



OAKLAND POLICE COMMISSION

REGULAR MEETING AGENDA

September 22, 2022

6:30 P.M.

The purpose of the Oakland Police Commission is to oversee the Oakland Police Department to ensure its policies, practices, and customs conform to national standards of constitutional policing, and to oversee the Office of the Inspector General, led by the civilian Office of Inspector General for the Department, as well as the Community Police Review Agency (CPRA), led by the Executive Director of the Agency, which investigates police misconduct and recommends discipline.

Pursuant to California Government Code Section 54953(e), 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/89887213762> 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):

+1 669 444 9171 or +1 669 900 9128 or +1 719 359 4580 or +1 253 215 8782 or +1 346 248 7799 or +1 564 217 2000

Webinar ID: 898 8721 3762

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 radwan@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 opc@oaklandcommission.org.

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I. **Call to Order, Welcome, Roll Call and Determination of Quorum**

Chair Tyfahra Milele

Roll Call: Vice Chair Marsha Peterson; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell; Commissioner Jesse Hsieh; Commissioner Regina Jackson, Commissioner David Jordan; Alternate Commissioner Angela Jackson-Castain; Alternate Commissioner Karely Ordaz

II. **Open Forum Part 1** (2 minutes per speaker, 15 minutes total)

Members of the public wishing to address the Commission on matters that are not on tonight's agenda but are related to the Commission's work should raise their hands and they will be called on in the order their hands were raised. Comments regarding agenda items should be held until the agenda item is called for discussion. Speakers not able to address the Commission during this Open Forum will be given priority to speak during Open Forum Part 2.

III. **Update from Oakland Police Department (OPD)**

OPD Deputy Chief Cliff Wong will provide an update on the Department. Dr. Leigh Grossman will speak on the Citywide Risk Analysis Report. Lt. Jeffrey Thomason and Lt. Sean Fleming will speak on the Towing Policy. ***This is a recurring item.*** ([Attachment 1](#)).

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

IV. **Update from the Inspector General (Michelle Phillips)**

Inspector General Phillips will provide a report on the work of the Office of the Inspector General. ***This is a recurring item.*** ([Attachment 2](#)).

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

V. **Update from the Interim CPRA Director (Aaron Zisser)**

Interim CPRA Director Zisser will report on CPRA's work. ***This is a recurring item.*** ([Attachment 3](#)).

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

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- VI. Presentation and Possible Approval of Policy DGO I-25 (Unmanned Aerial Systems)**
The Commission will review and discuss Policy DGO I-25 (Unmanned Aerial Systems).
This is a continued item from 9/16. ([Attachment 4 – Updated Supplement](#)).
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- VII. Presentation and Possible Approval of Policy DGO I-26 (Ground Robots + Impact Report)**
The Commission will review and discuss Policy DGO I-26 (Robots + Impact Report).
This is a continued item from 9/16. ([Attachment 5 – Updated Supplement](#)).
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- VIII. Presentation and Possible Approval of Policy DGO I-27 (Long-Range Acoustic Devices)**
The Commission will review and discuss Policy DGO I-27 (Long-Rang Acoustic Devices).
This is a new item . ([Attachment 6](#)).
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- IX. Presentation and Possible Approval of Policy DGO I-28 (Mobile Command Vehicles)**
The Commission will review and discuss Policy DGO I-28 (Mobile Command Vehicles).
This is a new item. ([Attachment 7 – New Supplement](#)).
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- X. Presentation and Possible Approval of Policy TB III-P.05 (Noise-Flash Diversion Devices)**
The Commission will review and discuss Policy TB III-P.05 (Noise-Flash Diversion Devices).
This is a new item. ([Attachment 8 – New Supplement](#)).
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- XI. Update on NACOLE Conference**
Vice Chair Peterson will provide an update on the 2022 Annual NACOLE Conference.
- a. Discussion
 - b. Public Comment
 - c. Action, if any

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XII. Open Forum Part 2 (2 minutes per speaker, 15 minutes total)

Members of the public wishing to address the Commission on matters that were not on tonight's agenda but are related to the Commission's work should raise their hands and they will be called on in the order their hands were raised.

XIII. Upcoming/Future Agenda Items

The Commission will engage in a working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas. ***This is a recurring item.***

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

XIV. Adjournment

NOTICE: In compliance with the Americans with Disabilities Act, for those requiring special assistance to access the videoconference meeting, to access written documents being discussed at the Discipline Committee meeting, or to otherwise participate at Commission meetings, please contact the Police Commission's Chief of Staff, Kelly Yun, at kyun@oaklandca.gov for assistance. Notification at least 48 hours before the meeting will enable the Police Commission to make reasonable arrangements to ensure accessibility to the meeting and to provide any required accommodations, auxiliary aids or services.



Weekly Crime Report — Citywide

05 Sep. – 11 Sep., 2022

Part 1 Crimes <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Violent Crime Index (homicide, aggravated assault, rape, robbery)	96	4,045	4,639	4,221	-9%	4,302	-2%
Homicide – 187(a)PC	3	62	83	85	2%	77	11%
Homicide – All Other *	-	5	7	2	-71%	5	-57%
Subtotal - 187(a)PC + all other	3	67	90	87	-3%	81	7%
Aggravated Assault	50	2,221	2,593	2,137	-18%	2,317	-8%
Assault with a firearm – 245(a)(2)PC	8	304	444	328	-26%	359	-9%
Subtotal - Homicides + Firearm Assault	11	371	534	415	-22%	440	-6%
Shooting occupied home or vehicle – 246PC	5	258	401	250	-38%	303	-17%
Shooting unoccupied home or vehicle – 247(b)PC	-	132	202	113	-44%	149	-24%
Non-firearm aggravated assaults	37	1,527	1,546	1,446	-6%	1,506	-4%
Rape	4	158	102	119	17%	126	-6%
Robbery	39	1,604	1,861	1,880	1%	1,782	6%
Firearm	12	482	757	796	5%	678	17%
Knife	2	124	82	70	-15%	92	-24%
Strong-arm	11	710	570	514	-10%	598	-14%
Other dangerous weapon	-	54	50	56	12%	53	5%
Residential robbery – 212.5(a)PC	3	58	61	43	-30%	54	-20%
Carjacking – 215(a) PC	11	176	341	401	18%	306	31%
Burglary	24	6,906	6,583	7,538	15%	7,009	8%
Auto	9	5,004	5,239	5,838	11%	5,360	9%
Residential	4	938	730	682	-7%	783	-13%
Commercial	3	786	429	838	95%	684	22%
Other (Includes boats, aircraft, and so on)	1	134	127	92	-28%	118	-22%
Unknown	7	44	58	88	52%	63	39%
Motor Vehicle Theft	86	6,317	6,320	6,413	1%	6,350	1%
Larceny	17	4,536	4,160	4,358	5%	4,351	0%
Arson	-	137	129	121	-6%	129	-6%
Total	223	21,946	21,838	22,653	4%	22,146	2%

THIS REPORT IS HIERARCHY BASED. CRIME TOTALS REFLECT ONE OFFENSE (THE MOST SEVERE) PER INCIDENT.

These statistics are drawn from the Oakland Police Dept. database. They are unaudited and not used to figure the crime numbers reported to the FBI's Uniform Crime Reporting (UCR) program. This report is run by the date the crimes occurred. Statistics can be affected by late reporting, the geocoding process, or the reclassification or unfounding of crimes. Because crime reporting and data entry can run behind, all crimes may not be recorded.

* Justified, accidental, foetal, or manslaughter by negligence. Traffic collision fatalities are not included in this report.

PNC = Percentage not calculated — [Percentage cannot be calculated.](#)

All data extracted via Coplink Analytics.



Weekly Gunfire Summary

05 Sep. – 11 Sep., 2022

Citywide <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	3	62	83	85	2%	77	11%
Homicide – All Other *	-	5	7	2	-71%	5	-57%
Subtotal - 187(a)PC + all other	3	67	90	87	-3%	81	7%
Assault with a firearm – 245(a)(2)PC	8	304	444	328	-26%	359	-9%
Subtotal - 187 + 245(a)(2)	11	371	534	415	-22%	440	-6%
Shooting occupied home or vehicle – 246PC	5	258	401	250	-38%	303	-17%
Shooting unoccupied home or vehicle – 247(b)PC	-	132	202	113	-44%	149	-24%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	16	761	1,137	778	-32%	892	-13%
Negligent discharge of a firearm – 246.3PC	23	720	1,327	1,106	-17%	1,051	5%
Grand Total	39	1,481	2,464	1,884	-24%	1,943	-3%

Area 1 <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	-	6	10	22	120%	13	74%
Homicide – All Other *	-	-	-	1	PNC	0	200%
Subtotal - 187(a)PC + all other	-	6	10	23	130%	13	77%
Assault with a firearm – 245(a)(2)PC	1	36	59	59	0%	51	15%
Subtotal - 187 + 245(a)(2)	1	42	69	82	19%	64	27%
Shooting occupied home or vehicle – 246PC	1	34	62	37	-40%	44	-17%
Shooting unoccupied home or vehicle – 247(b)PC	-	17	30	17	-43%	21	-20%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	2	93	161	136	-16%	130	5%
Negligent discharge of a firearm – 246.3PC	1	62	103	73	-29%	79	-8%
Grand Total	3	155	264	209	-21%	209	0%

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Weekly Gunfire Summary

05 Sep. – 11 Sep., 2022

Area 2 <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	1	-	6	1	-83%	2	-57%
Homicide – All Other *	-	1	-	-	PNC	0	PNC
Subtotal - 187(a)PC + all other	1	1	6	1	-83%	3	-63%
Assault with a firearm – 245(a)(2)PC	1	19	30	22	-27%	24	-7%
Subtotal - 187 + 245(a)(2)	2	20	36	23	-36%	26	-13%
Shooting occupied home or vehicle – 246PC	-	8	14	7	-50%	10	-28%
Shooting unoccupied home or vehicle – 247(b)PC	-	2	8	3	-63%	4	-31%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	2	30	58	33	-43%	40	-18%
Negligent discharge of a firearm – 246.3PC	1	12	33	25	-24%	23	7%
Grand Total	3	42	91	58	-36%	64	-9%

Area 3 <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	1	8	19	15	-21%	14	7%
Homicide – All Other *	-	-	-	-	PNC	-	PNC
Subtotal - 187(a)PC + all other	1	8	19	15	-21%	14	7%
Assault with a firearm – 245(a)(2)PC	-	47	65	56	-14%	56	0%
Subtotal - 187 + 245(a)(2)	1	55	84	71	-15%	70	1%
Shooting occupied home or vehicle – 246PC	3	20	29	27	-7%	25	7%
Shooting unoccupied home or vehicle – 247(b)PC	-	16	22	15	-32%	18	-15%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	4	91	135	113	-16%	113	0%
Negligent discharge of a firearm – 246.3PC	2	90	144	135	-6%	123	10%
Grand Total	6	181	279	248	-11%	236	5%

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Weekly Gunfire Summary

05 Sep. – 11 Sep., 2022

Area 4 <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	-	14	11	19	73%	15	30%
Homicide – All Other *	-	1	-	-	PNC	0	PNC
Subtotal - 187(a)PC + all other	-	15	11	19	73%	15	27%
Assault with a firearm – 245(a)(2)PC	1	34	65	40	-38%	46	-14%
Subtotal - 187 + 245(a)(2)	1	49	76	59	-22%	61	-4%
Shooting occupied home or vehicle – 246PC	-	42	58	43	-26%	48	-10%
Shooting unoccupied home or vehicle – 247(b)PC	-	15	28	20	-29%	21	-5%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	1	106	162	122	-25%	130	-6%
Negligent discharge of a firearm – 246.3PC	5	134	220	183	-17%	179	2%
Grand Total	6	240	382	305	-20%	309	-1%

Area 5 <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	-	18	14	12	-14%	15	-18%
Homicide – All Other *	-	-	2	1	-50%	1	0%
Subtotal - 187(a)PC + all other	-	18	16	13	-19%	16	-17%
Assault with a firearm – 245(a)(2)PC	2	78	98	65	-34%	80	-19%
Subtotal - 187 + 245(a)(2)	2	96	114	78	-32%	96	-19%
Shooting occupied home or vehicle – 246PC	-	85	132	74	-44%	97	-24%
Shooting unoccupied home or vehicle – 247(b)PC	-	47	63	30	-52%	47	-36%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	2	228	309	182	-41%	240	-24%
Negligent discharge of a firearm – 246.3PC	6	201	400	347	-13%	316	10%
Grand Total	8	429	709	529	-25%	556	-5%

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Weekly Gunfire Summary

05 Sep. – 11 Sep., 2022

Area 6 <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	1	16	23	16	-30%	18	-13%
Homicide – All Other *	-	3	5	-	-100%	3	PNC
Subtotal - 187(a)PC + all other	1	19	28	16	-43%	21	-24%
Assault with a firearm – 245(a)(2)PC	2	78	113	72	-36%	88	-18%
Subtotal - 187 + 245(a)(2)	3	97	141	88	-38%	109	-19%
Shooting occupied home or vehicle – 246PC	1	65	104	62	-40%	77	-19%
Shooting unoccupied home or vehicle – 247(b)PC	-	34	47	27	-43%	36	-25%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	4	196	292	177	-39%	222	-20%
Negligent discharge of a firearm – 246.3PC	8	209	416	323	-22%	316	2%
Grand Total	12	405	708	500	-29%	538	-7%

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2022 Year-to-Date Recovered Guns

Recoveries through 11 Sep., 2022

Grand Total 1,089

Crime Recoveries	
Felony	571
Felony - Violent	154
Homicide	26
Infraction	0
Misdemeanor	32
Total	783

Crime Gun Types	Felony	Felony - Violent	Homicide	Infraction	Misdemeanor	Total
Machine Gun	4					4
Other	4					4
Pistol	476	106	23		26	631
Revolver	12	10	1		2	25
Rifle	46	26	2		3	77
Sawed Off	4					4
Shotgun	7	8			1	16
Sub-Machinegun						0
Unknown/Unstated	18	4				22
Total	571	154	26	0	32	783

Non-Criminal Recoveries	
Death Investigation	8
Found Property	225
SafeKeeping	73
Total	306

Non-Criminal Gun Types	Death Investigation	Found Property	SafeKeeping	Total
Machine Gun				0
Other		4	1	5
Pistol	4	74	36	114
Revolver	2	40	8	50
Rifle	1	60	18	79
Sawed Off		2		2
Shotgun		30	8	38
Sub-Machinegun		3		3
Unknown/Unstated	1	12	2	15
Total	8	225	73	306



2022 vs. 2021 — Year-to-Date Recovered Guns

Recoveries through 11 Sep Aug.

Gun Recoveries	2021	2022	Difference	YTD % Change 2021 vs. 2022
Grand Total	837	1,089	252	30%

Crime Recoveries	2021	2022	Difference	YTD % Change 2021 vs. 2022
Felony	442	571	129	29%
Felony - Violent	167	154	-13	-8%
Homicide	22	26	4	18%
Infraction	0	0	0	PNC
Misdemeanor	24	32	8	33%
Total	655	783	128	20%

Non-Criminal Recoveries	2021	2022	Difference	YTD % Change 2021 vs. 2022
Death Investigation	16	8	-8	-50%
Found Property	83	225	142	171%
SafeKeeping	83	73	-10	-12%
Total	182	306	124	68%

PNC = Percentage not calculated

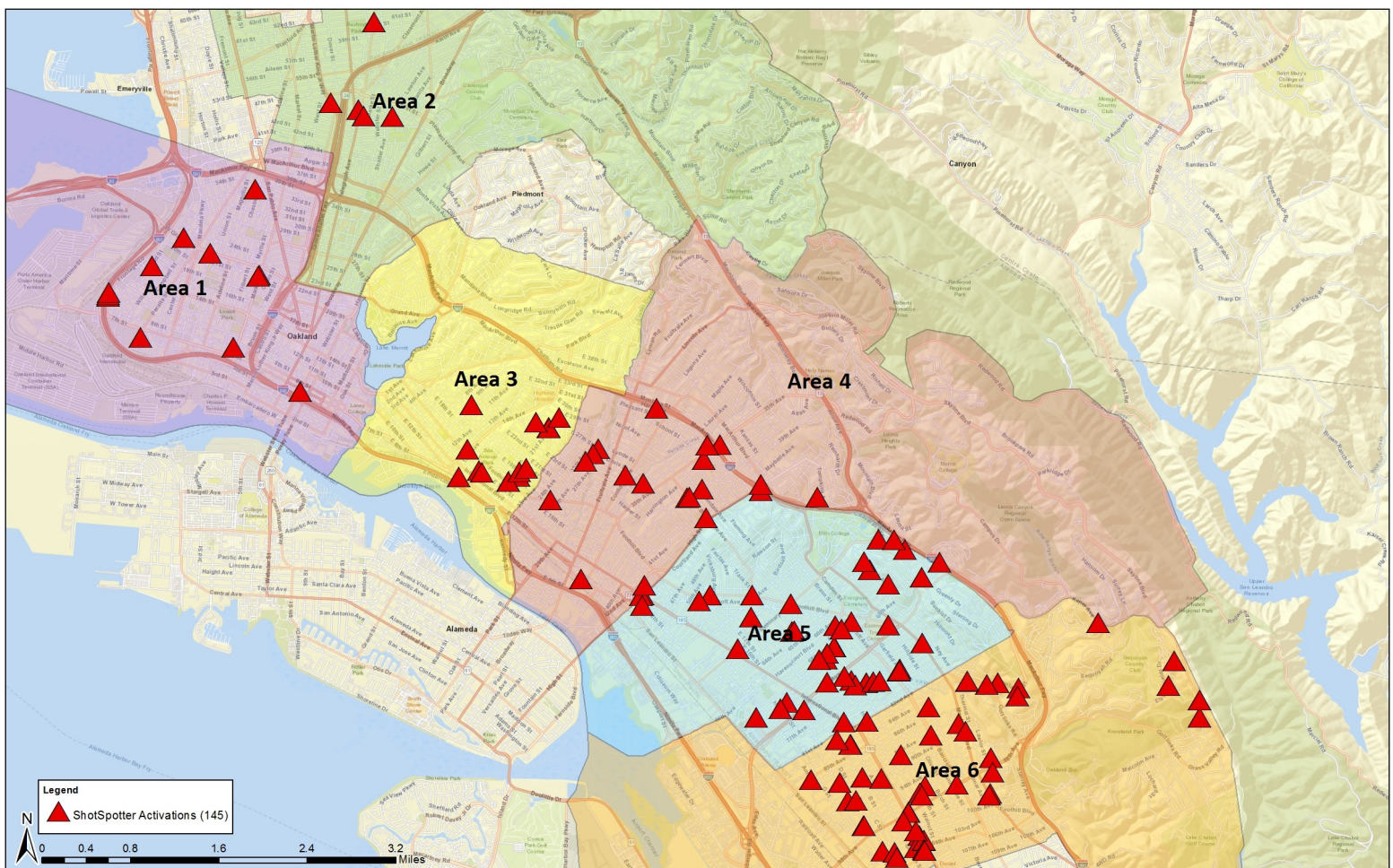
[Percentage cannot be calculated.](#)



Weekly ShotSpotter Activations Report — Citywide

05 Sep. – 11 Sep., 2022

ShotSpotter Activations	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Citywide	145	3,846	6,154	5,395	-12%	5,132	5%
Area 1	12	325	659	546	-17%	510	7%
Area 2	5	147	189	158	-16%	165	-4%
Area 3	14	416	699	549	-21%	555	-1%
Area 4	22	688	969	982	1%	880	12%
Area 5	42	1,230	1,930	1,547	-20%	1,569	-1%
Area 6	50	1,040	1,708	1,613	-6%	1,454	11%



All data sourced via ShotSpotter Insight.



Monthly Risk Analysis Report – Citywide

Through August 31, 2022

	Feb '22- Jul '22 Avg	Aug 2022	% Change	YTD 2021	YTD 2022	% Change
Stops						
Dispatch Stops	591.7	568	-4%	5,674	4,766	-16%
Non-Dispatch Stops	489.3	354	-28%	4,513	3,703	-18%
% Intel Led	50% (244.3)	60% (214)	+10%	41% (1,829)	52% (1,930)	+11%
% Non-Intel Led African American	44% (108.8)	50% (70)	+6%	44% (1,171)	45% (794)	+1%
% Non-Intel Led Hispanic	36% (88.8)	31% (44)	-5%	33% (893)	37% (648)	+4%
% Non-Intel Led Traffic Stops	80% (196.0)	75% (105)	-5%	83% (2,230)	79% (1,394)	-4%
Total Stops	1,081.0	922	-15%	10,187	8,469	-17%
Use of Force (all force by every officer and every subject)						
Level 1	0.2	0	-100%	2	2	0%
Level 2	0.3	3	+900%	9	5	-44%
Level 3	3.7	7	+89%	44	32	-27%
Level 4 (Excluding Type 32)	144.5	221	+53%	1,183	1,223	+3%
Total	148.7	231	+55%	1,238	1,262	+2%
L4 Type 32s (Reporting began June 4, 2022)		282			940	
% African American (each subj counted once)	60% (69.0)	65% (117)	+5%	64% (421)	62% (592)	-2%
% Hispanic (each subj counted once)	36% (30.0)	21% (38)	-15%	23% (151)	24% (233)	+1%
Officer Involved Shootings						
# of Incidents	0.2	0	-100%	1	1	0%
# of Officers that Discharged Their Firearm	0.2	0	-100%	1	1	0%
Canine Deployment						
Actual Deployments	3.2	4	+25%	36	32	-11%
Bites	0.2	0	-100%	2	1	-50%
Arrests (top violation per arrest, subject counted once) (Data may be delayed coming from the County)						
Misdemeanor	215.8	212	-7%	476	611	+28%
Felony	287.8	285	-34%	2,363	2,637	+12%
Total	506.5	498	-10%	1,009	1,137	+13%
Complaints (by complaint date)						
Service Complaint Allegations	81.8	76	-7%	476	611	+28%
Total Allegations	358.5	236	-34%	2,363	2,637	+12%
Total Cases	145.2	160	-10%	1,009	1,137	+13%
Pursuits						
# of Incidents	11.7	10	-15%	63	97	+54%
# Units Involved		15		105	167	+59%
Ave # of Units per Pursuit	1.7	1.9	+12%	1.7	1.8	+6%
Collisions						
# of Incidents w/ Sworn Employees	7.5	6	-20%	66	62	-6%
# of Incidents w/ Civilian Employees	0.3	1	+233%	4	4	0%
Other Officer Activity Data						
# of Incident Reports	5,949.3	3,844	-35%	49,565	45,031	-9%
# of Armored Vehicle Deployments	19.3	30	+55%	140	161	+15%

Missing Person: Lizy Martinez-Estrada

OPD Media <opdmedia@oaklandca.gov>

Tue 8/30/2022 3:27 PM

To: OPD Media <opdmedia@oaklandca.gov>



For Immediate Release August 30, 2022

OPD NEWS:

Missing Person Lizy Martinez-Estrada: At Risk Due to Age

The Oakland Police Department is requesting assistance from our community and media partners in locating Missing Person, Lizy Martinez-Estrada, who is **at risk due to age**.



Missing Person Lizy Martinez-Estrada

She was last seen on August 8, 2022, in the 2700 block of 77th Avenue, around 3:30 p.m. Martinez-Estrada was wearing a blue sweater and ripped red jeans.

Martinez-Estrada is described as a 14-year-old, Hispanic female with light complexion. She stands 5'4" and weighs 120 pounds with black hair and brown eyes.

If you have any knowledge or information regarding the whereabouts of Martinez-Estrada, please notify the **Oakland Police Department's Missing Persons Unit at 510-238-3641**.

Visit Nixle.com to receive Oakland Police Department alerts, advisories, and community messages, or follow OPD on Twitter, Facebook, Instagram @oaklandpoliceca.

Ofc. Darryl Rodgers
Trust Building Officer
Oakland Police Department
drodgers@oaklandca.gov

OPD Needs Help Identifying a Vehicle in Connection to a Triple Homicide

Chambers, Paul <PChambers@oaklandca.gov>

Wed 8/31/2022 4:48 PM

For Immediate Release August 31, 2022

OPD NEWS:

OPD Needs Help Identifying a Vehicle in Connection to a Triple Homicide



The Oakland Police Department (OPD) is releasing this photo in hopes of identifying a vehicle in connection to a triple homicide. The fatal shooting occurred on August 26, 2022, just after 7:15 PM, in the 2800 block of Martin Luther King Jr. Way. Officers were dispatched to the area to investigate a ShotSpotter activation.

Once on scene, officers located two individuals suffering from multiple gunshot wounds, and a bicyclist who was struck by a vehicle. Daven Woolfolk, Tyrone Banks, and Tonnell Williams were pronounced deceased at the scene.

The vehicle in the photo above was seen leaving the area.

If you have seen this vehicle or have information about this case, please contact **the Oakland Police Department Homicide Section at (510) 238-3821 or the TIP LINE at (510) 238-7950.**

Paul Chambers
Strategic Communications Manager
Oakland Police Department
Email: pchambers@oaklandca.gov

#OPDCARES initiative is about working together as a community to help stop the tragic loss of life and reduce the level of violence in our city. Collectively, we want to ensure Oaklanders and our visitors are safe in our community.

