or where the risks of setting the DAT closer before execution of a plan outweigh the benefits. If the DAT is initially set at the CP, the following shall be considered prior to moving the DAT to the scene and communicating decisions to the appropriate personnel:

² Dedicated Arrest Teams are defined in other Departmental policies. This section emphasizes policies specific to these incidents as well as modifications to the policy exclusive to dealing with armed unresponsive subjects.



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- Order of movement / Stacking order of vehicles
- Proper placement of DAT and overwatch to ensure isolation, containment, and the ability to respond to exigencies
- Actions to disable and/or contain a vehicle if applicable
- Whether perimeter officers will move into position prior to, in conjunction with, or after the DAT moves to the scene.

For incidents involving unresponsive persons in possession of firearms, officers must plan for the possibility that the persons becomes responsive while still having access to the firearm. Tactics shall be considered that increase the time available for the person to become compliant with orders and increase the time available for officers to assess the threat presented by the person. However, the team leader shall consider the effect of such tactics on the ability of officers to preserve life and, if applicable, apprehend the person, preserve the scene, and conduct an investigation.

Potential tactics include, but are not limited to:

- **Distance:** The DAT should be positioned as far away from the unresponsive person as feasible while taking into consideration factors such as the ability to communicate with the person, the capabilities of primary and secondary armed cover officers, the effective distance of the weapons of armed cover officers (handgun, shotgun, or rifle), the weapon(s) of the threat, other risks posed by the potential threat, the terrain, and the environment. However, the DAT should not be so far away that they are unable to respond to an exigency such as an immediate threat to a hostage.
- **Physical cover:** Officers providing primary armed cover shall consider positions to minimize their exposure. Officers providing lethal coverage are effective due to their stable position and readiness; these advantages are lost if officers are kept completely behind physical cover and then required to move into a position where they are exposed while acquiring a target and evaluating if there is an immediate threat. However, situations might arise where the expertise and capabilities of the person necessitate remaining completely behind physical cover (e.g. a person similar to a sniper).
- **Designated primary and secondary armed cover officers:** An appropriate number of officers shall be assigned as primary and secondary armed cover to ensure adequate coverage of the unresponsive person and observation of their actions. Typically, two officers will be the appropriate number of officers as they will be able to triangulate on a single person or area and provide sufficient coverage. More officers might be required depending on the circumstances (e.g. multiple suspects, large area, multiple doors). Staffing fewer officers as lethal armed cover while maintaining adequate coverage reduces the number of officers exposed to risk, reduces the likelihood of miscommunication or confusion, and increases the ability of the team leader to maintain supervisory control. In the event of an officer-involved shooting, the reasonable management of lethal armed cover will help lessen both the number of officers who discharge their firearms and the number of rounds fired. Consequently, danger to the community is also reduced by minimizing the number of rounds fired.
- **Position:** The position of the person, the firearm, a vehicle, or terrain in relation to the public and the DAT might increase risks. When feasible, officers shall be positioned so that they are not in the direct line of fire of the potential threat. This might give officers additional time to evaluate a potential threat and decide on an appropriate response.



- Avoiding actions that will cause a startle reaction prior to a planned resolution: There are no scientifically proven methods for waking up people without startling them. However, there are actions such as breaking a window that appear to startle most people whether they are awake or asleep. Such actions should be avoided unless there is an exigency or until a plan has been prepared which takes into consideration the startle reaction.
- Issuing announcements remotely or from full physical cover: Upon awakening, the person may focus their attention on or threaten the area from which announcements are made. If announcements can be made from a location different from that of any officers exposed to the threat, it may allow additional time for de-escalation. This can be accomplished through use of a portable public address system or by having the person giving announcements completely inside or behind one armored vehicle while the primary and armed cover officers are positioned behind a different armored vehicle or other physical cover.

Vehicle-Specific Considerations

Incidents where an armed unresponsive person is in a vehicle present additional difficulty. The vehicle will obstruct the view of officers and impede their ability to reach the person and the weapon. The vehicle might be used as a weapon or the person might use it to flee, furthering endangering the public and officers. Blocking in and/or disabling the vehicle reduces the threat presented by the vehicle and is the preferred method for isolation and containment of the person.³ However, the timing of the blocking in and/or disabling of the vehicle will depend on the circumstances of the incident and the availability of appropriate resources and personnel. Blocking in and/or disabling a vehicle frequently involves the direct contact of an officer's vehicle with the unresponsive person's vehicle. Since this might awaken the person, officers shall have a plan for this contingency prior to blocking in and/or disabling a vehicle.

Officers addressing these incidents continue to be bound by the rules for the use of lethal force against persons in moving vehicles or using vehicles as weapons (reference DGO K-03, section H-5).

