



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	OPD Policy on the Deployment of the BearCat and Other Militarized Weapons
Date:	June 7, 2019
Requested by:	Police Commission Chair
Prepared by:	Chrissie Love, Administrative Analyst II
Reviewed by:	Richard Luna, Assistant to the City Administrator

Action Requested:

That the Police Commission receive a presentation from OPD on the use of the BearCat and the deployment of militarized weapons. The Commission may act on OPD's request for a purchase of a second BearCat. The Commission may also vote to appoint an Ad Hoc Committee on Equipment Acquisition and Use Policy.

Background:

At the Public Safety Committee meeting on May 14, 2019 meeting, the Committee suggested that the City Council may want to work with the Police Commission regarding OPD's policy on the deployment of the Bearcat and other militarized weapons.

A representative from American Friends Service Committee, whose work statewide has focused extensively on police militarization, has reached out to Chair Jackson and has offered to assist the Commission in addressing policy. They have co-sponsored state legislation (AB 3131) last year on processes for acquisition of militarized equipment, and have conducted considerable research on precedents in other jurisdictions for police acquisition of equipment, including Bearcats and other armored vehicles.

Attachments:

OPD Informational Report: Overview of Armored Vehicle Use



AGENDA REPORT

TO: Police Commission

FROM: Anne E. Kirkpatrick
Chief of Police

SUBJECT: Informational Report:
Overview of Armored Vehicle Use

DATE: June 5, 2019

Overview

An armored vehicle is a protective piece of specialized civilian law enforcement equipment that significantly increases the options available to de-escalate and safely resolve critical incidents. The capabilities of an armored vehicle greatly exceed those of a patrol vehicle and deployment of armored vehicles increases the safety of the public, law enforcement officers, and other first responders. Armored vehicles provide improved cover for officers, are stocked with tools that might be needed during a critical incident and increase the options for a safe resolution.

Deployment of an armored vehicle frequently results in the safe surrender of an offender in a timely manner. The Department recognizes that certain armored vehicles might appear intimidating to the public and therefore restricts deployment of armored vehicles to those situations where the benefits of deployment outweigh the potential concerns of the community.

Deployment of Armored Vehicles

A commander may authorize the deployment of an armored vehicle for incidents that involve actual, threatened, or suspected violence related to loss of life or serious bodily injury. This includes special events at the Oakland Coliseum/Arena and other locations where there is an increased risk to public safety.

Rules for deployment of the BearCat 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 services, 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.

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 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.

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- 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.
- 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 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.

Since 2016, the BearCat has been deployed 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 attacks such as the ones that occurred at concerts in Las Vegas and Manchester. It is also deployed at peaceful demonstrations not for crowd control, but to protect the public from attacks such as the one in Charlottesville. 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: shooting, robbery, and homicide suspects inside buildings; people asleep in vehicles with firearms; people in public with rifles; shots fired during sideshow activity; and reports of shots fired. None of the incidents in 2019 were related to an officer involved shooting.

Use of an armored vehicle for training purposes is not considered a deployment.

Operation of Armored Vehicles

Armored vehicles shall only be operated by officers certified by the Tactical Operations Team commander. This includes, but is not limited to, all members of the Entry Team and Sniper Team elements. It also includes all Patrol Rifle Officers (PRO's).

Officers may stage an armored vehicle near a scene prior to a commander's authorization to deploy the armored vehicle but shall not deploy it to the scene without authorization except under exigent circumstances.

After Action

A commander who authorizes the deployment of an armored vehicle shall email notification to all OPD commanders. The email shall include a brief synopsis of the incident along with at least the following details:

- Date, time, and location
- Report and incident numbers
- Incident commander and tactical commander (if applicable)
- Scene supervisor(s)
- Which armored vehicle(s) were used
- Justification for deployment of the armored vehicle(s)
- Other specialized resources used (e.g. helicopter, canine)
- Presence or absence of media
- Whether there were injuries, uses of force, complaints, and/or property damage

The commander of the Special Operations Section shall maintain a record of the deployments and ensure information about the deployments is include in the division's Annual Management Report.

Proposal to Acquire a Second Armored Vehicle

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 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 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.
- Reduces the response time to critical incidents and reduces the miles driven by each vehicle as one BearCat can be stationed at the PAB and one at Eastmont.
- Ability to respond to simultaneous critical incidents. There are times where the safety of the public and officers would be increased by the deployment of the BearCat at two critical incidents, but currently only one is available.
- Ability to cover larger areas. Most events where the BearCat is deployed have several points of ingress/egress and the safety of the public is increased when more points can be protected.

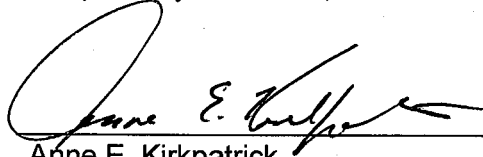
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- Ensures OPD has at least one BearCat when the older one is no longer operable. The process to secure funds, order, and receive a BearCat, which are not built until ordered, takes several months or more. If OPD was to be without a BearCat for an extended period of time, the risk to the public and officers would be greatly increased. Additionally, the effectiveness and efficiency of OPD operations would decrease while costs increased as more incidents would require a call-out of the Tactical Operations Team and all of the associated costs with the call out.

At the recent Public Safety meeting, the Oakland City Council delayed use of COPS grant funds for an armored vehicle until a policy has been developed together with the Police Commission. OPD will work with the Commission on developing a policy for the armored vehicle before making another request for an additional vehicle.

Respectfully submitted,



Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Prepared by:

Chris Shannon
Lieutenant of Police