Follow OPD on [Twitter](#), [Facebook](#), [Instagram](#), and [YouTube](#)

CITY OF OAKLAND

Memorandum

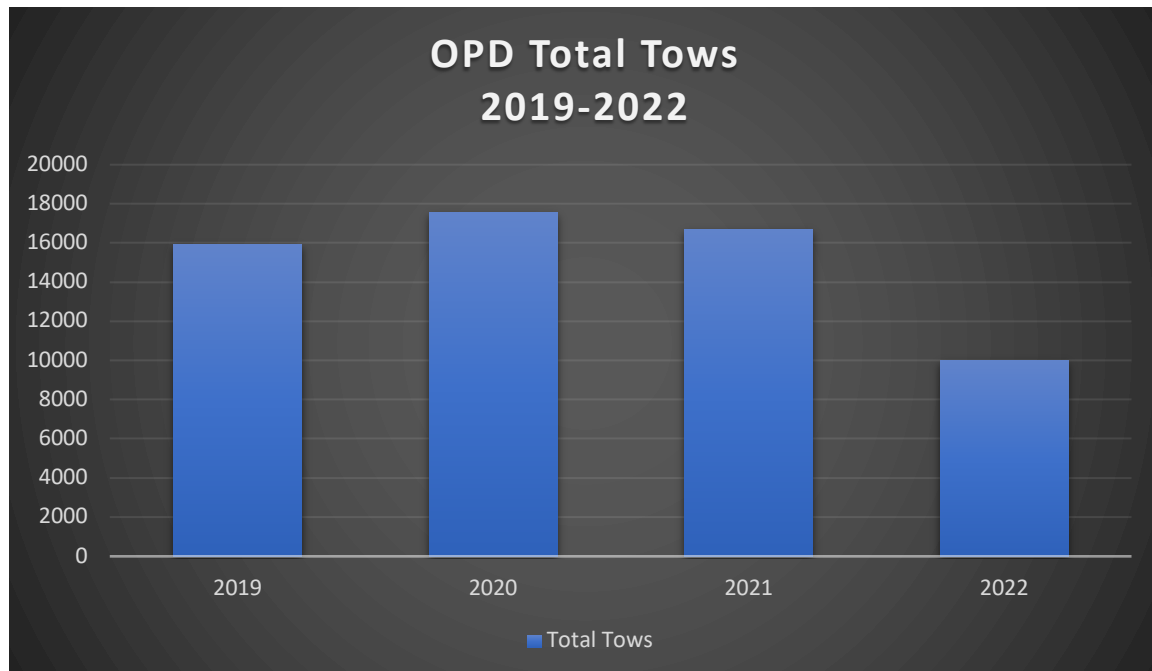
TO: Office of the Chief of Police
ATTN: Police Chief LeRonne Armstrong
FROM: Lieutenant Sean Fleming
DATE: 30 Aug 2022

RE: Informational Report Towing 2019 - 2022

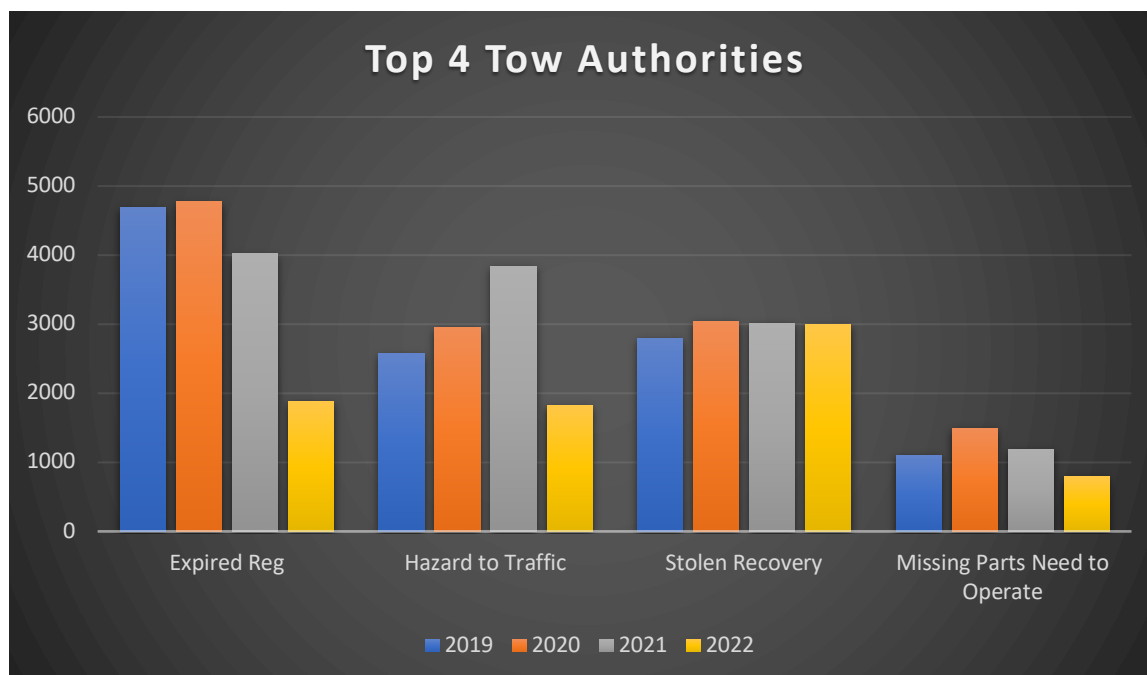
Chief Armstrong,

Pursuant to an information request, please find attached a report of

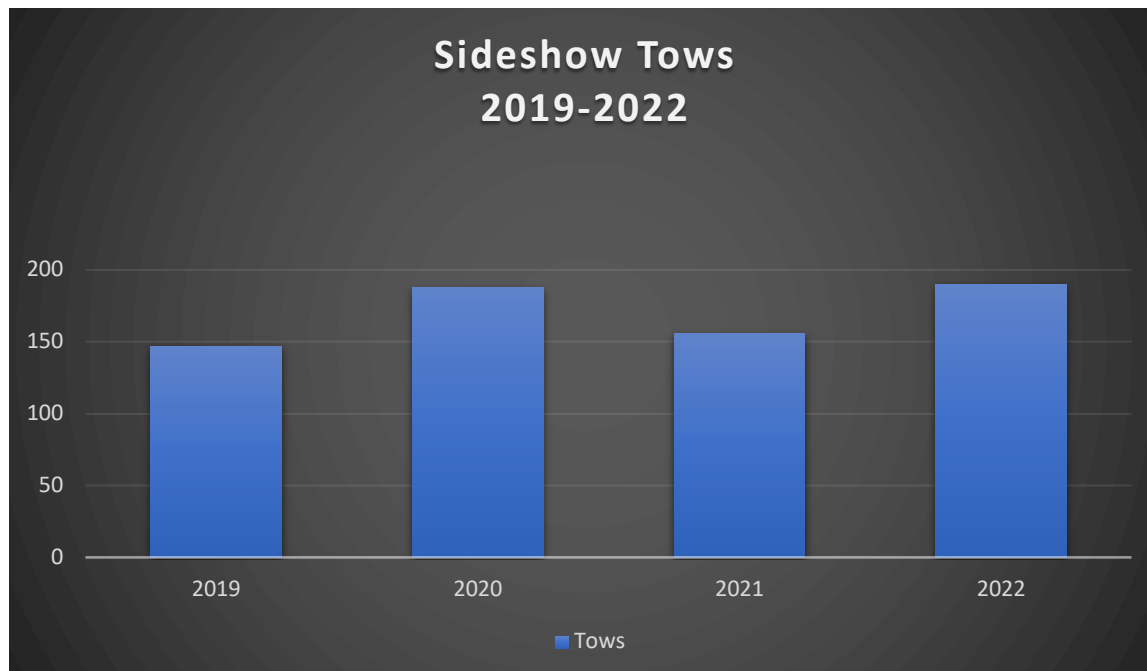
- OPD Total Tows Conducted 2019 – 2022
- OPD Top 4 Towing Authorities 2019 - 2022
- OPD Sideshow Tows 2019 - 2022



- 2019 – 15926
- 2020 – 17538
- 2021 – 16672
- 2022 - 10006



- 22651 (O) VC Expired Reg
- 22651 (B) VC Hazard to Traffic
- 22651 (C) VC Stolen Recovery
- 22669 (D) VC Missing Parts



Sideshow Towing Authorities

- 23109.2 (A)(1) Speed Contest
- 14602.7 A 30 Day Hold (Tow Warrant)

Administrative Impound Hearings

Department of Transportation Hearing Officers (civilians) conducted 8 Administrative Impound Hearings since OPD began tracking and training process on 10 May 22 to reduce invalid impoundments of vehicles. Four of hearings resulted in Supervisory Note File Entries, where additional training was provided. Of the four hearings where no training was provided, all reports were correctly written, the sworn members or professional staff were provided incorrect information from construction related service requests.

OPD impounded 4346 vehicles since the tracking and training process began 10 May 22.

- Tow Authority 22651 (I) VC (No Parking Construction Zone) No Additional Training
- Tow Authority 22651 (I) VC (No Parking Construction Zone), SNF-Provided Additional Training
- Tow Authority 22651 (I) VC (No Parking Construction Zone) No Additional Training.
- Towing Authority 22651 (I) VC (No Parking Construction Zone) No Additional Training.

- Tow Authority 22651 (M) (Posted No Parking) VC Invalid Tow, sign not posted 72hrs in advance parking restriction. SNF-Provided Additional Training
- Tow Authority 22651 (M) (Posted No Parking) VC, Valid Tow, Courtesy, all reports properly filled out, and correct posting. No Additional Training.
- Tow Authority 22651 (O) VC (Expired Registration), Reg was current/in process. SNF – Provided Additional Training
- Towing Authority 22651 (O) VC (Expired Registration), Reg Valid/Dealer Plates. SNF Provided Additional Training.



CITY OF OAKLAND

Oakland Police Commission

Office of the Inspector General

AGENDA REPORT

TO: Tyfahra Milele, Chair
Oakland Police Commission

FROM: Michelle Phillips
Inspector General

SUBJECT: Office of the Inspector General (OIG)
Progress Report

DATE: September 22, 2022

PURPOSE

The Inspector General reports to the Police Commission and members of the public. This report outlines updates from the OIG since the Inspector General reported to the Police Commission on July 7, 2022. The information comprised in this report is also intended to answer OIG specific questions raised at the last Police Commission meeting.

NEGOTIATED SETTLEMENT AGREEMENT (NSA, MEASURE S1 MANDATE)

Site Visit and Oakland Police Department (OPD) Meeting Observations

The OIG attended the two-day virtual independent monitoring team site visit held on August 16, 2022, and August 17, 2022. The OIG holds meetings and will continue to connect with members of the IMT as needed. The OIG continues to observe OPD meetings, to include Risk Management, Force Review Boards, and Internal Affairs among others. The IG will ensure that there will continue to be relevant discussions and workgroups with OPD and City stakeholders as the City moves through the sustainability period.

Task 42 Audit Review

The Field Training Officer (FTO) program, outlined in Task 42, is an important area for review for the OIG. The FTO program review is of significance as it presents new officers the first opportunity to work in the field, post-academy.¹ It is also a critical aspect of training for new officers in department culture, community interactions, and job execution. The OIG informed OPD in July of the intent to review the FTO program. The OIG has since completed the Entrance/Engagement Conference and has begun scheduling interviews for OPD personnel to communicate the scope and methodology that will be used to assess the data. The data collected will assist in meeting the audit objectives.

¹ Negotiated Settlement Agreement with stipulations regarding pattern and practice claims revised December 2008 can be found at <https://oaklandca.s3.us-west-1.amazonaws.com/government/o/OPD/a/publicreports/oak060142.pdf>

THE BEY MATTER

Prior to the appointment of the Inspector General, the Oakland Police Commission voted in November of 2021 to refer the Bey matter to the newly created OIG to review specific records and report to the Commission with any policy recommendations for changes to procedures and practices going forward. This review is active and ongoing therefore the OIG will not be able to provide any lessons learned or recommendations until the review is complete.

CITY COUNCIL AUDIT

Prior to the appointment of the Inspector General, the City Council requested an audit of OPD's calls for service. The OIG has offered additional guidance regarding supplemental tools that may be required to assist and compliment the Calls for Service Audit. There continues to be ongoing communication regarding this matter.

OIG STAFF UPDATE

The OIG welcomed aboard Ms. Shayleen Morris as an exempt limited duration employee (ELDE)-Inspector General Audit Manager, on July 23, 2022. Ms. Morris relocated to the City of Oakland from Seattle, Washington. In Seattle Ms. Morris was the Director of Policy for the Seattle Community Police Commission. Ms. Morris has experience in reviewing police department policies and procedures, collaborating with communities heavily impacted by policing, collecting and analyzing data, publishing reports that include recommendations based on findings, and presenting to governmental and community stakeholders. In a previous position, she participated in the launch and development of a newly formed public safety section within the Inspector General's office for a major Metropolitan area.

The OIG is currently waiting for a response from the Human Resources Department regarding a feasible timeline to hire into the remaining four vacant positions - three Auditors and one Policy Analyst. All the vacant positions will have permanent employees hired into them.

TRAINING UPDATES

Mandated and other Continuing Education Trainings

The IG has mandated all professional staff to complete required trainings outlined in Municipal Code section 2.45.190 - Commissioner training. While the IG is mandated to complete the trainings, the Municipal Code does not require the IG staff to complete the trainings. The IG has completed all required trainings under this mandate and newly hired staff are currently completing those training modules.

Additionally, the OIG management team is working on a professional training plan for Fiscal Year 2023 for all incoming staff to include relevant professional certifications.

OPD Trainings

The OIG has observed and will continue to observe OPD trainings as applicable. The OIG has observed the Race and Equity block, DUI training, Use of Force, and Pursuit trainings among others. These observations will allow the OIG to visually observe how new officers and promoted officers are being taught OPD policies, how the policies are understood in practical application and if there are recommendations the OIG may have for different content or ways of instruction.

Police Commissioners
Subject: OIG Status Report
Date: September 22, 2022

Page 3

Additionally, members of the OIG staff will be attending the National Association for Civilian Oversight of Law Enforcement this month, along with a few the Commissioners.

OIG COMMUNITY MEETINGS AND OUTREACH

During the last few months, the OIG completed a presentation and Q&A session with the Coalition for Police Accountability. The IG also met with members from the District Attorney's office and the Community Policy Advisory Board to see how a better relationship can be established and fostered.

OIG has also attended several community events and community cleanups throughout Oakland. Many hosts afforded the IG the opportunity to address the attendees and inform them of the OIG's jurisdiction and how the OIG was established by the community to assist in the advancement of police accountability. These types of engagement activities have helped the OIG become a presence in the Oakland community and the Office will continue to participate, engage, and expand these efforts as the OIG grows.

For questions regarding this report, please contact Michelle Phillips, Inspector General, at OIG@oaklandca.gov.

Respectfully submitted,



Michelle N. Phillips
Inspector General
Office of the Inspector General



CITY OF OAKLAND

Oakland Police Commission

Office of the Inspector General

Attachment 2

OFFICE OF INSPECTOR GENERAL STRATEGIC PLAN 2022-2023

AN INTRODUCTION TO OUR ORGANIZATION

The Inspector General Act of 1978, as amended, defines the primary responsibilities of the Office of Inspector General (OIG). Further, the City of Oakland Charter Measure S1, adopted in 2020 and Municipal Code defines the OIG duties for the City of Oakland Jurisdiction:

- ◆ To conduct independent, objective and timely audits, evaluations, inspections, and other reviews;
- ◆ To serve as the auditing arm of the Oakland Police Commission by conducting audits and reviews of the Oakland Police Department's (OPD) to include but is not limited to Internal Affairs Department, the Office of Internal Accountability and all departments, units and areas as outlined in the Negotiated Settlement agreement. These tools will assist in ensuring police accountability;
- ◆ To build trust in civilian oversight of policing through encouraging, implementing, and preserving a culture of impartiality, transparency, and accountability;
- ◆ To inform the Oakland Police Commission about opportunities, challenges, and deficiencies in Oakland Police Department programs and operations and the need for corrective action.

The OIG is responsible for monitoring the OPD compliance with policies, procedures, and laws intended to further strengthen the City's ability to decrease instances of police misconduct. The OIG is administratively, physically, and operationally independent from OPD. The OIG executes its responsibilities in a neutral, non-political environment free from interference from any person, group, or organization. The Inspector General reports directly to the Oakland Police Commission.

MISSION

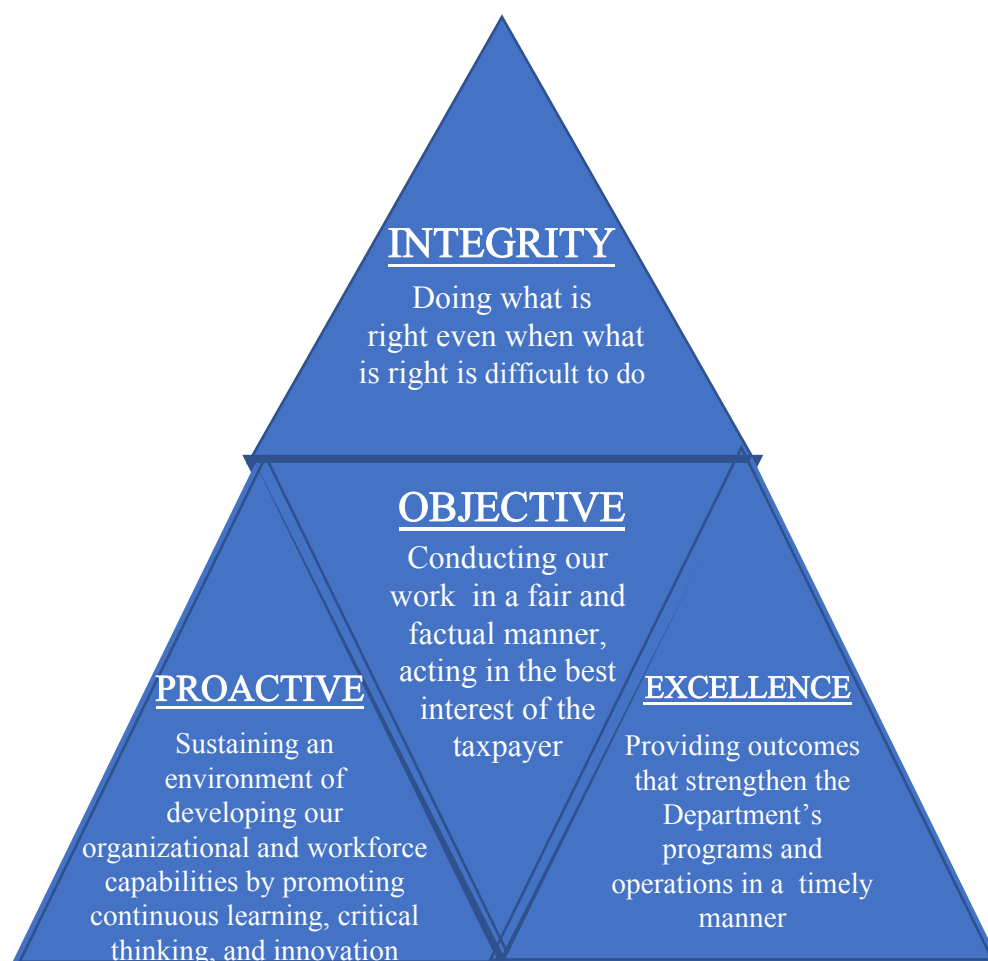
The mission of the Office of the Inspector General is to be an independent, non-partisan oversight agency, that will assist with increasing community trust and ensuring accountability in the City of Oakland's Police Department. In its administration of duties, the Office of the Inspector General will implement a fair, thorough, and autonomous system of civilian oversight of law enforcement. This is accomplished by conducting detailed, objective, and timely audits, reviews, inspections and evaluations of the Oakland Police Department and the Community Police Review Agency, to ensure compliance with laws and policies. The Office of the Inspector General will drive best practices by recommending improvements to policies and trainings as well as engaging in collaborative initiatives that promote systemic advancements.

VISION

We serve the Community of Oakland through building trust in civilian oversight of policing through encouraging, implementing, and preserving a culture of impartiality, transparency, and accountability. We assist in fostering positive and sustainable change.

VALUES

The OIG values are deeply engrained principles used to guide our decisions and actions. These values serve as cornerstones of the OIG's organizational culture. The OIG values are:



ORGANIZATIONAL RESPONSIBILITIES

The Office of the Inspector General is physically located in Frank H. Ogawa Plaza, Oakland, California. The OIG's responsibilities are separated as follows:

AUDITS: conducts audits on OPD and CPRA programs and operations. Efforts are concentrated on providing policies derived from the Negotiated Settlement Agreement. There will be risk-based processes used to identify areas for audit coverage based on known or emerging policy or law violations, risks and areas of greatest vulnerabilities based on new or re-occurring data. This process ensures comprehensive coverage and continued compliance reviews over OPD and CPRA while meeting. Special reviews of high-profile, unplanned, or immediate matters can also be addressed by audits throughout the year.

INSPECTIONS, Evaluations and Reviews: conducts independent and thorough reviews of OPD and CPRA programs and operations to evaluate compliance, operational efficiency and effectiveness. Inspections consist of three types of assessments and reviews:

1. *Performance Based Inspections*- focused on fact-finding and analyses concerning specific issues and topics;
2. *Allegation-Based Inspections*- focused, fact-finding efforts that are typically responsive to allegations of violations of policy or law and/or mismanagement;
3. *Expedited Reviews* - responsive to requests from the Police Commission. These reviews typically concern high-profile or particularly sensitive matters and may be performance-based or allegation-based in nature.

PURPOSE

The purpose of the Strategic Plan is to articulate the OIG's broad strategic goals, which are organized around the mission, values, community, operations and stakeholders. The plan then articulates several objectives for each of these areas, strategies for achieving these objectives, and associated performance measures. The detailed performance measures are published in the OIG *Annual Performance Report*.

STRATEGIC CONTEXT

The 1-year period covered by this Strategic Plan will respond to a rapidly changing oversight environment.

- ◆ In 2022, the Mayor and City Council approved an increase to the OIG budget and staffing resources. This increase will allow the OIG to acquire additional staff and much needed resources to fulfill its statutory responsibilities.
- ◆ In January 2022, the Inspector General was appointed. The first calendar year the OIG has focused on agency structure, standard operating procedures and establishing goals and values. The OIG will establish an audit and review schedule for both OPD and CPRA. This work will be based on information observed and acquired during the first year of operation, progress with the NSA and areas of most risk or need.
- ◆ The OIG is expanding its capabilities to utilize data analytics across all divisions.

STRATEGIC GOALS OBJECTIVES & MEASURES



Be an employer of choice by cultivating a diverse, skilled, and engaged workforce and fostering an inclusive, collaborative environment.

OBJECTIVES

- ◆ Recognize and celebrate employees for successes
- ◆ Establish employee engagement and effective communication
- ◆ Establish a culture of inclusiveness by fostering an open, diverse, equitable and cooperative work environment
- ◆ Prioritize training, development, and opportunities for advancement

MEASURES

- Demonstrated progress in developing and maintaining a proactive communications plan
- Demonstrated completion of training and development plans for staff

GOAL 2: OUR WORK

Conduct independent oversight to strengthen the public trust, integrity, transparency and efficiency for OPD and CPRA

OBJECTIVES

- ◆ Conduct independent and impactful oversight programs that are accurate and timely
 - Audits
 - Inspections and Evaluations
 - Reviews
- ◆ Ensure that OIG oversight reviews are based on a solid legal foundation
- ◆ Utilize a team-based, cross functional approach to oversight for the most challenging high-risk projects

MEASURES

- Percentage of high impact written projects delivered to stakeholders within established time frames
 - Audits
 - Inspections and Evaluations
 - Reviews
- Demonstrated results in holding OPD and CPRA accountable through high impact administrative remedies
- Demonstrated effective use of a team-based, cross functional approaches to oversight for the more challenging areas of oversight

GOAL 3: OUR STAKEHOLDERS

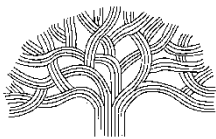
Enhance mission success through effective outreach, stakeholder engagement, and coalition building

OBJECTIVE

- ◆ Continue to improve communications with stakeholders

MEASURES

- Demonstrated results in improved communication with the Police Commission and external stakeholders
- Demonstrated results in improved community partnerships, community outreach and engagement and community service



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
August 2022 Completed Investigations

Page 1 of 4
 (Total Completed = 4)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
JS	21-1010	8/31/2021	8/19/2022	8/30/2022	Subject 1	Conduct Toward Others - Harassment and Discrimination / Race	Exonerated
						Use of Physical Force - Level 3	Exonerated
						Use of Physical Force - Level 4	Exonerated
						Performance of Duty - General	Sustained
						Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	Exonerated
					Subject 2	Use of Physical Force - Level 4	Exonerated
					Subject 3	Conduct Toward Others - Harassment and Discrimination / Age	Exonerated

Definitions:

Sustained: The act(s) alleged by the complainant occurred and constituted misconduct.