Continuing Assessment Considerations

Ongoing assessments fall into the same basic categories as initial assessments; assessing the **risk to the public, officers, and the engaged person**, assessing the **person themselves** and how their disposition fits into the totality of the circumstances, and assessing the **availability of resources, tactics, and strategies** available to safely resolve the incident. However, as plans crystalize and personnel fill roles and plan strategies, assessments from personnel will typically become more focused on finding a viable solution to resolve the situation. Personnel must remember, however, that circumstances may change and fluidity of thinking is key to assessing and overcoming foreseeable contingencies.

Resolutions

Planned Resolutions

Once officers have secured and deployed all the necessary resources to isolate, contain, and evacuate the scene, plans should be made for resolution of the incident. It will not always be

³ Techniques for blocking in and disabling vehicles are consistently evolving and readers should refer to the most current Departmental policy and training. Officers are reminded that the controlled intentional contact of vehicles while blocking in a vehicle is neither a vehicle collision nor an assault.



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possible to simply wait for the person to become responsive. The person might be suffering from an unknown condition that will prevent this. Additionally, the alertness and effectiveness of officers decreases with time due to fatigue which increases the risk to the public and officers. Arrangements should be made to relieve officers during extended incidents. Resources cannot be deployed indefinitely, but incidents should not be resolved solely as a matter of expedience.

Every incident is unique, and planned resolutions must take into consideration the specific facts known to officers. Methods to fulfill one objective may affect the ability of officers to complete another objective either positively or negatively. The sequence of events will depend on the circumstances, but planned resolutions shall take into consideration the following objectives:

- **Announcing the presence of police officers**

Announcements shall be considered when formulating plans to resolve an incident. It is important for officers to establish their presence and their expectations of the person. Officers should give commands that are as easy to understand as possible. An example is:

“This is the Oakland Police Department to the person [if possible, add more specificity to clearly identify the person being addressed] in the blue Honda Civic. You are surrounded and being detained. With nothing in your hands, slowly put your hands above your head. Residents remain in your homes and away from the windows.”

Announcements and communications to the person should ideally be conducted by one designated officer for continuity and to reduce the chance for contradictory or overlapping commands.

Officers should recognize that that a person may be disoriented or confused, and it might be necessary to repeat commands or rephrase them. Officers should attempt to determine if the person understands the commands and ask questions as necessary (e.g., Did you understand? Do you need me to repeat what I said?) Consideration should be given to having an officer available who speaks the possible native language of the person. Officers should ensure that they can be heard and consider using a public address (PA) system if necessary.

- **Awakening the person while minimizing the risk to the public, officers, and the unresponsive person**

Prior to attempting to awaken the person, officers should minimize risks by ensuring officers are behind physical cover and members of the public have been evacuated from the area to the extent feasible with available resources.

Announcements via a PA system, possibly combined with the use of horns and sirens, should be considered as the first method to awaken the person as it fulfills this objective as well as the objective of announcing the presence of police officers.

If the person is in a vehicle or building, the use of drag stabilized rounds against the vehicle or building has been effective in awakening persons. Announcements shall be made prior to and immediately after deployment of the rounds. Initially, the rounds should be fired against a solid object (e.g. license plate, tire, brick, concrete). If this is ineffective, then breakable objects can be considered (e.g. windows). This requires additional planning to be done safely as the unresponsive person might be near the object (e.g. window).



Additionally, it may cause more of a startle reaction. However, it may also facilitate access to the person or weapons near or in possession of the person.

- **Safely detaining the person**

Plans shall include the method by which the person will be detained. Generally, this will be similar to a high risk stop and will involve officers giving the person verbal commands to exit any vehicle or building the person is in and then directing them back to the DAT to be handcuffed (See Training Bulletin High Risk Vehicle Stops and Training Bulletin Handcuffing and Restraints).

If the person appears unable to move due to a physical condition (e.g. injury or impairment) or an obstruction (e.g. locked door, fence), then plans shall be made to overcome this. It may be necessary for officers to approach a person who cannot move or to overcome a barrier (e.g. cut a lock). In this situation, resources such as a shield should be utilized.

- **Preventing the person's flight**

Plans shall include the method by which the person will be contained. An inner perimeter will generally be part of this plan, but additional steps may be necessary. If resources are available, secondary DAT's or a blocking force (e.g. two officers) can be established along potential escape routes. However, additional actions may be necessary if the person is in or has access to a vehicle. In these situations, possible actions include blocking in the vehicle, disabling the vehicle, or the use of other applicable devices (e.g. stop sticks).

Planning on the prevention of escape shall include assessment on the risks posed by the person's possible escape, and the level of risk incurred by officers to prevent the escape of the engaged person.

- **Addressing any immediate threats**

Plans shall include the method by which an immediate threat will be addressed. The role of primary and secondary armed cover officers may have to be transferred as the person moves or a DAT approaches the person.

- **Preventing the person from using or gaining possession of a weapon**

Plans shall include methods by which officers may prevent the person from using or gaining possession of a weapon. Options including the use of less-lethal weapons shall be considered.

