

ATTACHMENT S

Oakland Police Department
Controlled Equipment Impact Report

Item(s): Department Rifles and Associated Ammunition
Applicable Use Policy: DGO [K-06](#), *Department Rifle Program*



Description and Purpose

Colt LE6920 AR-15 Rifle	
Description	A semi-automatic shoulder-fired long gun that fires a rifle caliber cartridge. The Department-approved AR15 style weapon system is designed to fire a .223/5.56 caliber projectile.
Manufacturer's Product Description	Colt's reliability, performance, and accuracy provide our Armed Forces the confidence required to accomplish any mission. Colt's LE6920 series shares many features of its combat proven brother, the Colt M4.
Capabilities / How the item works	This is a direct-impingement, AR-15 pattern center-fire semiautomatic rifle, capable of firing a .223 round and striking a target at ranges up to 200 yards in the hands of a trained operator.
Expected lifespan	Barrel life approximately 15K rounds; with care, item can last up to 30 years.
Quantity	72 owned
Purpose and intended uses and/or effects	Recognizing that officers are not normally equipped to safely address threats from persons wearing body armor and/or who are at distances beyond the effective range of standard issue police pistols and shotguns, the PRP has been implemented to address such threats and enhance police officer and public safety.

Noveske N4	
Description	A semi-automatic shoulder-fired long gun that fires a rifle caliber cartridge. The Department-approved AR15 style weapon system is designed to fire a .223/5.56 caliber projectile.
Manufacturer's Product Description	<ul style="list-style-type: none"> • Action: Gas Operated Semi-Auto • Air cooled • Magazine feed • Barrel Length: 10.5", stainless steel • Chambered in 5.56 • Capacity: 30+1
Capabilities / How the item works	This is a direct-impingement, AR-15 pattern center-fire semiautomatic rifle, capable of firing a .223 round and striking a target at ranges up to 200 yards in the hands of a trained operator.
Expected lifespan	Barrel life approximately 15K rounds; with care item can last up to 30 years.
Quantity	25 owned
Purpose and intended uses and/or effects	The Tactical Operations Team may be activated at the discretion of the Patrol Division Watch Commander, or an Area Commander who is on the scene and assumes Incident Command. This is covered in Oakland Police Policy DGO K-5. Tactical team entry element operators are assigned these rifles.

Bravo Company Manufacturing (BCM CQU MCMR 11)	
Description	A semi-automatic shoulder-fired long gun that fires a rifle caliber cartridge. The Department-approved AR15 style weapon system is designed to fire a .223/5.56 caliber projectile.
Manufacturer's Product Description	<ul style="list-style-type: none"> • Action: Gas Operated Semi-Auto • Air cooled • Magazine feed • Barrel Length: 10.5", stainless steel • Chambered in 5.56 • Capacity: 30+1
Capabilities / How the item works	This is a direct-impingement, AR-15 pattern center-fire semiautomatic rifle, capable of firing a .223 round and striking a target at ranges up to 200 yards in the hands of a trained operator.
Expected lifespan	Barrel life approximately 15K rounds; with care item can last up to 30 years.
Quantity	30 owned
Purpose and intended uses and/or effects	The Tactical Operations Team may be activated at the discretion of the Patrol Division Watch Commander, or an Area Commander who is on the scene and assumes Incident Command. This is covered in Oakland Police Policy DGO K-5. Tactical team entry element operators are assigned these rifles.

GA Precision Bolt Action .308 Win Rifle	
Description	The rifle has a 22" barrel, internal magazine (four round capacity), manual safety selector switch, and manual bolt action. The rifle is chambered for .308 Win ammunition.
Manufacturer's Product Description	The rifle is a custom GA Precision product built for Oakland PD, based on their Crusader model. It is built off of the Remington 700 short-action receiver platform, but manufactured and outfit by GA Precision, using a variety of components from different manufacturers. The barrel is manufactured by Broughton; it is 22" long, fluted, and has a 1/11.25" twist. The rifle stock is manufactured by Manner. The trigger group is a custom build by GA Precision. The scopes are manufactured by Nightforce (NX8), with Badger Ordnance scope rings and bases. The bipods are manufactured by Harris. The rifles were built from different components but serialized under GA Precision.
Capabilities / How the item works	Bolt-action centerfire rifle, capable of firing a .308 round and striking a target at ranges up to 1000 yards in the hands of a trained operator.
Expected lifespan	None indicated, but with care item can last up to 30 years.
Quantity	12 owned
Purpose and intended uses and/or effects	The Tactical Operations Team may be activated at the discretion of the Patrol Division Watch Commander, or an Area Commander who is on the scene and assumes Incident Command. GA Precision Bolt Action .308 Win Rifles are assigned to the Sniper element of the Tactical Operations Team.