Exonerated: The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

Unfounded: The act(s) alleged by the complainant did not occur.

Not Sustained: The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

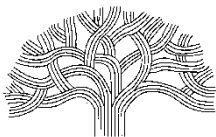
Not Mandated: The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

No Jurisdiction: The Subject Officer of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.

ICR: Resolved through the Informal Complaint Resolution process pursuant to DGO M-3.1.



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
August 2022 Completed Investigations

Page 2 of 4
 (Total Completed = 4)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	Exonerated
ED	22-0144	2/12/2022	8/11/2022	2/11/2023	Subject 1	Use of Physical Force - Level 3	Exonerated
						Use of Physical Force - Level 1	Unfounded
						Use of Physical Force - K32	Exonerated
					Subject 2	Use of Physical Force - K32	Exonerated
					Subject 3	Use of Physical Force - K32	Exonerated
					Subject 4	Use of Physical Force - K32	Exonerated
AL	22-0157	2/14/2022	8/16/2022	2/16/2023	Subject 1	Conduct Toward Others - Harassment and Discrimination / Race	Unfounded

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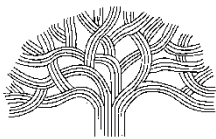
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CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
August 2022 Completed Investigations

Page 3 of 4
 (Total Completed = 4)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty - General	Unfounded
					Subject 2	Performance of Duty - General	Unfounded
						Conduct Toward Others - Harassment and Discrimination / General	Unfounded
MM	22-0201	2/16/2022	8/26/2022	2/27/2023	Subject 1	No Duty/No MOR Violation	No MOR Violation
						Use of Physical Force - Level 3	Exonerated
					Subject 2	No Duty/No MOR Violation	No MOR Violation
						Use of Physical Force - Level 3	Exonerated

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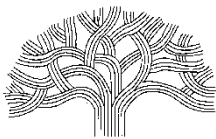
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CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
August 2022 Completed Investigations

Page 4 of 4
 (Total Completed = 4)

CPRA Made the following Training Recommendations with Respect to Investigations in this Report

1. The CPRA recommended that an officer receive training regarding proper de-escalation techniques.
2. The CPRA recommended that an officer receive training regarding tactics as they relate to officer safety.
3. The CPRA recommended that officers receive training regarding the obligation to ask arrestees health questions following a takedown.

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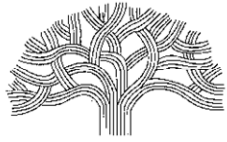
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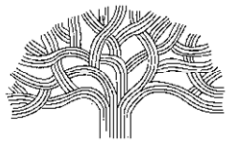


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases as of August 2022
(Sorted by One-Year Goal)

Attachment 3
Page 1 of 5
 (Total Pending = 113)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-Day Goal	1-Year Goal	Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
21-1139	09/23/2021	09/23/2021	09/23/2021	Investigator	AL	03/22/2022	09/22/2022	Discrimination	1	1	2	Discrimination Race/Gender
21-1411	11/19/2021	11/23/2021	11/19/2021	Investigator	AL	05/18/2022	11/18/2022	Other	2	2	4	Performance of Duty, False Arrest
21-1426	11/22/2021	12/21/2021	11/22/2021	Investigator	AL	05/21/2022	11/21/2022	Use of Force	1	4	6	Use of Force
21-1478	12/06/2021	12/07/2021	12/06/2021	Investigator	ED	06/04/2022	12/05/2022	Use of Force	1	2	10	Use of Force, Refusal to Provide Name and Serial Number, Unlawful Detention, Performance of Duty
21-1514	10/13/2021	12/14/2021	12/13/2021	Investigator	MM	06/11/2022	12/12/2022	Use of Force	1	1	2	Use of Force, False Arrest
21-1547	12/20/2021	12/22/2021	12/20/2021	Investigator	ED	06/18/2022	12/19/2022	Use of Force	1	1	1	Use of Force
21-1558	12/24/2021	12/28/2021	12/24/2021	Investigator	ED	06/22/2022	12/23/2022	Use of Force	1	3	10	Use of Force, Miranda, Performance of Duty
21-1569	06/11/2021	12/27/2021	12/27/2021	Investigator	MM	06/25/2022	12/26/2022	Discrimination	1	15	30	Failure to accept or refer, discrimination, performance of duty
22-0001	01/01/2022	01/04/2022	01/02/2022	Investigator	JS	07/01/2022	01/01/2023	Use of Force	1	1	1	Use of Force
22-0018	01/08/2022	01/11/2022	01/08/2022	Investigator	MM	07/07/2022	01/07/2023	Use of Force	1	4	4	Use of Force
22-0040	01/15/2022	01/18/2021	01/15/2022	Investigator	AL	07/14/2022	01/14/2023	Use of Force	1	1	1	Use of Force
22-0065	01/21/2022	01/25/2022	01/21/2022	Investigator	MM	07/20/2022	01/20/2023	Use of Force	1	1	1	Use of Force
22-0093	01/27/2022	02/01/2022	01/27/2022	Investigator	MM	07/26/2022	01/27/2023	Racial Discrimination	1	1	5	Racial Discrimination
20-1406	11/03/2020	11/06/2020	11/03/2020	Investigator	ED	05/02/2021	02/06/2023	Use of Force	1	6	6	Use of Force
22-0132	02/08/2022	02/08/2022	02/08/2022	Investigator	JS	08/07/2022	02/07/2023	Discrimination	1	1	2	Discrimination, Performance of Duty
22-0139	02/10/2022	02/15/2022	02/10/2022	Investigator	JS	08/09/2022	02/09/2023	Use of Force	1	1	1	Use of Force
22-0145	02/12/2022	02/15/2022	02/12/2022	Investigator	JS	08/11/2022	02/11/2023	Use of Force	1	4	11	Use of Force, Performance of Duty, Demeanor, Harrassment/Discrimination
22-0155	02/15/2022	02/17/2022	02/16/2022	Investigator	JS	08/15/2022	02/16/2023	Use of Force	1	7	16	Use of Force
22-0181	02/23/2022	02/24/2022	02/23/2022	Investigator	AL	08/22/2022	02/23/2023	Use of Force	1	1	1	Use of Force
22-0203	02/28/2022	03/02/2022	02/28/2022	Investigator	JS	08/27/2022	02/27/2023	Use of Force	1	1	2	Use of Force, Performance of Duty
22-0212	03/02/2022	03/04/2022	03/02/2022	Investigator	AL	08/29/2022	03/01/2023	In-Custody Death	1	12	12	Performance of Duty, General Conduct Supervisors Authorities and Responsibilities
21-0238	03/02/2021	03/02/2021	03/02/2021	Investigator	ED	08/29/2021	03/02/2023	Use of Force	1	4	4	Use of Force, Supervisors Authorities and Responsibilities
22-0228	03/04/2022	03/10/2022	03/04/2022	Investigator	AL	08/31/2022	03/03/2023	Discrimination	1	3	3	Harassment/Discrimination
22-0230	03/05/2022	03/10/2022	03/05/2022	Investigator	AL	09/01/2022	03/04/2023	Use of Force	1	1	2	Use of Force; Performance of Duty
22-0227	03/02/2022	03/10/2022	03/05/2022	Investigator	JS	09/01/2022	03/04/2023	Use of Force	1	4	4	Use of Force
22-0225	03/05/2022	03/10/2022	03/05/2022	Investigator	ED	09/01/2022	03/05/2023	Use of Force	1	2	6	Use of Force; Performance of Duty
22-0247	03/04/2022	03/07/2022	03/07/2022	Investigator	JS	09/03/2022	03/07/2023	Use of Force	1	1	1	Use of Force

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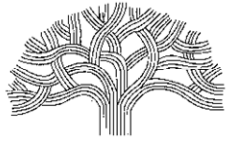


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22-0241	03/07/2022	03/10/2022	03/09/2022	Investigator	AL	09/05/2022	03/08/2023	Use of Force	1	1	3	Unlawful Arrest, Unlawful Search Use of Force
22-0248	03/10/2022	03/15/2022	03/10/2022	Investigator	JS	09/06/2022	03/09/2023	Use of Force	1	2	2	Use of Force
22-0267	03/11/2022	03/15/2022	03/11/2022	Investigator	ED	09/07/2022	03/10/2023	Use of Force	1	1	1	Use of Force
22-0261	03/12/2022	03/15/2022	03/12/2022	Investigator	MM	09/08/2022	03/11/2023	Truthfulness	2	3	2	Demeanor, Truthfulness
22-0258	03/13/2022	03/15/2022	03/13/2022	Investigator	JS	09/09/2022	03/12/2023	Use of Force	2	1	1	Use of Force
22-0288	02/26/2022	03/22/2022	03/18/2022	Investigator	ED	09/14/2022	03/17/2023	Other	2	1	3	False Arrest
22-0290	03/18/2022	03/22/2022	03/18/2022	Investigator	MM	09/14/2022	03/17/2023	Racial Profiling	1	2	6	Racial Profiling, False Arrest
22-0449	11/16/2010	04/21/2022	03/20/2022	Investigator	ED	10/17/2022	03/20/2023	Use of Force	1	1	1	Use of Force
22-0335	03/26/2022	03/30/2022	03/26/2022	Investigator	JS	09/22/2022	03/25/2023	Discrimination	1	1	2	Discrimination, Demeanor
22-0349	03/31/2022	04/05/2022	03/31/2022	Investigator	AL	09/27/2022	03/31/2023	Racial Discrimination	1	1	2	Racial Discrimination; Performance of Duty
22-0395	04/10/2022	04/12/2022	04/10/2022	Investigator	MM	10/07/2022	04/09/2023	Use of Force	1	2	4	Conduct/Demeanor, Use of Force
22-0403	04/12/2022	04/14/2022	04/12/2022	Investigator	MM	10/09/2022	04/12/2023	Use of Force	1	1	1	Use of Force
22-0409	04/13/2022	04/15/2022	04/13/2022	Investigator	JS	10/10/2022	04/13/2023	Discrimination	1	1	3	Racial Discrimination; Performance of Duty
22-0428	04/16/2022	04/19/2022	04/16/2022	Investigator	JS	10/13/2022	04/16/2023	Truthfulness	1	1	1	Truthfulness
22-0464	04/21/2022	04/27/2022	04/22/2022	Investigator	MM	10/19/2022	04/21/2023	Racial Discrimination	2	3	3	Racial Profiling, False Arrest
22-0477	04/24/2022	04/27/2022	04/24/2022	Investigator	AL	10/21/2022	04/23/2023	Racial Discrimination	1	2	2	Racial Discrimination
22-0494	04/28/2022	05/03/2022	04/28/2022	Investigator	MM	10/25/2022	04/27/2023	Truthfulness	1	1	1	Use of Force
22-0528	05/05/2022	05/10/2022	05/05/2022	Investigator	MM	11/01/2022	05/04/2023	Use of Force	1	2	1	Use of Force
22-0532	05/08/2022	05/10/2022	05/08/2022	Investigator	AL	11/04/2022	05/07/2023	Use of Force	1	2	2	Use of Force
22-0569	05/13/2022	05/18/2022	05/13/2022	Investigator	JS	11/09/2022	05/12/2023	Discrimination	1	2	4	Discrimination, Demeanor
22-0563	05/13/2022	05/18/2022	05/13/2022	Investigator	JS	11/09/2022	05/12/2023	Use of Force	1	2	2	Use of Force
22-0576	05/16/2022	05/18/2022	05/16/2022	Investigator	AL	11/12/2022	05/15/2023	Other	2	1	1	Performance of Duty - general
22-0575	05/16/2022	05/18/2022	05/16/2022	Investigator	JS	11/12/2022	05/15/2023	Use of Force	1	1	2	Use of Force, Demeanor
22-0583	05/18/2022	05/20/2022	05/18/2022	Investigator	MM	11/14/2022	05/17/2023	Discrimination	1	2	2	Harassment, Discrimination
22-0617	05/18/2022	05/20/2022	05/24/2022	Investigator	JS	11/13/2022	05/17/2023	Use of Force	1	9	9	Use of Force, Demeanor
21-1140	09/26/2021	09/26/2021	09/26/2021	Investigator	ED	03/25/2022	05/18/2023	Other	2	5	5	Performance of Duty, Supervisors Authority and Responsibilities
22-0618	05/24/2022	05/25/2022	05/24/2022	Investigator	AL	11/20/2022	05/23/2023	Racial Discrimination	1	1	2	Racial Discrimination Performance of Duty - false arrest
22-0597	05/22/2022	05/24/2022	05/22/2022	Investigator	MM	11/18/2022	05/23/2023	Racial Discrimination Use of Force	1	1	2	Racial Discrimination; Use of Force
22-0635	05/26/2022	05/31/2022	05/26/2022	Investigator	MM	11/22/2022	05/25/2023	Use of Force	1	9	9	Use of Force

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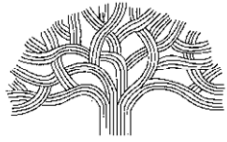


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22-0630	05/26/2022	05/31/2022	05/26/2022	Intake	FC	11/22/2022	05/25/2023	Use of Force	1	1	1	Use of Force
22-0638	05/28/2022	06/02/2022	05/28/2022	Investigator	ED	11/24/2022	05/28/2023	Racial Discrimination	1	1	3	Racial Discrimination; Demeanor
22-0661	06/01/2022	06/07/2022	06/01/2022	Investigator	MM	11/28/2022	05/31/2023	Use of Force	1	4	5	Use of Force
22-0670	06/02/2022	06/07/2022	06/03/2022	Investigator	AL	11/30/2022	06/02/2023	Use of Force	1	1	2	Use of Force, Performance of Duty
22-0667	06/02/2022	06/07/2022	06/03/2022	Investigator	JS	11/30/2022	06/03/2023	Racial Discrimination Demeanor	1	3	12	Racial Discrimination; Demeanor
22-0678	06/05/2022	06/07/2022	06/05/2022	Investigator	MM	12/02/2022	06/04/2023	Racial Discrimination	1	1	4	Racial Discrimination/Performance of Duty Demeanor
22-0729	06/12/2022	06/14/2022	06/12/2022	Investigator	ED	12/09/2022	06/11/2023	Use of Force	1	2	2	Use of Force
22-0728	06/11/2022	06/14/2022	06/12/2022	Intake	KC	12/09/2022	06/12/2023	Use of Force	1	1	1	Use of Force
22-0744	06/14/2022	06/21/2022	06/14/2022	Investigator	MM	12/11/2022	06/13/2023	Use of Force	1	1	2	Unlawful Detention, Use of Force
22-0740	06/15/2022	06/16/2022	06/15/2022	Investigator	JS	12/12/2022	06/14/2023	Use of Force	1	1	3	Use of Force, Demeanor, No MOR Violation
22-0741	06/15/2022	06/15/2022	06/16/2022	Investigator	AL	12/12/2022	06/14/2023	Use of Force	1	1	3	Use of Force, Obedience to Laws
22-0753	10/17/2021	06/21/2022	06/17/2022	Intake	FC	12/14/2022	06/17/2023	Racial Discrimination	1	1	1	Racial Discrimination
22-0783	06/22/2022	06/28/2022	06/22/2022	Investigator	JS	12/19/2022	06/21/2023	Use of Force	1	1	1	Use of Force
22-0796	06/26/2022	06/26/2022	06/26/2022	Investigator	ED	12/23/2022	06/25/2023	In-Custody Death Truthfulness	1	2	2	Unauthorized pursuit; Truthfulness
22-0800	06/25/2022	06/28/2022	06/25/2022	Investigator	ED	12/22/2022	06/25/2023	Racial Discrimination	1	1	1	Racial Discrimination
22-0810	06/27/2022	06/29/2022	06/27/2022	Investigator	JS	12/24/2022	06/26/2023	Use of Force	1	5	5	Use of Force
22-0838	07/01/2022	07/06/2022	07/01/2022	Intake	FC	12/28/2022	06/30/2023	Use of Force	1	2	4	Use of Force, Unlawful Arrest
22-0836	07/02/2022	07/06/2022	07/02/2022	Investigator	AL	12/29/2022	07/01/2023	Discrimination	1	2	3	Discrimination/Performance of Duty/Demeanor
22-0835	07/01/2022	07/06/2022	07/01/2022	Investigator	AL	12/28/2022	07/01/2023	Racial Discrimination Use of Force	1	2	4	Racial Discrimination; Use of Force
22-0839	07/05/2022	07/06/2022	07/05/2022	Investigator	ED	01/01/2023	07/04/2023	Use of Force	1	1	5	Use of Force, Service, Demeanor
22-0864	07/04/2022	07/12/2022	07/06/2022	Intake	FC	01/02/2023	07/05/2023	Discrimination	1	1	2	Discrimination, Performance of Duty
22-0850	07/05/2022	07/07/2022	07/06/2022	Intake	FC	01/02/2023	07/05/2023	Use of Force	1	1	1	Use of Force
22-0869	07/08/2022	07/12/2022	07/08/2022	Intake	FC	01/04/2023	07/07/2023	Discrimination	1	1	4	Conduct, Refusal to Provide Name, Discrimination Failure to Accept or Refer a Complaint
22-0877	07/08/2022	07/12/2022	07/08/2022	Intake	KC	01/04/2023	07/08/2023	Discrimination	1	1	2	Discrimination
22-0872	05/31/2022	07/12/2022	07/09/2022	Intake	KC	01/05/2023	07/09/2023	Discrimination	1	1	2	Discrimination
22-0871	07/09/2022	07/12/2022	07/11/2022	Investigator	MM	01/05/2023	07/09/2023	Use of Force	1	2	2	Use of Force
22-0884	07/11/2022	07/13/2022	07/12/2022	Intake	FC	01/08/2023	07/11/2023	Use of Force	1	1	2	Use of Force, Performance of Duty

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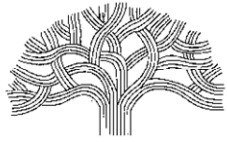


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22-0893	07/14/2022	07/19/2022	07/14/2022	Investigator	AL	01/10/2023	07/14/2023	Discrimination	1	1	2	Discrimination
22-0904	07/15/2022	07/19/2022	07/15/2022	Intake	KC	01/11/2023	07/15/2023	Harassment (Gender)	2	1	5	Harassment, Performance of duty, Demeanor, service complaint
22-0919	07/11/2022	07/20/2022	07/19/2022	Intake	FC	01/15/2023	07/18/2023	Discrimination	1	1	4	Demeanor, Performance of Duty, Discrimination, Retaliation
22-0945	06/10/2022	07/27/2022	07/26/2022	Intake	KC	01/22/2023	07/25/2023	Discrimination	1	2	2	Discrimination
22-0977	07/07/2021	07/26/2022	07/26/2022	Intake	FC	01/22/2023	07/25/2023	Use of Force	1	1	5	Use of Force, Performance of Duty
22-0984	04/14/2022	07/28/2022	07/28/2022	Investigator	MM	01/24/2023	07/27/2023	Harassment Truthfulness	1	2	5	Retaliation, Harassment, Reports, Service, Truthfulness
22-0299	03/20/2022	07/29/2022	07/29/2022	Investigator	AL	01/25/2023	07/28/2023	Harassment	1	1	2	Harassment, Obedience to Laws
22-1025	07/21/2022	08/10/2022	07/29/2022	Intake	FC	01/25/2023	07/28/2023	Use of Force	1	1	2	Use of Force, Performance of Duty
22-0974	07/30/2022	08/01/2022	07/30/2022	Intake	KC	01/26/2023	07/29/2023	Use of Force	1	2	8	Use of Force, Performance of Duty Demeanor
22-0997	07/13/2022	08/03/2022	08/03/2022	Intake	FC	01/30/2023	08/02/2023	Truthfulness	1	1	3	Truthfulness, Demeanor
22-0998	08/05/2022	08/04/2022	08/05/2022	Intake	KC	01/31/2023	08/03/2023	Use of Force	1	1	4	Use of Force
22-1011	08/07/2022	08/09/2022	08/07/2022	Intake	KC	02/03/2023	08/06/2023	Discrimination	1	1	2	Discrimination, Demeanor
22-1026	08/08/2022	08/10/2022	08/08/2022	Intake	KC	02/04/2023	08/07/2023	Use of Force	1	1	1	Use of Force
22-1047	08/13/2022	08/16/2022	08/13/2022	Intake	KC	02/09/2023	08/12/2023	Racial Discrimination	1	2	2	Racial Discrimination
22-1048	08/13/2022	08/16/2022	08/13/2022	Intake	KC	02/09/2023	08/12/2023	Racial Discrimination Use of force	1	2	4	Racial Discrimination/Use of force
22-1075	08/18/2022	08/23/2022	08/18/2022	Intake	KC	02/14/2023	08/17/2023	Racial Discrimination Use of force	1	2	6	Racial Discrimination/Use of force
22-1077	08/19/2016	08/23/2022	08/19/2022	Intake	KC	02/15/2023	08/18/2023	Harassment (Gender)	1		1	Harassment (Gender)
22-1081	08/20/2022	08/23/2022	08/20/2022	Intake	KC	02/16/2023	08/19/2023	Use of Force	1	1	1	Use of Force
22-1084	08/20/2022	08/23/2022	08/20/2022	Intake	KC	02/16/2023	08/19/2023	Use of Force	1	1	2	use of Force/Performance of duty
22-1090	08/22/2022	08/23/2022	08/22/2022	Intake	KC	02/18/2023	08/21/2023	Use of Force	1	1	1	Use of Force
22-1105	08/23/2022	08/25/2022	08/23/2022	Intake	KC	02/19/2023	08/22/2023	Racial Discrimination	1	2	4	Racial Discrimination/False arrest
22-1133	08/27/2022	08/31/2022	08/29/2022	Intake	KC	02/25/2023	08/29/2023	Discrimination	1	1	2	Discrimination
22-1138	08/30/2022	08/31/2022	08/30/2022	Intake	KC	02/26/2023	08/29/2023	Use of Force	1	2	4	Use of Force, Demeanor
22-1145	08/31/2022	09/02/2022	08/31/2022	Intake	FC	02/27/2023	08/30/2023	Harassment	1	2	4	Racial Harassment, Demeanor
22-0626	05/25/2022	05/26/2022	05/25/2022	Intake	FC	11/21/2022	11/21/2023	Racial Discrimination Use of Force	1	2	3	Racial Discrimination; Use of Force
19-1169	10/17/2019	10/22/2019	10/17/2019	Investigator	ED	04/14/2020	Tolled	Discrimination Use of Force	1	2	7	Use of Force, Discrimination, False Arrest

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21-1410	11/20/2021	11/20/2021	11/20/2021	Investigator	AL	05/19/2022	Tolled	Use of Force	1	14	17	Use of Force
22-0622	05/25/2022	05/25/2022	05/25/2022	Investigator	MM	11/21/2022	Tolled	Use of Force	1	1	1	Use of Force
21-1114	09/22/2021	09/22/2021	09/22/2021	Investigator	JS	03/22/2022	Tolled	Use of Force	1	3	3	Use of Force
21-0993	08/25/2021	08/25/2021	08/25/2021	Investigator	MM	02/27/2022	Tolled	Use of Force	1	3	6	Use of Force, Performance of Duty, Supervision

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DEPARTMENTAL GENERAL ORDER

I-25: UNMANNED AERIAL SYSTEM (UAS)

Effective Date:

Coordinator: Electronic Services Unit, Special Operations Division

UNMANNED AERIAL SYSTEMS (UAS)

I. VALUE STATEMENT

The Oakland Police Department believes in protecting and serving its diverse community and city through fair, equitable and constitutional policing. OPD believes in the usage of technology to aid in this mission and in the investment of Unmanned Aerial Systems (UAS), or better known as “Drones”. These fleets will never replace the police officers who have sworn to protect the community, but will assist in mitigating use of force, bring safe resolutions to critical incidents and help save lives. OPD is committed in safeguarding and respecting the privacy of the community and has brought measures and policies in place to ensure none are violated. Regardless of deployment, UAS will be utilized in accordance with OPD Core Values and our Mission.

II. DESCRIPTION OF THE TECHNOLOGY

A. UAS Components

An Unmanned Aerial System (UAS) is an unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV), and all of the supporting or attached components designed for gathering information through imaging, recording or any other means. Generally, a UAS consists of:

- A UAV, composed of:
 - Chassis with several propellers for flight
 - Control propellers and other flight stabilization technology (e.g. accelerometer, a gyroscope),
 - Radio frequency and antenna equipment to communicate

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with a remote-control unit;

- A computer chip for technology control;
- A camera, with thermal imaging capabilities;
- A digital image/video storage system for recording onto a digital data memory card;
- A removable speaker
- A remote-control unit; and
- Battery charging equipment for the aircraft and remote control.