- **Disengagement from the situation**

Disengagement is the act of leaving, ending an interaction, delaying contact, delaying custody, or planning to make contact at a different time or different circumstances. This de-escalation tactic may be used when the risks to the engaged person, the officer, or the public outweigh the need to continue with the police response (reference DGO K-3, Section C-4). While disengagement will typically not be appropriate for unresponsive persons who are armed with firearms, it may be a viable option for unresponsive persons who are armed with other weapons, especially if there is no information suggesting that the person is a danger to others.

Immediate and Exigent Circumstance Resolutions



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Although officers strive to control the situation to the point where they can use time, distance, and negotiation to safely resolve the situation, officers might encounter exigencies where they need to immediately resolve an incident with apprehension of an unresponsive person armed with a firearm or other deadly weapon in order to preserve life. Under these circumstances, the objective is to incapacitate the person and/or separate them from the weapon so they no longer have the means to be an immediate threat. Absent an exigency that threatens the preservation of life, these tactics shall only be used by the Tactical Operations Team when dealing with an unresponsive person armed with a firearm. They can be used in conjunction with each other and include, but are not limited to:

- Snipers as the only lethal coverage. Members of the Sniper element of the Tactical Operations Team have training and equipment that exceeds the capabilities of PRO's. They can obtain positions of distance and concealment that further reduce, but not eliminate, the risk to their safety. This allows for the entire DAT to utilize full physical cover.
- Chemical agents other than OC. The Tactical Operations Team can deploy chemical agents that are more effective than those issued to Patrol officers and they can deploy them at a greater distance.
- Removal of the weapon.
 - The Electronic Services Unit of the Tactical Operations Team can utilize robots to attempt to remove the weapon from the person without exposing officers to risk.
 - Other alternatives might exist depending on the circumstances, but tactics that expose officers to unnecessary risk should be avoided.
- Dynamic action. While maintaining a position of physical cover, the Tactical Operations Team can apply potentially overwhelming actions at a distance through speed, surprise, and the application of appropriate force. The Tactical Operations Team have training and equipment such as light sound diversionary devices that exceed those available to Patrol officers. This dynamic action should wake the person, but potentially incapacitate them during the initial period when they are most likely to act erratically. At this point, it might be possible the person will comply with orders or engage in negotiations.

Supervision and Command of Armed Unresponsive Person Incidents

Field Supervisor Roles and Responsibilities

Field supervisors who arrive on scene for an incident of an armed unresponsive person shall assume incident command until relieved by another supervisor with more training or experience or by a command officer. Field supervisors arriving on scene should, if feasible, review the decisions and dispositions made by initial responding officers, confirm assessments and contingency plans, and continue with the initial and continuing planning phases as detailed above.

Additionally, as feasible, supervisors shall begin implementing the duties of the incident commander as detailed below until relieved by another supervisor or command officer.

Incident Commander Roles and Responsibilities⁴

⁴ The responsibilities of an incident commander during a critical incident are defined in other Departmental policies and covered through training on the Incident Command System (ICS). This section emphasizes considerations for an IC handling incidents with armed unresponsive subjects.



The incident commander (IC) is responsible for taking positive command of the incident and clearly communicating to all involved officers how they intend to safely resolve the incident. Initially, this will include advising whether the initial response by officers should be to observe the scene covertly from a distance or to make an immediate overt response to the scene. If the person is in a vehicle, it would also include specifying whether a pursuit is authorized if the person starts to drive away.

The IC is responsible for requesting – and/or approving the requests for – resources required to accomplish the mission. For incidents involving an unresponsive armed person, actions ordered and resources requested might include:

- Assigning and notifying personnel of the following assignments:
 - Incident Commander
 - Tactical Commander (TC)
 - DAT Team Leader
 - Intelligence Team Leader
 - Perimeter Supervisor
 - Outside Agency Liaison for affected law enforcement and transit agencies
 - CP supervisor
 - Staging supervisor
 - Media Liaison
- Resources such as:
 - A dedicated radio channel.
 - Crisis Intervention Training (CIT) trained officers and/or on-duty Tactical Negotiations Team (TNT) members for the role of talker/handcuffer within DAT's.
 - Emergency Mental Health Resources
 - Officer who speaks the language of the person
 - Armored vehicles (BearCat, armored Suburban) (reference TB III-P.04, *Armored Vehicles*)
 - Air support (Argus, Alameda County Sheriff's Office Unmanned Aerial System (UAS))
 - Medical staged nearby.
 - Tactical Emergency Medical (TEMS) team if available.
 - Patrol Rifle Officers (PROs)
 - Officers with less-lethal options used at a distance (e.g., drag stabilized rounds)
 - Officers with less-lethal options such as electronic control weapons (ECW)
 - Officers with less-lethal options such as oleoresin capsicum (OC)
 - Spike strips or other vehicle disabling devices
 - Remote surveillance devices such as robots and pole cameras
 - Outside law enforcement and transit agencies (California Highway Patrol, Alameda County Sheriff's Office, Bay Area Rapid Transit, Oakland Housing Authority, Alameda County Transit)
 - Pursuit vehicle
 - Canine units (K-9). Canines shall be staged at the CP, as barking might awaken the person, until the DAT is prepared to handle the person becoming responsive.