Remington 700 Rifle	
Description	Bolt-action .308 caliber rifle.
Manufacturer's Product Description	<p>The Model 700 SPS Tactical is a highly maneuverable member of the family. It's built for tack-driving accuracy with a 20" heavy contour tactical-style barrel and dual-point pillar bedding in its black synthetic stock. Hogue® overmoldings on the stock facilitate sure handling, and it has a semi-beavertail fore-end for added stability off a rest.</p> <ul style="list-style-type: none"> • 20" heavy barrel • X-Mark Pro® externally adjustable trigger • Hogue® overmolded pillar-bedded stock • Durable satin black oxide metal finish • Hinged floorplate magazine • Select models - SKU's 84205 and 85538, feature 5/8x24 threaded muzzles with thread protectors, ready to accept a range of muzzle devices or silencers. • SuperCell® Recoil Pad
Capabilities / How the item works	Bolt-action centerfire rifle, capable of firing a .308 round and striking a target at ranges up to 1000 yards in the hands of a trained operator.
Expected lifespan	None indicated, but with care item can last over 30 years.
Quantity	1 owned
Purpose and intended uses and/or effects	Last example of the previously issued rifle for the Sniper Team. Replaced by GA Precision rifles, above. Kept for training and testing purposes.

Seekins Precision SP10 Rifle	
Description	AR-10 pattern semi-automatic .308 caliber rifle

Oakland Police Department
 Controlled Equipment Impact Report
 Item(s): Department Rifles and Associated Ammunition

Manufacturer's Product Description	<p>The SP10 has been specifically designed and tested for our nation's most elite Special Operations warriors. The SP10's proprietary design of the upper receiver and handguard provides a rigid, noflex platform for repeatable, extreme accuracy under any condition. The SP10 lower receiver offers full ambidextrous controls allowing effective, efficient manipulation of the weapon from either side. The SP10 is the perfect large-frame AR platform for hunting, competition, or duty use. NOW AVAILABLE in 7 semicustom color options to match your specific needs.</p> <p>Calibers:</p> <ul style="list-style-type: none"> • 6 Creedmoor/ 1:8 twist • 6.5 Creedmoor/ 1:8 twist • .308/ 1:11.25
	<p>Specs:</p> <ul style="list-style-type: none"> • Weight: 10.5lbs • Barrel: .308 18"; 6 & 6.5 Creedmoor 22" 5R 416 Stainless Steel. • Receivers: IRMT Upper/SP10 Lower 7075-T6 billet • Handguard: 15" SP3R MLOK • Gas Block: Seekins Low Profile Adjustable Gas Block • Trigger: Timney trigger, single stage set at 3lbs • Colors: Armorer Black, FDE, OD Green, Sniper Gray, Battle Worn FDE, Battle Worn OD Green. • Stock: Seekins 10X • Muzzle Device: Seekins ATC brake 5/8X24
	Semi-automatic AR-10 pattern rifle, capable of firing a .308 round and striking a target at ranges up to 1000 yards in the hands of a trained operator.
Expected lifespan	None indicated, but with care item can last over 30 years.
Quantity	15 ordered

Oakland Police Department
 Controlled Equipment Impact Report
 Item(s): Department Rifles and Associated Ammunition

Purpose and intended uses and/or effects	Designed to augment or supplant bolt-action sniper rifles, the AR10 rifle allows for the Department to use the superior ballistic performance of the .308 / 7.26 NATO cartridge for long-distance precision shooting while maintaining the abilities afforded by the semi-automatic AR-10 workings that provide benefits in follow-up shots if needed, ergonomics, and ease of maintenance. The Department's Seekins rifles will be customized with certain accessories (e.g., rifle scopes, handguards, or trigger assemblies) that do not alter the primary functions (semi-automatic only fire) of the rifle nor add additional weapons (e.g., bayonets, grenade launchers) to the rifle.
---	--