B. Purpose

UAS have been used to save lives and protect property and can detect possible dangers that cannot otherwise be seen. UAS can support first responders in hazardous incidents that would benefit from an aerial perspective. In addition to hazardous situations, UAS have applications in locating and apprehending subjects, missing persons, and search and rescue operations as well as task(s) that can best be accomplished from the air in an efficient and effective manner. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

UAV's may not always be ideal for deployment and alternatives should always be considered prior to deployment

C. How the System Works

1. The FAA Modernization and Reform Act of 2012 provides for the integration of civil unmanned aircraft systems into national airspace by September 1, 2015.
2. UAS are controlled from a remote-control unit. Drones can be controlled remotely, often from a smartphone or tablet. Wireless connectivity lets pilots view the drone and its surroundings from a birds-eye perspective. Users can also leverage apps to pre-program specific GPS coordinates and create an automated flight path for the drone. Another wirelessly enabled feature is the ability to track battery charge in real time, an important consideration since drones use smaller batteries to keep their weight low.
3. UAS have cameras so the UAS pilot can view the aerial perspective.
4. UAS use secure digital (SD) memory cards to record image and

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video data; SD cards can be removed from UAS after flights to input into a computer for evidence.

III. GENERAL GUIDELINES**A. Authorized Use**

1. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. UAS operations should be conducted in accordance with FAA approval.
2. Only authorized operators who have completed the required training shall be permitted to operate the UAS.
3. UAS may only be used for the following specified situations:
 - a. Mass casualty incidents (e.g. large structure fires with numerous casualties, mass shootings involving multiple deaths or injuries);
 - b. Disaster management;
 - c. Missing or lost persons;
 - d. Hazardous material releases;
 - e. Sideshow events where many vehicles and reckless driving is present;
 - f. Rescue operations;
 - g. Scene documentation for evidentiary or investigation value (e.g. crime, collision, or use of force scenes);
 - h. Training;
 - i. Hazardous situations which present a high risk to officer and/or public safety, to include:
 - i. Barricaded suspects;
 - ii. Hostage situations;
 - iii. Armed suicidal persons;
 - iv. Arrest of armed and/or dangerous persons (as defined in OPD DGO J-04 "Pursuit Driving" Appendix A, H "Violent Forcible Crime");
 - v. Operational pre-planning [prior planning for services of search and arrest warrants. This would provide up-to-date intelligence (e.g. terrain, building layout) so that personnel allocate appropriate resources and minimize last minute chance encounters and uses of force]; and

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- vi. Service of high-risk search and arrest warrants involving armed and/or dangerous persons (as defined in OPD DGO J-04 “Pursuit Driving” Appendix A, H “Violent Forcible Crime”); and
- vii. Exigent circumstances – A monitoring commander (Lieutenant or above) may authorize a Robot or Pole Camera deployment under exigent circumstances as defined in OPD DGO K-03 “Exigent Circumstances¹.” A report shall be completed and forwarded to the Chief of Police and the OPD UAS Coordinator for all deployments authorized under exigent circumstances, for a full review to determine policy compliance.

4. Deployment Authorization

- a. Deployment of an OPD UAS shall only be for the authorized uses above and require the authorization of the incident commander, who shall be of the rank of Lieutenant of Police or above.
- b. Incident commanders of a lower rank may authorize the use of a UAS during exigent circumstances. In these cases, authorization from a command-level officer shall be sought as soon as is reasonably practical.

ESU Operators are encouraged to advise a supervisor or incident commanders when they believe they are uncappable of operating a robot in a safe manner.

5. Deployment Logs

- a. A commander authorizing deployment of a UAS shall send notification of the deployment via the military equipment deployment notification process
- b. ESU shall record details from each UAS deployment onto a flight log which shall be submitted to ESU and kept on file for FAA records purposes.
- c. Flight logs will provide all mission deployment details for each flight.

¹ Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, or the escape of a suspect

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6. Privacy Considerations

- a. Operators and observers shall adhere to FAA altitude regulations.
- b. Operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g. residence, yard, enclosure). When the UAS is being flown, operators will take steps to ensure the camera is focused on the areas necessary to the mission and to minimize the inadvertent collection of data about uninvolved persons or places. Operators and observers shall take reasonable precautions, such as turning imaging devices away, to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

B. Prohibited Use

1. UAS shall not be equipped with any weapon systems or analytics capable of identifying groups or individuals, including but not limited to facial recognition or gait analysis.
2. UAS and remote-control units shall not transmit any data except to each other. Data shall only be recorded onto removable SD cards.
3. UAS shall not be used for the following activities:
 - a. For any activity not defined by “Authorized Use” Part 3 above.
 - b. Conducting surveillance.;
 - c. Targeting a person or group of people based on their characteristics, such as but not limited to race, ethnicity, national origin, religion, disability, gender, clothing, tattoos, sexual orientation and/or perceived affiliation when not connected to actual information about specific individuals related to criminal investigations.
 - d. For the purpose of harassing, intimidating, or discriminating against any individual or group.
 - e. To conduct personal business of any type.

C. Communications

Notifications will be made to the Communications Section for notifying patrol personnel, when UAS operations are authorized by a Commander.

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IV. UAS DATA**A. Data Collection**

The video recording only function of the UAS shall be activated whenever the UAS is deployed, and deactivated whenever the UAS deployment is completed. The UAS operator will rely on SD Cards for video recordings.

B. Data Retention

Video recording collected by OPD UAS shall be retained five days and deleted on the fifth day unless:

1. The recording is needed for a criminal investigation;
2. The recording is related to a City of Oakland Police department administrative investigations (Internal Affairs Investigation).

The program coordinator shall develop procedures to ensure that data are retained and purged in accordance with applicable record retention schedules.

C. Data Access

OPD's Electronic Services Unit (ESU) shall be responsible for the maintenance and storage of UAS equipment. Members approved to access UAS equipment under these guidelines are permitted to only access the data for administrative or criminal investigation purposes.

UAS image and video data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

1. The agency makes a written request for the OPD data that includes:
 - a. The name of the requesting agency.
 - b. The name of the individual making the request.
 - c. The basis of their need for and right to the information.
 - i. A right to know is the legal authority to receive information pursuant to a court order, statutory law, or case law. A need to know is a compelling reason to request information such as direct involvement in an

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investigation.

2. The request is reviewed by the Chief of Police, Assistant Chief of Police, or Deputy Chief/ Deputy Director or designee and approved before the request is fulfilled.
3. The approved request is retained on file, and incorporated into the annual report pursuant to Oakland Municipal Code Section 9.64.010 1.B.

D. Data storage, access, and security

The program coordinator shall develop procedures to ensure that all UAS SD card data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence. These procedures include strict adherence to chain of custody requirements.

Electronic trails, including encryption, authenticity certificates, and date and time stamping shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

E. Data Sharing

UAS systems deployed by OPD shall not share any data with any external organizations via integrated technology. The UAS only sends data to the flight controller via encrypted radio signals – there is no internet connection for external data sharing.

F. Public Access

UAS data which is collected and retained under subsection B of this section is considered a “law enforcement investigatory file” pursuant to Government Code § 6254, and shall be exempt from public disclosure. UAS data which is retained pursuant to subsection B shall be available via public records request pursuant to applicable law regarding Public Records Requests as soon as the criminal or administrative investigations has concluded and/or adjudicated.

G. Data Protection and Security

All UAS SD card data will be secured in a manner (e.g. lockbox) only accessible to ESU personnel. All evidence from UAS SD cards shall be submitted to the OPD Evidence Unit for safe storage.

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V. UAS ADMINISTRATION**A. System Coordinator / Administrator**

1. The ESU will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices.
2. The ESU Unit Supervisor, or other designated OPD personnel shall provide the Chief of Police, Privacy Advisory Commission, and City Council with an annual report that covers all use of the UAS technology during the previous year. The report shall include all report components compliant with Ordinance No. 13489 C.M.S. The annual report will include a breakdown of incident type for each year.
3. **FAA Certificate of Waiver or Authorization (COA)**
COA (Certificate of Authorization) given by the FAA which grants permission to fly within specific boundaries and perimeters. The UAS Coordinator will maintain current COA's consistent with FAA regulations. The ESU Unit Supervisor, or other designated OPD personnel, shall coordinate the application process and ensure that the COA is current.
4. **Submission and evaluation of requests for UAS use**
The ESU Unit Supervisor, or other designated OPD personnel, shall develop a uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.

B. Facilitating law enforcement requests

The ESU Unit Supervisor, or other designated OPD personnel, shall facilitate law enforcement access to images and data captured by UAS as allowable by department policy and/or City of Oakland ordinance.

C. Program improvements

The ESU Unit Supervisor, or other designated OPD personnel, shall recommend and accept program improvement suggestions, particularly those involving safety and information security.

D. Maintenance

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The ESU Unit Supervisor, or other designated OPD personnel, shall develop a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, and include this protocol in the UAS procedure manual. Maintenance and record-keeping should also include expenditures such as purchase of new equipment and mechanical repairs.

E. Cost Analysis

The ESU Unit Supervisor, or designated OPD personnel, shall develop a protocol for developing and documenting data for a cost-benefit analysis. This cost benefit analysis will include amount of UAS personal involved (operators and visual observers), UAS equipment utilized, suspect(s) located (e.g. gender, race and age) and the recovery of evidentiary items (e.g. firearms, clothing, vehicles, etc).

F. Training

The ESU Unit Supervisor, or other designated OPD personnel, shall ensure that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.

G. Auditing and Oversight

The ESU Unit Supervisor, or other designated OPD personnel, shall develop a protocol for documenting all UAS uses in accordance to this policy with specific regards to safeguarding the privacy rights of the community and include this in the UAS procedure manual and the annual UAS report. The UAS supervisor will develop an electronic record of time, location, equipment, purpose of deployment, and number of UAS personal involved. Whenever a deployment occurs the operator will send notification/submit (either electronically or hard copy) to the UAS Supervisor to include the topics listed above. This protocol will allow the UAS supervisor to have a running log of all deployments and assist in the annual report.

H. Reporting

The ESU Unit Supervisor, or other designated OPD personnel, shall monitor the adherence of personnel to the established procedures and shall provide an annual report on the program to the Chief of Police.

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The ESU Unit Supervisor, or other designated OPD personnel, shall provide the Chief of Police, Privacy Advisory Commission, and City Council with an annual report that contains a summary of authorized access and use

I. Inquiry and Complaint Process

(Government Code 7070 d (7)) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

The Oakland Police Department DGO M-3: **Complaints Against Departmental Personnel or Procedures** will inform all employees and the public of procedures for accepting, processing and investigating complaints concerning allegations of member employee misconduct.^[1] Refer to DGO K-7 for additional information.

J. Training

The ESU Unit Supervisor, or other designated OPD personnel, shall develop an operational procedure manual governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.

By Order of

LeRonne L. Armstrong

Chief of Police

Date Signed:

^[1] DGO M-3 states, "IAD investigations shall be completed, reviewed, and approved within 180 days unless approved by the IAD commander."

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Controlled Equipment Impact Report



Item(s): Unmanned Aerial System (UAS); Drones
Applicable Use Policy: DGO I-25, Unmanned Aerial System (UAS)

Description and Purpose

DJI Mavic Enterprise 2 Advanced	
Description	A Drone is an unmanned aircraft. Drones are more formally known as unmanned aerial vehicles (UAVs) or unmanned aircraft systems (UAS), which describes the UAS, remote controller and operator.
Manufacturer's Product Description	Compact Commercial Drone with Thermal and Zoom Dual-Camera, and Spotlight and Loudspeaker Attachments Built for Search & Rescue, Fire Fighting, Inspection, and More
How the item works	UAVs are controlled by remote controllers. Operators will utilize the remote controller to direct the UAV to fly, hover, or land
Expected lifespan	UAVs will last approximately 2 years or more depending on usage. Batteries have shorter life spans as they gradually deteriorate due to normal usage.
Quantity	7 owned
Purpose and intended uses and/or effects	Understanding that real time intelligence can provide officers safety and tactical advantages, UAV's are beneficial in providing a bird's eye view during perimeters or barricaded suspects, which reduces or mitigates use of force and injuries to all parties. UAVs are also beneficial in search and rescue operations and crime scene documentation as they provide aerial coverage and views not possible while at ground level.

DJI Mavic Mini 2	
Description	A Drone is an unmanned aircraft. Drones are more formally known as unmanned aerial vehicles (UAVs) or unmanned aircraft systems (UAS), which describes the UAS, remote controller and operator.
Manufacturer's Product Description	The Mavic Mini from DJI is a compact drone weighing in at under 9 oz.
How the item works	UAVs are controlled by remote controllers. Operators will utilize the remote controller to direct the UAV to fly, hover, or land
Expected lifespan	UAVs will last approximately 2 years or more depending on usage. Batteries have shorter life spans as they gradually deteriorate due to normal usage.
Quantity	5 owned

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Purpose and intended uses and/or effects	Understanding that real time intelligence can provide officers safety and tactical advantages, UAV's are beneficial in providing a bird's eye view during perimeters or barricaded suspects, which reduces or mitigates use of force and injuries to all parties. UAVs are also beneficial in search and rescue operations and crime scene documentation as they provide aerial coverage and views not possible while at ground level.
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DJI Matrice 300 RTK	
Description	A Drone is an unmanned aircraft. Drones are more formally known as unmanned aerial vehicles (UAVs) or unmanned aircraft systems (UAS), which describes the UAS, remote controller and operator.
Manufacturer's Product Description	The Matrice 300 RTK is a commercial drone features a 1080p video, which provides a live HD view from the aircraft's camera at distances of up to 9.3 miles (15 km) with Thermal and Zoom Dual-Camera, and Spotlight and Loudspeaker Attachments Built for Search & Rescue, Fire Fighting, Inspection, and More.
How the item works	UAVs are controlled by remote controllers. Operators will utilize the remote controller to direct the UAV to fly, hover, or land
Expected lifespan	UAVs will last approximately 2 years or more depending on usage. Batteries have shorter life spans as they gradually deteriorate due to normal usage.
Quantity	1 owned
Purpose and intended uses and/or effects	Understanding that real time intelligence can provide officers safety and tactical advantages, UAV's are beneficial in providing a bird's eye view during perimeters or barricaded suspects, which reduces or mitigates use of force and injuries to all parties. UAVs are also beneficial in search and rescue operations and crime scene documentation as they provide aerial coverage and views not possible while at ground level.

Fiscal Costs

Initial Costs

☒ The Oakland Police Department (OPD) currently owns/possesses/uses the equipment.

Initial costs of the items were approximately:

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Equipment	Per-unit cost	Total cost
DJI Mavic Enterprise 2 Advanced	~\$7,300	~\$51,100
DJI Mavic Mini 2	~\$700	~\$3,500
DJI Matrice 300 RTK	~\$40,250	~\$40,250
etc	etc	etc

☐ OPD proposes to obtain the equipment. Initial costs are anticipated to be:

Write an anticipated amount in the most easily understood manner possible. For items we already own/possess, leave blank.

Estimated or anticipated costs for each proposed use

Regardless of UAV, the UAVs are stored in locked and secured facility at the Oakland Police Department. The Electronic Services Unit (ESU) members have access to UAVs and will respond to an incident with the UAV when requested by an Incident Commander. ESU members may be on duty during incidents requiring the UAV. If they are, they may deploy as patrol officers, or as their regular duty assignment, and utilize any one of the UAVs. For a tactical team call-out, other ESU members will respond even if they are off-duty, resulting in overtime expenditures. The amount of the expenditure is based on the time the incident takes to resolve. Over time deployments can be tracked utilizing an i-code through fiscal.

Currently, OPD ESU has a staffing of 1 Lieutenant, 1 Sergeant and 14 Officers. OPD ESU has deployed robots and or pole cameras a total of fifty-seven (57) times in 2022, and eighteen (18) of these deployments were during bi-monthly training. OPD ESU members are not selected to the team based on their assignment, but rather by their ranking during the Order of Merit List (OML) selection process. However, applicants need to be assigned to a field assignment at the time of application as opposed to office assignment. Based on the staffing levels and assignments in 2022 of ESU, OPD had full coverage throughout the week except for several nights between 2am-7am. Every January exists watch change and officers select their patrol assignments based on seniority. This minor shortfall on coverage may change next year due to the watch change.

It is also the goal of OPD ESU to expand our team to twenty (20) Officers in 2023. This will assist in coverage and in workload. OPD ESU also is creating a Visual Observer (VO) training

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course in order to train all patrol officers in becoming a VO. The course will be similar as ACSO course, which consists of 1 hour of lineup training and a Power Point presentation.

Estimated or anticipated costs of potential adverse impacts

Potential adverse effects are myriad, and there is no way of anticipating every possible adverse impact. Additionally, even some known possible adverse effects may be so remote that they were not assessed for the purposes of this report. Finally, costs of even likely adverse effects may vary wildly based on other circumstances which are difficult to predict and can vary from incident to incident. Keeping this in mind, some potential adverse effects and their possible costs are:

Deliberate misuse might cause the Department to be exposed to liability, which could include monetary judgments against the City.

Unintentional misuse might cause the Department to be exposed to liability, which could include monetary judgments against the City.

Failures of the equipment might cause the Department to have to purchase additional items, at a cost per item as indicated.

Estimated or anticipated ongoing costs

Costs for operation include training, personnel, maintenance and upgrade costs.

Training and personnel costs – Currently, ESU has mandatory training twice a month. This training consists of two 10-hour days and typically occurs at the OPD or any other nearby facility or location. There has not been any rental fees or associated costs to locations of training currently. Some training may either require the ESU member attending to be on overtime, or for overtime to backfill that respective ESU members position while they are at training. If an ESU member elects to attend a POST certified training or outside training course there could be associated costs. Unknown yearly costs.

Storage costs – UAVs are housed at secured OPD facilities and vehicles and there are no associated costs.

Maintenance and upgrade costs – Currently, there is no known life span for an UAV, but manufactures suggest 2 years. With proper care the life expectancy will be longer. However, normal wear and tear can take place and will require replacement of parts. Depending on the part, the cost per item can range from fractions of a dollar to several hundred dollars.

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There are random software updates to all UAVs, which require the usage of WiFi to download. All software downloads and/or upgrades are free.

Like any fleet (vehicle, motorcycle, UAV, etc), there comes the cost of wear and tear. As UAV's were used on a more frequent basis the batteries hold less and less charge and will then hold no charge at all (like any other battery). Propellers are very fragile and also suffer minor breaks and cracks. OPD ESU conduct pre-inspections prior to deployment and at times will notice these minor cracks/chips and then replace the parts.

ACSO budgets approximately \$15,000 a year for battery replacements, and minor wear and tear on UAV's. ACSO has sixty (60) UAV's and 25 operators. OPD has a fleet of eleven (11) currently and fifteen operators (15) to include the ESU team leader and commander. Year to day ACSO has 228 missions and OPD has 101 deployments. Based on ACSO's budget on their fleet OPD expects an annual spending of approximately \$2,500-\$3,000/year on battery replacements and minor wear and tear on UAV's.

OPD ESU also subscribes to FAA107 deployment which allows OPD ESU operators to submit flight plans to the FAA for immediate approval in controlled airspace at available airports. Subscription costs are approximately ~\$150-\$200/mo (~\$1,800 - \$2,400/yr).

Equipment	Monthly	Yearly Total cost
Battery & minor wear and tear	Unknown	~\$3,000
FAA107 Deployment	~\$150-\$200	~\$1,800 - \$2,400

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Impacts

Reasonably anticipated impacts

Deliberate misuse.

Though unlikely, it is possible that Unmanned Aerial System (UAS); Drones may be deliberately misused by employees. Some of the ways that the Department attempts to prevent deliberate misuse is through background checks of prospective employees, supervision and training, strict policy guidelines, robust reporting and accountability practices, and discipline for deliberate misconduct up to and including termination. Suspected criminal misuse of equipment may also be forwarded to the District Attorney's office or other appropriate prosecuting agency for charging consideration.

Unintentional misuse.

Unintentional misuse of Unmanned Aerial System (UAS); Drones may come in many forms, from unfamiliarity or lack of training to the encountering of a scenario that was not anticipated in training or policy. The Department attempts to prevent unintentional misuse through thorough training, clear policy prescriptions, and robust review processes such as force reports, force review boards, and pursuit review boards.

Perception of militarization or exacerbation of a police/community divide.

While it is not the intent of the Department that this occur, the Department does recognize the possibility that its use of Unmanned Aerial System (UAS); Drones may lead to a perception of militarization of the Department, or an exacerbation of any existing divides between the Department and the community it serves and is a part of. The Department attempts to overcome challenges such as this by taking full advantage of community forums required by policy and law (see for instance the mandated community engagement meeting in DGO K-07 and CA Government Code § 7072(b)), by completing full and robust reports such as this one, and by collaborating with the Police Commission in the creation of use policies and procedural safeguards surrounding this equipment.

Privacy Considerations.

The Department also recognizes the deployment of drones within cities can capture images which others feel are private or intrusive. The department worked with the Privacy Advisory Committee for several years in drafting policy with direct emphasis on privacy considerations. Policy clearly states when a UAV shall record, when it shall stop recording, the prohibited usages and the length of period recordings can be kept on file. Random surveillances are also prohibited.

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Mitigations

Complaint receipt and investigation procedures – [DGO M-03](#)

The use of controlled equipment, as with any use of the police powers, is subject to the rules and laws that govern the Department and its employees. Complaints and allegations that the Department or its employees have violated these rules or laws are treated with the utmost seriousness, including proper intake at the Internal Affairs Division and investigation by the appropriate investigative individual. Where allegations are found to be substantiated, the Department uses a progressive discipline structure to serve both deterrent and rehabilitative functions. Finally, deliberate misconduct or actions contrary to the Department's values are not tolerated, and can lead to termination of employment.

OPD's complaint receipt and investigation procedures serve as important procedural mitigations to the possible adverse impacts of the use of this equipment.

Community outreach and specific inquiry pathways – DGO K-07

Use of controlled equipment, especially equipment that may have analogues used by militaries or quasi-military federal law enforcement, can drive perceptions of a militarized police force that is pre-disposed to the use of force as opposed to thoughtful, deliberate resolutions to incidents using de-escalation and minimizing the use of force. An important procedural mitigation to this type of perception is regularly communicating with the community served, as a way for information to be shared in both directions. This serves to dispel common misconceptions as well as provide valuable perspective for the Department and its employees. OPD uses community outreach, such as social media, community events, and a specific, annual community forum as required by DGO K-07. Additionally, OPD's overarching controlled equipment policy sets forth processes for inquiries about the equipment.

Equipment-specific use policy and Police Commission oversight – OMC 9.65

While most every law enforcement agency is bound by state law (Government Code § 7070 et. seq.), the very nature of police oversight in Oakland provides one of the most powerful procedural mitigations of potentially adverse impacts. For instance, state law requires that most agencies have their controlled equipment use policies approved by their governing body (e.g., City Council, or Board of Supervisors). In the case of OPD, however, there is an additional layer of oversight in the Police Commission, which must review any controlled equipment use policy prior to it being approved by the City Council. This requirement, set forth in Oakland's municipal code section 9.65, is a procedural mitigation to the possible adverse impacts of the use of this equipment.

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Technical safeguards

The Mavic Enterprise 2 Advanced: have obstacle avoidance system enabled by technologies such as infrared sensors, stereo vision sensors, ultrasonic sensors, and GPS. These sensors work together to make sure the drone detects and avoids obstacles in the flight path to prevent crashes.

The and the Matrice 300RTK: have obstacle avoidance system enabled by technologies such as infrared sensors, stereo vision sensors, ultrasonic sensors, and GPS. These sensors work together to make sure the drone detects and avoids obstacles in the flight path to prevent crashes. The Matrice 300RTK further has the ability for dual pilot capability where one pilot operates flight path and the other operates the camera and spotlight.

The Mavic Mini 2 does not have obstacle avoidance, however they do have GPS.

For each UAV, a Visual Observer (VO) is required per policy, which is an added protection to avoid collisions. Additionally, prior to any deployment OPD officers must request permission from the Air Traffic Controller (ATC) to fly. Officers are proficient in reading FAA air space regulations and understand above ground level (AGL) restrictions and no fly zones. If officers request to fly or exceed AGL restrictions they must contact Washington, D.C. and request permission.

Procedural safeguards

OPD only allows ESU members, who have attended ESU training, and are FAA107 Certified to deploy a UAV. Officers must submit a letter of intent and go through a selection process prior to being selected to join the OPD ESU. Once selected, Officers must attend bi-monthly training and it is recommended to attend one of the following courses prior to deploying a UAV in the field:

- 1) FAA107 Basic Pilot Operators Course consisting of day flying and test preparation, and/or
- 2) POST Certified UAV Pilot Operators Course consisting of day flying and test preparation

Once one of these courses have been attended, or the officer has become FAA107 certified, the officer must attend the following:

- 3) OPD in-house Basic Operators Course consisting of 24 hours of flight, to include nighttime flying.

Alternatives

De-escalation and alternative strategies

OPD officers are mandated to use de-escalation strategies and tactics when safe and feasible. These strategies and tactics, which are predicated on de-escalation best practices around communication, containment, positioning, and time/distance/cover, reflect the Department's commitment to de-escalation over the reliance on force to compel compliance.