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As the incident develops, the IC is responsible for approving and/or developing plans for contingencies and resolution of the incident. The IC shall inform personnel assigned to the incident about the overall situation on a regular basis or whenever there is a significant change in conditions that is likely to affect the safety of officers, the public, or the person, or decision-making process of officers on the incident. Broadcasts on the radio channel of situation reports (sit reps) at regular intervals (e.g. every 15 minutes) is the preferred method. However, the pace and/or conditions of an incident might justify other methods or interval periods.

Command Officer Roles and Responsibilities

Command officers (for an incident that begins with a patrol response, this is typically the Patrol Watch Commander) shall respond to all incidents of unresponsive persons armed with a firearm, and shall assume incident command once on scene and properly briefed.

Commanders responding to incidents involving armed unresponsive persons shall ensure any video recording devices issued for such incidents⁵ are utilized once it is feasible to safely deploy them without compromising the overarching mission.

The video recording devices should be positioned in stationary positions towards the person or the location of interest. They shall be utilized in accordance with Departmental policy for the use of portable digital recording devices (e.g. Departmental General Order I-15.1). Once activated, recording devices shall not be deactivated until allowed per policy.

The incident commander shall ensure recordings are uploaded to the appropriate system and video recording devices are returned to their charging stations.

Debrief and After Action

At the conclusion of the incident, the IC shall facilitate a debriefing of the incident. This shall be done to identify areas in need of improvement (e.g., training, tactics, and/or equipment) and lessons learned. The IC should also note actions worthy of recognition for consideration by those who will evaluate the incident (e.g., Use of Force Board).

Incidents involving unresponsive persons in possession of firearms shall be considered major incidents and notifications shall be made in accordance with current Departmental policies for major incidents (DGO Q-01 – Major Incident Notifications).

Additionally, the IC shall complete an after-action report if there are significant tactical or training issues that should be documented for the benefit of the Department. This especially applies when no other administrative report (e.g., use of force) will be completed.

Use of Force Reporting and Scene Integrity

If a use of force occurs during the incident, the IC shall be responsible for ensuring that the provisions of DGO K-04, *Reporting and Investigating the Use of Force*, are followed. Additionally, if a Level 1 use of force occurs, involved personnel shall be sequestered pursuant to DGO K-04 and Homicide Section Policy & Procedure on Level 1 force investigations.

⁵ The Department plans to purchase portable video recording devices to be stored in a manner accessible to the watch commanders, but this might include other technology in the future.

TRAINING



BULLETIN

Effective Date:
XX XX 21

Index Number: III-P.03
Alpha Index: High Risk Incidents
Barricaded Subject Incidents
Critical Incidents

Evaluation Coordinator: Training Division
Automatic Revision Cycle: 3 Years

“Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy.”

DEDICATED ARREST TEAMS

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REVISION RECORD

The page numbering format has been revised to facilitate updating and tracking revisions to publications contained in this policy.

When a minor revision is made to a publication, the 'Revision Number' will be indicated on the Special Order and shall be accompanied by the updated page(s). The 'Revision Date' and 'Reference Page Number(s)' shall be recorded in the appropriate box on the same line as the indicated 'Revision Number'.

When it is necessary to make a major policy or content revision, the publication shall be rewritten in its entirety. The 'Revision Number' and 'Revision Date' shall be indicated on the new Order. The 'Revision Date' shall be recorded in the appropriate box on the same line as the indicated 'Revision Number'. The term 'NEW' shall be recorded in the 'Reference Page Number(s)' box to indicate the promulgation of a new Order.

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TRAINING



BULLETIN

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DEDICATED ARREST TEAMS

Overview

A dedicated arrest team (DAT)¹ is a team of officers² formed during, or in anticipation of, a critical incident whose mission is to deal with the known or anticipated persons who present a potential threat to members of the public or officers.³ Despite the name, DATs are not necessarily predisposed to making an arrest – ultimately the primary goal is to facilitate a safe resolution to an incident if necessary. The formal structure of the DAT assigns clear roles, establishes explicit leadership, and facilitates communication between officers most likely to encounter a suspect during a critical incident. A DAT is utilized when the location of the subject is known; the DAT focuses its attention on the subject or where the subject is believed to be located. A DAT is not appropriate for yard searches, building searches, or other incidents where the location of the threat is not known and can come from an unknown direction since a DAT does not have the ability to address a potential lethal threat from any direction. The purpose of a DAT is to increase the safety of members of the public and officers, the ability of officers to assess the risk of actions, the ability of officers to safely detain persons that pose a potential threat, and the ability of officers to respond appropriately to exigencies. A DAT is most effective when fully staffed and equipped, but a DAT’s effectiveness is based on leadership, teamwork, thorough contingency planning, clear communications, and a narrowly defined mission.