BCM Recce 16	
Description	A semi-automatic shoulder-fired long gun that fires a rifle caliber cartridge. The Department-approved AR15 style weapon system is designed to fire a .223/5.56 caliber projectile.
Manufacturer's Product Description	The BCM RECCE-16 AR-15 Rifle features a chrome lined barrel, mid length gas system, and 16" barrel outfitted with a BCM Mod 0 Compensator. The Recce-16 features several of BCM's Gunfighter upgrades including a BCM Mod 3 pistol grip, PNT trigger, BCM Gunfighter charging handle, and BCM stock. BCM produces all of their firearms to the highest military standards with the understanding that there can be no shortcuts, no substitutions, and no half measures. BCM builds weapon systems to meet the demands of their end users, and to ensure that their equipment increases survivability in dangerous situations.
Capabilities / How the item works	This is a direct-impingement, AR-15 pattern center-fire semi-automatic rifle, capable of firing a .223 round and striking a target at ranges up to 200 yards in the hands of a trained operator.
Expected lifespan	~ Barrel life approximately 15K rounds; with care, item can last up to 30 years.
Quantity	~ Two Personally Owned

Purpose and intended uses and/or effects	Recognizing that officers are not normally equipped to safely address threats from persons wearing body armor and/or who are at distances beyond the effective range of standard issue police pistols and shotguns, the rifle is intended to address such threats and enhance police officer and public safety.
---	---

Mega Arms AR15	
Description	A semi-automatic shoulder-fired long gun that fires a rifle caliber cartridge. The Department-approved AR15 style weapon system is designed to fire a .223/5.56 caliber projectile.
Manufacturer's Product Description	The Mega Arms AR-15 showcases the unique design of the Mega Arms MKM AR-15 platform. The Mega Arms MKM platform mates the rail with the billet receiver in a proprietary manner that makes it as rigid and sturdy as a monolithic (1 piece) upper, yet remains extremely lightweight. It features a 12-inch Keymod compatible rail and 14.5-inch barrel.
Capabilities / How the item works	This is a direct-impingement, AR-15 pattern center-fire semi-automatic rifle, capable of firing a .223 round and striking a target at ranges up to 200 yards in the hands of a trained operator.
Expected lifespan	Barrel life approximately 15K rounds; with care, item can last up to 30 years.
Quantity	Two Personally Owned
Purpose and intended uses and/or effects	Recognizing that officers are not normally equipped to safely address threats from persons wearing body armor and/or who are at distances beyond the effective range of standard issue police pistols and shotguns, the rifle is intended to address such threats and enhance police officer and public safety.

Daniel Defense DDM4 V7	
Description	A semi-automatic shoulder-fired long gun that fires a rifle caliber cartridge. The Department-approved AR15 style weapon system is designed to fire a .223/5.56 caliber projectile.
Manufacturer's Product Description	The DDM4 V7 AR15 style firearm features M-LOK attachment technology with the Daniel Defense MFR 15.0 rail. Built around a Cold Hammer Forged, 16-inch barrel, the V7 has a DD improved Flash Suppressor to reduce flash signature. The mid-length gas system provides smooth and reliable cycling under any condition and reduces both perceived recoil and wear on moving parts. With the M-LOK attachment points that run along 7 positions and an uninterrupted 1913 Picatinny rail on top, the V7 has plenty of room for the sights, optics, and accessories the user may require. The independently ambi GRIP-N-RIP Charging Handle accommodates left- and right-handed shooters. This rifle also comes with the ergonomic Daniel Defense Buttstock and Pistol Grip.
Capabilities / How the item works	This is a direct-impingement, AR-15 pattern center-fire semi-automatic rifle, capable of firing a .223 round and striking a target at ranges up to 200 yards in the hands of a trained operator.
Expected lifespan	~ Barrel life approximately 15K rounds; with care, item can last up to 30 years.
Quantity	~ One Personally Owned
Purpose and intended uses and/or effects	Recognizing that officers are not normally equipped to safely address threats from persons wearing body armor and/or who are at distances beyond the effective range of standard issue police pistols and shotguns, the rifle is intended to address such threats and enhance police officer and public safety.

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
Colt Rifle	~\$1100/unit	~\$79,200
Noveske Rifle	~\$1500/unit	~\$37,500
BCM Rifle	~\$1400/unit	~\$42,000
GA Precision Rifle	~\$9000/unit	~\$108,000
Remington 700 Rifle	~\$1400/unit	~\$1,400
Seekins Precision Rifle	~\$6804.10/unit	\$102,061.50
BCM Reece 16	Personally purchased and owned rifle.	
Mega Arms AR15	Personally purchased and owned rifle.	
Daniel Defense DDM4 V7	Personally purchased and owned rifle.	

The Department also has ongoing costs related to the purchasing of ammunition; during a typical year every use of ammunition during the course of the year is during training.

There is no cost to the Department for any privately owned rifles. **NOTE:** Patrol rifle officers are not allowed to deploy privately-owned rifles in lieu of their issued patrol rifle. Only members of the Tactical Team who are trained and issued an AR-15 pattern rifle (Entry and Sniper Team) may deploy a privately-owned rifle that has been approved by their team leader. The majority of these members use the department's issued item.