However, even during de-escalation strategies and actions, controlled equipment may be used or ready to further a safe outcome to the event for the engaged person, the community, and the officers. Generally, a built-in alternative to the actual use of controlled equipment – especially as a force option – is its use as a tool to provide safety, information, or containment to an incident so that officers can bring the situation under control and hopefully encourage a peaceful outcome. This, in conjunction with other de-escalation or alternative strategies, provides a baseline for OPD officers in the conduct of their duties when using or contemplating the use of this controlled equipment.

There are other manufacturers of UAVs, but the majority of agencies utilize DJI products due to the advanced technology, the ease of use, the HD quality of video and the durability of the product. Most other drones have similar capabilities but are far behind in technology and quality. Without such technology, the only alternative in most cases would be the need for an officer to place themselves in a location to physically see or hear. Without the real-time intelligence of a UAV some of the other options officers have are the following;

- air support (Argus, or outside agency), but depending on time, weather and personnel air support may not be available or delayed.
- OPD K-9's can be utilized, but without first clearing the area the risk of a bite (use of force) is escalated
- Officers can also use community support and contact a resident to have them look out a window which provides an additional vantage point. This has proven successful in the past but depending on circumstances this can place the resident in danger.

Location

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Unmanned Aerial System (UAS); Drones will typically be used within the areas that OPD has jurisdiction or in areas of the State of California where OPD is specifically conducting operations or investigations. This includes the entirety of the City of Oakland, and may include neighboring jurisdictions or other areas within the State.

Third Party Dependence

☐ This item does not require third-party actors for operation.

☒ This item does require third-part actors for operation:

UAVs at times require firmware updates or random software updates to all UAVs, which require the usage of WiFi to download. All software downloads and/or upgrades are free and are supplied by DJI.

Additionally, as noted above, communication with ATC is necessary prior to deployment, and clearance from Washington, D.C. FAA ATC may also be required officers feel the need to operate passed air space requirements.

Track Record

Other agencies utilize UAVs and the Alameda County Sheriff's Office, Chula Vista Police Department and Huntington Police Department are the founding departments in California for creating UAV programs. These departments set the standards for UAV programs throughout the nation and as police departments and other law enforcement entities begin to adapt and create their own programs, they have realized the benefits of such programs. Many agencies have discovered the safety it brings to both officers and the community. Use of Force incidents are drastically curbed which brings incidents to a safe resolution, but also assists in preventing future civil litigations. Agencies have also discovered the addition of these fleets assist immensely in lost/missing person searches, search and rescue and crime scene recreations.

Several agencies still do not have UAV programs such as, BART Police, San Francisco Police Department, Berkeley Police Department, Burlingame Police Department, Alameda Police Department and many more.

Other agencies such as Chula Vista Police Department have a full time UAV program, which began in 2015, and label their program as "Drone as First Responder Program". Their full time Drone Team deploy from the roof top of their agency and respond to priority calls for

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service. They provide real-time intelligence to responding officers, or clear the service call prior to any patrol vehicle arriving on scene.

ACSO began their program in 2015. They were one of the first agencies have drones in the field with patrol officers. They assisted in perimeters, barricaded suspects, lost/missing persons, search rescues, scene recreation and much more.

The main common denominator for all the programs is the prohibited usage of drones for random surveillance or for random fly overs during peaceful gatherings and first amendment demonstrations.

UAV's places officers at a place of advantage for safety. The usage of such technology is paramount in the de-escalation of incidents and the mitigation in use of force. Without such technology, the only alternative in most cases would be the need for an officer to place themselves in unknown areas and without real time intelligence.

Below is a list of deployments in 2021 and 2022. It should be noted that ACSO conducted all UAV deployments in 2021 and in 2022, up until March 2022. Since this time OPD took lead in majority of deployments. ACSO, or other outside agencies were contacted when OPD was unavailable.

Table 1 below details the deployments of ACSO Drones in 2021-2022 and OPD Drones in 2022 beginning March 2022.

Table 1: 2021-2022 ACSO & OPD Drone Deployments

	ACSO	ACSO	OPD
Incident Type	2021	2022	2022
Mass casualty incidents	0	0	0
Disaster management	0	1	0
Missing or lost persons	3	0	3
Hazardous material releases	1	0	0
Sideshow events	4	4	4
Rescue operations	1	0	2
Training	0	0	18
Barricaded suspects	13	11	12
Hostage situations	0	1	0
Armed suicidal persons	1	2	0
Arrest of armed and/or dangerous persons	21	20	41

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Scene documentation for evidentiary or investigation value	7	1	2
Operational pre-planning	1	0	0
Service of high-risk search and arrest warrants	0	3	18
Exigent circumstances	0	0	1
Total	52	43	101
Total Deployments Outside of Training	52	43	83

Of the 43 incidents noted above by ACSO in 2022, there were six incidents where ACSO responded and did not deploy. Reasons noted for these 'non-deployments' were inclement weather and suspect(s) already detained prior to arrival. It should also be noted that Hayward and San Leandro each deployed once in our City in 2021.

OPD ESU also understood the importance of deployment locations and keeping a track record of such locations. Prior to 2022 there were only 5 geographical areas in Oakland and the 2022 watch changed brought back Area 6. Below is a breakdown of where the UAV's were deployed geographically, by each police area in the relevant years

Table 2 below details the Police Areas where UAS were deployed in 2021 and 2022.

Table 2: OPD UAS Deployment by Police Area

Deployment by Area	ACSO Deployments 2021	ACSO Deployments 2022	OPD Deployments 2022
Area 1	9	6 (1 by Hayward)	11
Area 2	5	3	7
Area 3	9	8 (1 same deploy)	17
Area 4	8	2	16
Area 5	17	12	17
Area 6		8	10
Citywide	4*	0	0
Outside of Oakland	0	1	3
Total*	52	40	81

In 2021 there were four deployments for Sideshow which were not documented as a specific area; the sideshow activity involved moving vehicles and involved multiple police areas.

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In 2022 ACSO also deployed outside the city of Oakland in the City of Berkeley. OPD requested ACSO assistance for an arrest of an armed suspect. In 2022 OPD deployed in Alameda and Emeryville. Hayward also deployed in our City in 2022 because OPD and ACSO were unavailable.

OPD ESU further tracked the race of detainees connected to UAS Deployments in 2021 and 2022.

Table 3 below provides race and gender data related to 2021-2022 UAS deployments.

Table 3: Race and gender of Detainees Connected to UAS Deployments in 2021-2022

2021 ACSO	Race – Female	Race - Male	Total
Black	2	18	20
Hispanic	0	5	5
Asian	2	1	3
White	1	1	2
Other	0	1	1
Total			31

2022	Race – Female	Race - Male	Total
Black	24	63	87
Hispanic	10	27	37
Asian	0	12	12
White	2	6	8
Other	0	6	6
Total			150

OPD knows the race of detainees connected to UAS deployments. However, the race of individuals involved in many UAS deployments is not known. There are cases such as barricaded suspects, or searches of perimeters where no suspect is ever discovered or detained. There could also be UAS used for missing persons where the person's identity is not entirely known nor discovered.

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As noted above, the deployment of UAV's has increased considerably. The emphasis has now been placed on "time", "de-escalation" and "real-time intelligence" to bring incidents to a safe resolution. Several success stories to the deployment of UAV's have been:

- Identifying vehicles related to Sideshow activity
- Locating suspects hiding in yards
- Locating suspects hiding in residences
- Surrounding residence(s) during search warrants to minimize officer exposure in danger areas when there is minimal to no cover/concealment
- Flying up to second story windows and gaining real-time intelligence on interior of residence during barricaded incidents and search warrants
- Assisting in the search of lost/missing persons.
- Assisting Homicide Investigators in the search of evidence in rural areas
- Assisting in the search of any other injured victims during freeway rollover in brush area.



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I-26: REMOTE CONTROLLED GROUND SYSTEM (ROBOTS) and POLE CAMERAS

Effective Date:

Coordinator: Electronic Services Unit, Special Operations Division

REMOTE CONTROLLED GROUND SYSTEM (ROBOT)

I. VALUE STATEMENT

The Oakland Police Department promotes approved and safe technology into its everyday policing. OPD strives in protecting and serving its diverse community and city through fair, equitable and constitutional policing. Robots and pole cameras are implemented into OPD's strategy for success. These fleets will never replace the police officers who have sworn to protect the community, but will assist in mitigating use of force, bring safe resolutions to critical incidents and help save lives. OPD is committed in safeguarding and respecting the privacy of the community and has brought measures and policies in place to ensure none are violated. Regardless of deployment, robots and pole cameras will be utilized in accordance with OPD Core Values and our Mission.

II. DESCRIPTION OF THE TECHNOLOGY

A. Robot and Pole Cameras Components

A Remote-Controlled Ground System (Robot): is an unmanned machine guided and remotely controlled by an individual as well as all the supporting or attached systems designed for gathering information through imaging, recording or by any other means. Generally, a Robot consists of:

- A Robot, composed of:
 - Platform/Body/Frame that is capable of remote movement,
 - Radio frequency and antenna equipment to communicate with a remote-control unit;
 - A computer chip for technology control;
 - A camera;

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- Battery charging equipment for the remote ground / aquatic vehicle and remote control.
- Two-way communication (talk/listen) with transmitter and receivers and Push to Talk functionality
- Robotic claw; and
- Single or Double (Twin) pan disrupter on telescoping arm with camera system
- Remote controlled unit (LCD display) with brightness control
- A Pole Camera, composed of:
 - Extendable pole with mounted camera, with thermal imaging capabilities;
 - Battery charging equipment for pole and LCD display with brightness control
 - Pole cameras do not require remote controlled devices. They are solely and human-operated by an ESU team member.

B. Purpose

Robots and Pole Cameras have been used to save lives and protect property and can detect possible dangers that cannot otherwise be seen. Robots and Pole Cameras can support first responders in hazardous incidents that would benefit from a ground, and or aquatic level perspective. In addition to hazardous situations, Robots and Pole Cameras have applications in locating and apprehending subjects, missing persons, and search and rescue operations as well as task(s) that can best be used in crawl spaces or confined isolated areas, or bodies of water. This immensely assists in searches for suspects, victims or evidence in an efficient and effective manner. Any use of a Robot or Pole Camera will be in strict accordance with constitutional and privacy rights and OPD Policy.

The robot or pole camera may not always be ideal for deployment and alternatives should always be considered prior to deployment.

C. How the System Works

1. Robots are controlled from a wireless remote-control unit. The wireless remote-control unit allows operators to remotely navigate the Robot and manipulate the robotic claw and any accessories and

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detachable tools.

ESU operators require time to make ready robots and install any detachable tools. Furthermore, not all attachments are ideal for each deployment.

2. Pole Cameras are human-operated and require kinetic energy to be operated.

III. GENERAL GUIDELINES

A. Authorized Use

1. Only authorized operators who have completed the required training shall be permitted to operate the Robots and Pole Cameras.
2. Robots and Pole Cameras may only be used for the following specified situations:
 - a) Mass casualty incidents (e.g. large structure fires with numerous casualties, mass shootings involving multiple deaths or injuries);
 - b) Disaster management;
 - c) Missing or lost persons;
 - d) Hazardous material releases;
 - e) Sideshow events where many vehicles and reckless driving is present;
 - f) Rescue operations;
 - g) Training;
 - h) Hazardous situations which present a high risk to officer and/or public safety, to include:
 - i. Barricaded suspects;
 - ii. Hostage situations;
 - iii. Armed suicidal persons;
 - iv. Arrest of armed and/or dangerous persons (as defined in OPD DGO J-04 "Pursuit Driving" Appendix A, H "Violent Forcible Crime");
 - v. Service of high-risk search and arrest warrants involving armed and/or dangerous persons (as defined in OPD DGO J-04 "Pursuit Driving" Appendix A, H "Violent Forcible Crime"; and
 - vi. Exigent circumstances - A monitoring commander

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(Lieutenant or above) may authorize a Robot or Pole Camera deployment under exigent circumstances as defined in OPD DGO K-03 “Exigent Circumstances¹.” A report shall be completed and forwarded to the Chief of Police and the OPD Robot and Pole Camera Coordinator for all deployments authorized under exigent circumstances, for a full review to determine policy compliance.

3. Deployment Authorization

- a) Deployment of an OPD Robot or Pole Camera shall only be for the authorized uses above and require the authorization of the incident commander, who shall be of the rank of Lieutenant of Police or above.
- b) Incident commanders of a lower rank may authorize the use of a Robot or Pole Camera during exigent circumstances. In these cases, authorization from a command-level officer shall be sought as soon as is reasonably practical.
- c) ESU Operators are encouraged to advise a supervisor or incident commanders when they believe they are uncappable of operating a robot in a safe manner.

4. Deployment Logs

- a) A commander authorizing deployment of a Robot or Pole Camera shall send notification of the deployment via the military equipment deployment notification process.
- b) Deployment logs will provide all mission deployment details for each land, and or water deployment.

5. Detachable Tools

- a) Several ground robots have detachable tools. These detachable tools offer additional options to safely resolve a conflict consistent with OPD’s Mission and Values. These detachable tools can be deployed when command believes the usage is in accordance with OPD policy, procedure and the law and such

¹ Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, or the escape of a suspect

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usages places officers in a tactical advantage. The detachable tools include the following:

- i. 360 degree rotating robotic claw with telescoping camera on a telescoping arm.
 - ii. A detachable OC canister;
 - iii. A detachable glass and/or tire puncture;
 - iv. A detachable pan disrupter.
- b) 360 degree rotating robotic claw with telescoping camera on a telescoping arm.
 - i. The rotating robotic arm is controlled through the remote control.
 - ii. The rotating robotic arm can be utilized to deliver packages or items such as food, water, telephone, etc.
 - iii. The robotic arm can also be utilized to open vehicle or structural doors.
 - iv. The robotic arm can also be utilized to pick up, retrieve or reposition items such as food, water, telephone, etc.
 - v. The robotic arm can be utilized to pick up firearms or suspicious packages believed to be explosives. However, such operation may only be at the direction of command staff and extreme caution must be used. The authorizing commander shall evaluate each scenario and coordinate with ESU.
- c) Detachable OC canister
 - i. The detachable OC is controlled through the remote controller.
 - ii. Members shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance in accordance with Department General Order K-3, USE OF FORCE.
 - iii. Officers must be familiar with OPD Training Bulletin V-F.2, USE OF OLEORESIN CAPSICUM (OC), and, specifically, the risk factors associated with aerosol chemical agents and the treatment for individuals subjected to them.
 - iv. In crowd control situations in the City of Oakland, aerosol chemical agents shall not be used without the approval of a supervisor or command officer and in accordance with OPD Training Bulletin III-G Crowd Control and Crowd Management.
- d) Detachable Glass or Tire Puncture
 - i. The detachable glass or tire puncture can deflate or

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immobilize tires and or shatter vehicle or structural glass. However, such operation may only be at the direction of command staff and extreme caution must be used. The authorizing commander shall evaluate each scenario and coordinate with ESU.

- e) Detachable Pan Disrupter
 - i. This attachment utilizes a 12-gauge blank shotgun round and water to breach secured locks/doors or disrupt suspicious packages. However, such operation may only be at the direction of command staff and extreme caution must be used. The authorizing commander shall evaluate each scenario and coordinate with ESU. The ESU
 - ii. ESU Officers shall adhere to the Safety Checks of TB III-H Specialty Impact Munitions when loading the pan disruptor².
 - iii. ii. The detachable pan disruptor can be loaded with a live ammunition round. This practice is prohibited as described below in III.B. Prohibited Use.
- f) The detachable glass and/or tire puncture and the detachable pan disruptor can cause minor to serious injury to persons. The utilization of such attachments should not be used upon a person absent exigent circumstances. All personnel shall adhere to department policy DGO K-03 and K-04 if such circumstances arise.

6. Privacy Considerations

- a) Operators and observers shall not intentionally transmit images of any location where a person would have a reasonable expectation of privacy (e.g. residence, yard, enclosure). When the Robot or Pole Camera is being deployed, operators will take steps to ensure the camera is focused on the areas necessary to the mission and to minimize the inadvertent collection of data about uninvolved persons or places. Operators shall take reasonable precautions, such as turning imaging devices away, to avoid inadvertently transmitting images of areas where there is a reasonable expectation of privacy.

² The similar Safety Checks of clearing the barrel, having a second officer clear the barrel and inspecting the rounds to ensure the rounds are blank rounds and having a second officer inspect the rounds to ensure the rounds are blank rounds shall be followed.

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B. Prohibited Use

1. Robots and Pole Cameras shall not be equipped with any weapon systems or analytic systems capable of identifying groups or individuals, including but not limited to facial recognition or gait analysis.
2. Robots and Pole Cameras shall not transmit any data except to their respective remote-controlled units (LCD Display).
3. Robots shall not be used for the following activities:
 - a. For any activity not defined by “Authorized Use” Part 3 above.
 - b. Conducting surveillance.
 - c. Targeting a person or group of people based on their characteristics, such as but not limited to race, ethnicity, national origin, religion, disability, gender, clothing, tattoos, sexual orientation and/or perceived affiliation when not connected to actual information about specific individuals related to criminal investigations.
 - d. For harassing, intimidating, or discriminating against any individual or group.
 - e. To conduct personal business of any type.
4. The detachable pan disruptor shall not be loaded with a live ammunition round, except as provided below.
 - a. Certain high-risk, high-threat events, especially those involving active shooters, are dynamic events that may require innovative methods to neutralize an imminent threat to human life. Such was the case in Dallas, TX in 2016, where an active sniper shooter shot twelve (12) police officers, killing five (5), and posed a continuing threat to public safety and human life, leading Dallas Police to jury-rig a robot with a bomb and detonate it to kill the suspect.
 - b. While expressly discouraged, a Captain of Police or higher ranked commander may authorize the detachable pan disruptor to be loaded with a live ammunition round to be used in such a situation described above. This use is considered lethal force, subject to the restrictions on lethal force spelled out in DGO K-03 Use of Force and the principles of de-escalation and consideration of reasonably available or practical alternatives.

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C. Communications

Notifications will be made to the Communications Section for notifying patrol personnel, when OPD Robot operations are authorized by a Commander.

IV. ROBOT DATA**A. Data Collection, Access and Sharing**

Robot and Pole Cameras deployed by OPD shall not share any data with any external organizations via integrated technology. Robots and pole cameras only send data to the ground operator's controller via encrypted radio signals – there is no internet connection for external data sharing and no data recording.

V. ROBOT ADMINISTRATION**A. System Coordinator / Administrator**

1. The ESU will appoint a program coordinator who will be responsible for the management of the Robot and Pole Camera program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices.
2. The ESU Unit Supervisor, or other designated OPD personnel shall provide the Chief of Police, Privacy Advisory Commission, and City Council with an annual report that covers all use of Robot and Pole Camera technology during the previous year. The report shall include all report components compliant with Ordinance No. 13489 C.M.S. The annual report will include a breakdown of incident type for each year.
3. **Submission and evaluation of requests for Robot use**

The ESU Unit Supervisor, or other designated OPD personnel, shall develop a uniform protocol for submission and evaluation of requests to deploy a Robot and or Pole Camera, including urgent requests made during ongoing or emerging incidents.

B. Program improvements

The ESU Unit Supervisor, or other designated OPD personnel, shall recommend and accept program improvement suggestions, particularly those involving safety and information security.

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C. Maintenance

The ESU Unit Supervisor, or other designated OPD personnel, shall develop a Robot and Pole Camera inspection, maintenance and record-keeping protocol to ensure continuing deployment of the tracking purposes, and include this protocol in the Robot and Pole Camera procedure manual. Maintenance and record-keeping should also include expenditures such as purchase of new equipment and mechanical repairs.

D. Cost Analysis

The ESU Unit Supervisor, or designated OPD personnel, shall develop a protocol for developing and documenting data for a cost-benefit analysis. This cost benefit analysis will include amount of ESU personal involved, ESU equipment utilized, suspect(s) located (e.g. gender, race and age) and the recovery of evidentiary items (e.g. firearms, clothing, vehicles, etc).

E. Training

The ESU Unit Supervisor, or other designated OPD personnel, shall ensure that all authorized operators have completed all required department-approved training in the operation, applicable laws, policies and procedures regarding use of the Robot and Pole Camera.

F. Auditing and Oversight

The ESU Unit Supervisor, or other designated OPD personnel, shall develop a protocol for documenting all Robot and Pole Camera uses in accordance to this policy with specific regards to safeguarding the privacy rights of the community and include this in the Robot and Pole Camera procedure manual and the annual Robot and Pole Camera report. The Robot and Pole Camera supervisor will develop an electronic record of time, location, equipment, purpose of deployment, and number of Robot and Pole Camera personal involved. Whenever a deployment occurs, the authorizing commander, or operator, will send an electronic notification/submission to the SOS Commander to include the topics listed above. This protocol will allow the SOS Commander to have a running log of all deployments and assist in the annual report.

G. Reporting

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The ESU Unit Supervisor, or other designated OPD personnel, shall monitor the adherence of personnel to the established procedures and shall provide periodic reports on the program to the Chief of Police.

The ESU Unit Supervisor, or other designated OPD personnel, shall provide the Chief of Police, Privacy Advisory Commission, and City Council with an annual report that contains a summary of authorized access and use.

H. Inquiry and Complaint Process

(Government Code 7070 d (7)) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

The Oakland Police Department DGO M-3: **Complaints Against Departmental Personnel or Procedures** will inform all employees and the public of procedures for accepting, processing and investigating complaints concerning allegations of member employee misconduct.^[1] Refer to DGO K-7 for additional information.

By Order of

LeRonne L. Armstrong

Chief of Police

Date Signed:

^[1] DGO M-3 states, "IAD investigations shall be completed, reviewed, and approved within 180 days unless approved by the IAD commander."

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Controlled Equipment Impact Report



Item(s): Robots and Pole Cameras
Applicable Use Policy: DGO I-26, Remoted Controlled Ground Systems
(Robots) and Pole Cameras

Description and Purpose

ICOR Mini Caliber	
Description	An unmanned machine guided and remotely controlled by an officer. The ICOR Mini Caliber is ground operated and has several attachments which can assist in opening doors, delivery of items and or the ability to demobilize vehicle's tires, break glass or bypass locks or destroy packages.
Manufacturer's Product Description	Designed for rapid tactical missions, the robot is simple to operate and quick to deploy for searching rooms, hallways, stairwells and confined spaces. With rubber tracks and articulating front and rear flippers, the Mini-CALIBER effortlessly climbs stairs. It also includes an extendible rotating claw arm that simplifies opening door handles.
How the item works	The robot is controlled by remote controllers. Operators will utilize the remote controller to direct the robot to climb stairs, move in all angles and control the robotic arm.
Expected lifespan	Not listed with manufacturer or website; with care can last several years. Batteries have shorter life spans as they gradually deteriorate due to normal usage
Quantity	1 owned
Purpose and intended uses and/or effects	Understanding that real time intelligence can provide officers safety and tactical advantages, robots are beneficial in providing a ground level perspective of interior, or exterior, locations during barricaded incidents. The usage of robots is in line with the mission of de-escalation and places officers at a safe distance. This allows for the safe resolution of critical incidents and mitigates use of force incidents.

Avatar Tactical Robot	
Description	An unmanned machine guided and remotely controlled by an officer. The Avatar Tactical Robot is ground operated and has a robotic arm attachment which can assist in opening doors, delivery of items.

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Manufacturer's Product Description	The AVATAR enhances the capabilities of SWAT and tactical response teams by allowing them to quickly and safely inspect dangerous situations, there is no longer a need to send personnel in before you've had a chance to assess the situation.
How the item works	The robot is controlled by remote controllers. Operators will utilize the remote controller to direct the robot to climb stairs, move in all angles and control the robotic arm.
Expected lifespan	Not listed with manufacturer or website; with care can last several years. Batteries have shorter life spans as they gradually deteriorate due to normal usage
Quantity	2 owned
Purpose and intended uses and/or effects	Understanding that real time intelligence can provide officers safety and tactical advantages, robots are beneficial in providing a ground level perspective of interior, or exterior, locations during barricaded incidents. The usage of robots is in line with the mission of de-escalation and places officers at a safe distance. This allows for the safe resolution of critical incidents and mitigates use of force incidents.