Mission

The primary mission of the DAT is to respond to the actions of known or anticipated subjects. Depending on the availability of officers, additional resources, and/or the scale of the incident the DAT might be tasked with additional missions. Initially, members of the DAT might be responsible for the entire incident. However, as an incident progresses the incident commander (IC) shall consider delegating other assignments and/or missions to allow the DAT to focus solely on its primary mission. When sufficient resources are available, a DAT should only be one component of a preplanned operation or a fully developed incident command system (ICS) structure.

Supervision and Command

In general, a DAT will be supervised by a sergeant of police. However, it is also feasible for an officer to fill the role of the DAT team leader in the same way an officer of any rank might be the incident commander (IC) until relieved. The team leader of the DAT is subordinate to the IC and shall lead the team in a manner consistent with the IC’s declared mission and intent.

Composition of a DAT

¹ Also referred to as a designated arrest team.

² “Officers” includes sworn members of all ranks and is used for brevity throughout.

³ “Persons that present a potential threat to members of the public or officers” is abbreviated as “subject” throughout.



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The composition of a DAT will vary depending on the availability of officers and resources, and the specific circumstances of an incident. Minimally, the DAT is expected to have the capabilities of negotiation, detention, less-lethal force, and lethal force. When there are sufficient resources and working space available, each officer should be assigned a single role. However, circumstances of an incident such as the number of subjects or the terrain might necessitate assigning several roles to one officer and/or several officers to the same role. Members of a DAT should operate in close proximity to each other to ensure reliable communications and the ability to respond in unison to direction from the team leader or an exigency. In general, the entire DAT will be positioned close enough together to hear each other speak (e.g. behind one piece of physical cover or adjoining pieces of physical cover).

The roles assigned to officers in a DAT are listed below and discussed in more detail later in this policy. Even when not assigned as primary armed cover or secondary armed cover, all members of a DAT must be prepared to respond to foreseeable exigencies as covered in applicable training.

- Team Leader
- Primary Armed Cover
- Secondary Armed Cover or less-lethal
- Talker/Handcuffer
- Primary Less-Lethal
- Utility

The default configuration of a DAT includes at least one team leader, one primary armed cover officer, one secondary armed cover officer, one talker/handcuffer, and one less-lethal officer for a total of five (5) officers. This ensures the DAT has the capabilities of negotiation, detention, less-lethal force, and lethal force. An incident commander (IC) will expect a DAT to have at least this level of staffing and capabilities. The DAT team leader shall advise the IC as soon as practical when a DAT does not meet this minimum level of staffing and provide updates on the composition of the DAT as appropriate.

DAT Role - Team Leader

The team leader is the DAT member whose responsibility it is to supervise the actions of the team members, coordinate team efforts, establish contingency plans, and develop plans for a safe resolution of the incident to be approved by the incident commander. Resources permitting, the team leader shall not take on any of the other roles of the DAT (e.g. talker/handcuffer) except under exigent circumstances so that they can maintain a broader situational awareness and focus on their responsibilities. If the team leader leaves from the location of the DAT (e.g. to meet with the IC), another member should be designated as the team leader during this period of absence when feasible.

DAT Role – Primary Armed Cover

The primary armed cover officer is responsible for being continuously prepared to use a lethal force option while providing armed cover from potential threats. Initially, the role of primary cover armed officer should be assigned to the first available officer. However, the team leader shall consider reassigning the role to another officer who has the right blend of experience, training, and/or expertise with a particular weapon system (e.g. Patrol Rifle Officer) when the opportunity occurs. The primary armed cover officer should be positioned to have a clear angle of fire to the subject or the area where the subject is



believed to be located. When feasible, officers shall be positioned so that they are not in the direct line of fire of any potential threats.

Officers providing armed cover shall consider positions to minimize their exposure – previous incidents, including ones in Oakland, have had negative outcomes due to officers being over-exposed or otherwise not using physical cover correctly. Officers providing armed coverage are effective in part due to their stable position and readiness; these advantages are lost if officers are kept completely behind physical cover and unable to see perceived or actual threats, then required to move into a position where they are exposed while acquiring a target and evaluating if there is an immediate threat. However, situations might arise where the expertise and capabilities of the subject necessitate remaining completely behind physical cover (e.g. a subject similar to a sniper).

An appropriate number of officers shall be assigned as primary and secondary armed cover to ensure adequate armed coverage of the subject and observation of their actions. Typically, no more than two officers per threat area will be the appropriate number of officers as they will be able to triangulate on a single subject or area and provide sufficient armed coverage. More officers might be required depending on the circumstances (e.g. multiple suspects, large area, multiple doors or access points). Staffing fewer officers as armed cover while maintaining adequate armed coverage reduces the number of officers exposed to risk, reduces the likelihood of miscommunication or confusion, reduces the likelihood of lethal force being used, and increases the ability of the team leader to maintain supervisory control. In the event of an officer-involved shooting, the reasonable management of lethal cover will help lessen both the number of officers who discharge their firearms and the number of rounds fired. Consequently, danger to the community and the likelihood of unnecessary force is also reduced by minimizing the number of rounds fired.