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

Estimated or anticipated costs for each proposed use

Patrol rifles: Staff assigned patrol rifles are on-duty and respond during their normal shift.

Tactical team rifles: Staff assigned to the entry or sniper teams may be on duty during incidents requiring the tactical team. If they are, they may deploy as patrol officers and use their assigned rifles. For a tactical team call-out, other members of the team will respond 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; the rifle is typically stored in the officer's patrol vehicle or in the equipment vehicle, so there is no added cost of transportation. For discharges, beyond the cost of each round of ammunition, there is the associated accumulation of maintenance costs (wear and tear) from utilizing the machine. As noted, barrels typically have a service life of around 15k rounds, after which they need to be replaced. While rare, the discharge of a patrol rifle to strike another person may have serious costs, including loss of life. Even justified uses of lethal force may result in costly litigation or other costs. These costs are likely similar to the costs anticipated with the discharge of an officer's service handgun at another.

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, even 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. If the controlled equipment is a weapon, then the cost of injuries resulting from use of that weapon can vary considerably. Since persons in OPD's custody 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 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 larger entry and exit wounds than from handgun bullets, more body tissue destruction; emotional trauma to vulnerable and/or minor bystanders; and potential litigation costs.

Estimated or anticipated ongoing costs

Costs for operation and training include ammunition – currently approximately \$40,000 per year.

Initial training for the patrol rifle program is a basic rifle school, which is 40 hours (one week). A typical school has about 10-12 candidates and 2-3 instructors, all of whom must be absent from their regular duties for that week where they are at 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. Candidates in the patrol rifle school are on regular time when attending the school, instructors may be on overtime depending on their regular duty assignment.

Initial training for the Tactical Team Entry or Sniper 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.

Training costs also include rental of a range facility (typically around \$60/hour). The patrol rifle program has four days of training per quarter (~\$10k/yr range fees, 10 hours per officer), and 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.

Maintenance and storage have costs – while the rifles have long lifespans, like any machine they occasionally need replacement of parts. Depending on the part, the cost per item can range from fractions of a dollar (for small springs) to several hundred dollars (for a new barrel). Storage is typically done in the Police buildings, but this comes with an opportunity cost for other storage.

Upgrade and replacement will typically require purchase of an entirely new rifle, at a cost of between \$1,000-\$9,000 depending on the model and capabilities. Rifle staff report replacing less than one (1) complete rifle per year; more typical is replacement of parts that may wear out or otherwise be on a replacement schedule, with funding for these expenditures coming from the Special Operations Division budget.

Impacts

Reasonably anticipated impacts

Deliberate misuse.

Though unlikely, it is possible that Department Rifles and Associated Ammunition may be deliberately misused by employees. Some of the ways that the Department attempts to prevent deliberate misuse is through a

Oakland Police Department
Controlled Equipment Impact Report
Item(s): Department Rifles and Associated Ammunition

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 Department Rifles and Associated Ammunition 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 Department Rifles and Associated Ammunition 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 unintended persons

Any time a firearm is discharged by law enforcement, there exists the possibility that the round will strike something or someone that is not the intended target. This impact is noticeably decreased in rifles as compared to duty handguns due to the inherent accuracy of a shoulder-fired rifle compared to a handgun. However, this possibility exists and is remedied by training; patrol rifle officers train at least four times per year whereas Tactical Team members train at least once per month. Accuracy standards of at least 80% are adhered to during training and qualification, and members who do not pass qualification are either remedially trained until they can successfully complete the qualification (in the interim not able to deploy) or may be removed from the program entirely.

Additionally, the Department has instituted safeguards around limiting the number of officers used as "armed cover" (having firearms ready to use as a lethal force option) during high-risk incident, as seen most notably in the Dedicated Arrest Team (DAT) policy (TB III-P.03). The Department places a large amount of emphasis on

ensuring that supervisors and commanders limit the number of officers pointing firearms at any type to avoid issues such as sympathetic fire or a number of rounds fired that is disproportionate to the situation at hand.

Finally, the possibility exists that an errant round misses its intended target, passes through an obstacle (such as dry wall), and strikes another person. While the Department works hard to avoid this issue through selection, training, and qualification, the specific ammunition that the Department uses has a ballistic profile through common materials – such as drywall, sheet metal, or auto glass – that is similar to the duty handgun round.