Andros Mark 5A-1	
Description	An unmanned machine guided and remotely controlled by an officer. The Andros Mark 5A-1 is ground operated and has several attachments which can assist in opening doors, delivery of items and or the ability to demobilize vehicle's tires, break glass or bypass locks or destroy packages.
Manufacturer's Product Description	Is a bomb disposal robot for the purpose of handling potential explosives without risking any lives. First responders around the world depend on the MarkV to handle potential hazards and explosives from outside the danger zone.
How the item works	The robot is controlled by remote controllers. Operators will utilize the remote controller to direct the robot to climb stairs, move in all angles and control the robotic arm.
Expected lifespan	Not listed with manufacturer or website; with care can last several years. Batteries have shorter life spans as they gradually deteriorate due to normal usage
Quantity	1 owned
Purpose and intended uses and/or effects	Understanding that real time intelligence can provide officers safety and tactical advantages, robots are beneficial in providing a ground level perspective of interior, or exterior, locations during barricaded incidents. The usage of robots is in line with the

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	mission of de-escalation and places officers at a safe distance. This allows for the safe resolution of critical incidents and mitigates use of force incidents.
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Recon Scout Reconnaissance Robot	
Description	An unmanned machine guided and remotely controlled by an officer. The Recon Scout Reconnaissance Robot is ground operated, light weight at 1.2lbs.
Manufacturer's Product Description	Recon Scout XT, a small throwable reconnaissance robot is for use in law enforcement and military applications. The robot can be used by warfighters, dismounted patrols, special weapons and tactics (SWAT) and other special operations teams. The robot offers real-time situational awareness and greater stand-off distance.
How the item works	The robot is controlled by remote controllers. Operators will utilize the remote controller to direct the robot to climb stairs, move in all angles and control the robotic arm.
Expected lifespan	Not listed with manufacturer or website; with care can last several years. Batteries have shorter life spans as they gradually deteriorate due to normal usage
Quantity	1 owned
Purpose and intended uses and/or effects	Understanding that real time intelligence can provide officers safety and tactical advantages, robots are beneficial in providing a ground level perspective of interior, or exterior, locations during barricaded incidents. The usage of robots is in line with the mission of de-escalation and places officers at a safe distance. This allows for the safe resolution of critical incidents and mitigates use of force incidents.

Tactical Electronics LPSS3 Long Police Wireless Video Camera	
Description	An extendable pole up to 20ft with a camera mounted.
Manufacturer's Product Description	The LPSS3 Long Pole Search System provides wireless video surveillance of subjects at significant heights and distances. The system features a 20ft telescoping pole, a flexible neck camera head, eight IR LEDs, and an internal DVR for video recording. The main housing is conveniently stored inside the collapsed pole for timely stowaway. The upgraded features and streamlined design of the LPSS3 combine compact portability and rapid deployment with covert wireless vision.

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How the item works	The pole is controlled by a police officer through kinetic energy. Operators will utilize the pole and extend or retract the pole to the desired length and the camera will transmit live feed images or video on a remote LCD device.
Expected lifespan	Not listed with manufacturer or website; with care can last several years.
Quantity	1 owned
Purpose and intended uses and/or effects	Understanding that real time intelligence can provide officers safety and tactical advantages, pole cameras are beneficial in providing a wireless video live feed to officers at a safe location. The usage of cameras is in line with the mission of de-escalation and places officers at a safe distance. This allows for the safe resolution of critical incidents and mitigates use of force incidents.

Zistos Tactical System	
Description	An extendable pole up to 14ft with a camera mounted.
Manufacturer's Product Description	When it is too dangerous to physically look into a room or space, let Zistos be your eyes. Our wide range of HD Tactical Pole Cameras help law enforcement and government agency personnel more safely and effectively perform surveillance functions during tactical missions.
How the item works	The pole is controlled by a police officer through kinetic energy. Operators will utilize the pole and extend or retract the pole to the desired length and the camera will transmit live feed images or video on a remote LCD device.
Expected lifespan	Not listed with manufacturer or website; with care can last several years.
Quantity	1 owned
Purpose and intended uses and/or effects	Understanding that real time intelligence can provide officers safety and tactical advantages, pole cameras are beneficial in providing a wireless video live feed to officers at a safe location. The usage of cameras is in line with the mission of de-escalation and places officers at a safe distance. This allows for the safe resolution of critical incidents and mitigates use of force incidents.

Fiscal Costs

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Initial Costs

☒ The Oakland Police Department (OPD) currently owns/possesses/uses the equipment. Initial costs (if known) to obtain the equipment were:

Initial costs of the items were approximately:

Equipment	Per-unit cost	Total cost
ICORE Mini Caliber	~\$119,000	~\$119,000
Avatar Tactical Robot	~\$40,000	~\$80,000
Andros Mark 5A-1	~\$280,000	~\$280,000
Recon Scout Reconnaissance Robot	~\$7,500	~\$7,500
Tactical Electronics LPSS3 Long Police Wireless Video Camera	~\$11,000	~\$11,000
Zistos Tactical System Video Camera	~\$11,000	~\$11,000

☐ OPD proposes to obtain the equipment. Initial costs are anticipated to be:

Estimated or anticipated costs for each proposed use

Robots and pole cameras are stored in locked and secured facility, and or vehicle, at the Oakland Police Department. The Electronic Services Unit (ESU) members have access to robots and pole cameras and will respond to an incident with the equipment when requested by an Incident Commander. ESU members may be on duty during incidents requiring the Robot(s) or pole camera(s). If they are, they may deploy as patrol officers, or as their regular duty assignment, and utilize any one of the devices. For a tactical team call-out, other ESU members will respond even if they are off-duty, resulting in overtime expenditures. The amount of the expenditure is based on the time the incident takes to resolve. Over time deployments can be tracked utilizing an i-code through fiscal. Currently, OPD ESU has a staffing of 1 Lieutenant, 1 Sergeant and 14 Officers. OPD ESU has deployed robots and or pole cameras a total of fifty-seven (57) times in 2022, and eighteen (18) of these deployments were during bi-monthly training. OPD ESU members are not selected to the team based on their assignment, but rather by their ranking during the Order of Merit List (OML) selection process. However, applicants need to be assigned to a field assignment at the time of

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application as opposed to office assignment. Based on the staffing levels and assignments in 2022 of ESU, OPD had full coverage throughout the week except for several nights between 2am-7am. Every January exists watch change and officers select their patrol assignments based on seniority. This minor shortfall on coverage may change next year due to the watch change.

It is also the goal of OPD ESU to expand our team to twenty (20) Officers in 2023. This will assist in coverage and in workload.

Unlike the OPD's UAS Program where it is required to have a Visual Observer (VO) and recommended to have a third officer as cover, operating a robot or pole camera does not require a VO. However, it is highly recommended to have an additional officer to assist the robot operator and to act as cover when feasible.

Estimated or anticipated costs of potential adverse impacts

Potential adverse effects are myriad, and there is no way of anticipating every possible adverse impact. Additionally, even some known possible adverse effects may be so remote that they were not assessed for the purposes of this report. Finally, costs of even likely adverse effects may vary wildly based on other circumstances which are difficult to predict and can vary from incident to incident. Keeping this in mind, some potential adverse effects and their possible costs are:

Deliberate misuse might cause the Department to be exposed to liability, which could include monetary judgments against the City.

Unintentional misuse might cause the Department to be exposed to liability, which could include monetary judgments against the City.

Failures of the equipment might cause the Department to have to purchase additional items, at a cost per item as indicated.

Estimated or anticipated ongoing costs

Costs for operation include training, personnel, maintenance and upgrade costs.

Training and personnel costs – Currently, ESU has mandatory training twice a month. This training consists of two 10-hour days and typically occurs at the OPD or any other nearby facility or location. There has not been any rental fees or associated costs to locations of training currently. Some training may either require the ESU member attending to be on

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overtime, or for overtime to backfill that respective ESU members position while they are at training. If an ESU member elects to attend a POST certified training or outside training course there could be associated costs. Unknown yearly costs.

Storage costs – Robots and pole cameras are housed at secured OPD facilities and vehicles and there are no associated costs.

Maintenance and upgrade costs – Currently, there is no known life span for a robot or pole camera. With proper care the life expectancy will be longer. However, normal wear and tear can take place and will require replacement of parts. Depending on the part, the cost per item can range from fractions of a dollar to several hundred dollars.

Several recent costs for replacement, maintenance and repairs are listed below for 2021-2022 year:

Date	Equipment	Summary of repair / maintenance and or replacement	Total Cost
July 2022	ICORE	MINI Gearbox Assembly 1,382.81 US\$1,382.81 EA 2 MINI Flipper Arm 700MM 99.93 US\$199.86 EA 2 MINI Flipper Arm 730MM 117.15 US\$234.30 EA 2 24V DC Battery Pack - Mini Spare/Replacement 24V DC Battery Pack for Mini-CALIBER"" Robot Includes: 2x 12.8V / 9.6 AH LiFeP04 Replacement battery for use with the Mini- CALIBER"" Robot (note: The Mini-CALIBER"" uses 2	~\$4,427

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		LiFeP04 batteries for 24V operation 655.00 US\$1,310.00 EA 2 CCU Battery - Mini Spare/Replacement 11.IV / 7.8Ah Li-Ion for use with the Mini-CALIBER"" CCU 165.00 US\$330.00	
February 2022	AVATAR	3 Batteries. Batteries outdated/Not charging. Replacement.	~\$1,433
August 2021	AVATAR	Battery Handle Broken, Touch Screen Controller not functioning, Camera Fan replacement, Robot Antenna broken	~\$1,272
August 2021	AVATAR	Battery Handle Broken, Touch Screen not functioning, PTZ Molded Camera Housing, Radio Card, Robot Antenna, Cables,	~\$4,328

The ICORE Mini Caliber was purchased in 2019. The AVATAR was purchased prior to 2012, thus the outdated technology and the frequent repairs. The ICORE Mini Caliber is the newest robot in our Fleet and the one which is more frequently used.

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Impacts

Reasonably anticipated impacts

Deliberate misuse.

Though unlikely, it is possible that Robots and Pole Cameras may be deliberately misused by employees. Some of the ways that the Department attempts to prevent deliberate misuse is through background checks of prospective employees, supervision and training, strict policy guidelines, robust reporting and accountability practices, and discipline for deliberate misconduct up to and including termination. Suspected criminal misuse of equipment may also be forwarded to the District Attorney's office or other appropriate prosecuting agency for charging consideration.

Unintentional misuse.

Unintentional misuse of Robots and Pole Cameras may come in many forms, from unfamiliarity or lack of training to the encountering of a scenario that was not anticipated in training or policy. The Department attempts to prevent unintentional misuse through thorough training, clear policy prescriptions, and robust review processes such as force reports, force review boards, and pursuit review boards.

Perception of militarization or exacerbation of a police/community divide.

While it is not the intent of the Department that this occur, the Department does recognize the possibility that its use of Robots and Pole Cameras may lead to a perception of militarization of the Department, or an exacerbation of any existing divides between the Department and the community it serves and is a part of. The Department attempts to overcome challenges such as this by taking full advantage of community forums required by policy and law (see for instance the mandated community engagement meeting in DGO K-07 and CA Government Code § 7072(b)), by completing full and robust reports such as this one, and by collaborating with the Police Commission in the creation of use policies and procedural safeguards surrounding this equipment.

Impact on persons and property.

The attachments on the robots, such as the tire puncture, window punch and pan disruptor are available for demobilizing vehicles, shattering a window and bypassing a bolt/locked door or destroying a package. Anytime these attachments are deployed in the field, there exists the possibility that the attachment may cause minor to serious injury to a person.

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There is also the possibility of property damage and unintended property damage when the tire puncture, window punch and pan disruptor are deployed. When the tire puncture, window puncture and pan disruptor are deployed on property this does not constitute a use of force. However, there is an inherent possibility an injury can be caused when deploying such items when a person is nearby. This possibility exists and is remedied by training; ESU operators train bi-monthly and only ESU operators are allowed to prepare and deploy robots in the field.

The usage of the tire puncture will demobilize a vehicle and the usage of the window punch will shatter glass. There are also other external costs associated. The owner of said vehicle or property can request reimbursement for costs through the City Attorney's Office for property damages. Depending on the circumstances the City may reimburse an individual for damage to the property caused by the City. The process for obtaining reimbursement for property damage can be found on the Oakland City Attorney's website. Officers should also be mindful not to leave a demobilized vehicle in the field if it violates a parking zone or leave a vehicle or residence unsecured when utilizing the glass punch.

Several of our unhoused community also sleep in their vehicles due to multiple reasons. The usage of such items can also cause a hardship on these individuals.

The usage and deployment of the detachable OC also can cause minor to serious injury. OPD shall be aware of TB V-F.02 Chemical Agents as it relates effects, applications, exposure, reactions and injury.

Mitigations

Use of force and de-escalation policy - [DGO K-03](#)

Controlled and military equipment frequently takes the form of a force option, or else is often used during high risk situations where force may be used. OPD, in concert with the Police Commission, created a state-of-the-art use of force policy that centers the Department's mission, purpose, and core principles, provides clear guidance that force is only allowed when reasonable, necessary, and proportional, and makes clear the consequences of unreasonable force. Additionally, OPD's use of force policy incorporates a robust de-escalation policy (Section C), which mandates that officers use de-escalation tactics and techniques in order to reduce the need for force when safe and feasible.

The entirety of this policy – which encapsulates OPD's values surrounding force and commitment to de-escalation – is a clear general procedural mitigation to the possible adverse impacts of the use of this equipment.

Force reporting and review policy and practice – DGOs [K-04](#) and [K-04.1](#)

Though the Department expects that every use of this equipment will be within the boundaries of policy and law, the Department also has clear procedures regarding force reporting and review in place. DGO K-04 and its attendant special orders require that force by officers – including force where controlled equipment was used – be properly reported and reviewed, with the level of review commensurate to the severity of the force incident. Additionally, for severe uses of force or where a use of force had severe outcomes, the Department utilizes Force Review Boards, led by top Department command staff and often attended and observed by Community Police Review Agency staff or Police Commission Chairs, to review every part of a force incident. These boards not only determine whether the force was proper, but also have wide latitude to suggest changes in policy, training, or practice, including with controlled equipment.

OPD's force reporting and review policies and practices serve as important procedural mitigations to the possible adverse impacts of the use of this equipment.

Complaint receipt and investigation procedures – [DGO M-03](#)

The use of controlled equipment, as with any use of the police powers, is subject to the rules and laws that govern the Department and its employees. Complaints and allegations that the Department or its employees have violated these rules or laws are treated with the utmost seriousness, including proper intake at the Internal Affairs Division and investigation by the appropriate investigative individual. Where allegations are found to be substantiated, the Department uses a progressive discipline structure to serve both deterrent and rehabilitative functions. Finally, deliberate misconduct or actions contrary to the Department's values are not tolerated, and can lead to termination of employment.

OPD's complaint receipt and investigation procedures serve as important procedural mitigations to the possible adverse impacts of the use of this equipment.

Community outreach and specific inquiry pathways – DGO K-07

Use of controlled equipment, especially equipment that may have analogues used by militaries or quasi-military federal law enforcement, can drive perceptions of a militarized police force that is pre-disposed to the use of force as opposed to thoughtful, deliberate resolutions to incidents using de-escalation and minimizing the use of force. An important procedural mitigation to this type of perception is regularly communicating with the community served, as a way for information to be shared in both directions. This serves to dispel common misconceptions as well as provide valuable perspective for the Department and its employees. OPD uses community outreach, such as social media, community events,

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and a specific, annual community forum as required by DGO K-07. Additionally, OPD's overarching controlled equipment policy sets forth processes for inquiries about the equipment.

Equipment-specific use policy and Police Commission oversight – OMC 9.65

While most every law enforcement agency is bound by state law (Government Code § 7070 et. seq.), the very nature of police oversight in Oakland provides one of the most powerful procedural mitigations of potentially adverse impacts. For instance, state law requires that most agencies have their controlled equipment use policies approved by their governing body (e.g., City Council, or Board of Supervisors). In the case of OPD, however, there is an additional layer of oversight in the Police Commission, which must review any controlled equipment use policy prior to it being approved by the City Council. This requirement, set forth in Oakland's municipal code section 9.65, is a procedural mitigation to the possible adverse impacts of the use of this equipment.

Technical safeguards

The Andros MarkV-A1 has an approximate top speed of 3.5mph while the Andros and ICOR have top speeds of approximately 2mph. All robots are controlled by remote and there is no GPS and no pre-designated or mapped routes. These robots are equipped with lights and camera. These safeguards are in place which decrease the possibility of injury to persons from being inadvertently having a portion of their body run over by the robot. It also decreases the possibility of property damage. Although likely and still possible, the low speeds prevent these injuries and property damages from occurring.

Procedural safeguards

OPD only allows ESU members, who have attended ESU training to operate robots and pole cameras. Officers must submit a letter of intent and go through a selection process prior to being selected to join the OPD ESU. Once selected, Officers must attend bi-monthly training and attend an OPD Basic Robot and Pole Camera Operators course, which is 40 hours. OPD ESU created this program in 2022 to educate new ESU operators with all the robots and pole cameras.

The utilization of the OC and pan disruptor have safety level/switches on the remote controller as an added safety function and prevent accidentally deployments. In addition, ESU Operators are familiar with TB III H Specialty Impact Munitions and apply the similar Safety Checks of clearing the barrel, having a second officer clear the barrel and inspecting the rounds to ensure the rounds are blank rounds and having a second officer inspect the rounds to ensure the rounds are blank rounds.

Alternatives

De-escalation and alternative strategies

As mentioned in the Mitigations section, above, OPD officers are mandated to use de-escalation strategies and tactics when safe and feasible. These strategies and tactics, which are predicated on de-escalation best practices around communication, containment, positioning, and time/distance/cover, reflect the Department's commitment to de-escalation over the reliance on force to compel compliance.

However, even during de-escalation strategies and actions, controlled equipment may be used or ready to further a safe outcome to the event for the engaged person, the community, and the officers. Generally, a built-in alternative to the actual use of controlled equipment – especially as a force option – is its use as a tool to provide safety, information, or containment to an incident so that officers can bring the situation under control and hopefully encourage a peaceful outcome. This, in conjunction with other de-escalation or alternative strategies, provides a baseline for OPD officers in the conduct of their duties when using or contemplating the use of this controlled equipment.

Robots and pole cameras have been utilized by OPD tactical team since approximately 2011. In late 2018, the ESU Team Leader incorporated the robots and pole cameras with every day patrol calls. OPD officers in patrol or working field assignments, and having ESU training, would respond to calls to service and deploy robots and pole cameras to assist in critical incidents.

There are many different types of robot and pole camera products. Although several agencies now deploy UAVs, robots and pole cameras have not become obsolete. UAVs cannot open doors as a robot can. UAVs also may not fit in attic or basement entry ways where a pole camera can. Without such technology, the only alternative in most cases would be the need for an officer to place themselves in a location to physically see or hear. Without the real-time intelligence of a robot or pole camera some of the other options officers have are the following;

- air support (Argus, or outside agency), but depending on time, weather and personnel air support may not be available or delayed.
- OPD K-9's can be utilized, but without first clearing the area the risk of a bite (use of force) is escalated

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- Officers can also use community support and contact a resident to have them look out a window which provides an additional vantage point. This has proven successful in the past but depending on circumstances this can place the resident in danger.

Location

Robots and Pole Cameras will typically be used within the areas that OPD has jurisdiction or in areas of the State of California where OPD is specifically conducting operations or investigations. This includes the entirety of the City of Oakland, and may include neighboring jurisdictions or other areas within the State.

Third Party Dependence

- ☒ This item does not require third-party actors for operation.
- ☐ This item does require third-part actors for operation:

Track Record

Other agencies utilize robots and pole cameras similar to OPD. As mentioned, even though several agencies have adopted UAV Programs, their robot and pole camera usages have not gone obsolete. Other agencies do not have any robots or pole cameras, while others have severely outdated technology.

Santa Rosa Police Department have Avatar robots and deployed approximately ten (10) times in 2021. The San Francisco Police Department (SFPD) also has Avatar robots and the Andros Mark 5A-1. SFPD hosts a yearly maintenance course on the Andros, where a representative attend and assists in repairs, maintenance, mechanical and troubleshoot issues.

Robots and pole cameras places officers at a place of advantage for safety. The usage of use technology is paramount in the de-escalation of incidents and the mitigation in use of force. Without such technology, the only alternative in most cases would be the need for an officer to place themselves in areas where there is an unknown.

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Below is a list of deployments in 2022.

Table 1 below details the deployments of OPD Robots and Pole Cameras in 2022.

Table 1: 2022 OPD Robot and Pole Cameras Deployments

Incident Type	Number
Mass casualty incidents	0
Disaster management	0
Missing or lost persons	0
Hazardous material releases	0
Sideshow events	0
Rescue operations	0
Training	18
Barricaded suspects	7
Hostage situations	1
Armed suicidal persons	1
Arrest of armed and/or dangerous persons	17
Service of high-risk search and arrest warrants	13
Exigent circumstances	0
Total	57
Total Deployed Outside of Training	39

The deployment of robots and pole cameras has assisted OPD in de-escalation and places the emphasis on “time”, “de-escalation” and “real-time intelligence” to bring incidents to a safe resolution. Several success stories on the deployment of robots and pole cameras have been:

- Locating suspects hiding in yards
- Locating suspects hiding in residences.
- Robots have been beneficial in climbing stairs, opening gates/doors and entering residences.
- The speaker and microphone have been successful in directing suspects to exit and surrender.

On March 28, 2022, OPD Ceasefire Officers followed armed suspects from San Francisco to 901 Filbert St (22-014673 LOP220328000794). The suspects committed an armed robbery in SF and then barricaded themselves inside their apartment complex. After manually breaching the front door, OPD ESU drove the robot into the apartment complex, opened the bedroom door and provided orders/directions to the suspects to exit the residence with their hands in the air. The suspects safely complied.

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On September 14, 2022, Patrol units were flagged down regarding an armed unresponsive male inside a vehicle. Patrol units deployed the armored vehicles and formed a Designated Arrest Team (DAT). Numerous announcements were made but the subject was unresponsive. OPD UAV's were deployed and conducted a low-level flight to maintain visual of the subject and the firearm that was on his lap. OPD ESU ICOR was deployed and the robotic arm was used to open the vehicle door and later picked up the firearm from the subject's lap. The DAT moved up and later placed the subject into custody. The firearm was loaded with one round in the chamber RD#22-042263).



DEPARTMENTAL GENERAL ORDER

I-27: LONG-RANGE ACOUSTICAL DEVICE (LRAD)

Effective Date:

Coordinator: Hostage Negotiating Team, Special Operations Division

LONG-RANGE ACOUSTICAL DEVICE (LRAD)

I. VALUE STATEMENT

It shall be the policy by the Oakland Police Department to deploy the LRAD to maximize the safety of all individuals involved in an incident. LRAD is not utilized as an “area of denial” device, but rather as a tool to assist in communication from safe distances, which ultimately provides more time for interaction and de-escalation. Regardless of deployment, the LRAD will be utilized in accordance with OPD Core Values and our Mission.

II. DESCRIPTION OF THE TECHNOLOGY

A. LRAD Components

A Long-Range Acoustical Device (LRAD) is an acoustic hailing device used for emitting amplified public announcements or establishing communication.

Generally, an LRAD consists of:

- An LRAD speaker with warning tone capability and volume control;
- Wireless transmitter and receiver;
- Operator-utilized wireless headset or microphone MP3 player to transmit live or recorded voice announcements;
- Weather resistant microphone to transmit live messages; and
- Magnetic roof mount

B. Purpose

An LRAD is an acoustic hailing device used for emitting amplified public

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announcements and establishing communication during search warrant services, barricaded suspect incidents, and other tactical operations.

An LRAD shall not be used as an “area of denial” device. It should only be used as an effective broadcasting system for instructions, messaging, and warning tones. The speaker(s) effectively broadcast messages through inclement weather and other external noise and can be clearly heard indoors. The loud audible technology ensures broadcasted announcements are loud and clear while offering advantages over less amplified patrol car public address (PA) systems.

An LRAD is beneficial for broadcasting public announcements or safety advisements during natural disasters and evacuations, and to establish communication with subjects suffering from mental health crises. The speaker(s) can be utilized to convey water locations, bathrooms, or best evacuation routes during First Amendment demonstrations and other events.

An LRAD is portable and can be used during events involving criminal unrest and rioting, and illegal sideshow activities, to provide clear dispersal orders for unlawful assemblies.

III. GENERAL GUIDELINES

A. Authorized Use

1. Any use of an LRAD shall be in strict accordance with constitutional and department policy.
2. Only authorized operators who have completed the required training shall be permitted to operate an LRAD.
3. Operators should be aware of and shall adhere to LRAD operational guidelines and identified “zones,” or danger zones, for each LRAD. Proper measures should be taken to ensure officer and public safety, to include the usage of hearing protection for operators in required areas.
4. LRAD may only be used to establish communications for the following specified situations:
 - a. Disaster management;
 - b. Rescue operations to include missing or lost persons;
 - c. Sideshow events where many vehicles and reckless driving is present;
 - d. Crowd management operations;

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- e. Search warrants;
- f. Barricaded and or yard searches of suspected armed subjects;
- g. Training; and
- h. Exigent circumstances (as defined in DGO K-03): Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, or the escape of a suspect.

5. Deployment Authorization

- a. Deployment of an LRAD shall require the authorization of the incident commander, who shall be of the rank of Lieutenant of Police or above.
- b. Pre-planned operations, and or events, should include the prior approval of an LRAD and its permitted usage in accordance with this policy.
- c. Incident commanders of a lower rank may authorize the use of an LRAD during exigent circumstances, as defined in this policy. In these cases, authorization from a command-level officer shall be sought as soon as is reasonably practical.
- d. If deployment will consist of attaching an LRAD to a vehicle, operators should take the necessary safety precautions to ensure the LRAD is safety secured. Furthermore, operators should be cognizant of safe operating speeds. Operators should also consider securing the LRAD in their vehicle if traveling at high speeds, such as on an interstate highway (freeway).