DAT Role – Secondary Armed Cover

The secondary armed cover officer is responsible for being continuously prepared to use a lethal force option while providing armed cover from potential threats. They provide additional armed cover as a contingency should the primary armed cover officer be unable to neutralize an immediate lethal threat. The secondary armed cover officer should be positioned to have a clear angle of fire on the subject or the area where the subject is believed to be located. When in a static position, they should be positioned to triangulate with the primary armed cover officer and provide increased armed coverage of the subject or the area where the subject is believed to be located. When feasible, officers shall be positioned so that they are not in the direct line of fire of any potential threats. Especially in situations where there are a limited number of officers, the secondary armed cover officer may need to transition to a less-lethal force option if circumstances warrant.

DAT Role – Talker/Handcuff

The talker/handcuff is responsible for giving commands and handcuffing persons who are detained. Simultaneous communications from multiple people can cause confusion and shall be avoided. Circumstances may require the role of talker/handcuff to be transferred, but only one officer at a time should be designated to communicate. When available, an officer who has received crisis intervention training (CIT) or a member of the Tactical Negotiations Team should be assigned to this role. If there is information that the suspect speaks a language other than English, an officer who speaks the suspect's language or



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other language assistance should be assigned the role of talker/handcuffer if feasible. The talker/handcuffer should be in a position to see the subject to whom they are speaking without exposing themselves to unnecessary risks and where the subject can hear the talker/handcuffer. When feasible, this can be accomplished without exposing the talker/handcuffer to risk through the use of physical cover (e.g. armored vehicle window) and a public address (PA) system. During an incident, the role of talker/handcuffer might have to be reassigned temporarily to an officer in a better position to fulfill the responsibilities. If this occurs, DAT team members should be made aware of the change to maintain the situation of only one officer addressing the subject.

DAT Role – Less-Lethal

The less-lethal officer is responsible for transitioning to or being prepared to use a less-lethal tool as needed or planned. If feasible, a less-lethal officer should be continuously prepared to use a less-lethal force option while covering the subject or the area where the subject is believed to be located. However, circumstances might require this to be a secondary role where the officer will transition when necessary (see **DAT Role – Secondary Armed Cover**, above).

Less-lethal options for the majority of officers will include oleoresin capsicum (OC), an electronic control weapon (ECW), or direct fired specialty impact munitions (SIM) including but not limited to Drag Stabilized Flexible Batons (DSFB), often referred to as "bean bags". Each option has advantages and disadvantages. When feasible, one officer should be assigned to close-range options (OC or ECW) and another officer to long-range options (DSFB).

DAT Role – Utility

A utility officer is any officer not assigned to one of the other roles specified above. Utility officers can be used to address issues or tasks unique to the incident or that might otherwise overburden the core DAT members. They can also be held in reserve to fill a role when the need emerges. Possible roles include, but are not limited to:

- Specialized equipment – E.g. stop sticks, door keys, bolt cutters, bullet-resistant shields, breaching tools (hook and key); officers shall be trained in any specialty equipment that they deploy or utilize
- Vehicle driver – Armored vehicle, throw-and-go vehicle
- Team security – This would entail acting as an inner perimeter for only the DAT to provide them 360-degree protection and prevent people from distracting or interfering with the DAT.

Establishing a DAT

The first officer(s) on scene assume all the roles of a DAT until other personnel arrive. The initial officer(s) on scene usually will have the most situational awareness and one of them should assume the role of DAT team leader. Additionally, the DAT team leader might also have the role of incident commander until this role is filled by a supervisor or commander. As other officers arrive, the team leader should assign and/or reassign roles as necessary until the DAT is fully developed. Assignments should be based upon officer expertise and experience. If an officer joins a group of officers and discovers there are no established roles, then initiative should be taken to assemble a DAT. If another officer will take over the role of team leader, the new team leader needs to be



briefed by the current team leader until the new team leader has sufficient situational awareness to lead the team.

When choosing a location for the DAT, officers shall consider its distance and available physical cover from the subject or the area where the subject is believed to be located. Proper use of distance and physical cover increases the safety of officers and their decision-making time. The DAT should be positioned as far away from the subject as feasible while taking into consideration factors such as the ability to communicate with the subject, the capabilities of primary and secondary armed cover officers, the effective distance of the weapons of armed cover officers (handgun, shotgun, or rifle), the weapon(s) of the subject, other risks posed by the subject, the terrain, and the environment. The DAT should not be so far away from the subject that they are unable to respond to an exigency such as an immediate threat to a hostage. However, situations might arise where the expertise and capabilities of the subject necessitate the entire DAT remaining behind full physical cover (e.g. a subject similar to a sniper). When feasible, such as for a preplanned surround and call-out, a DAT should be formed prior to deploying to the scene along with a plan to safely move to a specific position at the scene.