Ballistic Differences in Rifle Rounds

The Department is aware of the differences in ballistics between duty handgun rounds (issued to every sworn officer) and rifle-caliber rounds. Rifle caliber rounds move at a much higher velocity, and when striking the human body may cause both temporary and permanent wound cavities that are larger than those caused by the handgun. However, the Department's approach to all lethal force is one centered around the protection and sanctity of human life – such that the Department and its officers limit the reliance on force generally, and especially on lethal force, and the Department enacts strict training and controls around all force, with a focus on limiting lethal force as much as is possible.

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, 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 rifle used by the Department is semi-automatic – for each round fired, the trigger must be pulled. Though the AR-15 platform is capable of burst or even automatic fire, the Department specifically has not obtained rifles with this capacity to decrease the chances of accidental misuse or striking an unintended target. Additionally, every AR-15 patterned rifle has a manual safety which must be disengaged before the weapon is fired.

For the .223 ammunition that is issued for duty use by patrol rifle officers, the Department specifically chose the Speer LE Gold Dot round because the bullet is bonded, providing superior performance through thin barriers such as auto glass, which still reliably not over penetrating when tested in gelatin ballistic blocks.

For the Department's .308 ammunition, the larger bullet may provide more energy on target. This ammunition is only used in the Department's sniper rifles, which all are modified with special purpose scopes that allow for the trained members of the sniper element to achieve a high degree of accuracy.

Procedural safeguards

Unlike other agencies, OPD does not issue every officer a patrol rifle. 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 deploy a rifle must attend both initial training (40 hours for PRO, 3 weeks for Tactical Team) and ongoing training in order to stay proficient.

During training, members do more than simply learn how to fire the rifle accurately; they also spend much of training on tactical scenarios designed to improve their judgment, de-escalation, and critical thinking skills. These include scenarios with "no-shoot" outcomes – where the exercise is designed to induce clear thinking under stress and proper threat assessment. A typical patrol rifle school involves approximately 2.5 of 5 days learning how to fire the rifle and preparing for a qualification and 2.5 of 5 days working on tactical decision making and skill building. Similarly, patrol rifle quarterly training typically involves half the day reinforcing accuracy and qualifying with the rifle and the other half engaging in tactics and scenarios. The Tactical Team typically breaks their twice/month training into one day of live fire with both rifle and handguns, and the other day of nothing but scenarios and decision-making exercises.

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.

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.

There are other manufacturers of AR-15 pattern rifles, AR-10 pattern rifles, and bolt-action precision rifles.

However, since these are standardized items, most items will have the same or similar capabilities.

Location

Department Rifles and Associated Ammunition 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

As noted, many other agencies issue patrol rifles to every sworn officer. The patrol rifle is an integral part of American law enforcement, mainly because the weapon system allows officers to keep distance and match firepower against weapons that are readily available to private citizens.

The City of Santa Rosa reports that they issue a patrol rifle as standard issue to every sworn officer and, as standard issue, do not report it pursuant to AB 481. The City of Santa Cruz also issues a patrol rifle to all officers, but they do report it pursuant to AB 481.

The City of Berkeley Police Department writes in its impact report regarding rifles that, “[t]he M4 patterned rifle, which fires the .223 Remington cartridge, is a superior firearm to stop a lethal threat compared to the issued pistols to police officers, in that officers equipped with this firearm shoot less rounds, fire more accurately, and are less likely to fire errant rounds. Highly volatile and violent incidents, such as a hostage situation, can be more safely and efficiently resolved with a rifle.”

In the most recent data available (2022 deployments), OPD patrol rifle officers report 129 deployments across all areas of the city since January 2022 (since this is for individual deployments and many incidents involve more than one rifle officer on scene, this data likely represents less than 129 total incidents).

There have been no incidents of rifle discharge at persons during 2022. Since 2017, OPD has had at least four (4) lethal force incidents specifically involving rifles:

- In 2017, a person with a rifle was firing at community members and officers. The person was shot and killed by a tactical team member with a sniper rifle.
- In 2018, a person was reported to be armed with a firearm asleep between two buildings. The person was shot and killed by three patrol rifle officers and one tactical team officer with an AR-15 pattern Department rifle.
- In 2020, a person was in the midst of an armed robbery caravan; ran over and severely injured an officer using the vehicle. The person was shot and killed by a tactical team officer using a department rifle.
- In 2021, officers were attempting to arrest a person with a warrant for a violent crime. During the arrest attempt, a tactical team officer shot the person with a department rifle. The person survived.

The need for law enforcement to have access to precision rifles to counter armed persons has been shown in several incidents, such as the North Hollywood Shootout. Additionally, the proliferation of firearms in American society, especially since the pandemic, unfortunately requires that law enforcement be prepared to overcome persons armed with many different types of firearms.