6. Warning Tone

- a. When deployed properly, an LRAD warning tone is a safe tool for gaining an individual's attention to voice messages and for emergency situations. Prior to using the LRAD a tone lasting two (2) to five (5) seconds may be used to alert a group of the impending message.

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- i. The warning tone shall only be used when authorized by an Incident Commander at the rank of Lieutenant or above.
- ii. When authorized for use in the field, the warning tone shall only be used for the following situations:
 1. To gain immediate attention of persons, and/or vehicle/vessel occupants.
 2. As a distraction.
 3. As needed during Tactical Team operations.
 4. For other reasons determined by the incident commander.
- iii. Warning tones shall only be used in short durations [i.e., approximately two (2) to five (5) seconds].
 1. Non-Continuous warning tones are tones that last for no more than five (5) seconds
 2. Continuous warning tones are tones that last for more than five (5) seconds in duration.
 - a. Continuous warning tones shall require the approval of a commander and should be used as appropriate for the incident.
 - b. Continuous warning tones shall not be used to annoy or harass, but rather to attention during critical incidents. If the situation allows, a minimum of three verbal broadcasts should be made prior to the use of warning tones.
 - c. Continuous warning tones should start in the green zone and each use should be evaluated before moving into the next volume level.
- iv. Advance notification should be provided to perimeter officers prior to activating the warning tone.
- v. When authorized to be used as a warning tone, an LRAD shall not be deployed when any person, without hearing protection, is within distances less than fifty (50) feet of the area immediately in front of the device.

7. Volume Level

- a. Green volume zone: lowest volume setting for use in making general notifications and may be adjusted from this level as appropriate by the trained LRAD operator.

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- b. Yellow volume zone: intermediate volume setting that may be used for all purposes by the trained LRAD operator
- c. Red volume zone: upper setting for volume that may only be used by the LRAD operator with the prior approval of the trained on-scene LRAD supervisor
 - i. Red zone operation should not take place when any person, without hearing protection, will be within fifty (50) feet of the area immediately in front of the device

8. Deployment Logs

- a. A commander authorizing deployment of an LRAD shall send notification of the deployment via the military equipment deployment notification process.
- b. Deployment logs will provide all mission deployment details for each deployment.

B. Prohibited Use

- 1. An LRAD is not designed to be utilized as a weapon or as an “area of denial” device. An LRAD system is an effective broadcasting system for instructions, messaging and warning tones and shall not be used for any other activity not defined in authorized usages.
- 2. Precautions need to be made when utilizing an LRAD when in close proximity to individual(s). This includes the utilization of the warning tone.
 - a. When authorized to be used as a warning tone, an LRAD shall not be deployed when any person, without hearing protection, is within distances less than fifty (50) feet of the area immediately in front of the device.
- 3. Best practices with LRAD when children are present
- 4. Prolonged use of warning tones is prohibited and shall only be used in short durations [i.e., approximately two (2) to five (5) seconds]. The usage of warning tones should only be long enough to deliver a short message, and the sound cannot be directed at a person or group
 - i. Repeated applications of warning tones may only be used to deliver messages. All other repeated applications are prohibited.

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C. Communications

Notifications will be made to the Communications Section for notifying patrol personnel when an LRAD is authorized by a Commander.

V. LRAD ADMINISTRATION**A. System Coordinator / Administrator**

1. The System Coordinator / Administrator will be the Special Operations Section Commander, and a member(s) from Hostage Negotiating Team and will act as LRAD Administrators and will be responsible for the management of an LRAD. The LRAD Administrators will ensure that policies and procedures conform to current laws, regulations and best practices.
2. LRAD Administrators shall provide the Chief of Police and City Council with an annual report that covers all use of the LRAD technology during the previous year.

B. Maintenance and Storage

LRAD Administrators shall develop LRAD inspection, maintenance and record-keeping protocol to ensure LRAD equipment is functioning appropriately. Maintenance and record-keeping should also include expenditures such as purchase of new equipment and mechanical repairs. All LRAD equipment shall be stored within an OPD secured facility/vehicle with limited access.

C. Training

LRAD Administrators shall ensure that all authorized operators have completed all required department-approved training in the operation, applicable laws, policies and procedures regarding use of an LRAD.

D. Auditing and Oversight

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LRAD Administrators shall document all LRAD uses in accordance to this policy. SOS has developed an electronic record of time, location, equipment, purpose of deployment, in regard to LRAD deployment. Whenever a deployment occurs, the authorizing commander, or operator, will send an electronic notification/submission to the SOS Commander to include the topics listed above. This protocol will allow the SOS Commander to have a running log of all deployments and assist in the annual report.

E. Reporting

The LRAD Administrator shall monitor the adherence of personnel to the established procedures and shall provide annual reports on the deployments to the Chief of Police.

The LRAD Administrator shall provide the Chief of Police, Privacy Advisory Commission, and City Council with an annual report that contains a summary of authorized access and use.

F. Inquiry and Complaint Process

(Government Code 7070 d (7)) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

The Oakland Police Department DGO M-3: **Complaints Against Departmental Personnel or Procedures** will inform all employees and the public of procedures for accepting, processing and investigating complaints concerning allegations of member employee misconduct.^[1] Refer to DGO K-7 for additional information.

By Order of

^[1] DGO M-3 states, "IAD investigations shall be completed, reviewed, and approved within 180 days unless approved by the IAD commander."

DEPARTMENTAL GENERAL ORDER

OAKLAND POLICE DEPARTMENT

Effective Date _____

LeRonne L. Armstrong

Chief of Police

Date Signed:

Oakland Police Department
Controlled Equipment Impact Report



Item(s): LRAD

Applicable Use Policy: DGO I-27 Long-Range Acoustical Device (LRAD)

Description and Purpose

LRAD 100X and 450X- Speaker	
Description	A Long-Range Acoustical Device (LRAD) is an acoustic hailing device used for emitting amplified public announcements or establishing communication
Manufacturer's Product Description	LRAD systems deliver live or recorded voice messages with exceptional clarity for any operational scenario. Optimized to the primary range of hearing, LRAD's Advanced Driver and Waveguide Technology ensure every broadcast is clearly heard and understood, even above crowd, engine, and background noise. LRAD systems are in service in more than 100 countries and 500 U.S. cities in diverse applications.
How the item works	An LRAD is a loudspeaker-like device that emits a focused beam of sound. What makes these systems unique is that rather than transmitting sound like a loudspeaker in many directions (similar to the way a lightbulb emits light), LRAD systems transmit sound in a narrow beam (much like a flashlight)
Expected lifespan	Not listed with Manufacturer or website; with care speaker can last several years though
Quantity	Two (2) owned (One LRAD 100X and One LRAD 450X)
Purpose and intended uses and/or effects	LRAD is not designed to be utilized as an "area of denial" device, but rather as an effective broadcasting system for messaging and offers advantages over less amplified PA systems. Broadcasted messages are clear through inclement weather and other external noises and can be clearly heard indoors. The system is beneficial in establishing communication during search warrants, barricaded suspects and during civil unrest.

Fiscal Costs

Initial Costs

☒ The Oakland Police Department (OPD) currently owns/possesses/uses the equipment.

Initial costs (if known) to obtain the equipment were:

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Note the initial cost that the items cost the Department. Include caveating information (e.g., if it has been many years, we no longer have invoices, etc.) if applicable.

Estimated or anticipated costs for each proposed use

The LRADs are stored in locked and secured facility or vehicle at the Oakland Police Department. The Hostage Negotiating Team (HNT) members have access to an LRAD and will respond to an incident with the device when requested by an Incident Commander. HNT members may be on duty during incidents requiring an LRAD. If they are, they may deploy as patrol officers, or as their regular duty assignment, and utilize an LRAD. For a tactical team call-out, other HNT members will respond even if they are off-duty, resulting in overtime expenditures. The amount of the expenditure is based on the time the incident takes to resolve. Over time deployments can be tracked utilizing an i-code through fiscal.

Estimated or anticipated costs of potential adverse impacts

Potential adverse effects are myriad, and there is no way of anticipating every possible adverse impact. Additionally, even some known possible adverse effects may be so remote that they were not assessed for the purposes of this report. Finally, costs of even likely adverse effects may vary wildly based on other circumstances which are difficult to predict and can vary from incident to incident. Keeping this in mind, some potential adverse effects and their possible costs are:

Deliberate misuse might cause the Department to be exposed to liability, which could include monetary judgments against the City.

Unintentional misuse might cause the Department to be exposed to liability, which could include monetary judgments against the City.

Failures of the equipment might cause the Department to have to purchase additional items, at a cost per item as indicated.

Estimated or anticipated ongoing costs

Costs for operation include training, personnel, maintenance and upgrade costs.

Training and personnel costs – Currently, HNT has mandatory training once a month. This training consists of a 10-hour day and typically occurs at the OPD or any other nearby facility or location. There has not been any rental fees or associated costs to locations of training currently. Some training may either require the HNT member attending to be on overtime, or for overtime to backfill that respective HNT members position while they are at training. If an

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HNT member elects to attend a POST certified training or outside training course there could be associated costs. Unknown yearly costs.

Storage costs – LRADs are housed at secured OPD facilities and vehicles and there are no associated costs.

Maintenance and upgrade costs – Currently, there is no known life span for an LRAD. With proper care the life expectancy will be longer. However, normal wear and tear can take place and will require replacement of parts. Depending on the part, the cost per item can range from fractions of a dollar to several hundred dollars.

Impacts

Reasonably anticipated impacts

Deliberate misuse.

Though unlikely, it is possible that LRAD may be deliberately misused by employees. Some of the ways that the Department attempts to prevent deliberate misuse is through background checks of prospective employees, supervision and training, strict policy guidelines, robust reporting and accountability practices, and discipline for deliberate misconduct up to and including termination. Suspected criminal misuse of equipment may also be forwarded to the District Attorney's office or other appropriate prosecuting agency for charging consideration.

Unintentional misuse.

Unintentional misuse of LRAD may come in many forms, from unfamiliarity or lack of training to the encountering of a scenario that was not anticipated in training or policy. The Department attempts to prevent unintentional misuse through thorough training, clear policy prescriptions, and robust review processes such as force reports, force review boards, and pursuit review boards.

Perception of militarization or exacerbation of a police/community divide.

While it is not the intent of the Department that this occur, the Department does recognize the possibility that its use of LRAD may lead to a perception of militarization of the Department, or an exacerbation of any existing divides between the Department and the community it serves and is a part of. The Department attempts to overcome challenges such as this by taking full advantage of community forums required by policy and law (see for instance the mandated community engagement meeting in DGO K-07 and CA Government

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Code § 7072(b)), by completing full and robust reports such as this one, and by collaborating with the Police Commission in the creation of use policies and procedural safeguards surrounding this equipment.

Hearing Impairment

Short-term exposure to loud noise like the LRAD's deterrent tone may cause a sensation of stuffed or ringing ears, known as tinnitus, which can cease minutes after the exposure or last for days. Other sound injury symptoms include headaches, nausea, sweating, vertigo, and loss of balance. Understanding this is crucial and adhering to policy prohibited usages is also detrimental to avoid injuries.

The Model 100X is a small portable device, about the size of a backpack and is capable of emitting 137 decibels at 765 yards. LRAD 100X is 20 – 30 decibels louder than typical bullhorns and vehicle-based P.A. systems. Live or recorded broadcasts from the portable LRAD 100X are heard above crowd and background noise to ensure every message is clearly delivered.

Mitigations

Complaint receipt and investigation procedures – [DGO M-03](#)

The use of controlled equipment, as with any use of the police powers, is subject to the rules and laws that govern the Department and its employees. Complaints and allegations that the Department or its employees have violated these rules or laws are treated with the utmost seriousness, including proper intake at the Internal Affairs Division and investigation by the appropriate investigative individual. Where allegations are found to be substantiated, the Department uses a progressive discipline structure to serve both deterrent and rehabilitative functions. Finally, deliberate misconduct or actions contrary to the Department's values are not tolerated, and can lead to termination of employment.

OPD's complaint receipt and investigation procedures serve as important procedural mitigations to the possible adverse impacts of the use of this equipment.

Community outreach and specific inquiry pathways – [DGO K-07](#)

Use of controlled equipment, especially equipment that may have analogues used by militaries or quasi-military federal law enforcement, can drive perceptions of a militarized police force that is pre-disposed to the use of force as opposed to thoughtful, deliberate resolutions to incidents using de-escalation and minimizing the use of force. An important

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procedural mitigation to this type of perception is regularly communicating with the community served, as a way for information to be shared in both directions. This serves to dispel common misconceptions as well as provide valuable perspective for the Department and its employees. OPD uses community outreach, such as social media, community events, and a specific, annual community forum as required by DGO K-07. Additionally, OPD's overarching controlled equipment policy sets forth processes for inquiries about the equipment.

Equipment-specific use policy and Police Commission oversight – OMC 9.65

While most every law enforcement agency is bound by state law (Government Code § 7070 et. seq.), the very nature of police oversight in Oakland provides one of the most powerful procedural mitigations of potentially adverse impacts. For instance, state law requires that most agencies have their controlled equipment use policies approved by their governing body (e.g., City Council, or Board of Supervisors). In the case of OPD, however, there is an additional layer of oversight in the Police Commission, which must review any controlled equipment use policy prior to it being approved by the City Council. This requirement, set forth in Oakland's municipal code section 9.65, is a procedural mitigation to the possible adverse impacts of the use of this equipment.

Technical safeguards

LRAD's have volume controls to ensure safety and have maximum decibel ranges. Unlike bullhorns, vehicle P.A. systems and conventional loudspeakers that disperse sound in all directions, LRAD's proprietary audio technology focuses sound in a 15° – 30° beam in front of its Long-Range Acoustic Devices, while significantly reducing audio levels behind the devices and in surrounding areas.

LRAD broadcasts are safely optimized to the primary human hearing range of 1 – 5 kHz to generate voice messages that are clearly heard and understood from close range to over 5,500 meters.

Volume Controls:

Each LRAD model's maximum sound pressure level (SPL) is specified. Every LRAD features a prominent volume control dial surrounded by a graphic representing Green, Yellow and Red zones corresponding to approximate SPLs. Working backwards from maximum volume (Red zone), the boundary between Red and Yellow reduces the maximum SPL by approximately 6 dB (half the audio output); the boundary between Yellow and Green is approximately 32 dB down from maximum.

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Procedural safeguards

OPD only allows HNT members, who have attended HNT training, to utilize an LRAD. Officers must submit a letter of intent and go through a selection process prior to being selected to join the OPD HNT. Once selected, Officers must attend monthly training and attend one of the following courses prior to utilizing an LRAD during live events:

- 1) 40-hour Hostage Negotiation School hosted by the Federal Bureau of Investigations, or;
- 2) 40-hour Basic Crisis Negotiations hosted by D-Prep (Training and Consulting Services for Disaster Preparation and Critical Incident Response)

Alternatives

De-escalation and alternative strategies

OPD officers are mandated to use de-escalation strategies and tactics when safe and feasible. These strategies and tactics, which are predicated on de-escalation best practices around communication, containment, positioning, and time/distance/cover, reflect the Department's commitment to de-escalation over the reliance on force to compel compliance.

However, even during de-escalation strategies and actions, controlled equipment may be used or ready to further a safe outcome to the event for the engaged person, the community, and the officers. Generally, a built-in alternative to the actual use of controlled equipment is its use as a tool to provide safety, information, or containment to an incident so that officers can bring the situation under control and hopefully encourage a peaceful outcome. This, in conjunction with other de-escalation or alternative strategies, provides a baseline for OPD officers in the conduct of their duties when using or contemplating the use of this controlled equipment.

There are other manufacturers of acoustic hailing devices, but majority of agencies utilize an LRAD. Most other speakers will have the same or similar capabilities.

Location

LRAD will typically be used within the areas that OPD has jurisdiction or in areas of the State of California where OPD is specifically conducting operations or investigations. This includes the entirety of the City of Oakland and may include neighboring jurisdictions or other areas within the State.

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Third Party Dependence

- ☒ This item does not require third-party actors for operation.
- ☐ This item does require third-part actors for operation:

Track Record

Many other agencies have Long-Range Acoustical Devices (LRAD) for various reasons. As noted in DGO I-27, An LRAD is an acoustic hailing device used for emitting amplified public announcements and establishing communication during search warrant services, barricaded suspect incidents, and other tactical operations.

The LRAD is the most common device utilized within law enforcement agencies within CA and throughout the nation. Several agencies nearby, such as Alameda County Sheriff's Office, Santa Rosa and San Francisco Police Department have their respective policies.

The Alameda County Sheriff's Office (ACSO) has similar authorized usages.

Santa Rosa Police Department has disabled their warning tone after a public safety subcommittee recommendation.

The San Francisco Police Department (SFPD) LRAD has been taken out of service.

Although SFPD has taken their LRAD out of service and SRPD has removed their warning tone, the LRAD provides advantages over PA systems and is beneficial in broadcasting public or safety announcements and can assist in establishing communication with subjects suffering from mental health crises. The Usage of the warning tone is instrumental as noted in policy and can assist immensely in the success of broadcasting public or safety announcements.



DEPARTMENTAL GENERAL ORDER

I-28: MOBILE COMMAND VEHICLES

Effective Date: DD MMM YY

Coordinator: Special Operations Division

The Oakland Police Department maintains Mobile Command Centers (MCC) for command, control and communications at the scene of critical incidents, natural disasters, community events, and search operations. They are centrally located to make them available to respond to any crisis in the City of Oakland in a short period. The vehicles may be equipped with mobile radios on multiple bands, CAD (Computer aided Dispatch), Field Based Reporting (FBR), Monitors, White Boards, High intensity lighting, and a mast-mounted camera. They also have a conference area where briefings may be held. The MCC is a resource for any mission deemed necessary by the Chief of Police, or designee.

A. PURPOSE AND TRAINING**A - 1. Purpose**

Mobile command centers (MCCs) are designed to allow for centralization of information or command at critical incidents, natural disasters, community events, and search operations.

A - 2. Training

Operators for MCCs with gross vehicle weight rating (GVWR) of over 26,000 lbs. shall attend specific commercial driver training and possess a Class B driver's license with Air Brake endorsement.

Operators for MCCs with GVWR under 26,000 lbs. shall possess a Class C driver's license.

All users of the MCCs shall receive training on the use of the specific vehicle from the Special Operations Division (SOD).

B. AUTHORIZED AND PROHIBITED USES**B - 1. Authorized Uses**

MCCs may be used for any event or detail where either:

1. The MCC will assist with centralization of information or command at a given event, or
2. The presence of the MCC will further the Department's crime strategy.

Any MCC uses shall be authorized by a commander at the rank of Lieutenant or above, or by a member acting in that rank.

B - 2. Prohibited Uses

MCCs shall not be used for routine patrol (e.g., responding to calls for service, making routine traffic stops), and shall not be used for vehicle pursuits.

Members shall not duplicate the keys of MCCs without permission nor keep personal sets of keys to the vehicle.

C. DEPLOYMENT PROCEDURES

C - 1. Storage Locations

Members using MCCs shall return the MCC to the designated storage location after use. Storage locations include the Eastmont Substation and the City Corp Yard.

C - 2. Vehicle Checkout

Before leaving for an assignment, the assigned crew must:

1. Check out keys from the Electronic Key Distribution and Tracking System. The Electronic Key Distribution boxes are mounted on the walls of both the PAB Transportation office and the Eastmont Substation Key Room;
2. Plan the route to the assignment, taking into consideration the dimensions and overhead clearance of the vehicle. The driver should always attempt to use established truck routes because these roads are designed to accommodate large vehicles; and
3. Check the fuel, engine oil, tire pressure, and the overall vehicle condition.

C - 3. Driving MCCs

All members driving MCCs must drive cautiously and avoid railroad overpasses, parkways, parking decks, and non-commercial routes, and must use special care when operating the MCC in rain, snow, or icy conditions.

C - 4. MCC Set Up and on-scene Procedures

At the scene, the MCC crew must:

1. Position the vehicle at a safe distance from an incident to provide maximum safety for person to enter and exit the vehicle. Depending on the type of incident and the terrain, this distance can extend to several thousand feet.
2. Ensure that the vehicle is positioned on a level concrete or paved surface for proper deployment of the leveling system (MCV).
3. Stabilize the vehicle by using the leveling system and/or wheel chocks (MCV).
4. Set up a safety zone around the vehicle using traffic cones and lighting.
5. Ensure that at least one member remains with the vehicle at all times.
6. Ensure that only those persons approved by the Incident Commander are allowed to enter the MCC at the scene of a critical incident or natural disaster.

C - 5. Damage to MCC

Damage to the Mobile Command Vehicle will be handled in compliance with Department Policy DGO [N-05](#) *Lost, Stolen, or Damaged City Property*, and [J-02](#) *Traffic Collision Scene Management, Investigation, and Reporting*, a crime report or other applicable documentation. Repairs of such damage must be coordinated through the Traffic Operations Section/Corp Yard.

C - 6. Maintenance and Inspection

The Traffic Operations Section Commander will be responsible for routine maintenance, supplies and vehicle inspections of all the Mobile Command Vehicles.

By order of

LeRonne L. Armstrong
Chief of Police

Date Signed: _____

Impact Report
Mobile Command Vehicle

(1) Description:

A. Background

The Oakland Police Department owns 1 Mobile Command Vehicles (MCV). Our MCV was built in conjunction with the Oakland Fire and Oakland Police Department as unified command vehicle but can also alternate between fire specific and police specific missions. The vehicle was custom built by Lynch Diversified Vehicles (Freightliner MT-55, 30,000-lb GVWR) with rear air ride suspension and air brake. Our MCV was converted into a MCV by adding desktop workstations, additional police radios and emergency lighting. The MCV is 30' long.

The Oakland Police Department owns 1 Community Resource Vehicle (CRV), which was purchased to be used in the community to prevent the spread of, prepare for, and respond to the COVID-19 pandemic. The vehicle will also serve as a community resource center during critical incidents, distribute sanitation supplies, public engagement, and dissemination of emergency health supplies in a disaster. The vehicle was custom built by Lynch Diversified Vehicles (LDV Model #30MCC-34769-20).

B. Quantity:

The Oakland Police Department owns 1 MCV and 1 CRV.

C. Capability:

The MCV and CRV can serve as mobile offices that supply shelter and may be used as a mobile command and communication center.

D. Lifespan:

The MCV MT-55 is 13yrs old and is at the tail end of its serviceable lifespan. All emergency vehicles need to be completely dependable, and vehicles of this age start to lose dependability as old parts start to fail without warning. The communications equipment has a service life cycle of only 7-10 years. This is because technology evolves very rapidly. The modern versions of this type of vehicle are typically converted motorhomes.

The CRV is a brand-new vehicle, recently added to the fleet, and many years of service ahead.

E. Use:

Vehicles can serve as mobile command posts for large, scaled events.

F. How it works:

This vehicle runs and drives like other vehicles.

(2) Purpose:

This vehicle may be used as a mobile command post for any larger scaled events or as a communications center in the event the communications center in the Emergency Operations Center (EOC) Building is inoperable. Some examples of large-scale events include 4th of July, protests, critical incidents, natural disasters, or community events.

(3) Fiscal Cost:

A. Initial Cost:

The initial cost of the MCV (2009 Freightliner MT55) was \$599,563.15. The initial cost of the CRV (LDV Model #30MCC-34769-20) was \$302,088.41

B. Cost of Use:

The cost of use is the cost of fuel from the City Corporation Yard.

C. Cost of Potential Adverse Effects:

Adverse effects of improper use of either the MCV or CRV are not calculable but is the same as improper use of any vehicles. The improper use could result in civil liabilities.

D. Annual and Ongoing Costs:

There is no annual or ongoing cost associated with this vehicle. Maintenance of the vehicle is conducted by the City's Corporation Yard.

E. Training Costs:

Training is conducted in-house by Oakland Police personnel who are trained in the operation of the vehicle. The training cost is staff time.

F. Maintenance and Storage Costs:

There are no storage costs and maintenance would be conducted by the City Oakland Corporation Yard.

G. Upgrade Cost:

The MCV is 13 years old, and upgrades would involve replacing various parts of the vehicle. This work would be conducted by the City of Oakland's Corporation Yard. The cost would be staff time plus the cost of any necessary parts.

(4) Impact:

The MCV and CRV can be used as a command post for any large, scaled event. It works as a mobile central location where resources can stage and be deployed from. It provides the police department with on-site command, supplying a control and communications hub that is needed for large community events, or critical incidents such as natural disasters to support public safety. The deployment or appearance of certain vehicles may escalate tension, provoke fear, prevent clear communication, or increase distrust. The Department's mobile command vehicles are specifically painted so as not to be intimidating or distressing.

(5) Mitigation:

The MCV and CRV shall only be used by trained personnel that have demonstrated ability in the operations of this vehicle per Oakland Police Department Policy.

(6) Alternatives:

There are no alternatives or asset available to accomplish the same goal as the MCV and CRV. Based on the size and complexity of a Mobile Command Center, the annual life-cycle cost is typically 10%-20% of the capital investment. Costs of new of Mobile Command Centers similar to the MCV MT-55 have risen.