Isolation, Containment, Stabilization and Evacuation

The DAT might assist with isolation of the subject, containment and stabilization of the scene, and evacuation of the area, but that is not their primary mission. Ideally, the area of responsibility of the DAT will be limited to the threat or the area where the threat is anticipated to appear. However, the DAT team leader should consider how the above concepts could improve the safety of members of the public and officers while increasing the chance for safely resolving the incident. The DAT team leader shall consider ways to facilitate these concepts and communicate those ideas to the incident commander.

Multiple DATs

Multiple DATs may be established based on the threat, the terrain, and other circumstances. If multiple DATs are established, one should be designated as the primary DAT and all others as secondary. Designation of which DAT is primary, as well as the number of DATs established for the incident, may be changed during the incident but should be clearly communicated to all those involved.

Like the primary DAT, any secondary DATs should be able to deal with the subject utilizing communication, detention, less-lethal force, and lethal force. In order to do this, a secondary DAT will need to have the minimum level of staffing detailed in this policy. Additionally, they will need to have access to the subject or area the subject is believed to be located. When a group of officers does not meet both these conditions, they shall refrain from referring to themselves as a DAT and instead use a more appropriate description (e.g. rear perimeter, blocking force, etc.). Once the minimum level of staffing has been met and access to the threat has been created by removing barriers or relocating the team to a position with access, then the group of officers can be designated as a secondary DAT.

Absent exigent circumstances or prior planning, the secondary DAT should not communicate with the subject. This is similar to the concept that only the talker/handcuffer in a DAT should communicate with the subject. For example, if a primary and secondary DAT are set up on overlapping areas of responsibility, only the talker/handcuffer from the primary DAT should communicate with the subject. However, in a situation where the primary DAT is at the front door



of a house and a secondary DAT is at the backdoor of a house, the plan should be for the secondary DAT talker/handcuffer to give commands if the subject exits from the backdoor.

Contingency Plans

Once a DAT has been established, the team leader is responsible for planning for contingencies common to critical incidents. The team leader then briefs the other members of the DAT and communicates the plans to the incident commander. Contingency plans generally focus on responding to actions by the subject but might also include responding to other exigencies not caused by the potential threat. These plans are grouped into three categories: accept surrender, prevent escape, and respond to exigencies. Plans shall be made with consideration that the DAT has the capabilities of communication, detention, less-lethal force, and lethal force. Plans shall also be made with consideration for deconfliction – the alignment of tasks, goals, and priority of work such that efforts of officers or teams are not in conflict with each other – since other officers could be in close proximity as part of the inner and outer perimeter. Every incident is unique, and plans should be adapted to the circumstances.

Accept Surrender

A subject might surrender once a DAT has been established, but the safety of the public and officers is still endangered until all potentially involved subjects have been detained. Critical incidents often involve multiple subject; therefore, even though one subject is surrendering additional subjects might remain. Until a subject has been detained officers should remain vigilant to the possibility the subject will not surrender, balancing this against the need to not become hyper-vigilant or otherwise overestimate possible threats.

When developing plans to accept surrender, officers shall consider the following:

- Where will the subject be handcuffed? Can the subject be handcuffed in a position where officers are not exposed to potential threats?
- Who will do the talking and the handcuffing?
- Who will provide close armed cover? Who will be ready with less-lethal?
- Who will focus on threat areas as the suspect is brought back to the DAT for handcuffing?
- Will it be necessary to transfer roles such as primary armed cover and talker/handcuffer as the subject approaches the DAT? Where will this occur and how will officers know to transition?

Prevent Escape

Even when surrounded, a subject still might attempt to escape. When developing plans to prevent escape, officers shall consider the following:

- How to prevent the subject's escape if they flee on foot?
- How to prevent the subject's escape if they flee in a vehicle?
- How will the terrain hinder or assist the subject or officers? What can be done to improve the chances of preventing escape?
- To which vehicles does the subject have access? Can they be disabled, blocked in, or removed?



- At what point will force be used? Will there be conditions that trigger force to be used or will it be on command of the team leader? What force is reasonable given the current intelligence?
- Is a canine unit available to chase a subject fleeing on foot?
- Will a pursuit vehicle be staged? Is air support available?

Respond to Exigencies

Exigencies are circumstances requiring immediate action by the DAT due to an immediate threat. It is not possible to plan for every possible exigency and if an exigency occurs for which a plan was not made the DAT should act in a manner that supports the incident commander's stated mission and intent. DATs should prepare plans based on the specific circumstances of the incident, such as the number of subjects, the weapons available to the subject(s), and the presence/absence of hostages. Typical exigencies officers shall consider include:

- The subject presents an immediate threat to officers or members of the public from the subject's current location (e.g. shoots at officers)
- The subject approaches officers or members of the public without an apparent weapon and is uncooperative with officers.
- The subject approaches officers or members of the public with an apparent firearm and is uncooperative with officers.
- The subject approaches officers or members of the public with an apparent weapon other than a firearm and is uncooperative with officers.
- The subject presents an immediate threat that will require officers to enter the vehicle or building where the subject is located.

Planned Actions for Initiative or Resolution

Whereas contingency plans involve responding to an action or exigency, a planned action involves actions initiated by officers. Officers planning actions shall consider what exigencies might occur during execution of the plan. It is possible for several action plans to be approved at the same time while officers wait to see which one is appropriate when the proper conditions are met.

Planned actions to maintain initiative or safely resolve the incident are separate from contingencies and shall be approved by the incident commander when feasible. Critical incidents can be rapidly evolving dynamic situations and opportunities might be lost if the DAT waits for the IC's approval. DAT's may take self-initiated action when the benefits clearly outweigh the risks and such action would be in accordance with the IC's stated mission and intent.

Generally, the first resolution planned for and initiated is "surround and call out." This first part is ensuring the steps of isolation, containment, stabilization, and evacuation have been completed to the extent possible given available resources. Officers then announce their presence to the subject(s) and order them to surrender.

Officers shall also consider plans to detain the subject using necessary and proportional force. Circumstances where force might be required include, but are not limited to, the following: the subject has already refused to surrender and negotiations appear unproductive; the situation is escalating and officers reasonably believe there is an imminent risk to the safety of the public or officers; or the current circumstances present a clear opportunity to detain the subject with minimal



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risk to the public and officers. The desire to save time and/or manage resources is not in and of itself a reason to force a resolution to an incident.

Actions to maintain the initiative are intended to give officers an advantage and interrupt a subject's ability to observe, orient, decide, and act (OODA loop). Such actions might include, but are not limited to, the use of loud sounds (sirens, horns, barking canine), bright lights, destruction of property to gain an advantage (breaking lights to provide concealment, breaking cameras to prevent surveillance of officers by the subject, breaking locks or barriers to allow access, flattening tires to prevent escape), or deployment of less-lethal SIM against a vehicle or building.⁴

Investigation and Intelligence Gathering

Criminal investigation and intelligence gathering are not the primary responsibilities of the DAT, but the DAT benefits from these activities. The DAT should communicate any relevant observations to the officers handling the investigation and request research into areas that would assist the DAT. Specifically, researching the persons associated with vehicles and residences at the scene will assist with identifying the subject, negotiations, and evacuations. Once subjects are identified, then further research should include, but not be limited to: contact information; associated persons, vehicles, and residences; criminal wants and history; probation or parole status; mental health; and registered firearms.

⁴ When less-lethal SIMs are deployed, officers shall consider whether there is an exigency, warrant, or other legal authority for the rounds to enter the vehicle or building. If none exists, then the rounds can still be deployed against a solid barrier (e.g. license plate, residence door) so that the round does not enter the vehicle or building.



Reference Section – Additional Resources

Departmental General Order

- K-05 – Tactical Operations Team

Informational Bulletins

- Executive Force Review Board Summary and Training Points (13 Oct 10)
- Force Review Boards (20 Nov 14)
- Force Review Boards (4 May 16)
- Lethal Force Investigations (1 Jul 16)
- Force Review Boards (21 Aug 17)

Lexipol Procedure

- 304 – Electronic Control Weapon

Training Bulletins

- III-H – Specialty Impact Munitions
- III-N – Police Contact with Mentally Ill Persons



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612
Police Commission

December 24, 2020

Reimagining Public Safety Task Force
City of Oakland
Oakland, CA 94612

RE: December 12th Oakland Police Commission Report by Task Force Member Ginale Harris

Dear Task Force Co-Chairs and Co-Facilitators:

I am writing you on behalf of the Oakland Police Commission.

We were shocked and disappointed to hear about Ms. Ginale Harris' experience working with the Task Force. The struggle she encountered in accessing meetings and being included is unacceptable. As a result, Ms. Harris has been improperly excluded from crucial Task Force proceedings. Members of the public joined Ms. Harris in bringing these and related issues to the Commission's attention, citing additional shortcomings in inclusion, diversity, and community outreach. We refer you to our meeting transcript, which is available online.

Ms. Harris is the Commission's voice on the Task Force. She has highly relevant professional experience and has been a tremendous asset to the Commission's work on police reform. Of equal importance, Ms. Harris has the subject matter expertise of her own lived experience as a Black woman in an Oakland neighborhood that is disproportionately affected by crime and the policing system. In short, the only way this Task Force can succeed is if it is led and strongly informed by voices like Ms. Harris' at all times. The Task Force must center Ms. Harris' voice and experience as well as those of others who are most impacted by the current failing system, rather than further marginalizing or excluding her valuable contributions.

Going forward, we expect and demand that the Task Force treat Ms. Harris with the courtesy and respect of full inclusion, so that she may more fully represent the Commission in all of the Task Force's proceedings and accurately report back to the Commission about what she witnesses.

If you have questions or would like to discuss this matter, contact me at rjackson@oaklandcommission.org

Sincerely

Regina Jackson
Chair, Oakland Police Commission