(7) Third Party Dependence:

All maintenance is completed through the City of Oakland Corporation Yard so there is no dependence on a third party.

(8) Location:

Mobile command vehicles will typically be used within the areas that OPD has jurisdiction or in areas of the State of California where OPD is specifically conducting operations or investigations. This includes the entirety of the City of Oakland, and may include neighboring jurisdictions or other areas within the State.

(9) Track Record:



Effective Date:
21 Sep 22

Index Number: III-P.05
Alpha Index: High Risk Incidents
Barricaded Subject Incidents
Critical Incidents

Evaluation Coordinator: Training Division

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

NOISE-FLASH DIVERSION DEVICES

Purpose:

The purpose of this Training Bulletin is to establish guidelines for the deployment and use of Noise-Flash Diversion Devices (NFDD), sometimes referred to as “Flash bangs”.

Oakland Police Department trained personnel are authorized to use NFDDs in situations when the use of a diversion would; facilitate entry into a building or structure, assist with the apprehension of a subject, and/or reduce the risk of injury to the public and OPD personnel. This device produces a bright flash and a loud noise to stun or disorient an individual.

The Oakland Police Department is committed to safeguarding the community and preserving life. The Department has implemented measures and policies to ensure none are violated. Regardless of deployment, NFDDs will be utilized in accordance with OPD Core Values and our Mission.

Overview:

Within the scope of police operations, the preservation of life is paramount. When devices and tools, such as the NFDD, are used within the scope of training and policy, they can provide a tactical advantage in the furtherance of this goal. Reasonable utilization of such specialized devices which provide distracting stimuli to the; visual, auditory, and equilibrium systems of a subject, by qualified personnel, can safely provide a substantial contribution towards successfully and safely resolving critical incidents.

Training:

Only personnel who have successfully completed departmentally approved training in the utilization of Noise-Flash Diversion Devices (NFDD) shall be issued or authorized to deploy NFDDs. Members shall attend and pass the OPD SWAT School and be current SWAT members prior to being authorized to carry and deploy NFDDs. Training shall be conducted by a certified instructor and minimally include; safe handling of the devices, authorized carrying and transportation, proper methods of deployment, potential hazards, physiological and psychological effects on people, and the safety recommendations set by the manufacturer. Training must also include deployment of live and/or training devices and indoctrination to the device’s physiological and psychological effects. Re-certification shall be conducted every year and those not re-certified should not deploy devices except in exigent lifesaving situations.

Authorization for Use:

The Tactical Commander/Incident Commander must provide prior authorization of transporting Noise-Flash Diversionary Device for any tactical team planned or unplanned operations. Only trained Oakland Police Department current SWAT Team members are authorized to transport and/or use NFDDs within the scope of this training bulletin.

Except in extreme emergencies (i.e., life-threatening situations), Noise-Flash Diversionary Devices shall not be transported to the field without prior authorization.

Deployment:

Members should gather as much intelligence as possible to include: the presence of young children or elderly, flammable material, a potential drug lab, and any other potential hazards prior to the possibility of using the NFDDs. The existence of any of these factors may discourage the use of NFDDs.

The purpose of flashbangs is to distract and momentarily incapacitate anyone in the deployment vicinity. To do so, flashbangs must be deployed such that it does not burn a person or flammable material. The Department follows these practices to achieve that purpose:

Absent exigent lifesaving incidents, members should consider the following factors:

- Devices shall only be deployed by trained SWAT Team members, who have completed the necessary training.
- Members shall visually clear the area of people prior to deploying devices.
- Members shall visually clear the area of potential hazards (including fire hazards) prior to deploying devices.
- Every effort should be made not to deploy NFDDs near a person.
- Members shall consider the size of the room prior to deploying due to the chance of a device striking a wall and changing directions.

Due to the potential fire hazard, members should have a fire extinguisher available prior to deploying the device. If feasible, members should utilize proper protective gear such as eye and ear protection as well as flame resistant gloves. Members should consider staging Oakland Fire Department and medical personnel due to potential fire hazards.

Justification for Use:

NFDDs shall only be used in the following situations:

- Barricaded subject ¹and/or hostage situations
- High-risk warrant services

1

A barricaded subject incident is an incident in which a person armed with a weapon, explosive, or other dangerous device seizes control of a location and refuses to surrender to police custody. A barricaded subject incident may or may not include the taking of hostage. In a barricaded subject incident, the primary objective is the safe release of all hostages, if any and the peaceful surrender of the suspect(s). Steps in this procedure can be adopted for use during sniper incidents and during crimes in progress in which innocent bystanders are in danger. Also, steps in this procedure can be adopted for use during a high-risk arrest or the high-risk service of a warrant.

- Discouraging dangerous animals from attacking
- Circumstances wherein distraction of violent persons and/or those under the influence of alcohol and/or drugs is believed necessary to facilitate apprehension
- Active shooter incidents
- Exigent circumstances where the need to create a diversion would assist in the preservation of life.
- Situations wherein the Incident Commander or on-scene Supervisor deems their use necessary to safely resolve the incident. Any of these situations will require a report to describe the situation and justify the use. The report must be submitted to the Chief of Police within 30 days. The summary of deployments in the Annual Report must include a detailed summary of such uses.

Prohibited Use:

Flashbangs shall not be thrown or targeted at a person unless the threshold for lethal force has been met in DGO K-3.

Flashbang grenades shall not be used by any member to disperse any assembly, protest, or demonstration. Hand-thrown devices emitting light, sound, shall not be thrown directly into a crowd, at persons, or where they will explode above or near people's heads, but shall be thrown at a safe distance from persons.²

Penal Code section 13652's restrictions on "kinetic energy projectiles" and "chemical agents" apply to CS Blast Dispersion grenades and other **hand-thrown devices emitting light**, sound, and chemical agent.

The above items shall not be used solely due to any of the following:

- a. A violation of an imposed curfew.
- b. A verbal threat.
- c. Noncompliance with a law enforcement directive.

Post- Deployment Considerations:

After the deployment of a successful or non-successful deployment of a NFDD officers shall document any damage sustained during the deployment of a device and assess the need, if any, for medical attention. Members will document the serial number of the device used, complete the appropriate police report, and collect and dispose of the spent device. Incident Commanders shall complete an after-action report documenting the use of Diversion Devices. The Special Operations

² Training Bulletin III-G; OPD Crowd Control and Crowd Management Policy

Section shall maintain a master log of all Diversion Devices in inventory and make the necessary reporting regarding the use and storage of the devices.

Inspection and Storage:

The Special Operations Section Commander is responsible for ensuring that all Noise-Flash Diversion Devices are inspected annually. This inspection will ensure that the Department's devices are properly stored and in good condition. Expired Devices beyond their recommended lifetimes shall be designated for use in training only. Noise-Flash Diversionary Devices should be stored in a cool, dry location within the armory, on a separate shelf from fixed ammunition. Devices may be temporarily issued to SWAT Team members, or other designated personnel who have completed the necessary training, provided appropriate records are maintained. Devices should be carried securely in a pouch/carrier with a retention strap or flap. Devices shall not be carried on the exterior of the members equipment by the safety lever of the device. Loans of Departmentally owned equipment to other agencies must be pre-approved by the Chief or his/her designee.

Diversionary devices are registered by serial number with the Bureau of Alcohol, Tobacco, and Firearms (ATF). Typically, the police department's purchase of new devices is reported directly (by case-lot serial numbers) to ATF by the device manufacturer via ATF Form 5. The National Firearms Act requires the police department to notify ATF upon the use/expenditure of diversionary devices. A Special Operations Section Commander shall be responsible for submitting written notification to ATF when all devices listed on a single ATF form 5 have been used/expended.

Bureau of Alcohol, Tobacco, and Firearms

National Firearms Branch

244 Neely Road Martinsburg, WV 25405

(304)616-4500

INQUIRY AND COMPLAINT PROCESS

(Government Code 7070 d (7)) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

The Oakland Police Department DGO M-3, COMPLAINTS AGAINST DEPARTMENTAL PERSONNEL OR PROCEDURES will inform all employees and the public of procedures for accepting, processing and investigating complaints concerning allegations of member employee misconduct.

Refer to DGO K-7 for Inquiries or details of the Complaint Process.³

³ DGO K-7: Military Equipment Funding, Acquisition and Use Policy

Description and Purpose

Combined Tactical System/ CTS 7290M	
Description	Metal bodied hand thrown Light Sound Diversionary Device
Manufacturer's Product Description	The CTS 7290M Mini Flash-Bang is the newest generation in the evolution of the Flash-Bang. Our Model 7290M Flash-Bang exhibits all of the same attributes of it's larger counterpart but in a smaller and lighter package. Weighing in at just 15 ounces the new 7290M is approximately 30% lighter than the 7290 but still has the same 180db output of the 7290 and produces 6-8 million candela of light. The patented design of the 7290M, incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. In addition, internal adjustments have greatly reduced smoke output.
Capabilities / How the item works	The device is thrown to clear/safe location. Fuse assembly ignites interior flash powder, which creates noise and light signature per manufacturer's description.
Expected lifespan	~5 years
Quantity	54
Purpose and intended uses and/or effects	The purpose of flashbangs is to distract a subject by overstimulating the senses with sound and light. This will give law enforcement an advantage when conducting a law enforcement action.

Fiscal Costs

Initial Costs

☒ The Oakland Police Department (OPD) currently owns/possesses/uses the equipment.

Initial costs of the items were approximately:

Item	Cost/Unit	Total Initial Cost for Owned Equipment
Combined Tactical System/ CTS 7290M	\$40 per unit	~\$2,160

The Department also has ongoing replacement costs depending on usage and during the course of the year of training.

☐ OPD proposes to obtain the equipment. Initial costs are anticipated to be:

Estimated or anticipated costs for each proposed use

Flash bangs: Staff assigned to the entry team are authorized to carry and use these items. These items may be used by a Tango Team or for a Tactical Team operation. Other members of the team will respond to incidents that require the use of this equipment even if they are off duty, resulting in overtime expenditures. The amount of expenditure is based on the time the incident takes to resolve.

Cost of deployment / discharge: Beyond any regular or overtime staff costs (discussed above), the cost of deployment of these items is nominal; these items are stored in a secured room so there is no added cost of transportation. While rare, the deployment of an above listed item may have serious costs, including injury, loss of life and/or property damage. Even justified uses may result in costly litigation or other costs.

The Department recognizes that each use of a flash bang will cost \$40 per a use.

Estimated or anticipated costs of potential adverse impacts

There is no way of anticipating every possible adverse impact, and there may be some impacts that occur which are extremely unlikely or unforeseeable. Additionally, some known possible adverse effects may be so remote that they were not assessed for the purposes of this report. Furthermore, injuries may result as a consequence (unintended or not) of the use of controlled equipment. Since persons are typically treated at Alameda County Hospital, Highland Campus, the costs for this treatment, if not covered by insurance or other means, may be paid with public funds. Recovery from injuries and/or trauma relating from situations in which controlled equipment is used could include ongoing costs such as medications or counseling. Finally, costs of even likely adverse effects may vary wildly based on other

circumstances which are difficult to predict and can vary from incident to incident. Keeping this in mind, some potential adverse effects and their possible costs are:

Deliberate misuse might cause the Department to be exposed to liability, which could include monetary judgments against the City. In the past, victims of misuse of military equipment have successfully litigated settlements from the City of Oakland. The aim of this policy is to prevent uses of these weapons that result in litigation and settlements.

Unintentional misuse might cause the Department to be exposed to liability, which could include monetary judgments against the City.

Failures of the equipment might cause the Department to have to purchase additional items, at a cost per item as indicated.

Potential negative impacts include residence or buildings catching on fire, unintended impacted persons needing medical attention; emotional trauma to vulnerable and/or minor bystanders; and potential litigation costs.

The department recognizes that flash bang devices can cause burn injuries and potential to start fires in dwellings. There are reported cases in other jurisdictions where flashbangs were thrown in a rooms occupied by with children and uninvolved persons. The Department has not had any incidents of building catching on fire in the last 10 years. OPD did have an incident where an unintended person was burned by a flash bang grenade. This is summarized below.

Estimated or anticipated ongoing costs

Costs for purchases, operation and training– currently approximately unknown per a year. OPD has never tracked costs related to this military equipment. The cost is unknown for the initial training and continuing training. The OPD SWAT Team consists of 31 members who have all successfully completed the 120 hours school and will continue to receive training once a year.

Initial training for the Tactical Team Entry element is a three-week (120 hour) school. A typical school has 5-10 candidates, 2-3 dedicated instructors, and uses additional instructors or personnel as needed (e.g., as role players for scenarios). Candidates in the Tactical Team school are on regular time when attending the school, instructors may be on overtime depending on their regular duty assignment. All candidates must be absent from their regular duty assignment during the school; if that person works an essential job (e.g., as a patrol officer), then overtime expenditures may be used to “backfill” that person’s position if needed to achieve minimum staffing.

The Tactical Team school is held once a year depending on openings. The Tactical Team trains bi-monthly to stay proficient on their skills. During the scenarios, there could be situations where flashbangs are trained.

Training costs also include rental of a range facility (typically around \$60/hour). The Tactical team typically rents a range at least once per month (~\$8000/yr, 10 hours per officer who attends training). Additionally, some training may either require the person attending training to be on overtime, or for overtime to backfill that person's position while they are at training. Unknown yearly costs.

There is continuing training costs which is an 8 hour class once a year for the OPD SWAT Team.

Maintenance and storage have costs – while the flash bangs have an approximately 5 year life span, they will not need replacement of parts. The devices are stored at OPD police facilities so there is no separate cost.

Costs are difficult to calculate because the use of flashbangs are infrequent. Since July 1, 2022, OPD has not deployed any flashbang devices. In the future, it will be easier to estimate a cost based on deployments.

Impacts

Reasonably anticipated impacts

Deliberate misuse.

Though unlikely, it is possible that Flash bangs may be deliberately misused by employees. Some of the ways that the Department attempts to prevent deliberate misuse is through background checks of prospective employees, supervision and training, strict policy guidelines, robust reporting and accountability practices, and discipline for deliberate misconduct up to and including termination. Suspected criminal misuse of equipment may also be forwarded to the District Attorney's office or other appropriate prosecuting agency for charging consideration.

Unintentional misuse.

Unintentional misuse of Flash bangs may come in many forms, from unfamiliarity or lack of training to the encountering of a scenario that was not anticipated in training or policy. The Department attempts to prevent unintentional misuse through thorough training, clear

policy prescriptions, and robust review processes such as force reports, force review boards, and pursuit review boards.

Perception of militarization or exacerbation of a police/community divide.

While it is not the intent of the Department that this occur, the Department does recognize the possibility that its use of Flash bangs may lead to a perception of militarization of the Department, or an exacerbation of any existing divides between the Department and the community it serves and is a part of. The Department also recognizes that persons who have experienced these types of weapons in negative lights (e.g., having escaped from totalitarian countries with oppressive security forces, having been the victim of community violence where the perpetrators used these types of weapons, etc.) may feel triggered or mentally impacted by the sight of officers deploying or using these weapons. The Department attempts to overcome challenges such as this by taking full advantage of community forums required by policy and law (see for instance the mandated community engagement meeting in DGO K-07 and CA Government Code § 7072(b)), by completing full and robust reports such as this one, and by collaborating with the Police Commission in the creation of use policies and procedural safeguards surrounding this equipment.

Impact on affected persons

Any time flash bangs are deployed, there is some possibility of effects on persons in the vicinity. These effects may range from transient to long-term to permanent; effects range from emotional response to physical injury to permanent disability or death.

The explosion of magnesium-based pyrotechnic chemicals causes a very bright flash and a loud sound (160–180 decibels), which can cause temporary blindness, temporary loss of hearing and loss of balance, as well as a sense of panic.

At close range the intensity of the sound a flash bang makes could be enough to cause permanent hearing damage.

Mitigations

Use of force and de-escalation policy – [DGO K-03](#)

Controlled and military equipment frequently takes the form of a force option, or else is often used during high-risk situations where force may be used. OPD, in concert with the Police Commission, created a state-of-the-art use of force policy that centers the Department's mission, purpose, and core principles, provides clear guidance that force is only allowed

when reasonable, necessary, and proportional, and makes clear the consequences of unreasonable force. Additionally, OPD's use of force policy incorporates a robust de-escalation policy (Section C), which mandates that officers use de-escalation tactics and techniques in order to reduce the need for force when safe and feasible.

The entirety of this policy – which encapsulates OPD's values surrounding force and commitment to de-escalation – is a clear general procedural mitigation to the possible adverse impacts of the use of this equipment.

Force reporting and review policy and practice – DGOs [K-04](#) and [K-04.1](#)

Though the Department expects that every use of this equipment will be within the boundaries of policy and law, the Department also has clear procedures regarding force reporting and review in place. DGO K-04 and its attendant special orders require that force by officers – including force where controlled equipment was used – be properly reported and reviewed, with the level of review commensurate to the severity of the force incident. Additionally, for severe uses of force or when a use of force had severe outcomes, the Department utilizes Force Review Boards, led by top Department command staff and often attended and observed by Community Police Review Agency staff or Police Commission Chairs, to review every part of a force incident. These boards not only determine whether the force was proper, but also have wide latitude to suggest changes in policy, training, or practice, including with controlled equipment.

OPD's force reporting and review policies and practices serve as important procedural mitigations to the possible adverse impacts of the use of this equipment.

Complaint receipt and investigation procedures – [DGO M-03](#)

The use of controlled equipment, as with any use of the police powers, is subject to the rules and laws that govern the Department and its employees. Complaints and allegations that the Department or its employees have violated these rules or laws are treated with the utmost seriousness, including proper intake at the Internal Affairs Division and investigation by the appropriate investigative individual. Where allegations are found to be substantiated, the Department uses a progressive discipline structure to serve as both deterrent and rehabilitative functions. Finally, deliberate misconduct or actions contrary to the Department's values are not tolerated and can lead to termination of employment.

OPD's complaint receipt and investigation procedures serve as important procedural mitigations to the possible adverse impacts of the use of this equipment.

Community outreach and specific inquiry pathways – DGO K-07

Use of controlled equipment, especially equipment that may have been used by militaries or quasi-military federal law enforcement, can drive perceptions of a militarized police force that is pre-disposed to the use of force as opposed to thoughtful, deliberate resolutions to incidents using de-escalation and minimizing the use of force. An important procedural mitigation to this type of perception is regularly communicating with the community served, as a way for information to be shared in both directions. This serves to dispel common misconceptions as well as provide valuable perspective for the Department and its employees. OPD uses community outreach, such as social media, community events, and a specific, annual community forum as required by DGO K-07. Additionally, OPD's overarching controlled equipment policy sets forth processes for inquiries about the equipment.

Equipment-specific use policy and Police Commission oversight – OMC 9.65

While most every law enforcement agency is bound by state law (Government Code § 7070 et. seq.), the very nature of police oversight in Oakland provides one of the most powerful procedural mitigations of potentially adverse impacts. For instance, state law requires that most agencies have their controlled equipment use policies approved by their governing body (e.g., City Council, or Board of Supervisors). In the case of OPD, however, there is an additional layer of oversight in the Police Commission, which must review any controlled equipment use policy prior to it being approved by the City Council. This requirement, set forth in Oakland's municipal code section 9.65, is a procedural mitigation to the possible adverse impacts of the use of this equipment.

Technical safeguards

Every qualified member must complete an inventory log prior to transporting the devices from the facility. They must also complete a log at the end of their shift, so supervisors will know if there are any missing items. The Special Operations Section is responsible for tracking and conducting yearly audits on inventory.

Any flash bang deployed in the field will be reported through the Special Operations Section and they will track the following information: summary of deployment, location-area, quantity, and commander/supervisor on the scene.

Safeguards include but are not limited to members using a safety clip and pen when carrying a device on their person. Members shall visually clear an area of people prior to deploying devices. Members shall visually clear the area of potential hazards (including fire hazards) prior to deploying devices.

Due to the potential fire hazard, members should consider the availability of a fire extinguisher prior to deploying the device. If feasible, members should utilize proper protective gear such

as eye and ear protection as well as flame resistant gloves. Members should consider staging Oakland Fire Department and medical personnel due to potential fire hazards.

Any time flash bangs are deployed, there is some possibility of effects on persons in the vicinity. These effects may range from transient to long-term to permanent; effects range from emotional response to physical injury to permanent disability or death.

The explosion of magnesium-based pyrotechnic chemicals causes a very bright flash and a loud sound (160–180 decibels), which can cause temporary blindness, temporary loss of hearing and loss of balance, as well as a sense of panic.

At close range the intensity of the sound a flash bang makes could be enough to cause permanent hearing damage. However, this possibility exists and is remedied by improvements to policy and training at least once per month. Additionally, the Department has instituted safeguards around limiting the number of officers who have access to flash bangs, only trained SWAT Team members.

Finally, the possibility exists that an impacted person can be injured (hearing loss, burns deformations or even death), or a fire will start. While the Department works hard to avoid this issue through selection, training, and qualification, the specific policy improvements. OPD has medical staged with all SWAT callouts and the Fire Department is recommended to be staged on situations where flash bangs may be used.

The SWAT Team conducts extensive planning into a planned operation. OPD members are trained to visually check an area before the possibility of deployment. Flash bangs are not to be thrown next or at people.

Procedural safeguards

The Special Operations Section Commander is responsible for ensuring that all Noise-Flash Diversion Devices are inspected annually. This inspection will ensure that the Department's devices are properly stored and in good condition. Expired Devices beyond their recommended lifetimes shall be designated for use in training only. Noise-Flash Diversionary Devices should be stored in a cool, dry location within the armory, on a separate shelf from fixed ammunition.

Devices with illegible serial number and identification shall not be deployed to the field.

Safeguards include but are not limited to members using a safety clip and pen when carrying a device on their person. Members shall visually clear an area of people prior to deploying

devices. Members shall visually clear the area of potential hazards (including fire hazards) prior to deploying devices.

OPD does not issue every officer a flash bangs. Through a rigorous selection process, OPD is able to control which officers are provided access to this tool. Additionally, selections to the Tactical Team are further vetted. Finally, all persons who carry the items must attend both initial training (3 weeks for Tactical Team) and ongoing training in order to stay proficient.

The Annual report will discuss any the results of any internal audits, any information about violations of controlled equipment use policies to the extent permitted by law, and any actions taken in response. The report will also discuss a summary of any flashbang deployments.

Alternatives

De-escalation and alternative strategies

As mentioned in the Mitigations section, above, OPD officers are mandated to use de-escalation strategies and tactics when safe and feasible. These strategies and tactics, which are predicated on de-escalation best practices around communication, containment, positioning, and time/distance/cover, reflect the Department's commitment to de-escalation over the reliance on force to compel compliance.

However, even during de-escalation strategies and actions, controlled equipment may be used or ready to further a safe outcome to the event for the engaged person, the community, and the officers. This, in conjunction with other de-escalation or alternative strategies, provides a baseline for OPD officers in the conduct of their duties when using or contemplating the use of this controlled equipment.

It is also instructive to consider the possible adverse costs of not possessing this equipment. For instance, the unavailability of a particular tool may adversely impact the safety of police personnel and the community by limiting de-escalation strategies, exposing personnel to greater risk, or limiting the options available to safely resolve situations.

The Oakland Police Department uses alternative methods instead of confronting subjects in a residence or building. Members use surveillance techniques to observe the subject leaving their location and stopping them on the street out in the open. This will reduce the need to use a flashbang device. Also, when there are no threats to innocent bystanders, OPD will surround and negotiate with subjects. Time is on the officer's side and there is no rush to

enter a building. The goal of all the situation is to have a safe surrender of the subject and for no officers or people be injured.

Location

Flash bangs will typically be used within the areas that OPD has jurisdiction or in areas of the State of California where OPD is specifically conducting operations or investigations. This includes the entirety of the City of Oakland and may include neighboring jurisdictions or other areas within the State.

Third Party Dependence

- ☒ This item does not require third-party actors for operation.
- ☐ This item does require third-part actors for operation:

Track Record

The Flash bangs are an integral part of American law enforcement, mainly because the weapon system allows officers to distract subjects when entering a dangerous area.

On October 31, 2008, the Oakland Police Department's SWAT Team conducted an operation on Douglas Ave. SWAT team had been called in because police believed people in the home were gang members armed with guns. Two shotguns and cocaine and heroin were found during the search. A flash bang grenade that an officer deployed in the hallway, hit a wall and bounced back into the living room where the resident was sleeping, burning her on her chest and legs. The City of Oakland settled the lawsuit for 1.2 million dollars.

There have been no lawsuits regarding flashbangs since 2008.

Diversionary Devices may be utilized in many situations to include potentially dangerous barricaded subject situations, hostage situations, and critical incidents. Some criteria considered prior to a deployment is dependent upon whether the suspect is a dangerous felon, causes a life-threatening situation and/or other unique incidents where it appears to be a reasonable method in which to resolve the situation. When deployed appropriately these devices can assist in safely apprehending suspects and resolving high risk critical incidents with minimal or no injuries to suspects and/or officers.