

The information enclosed will answer questions that have been raised to police staff and city council members, regarding the need for an all-purpose rescue vehicle, and the funds (federal seizure funds) that will be used to purchase this vehicle.

History

Staff understands that the mission of any police agency is to protect and serve those within its respective community. It is important for the department to clearly define the purpose and usage of any items that officers are equipped with. Historical data shows the department would utilize the vehicle an average of 7 times per year. For years the department has partnered with the university, other local, state, federal, local, and county law enforcement agencies to provide security for crowds of more than 100,000 attending football games, and other large scale events. For more than 10 years our department has provided special team resources, at the request of the university's athletic department. The special teams requested are: emergency response team, hazardous device unit (HDU), and bicycle team. There is an expectation from the university that the all-purpose response vehicle would also be deployed at home games, and other large scale events, held at the stadium. Several local agencies have purchased either military or an armored vehicle. For the purposes of this document it is important to understand the differences in the capabilities of a MRAP (Mine-Resistant Ambush Protected Vehicle) and a Non-Military Armored Personnel Vehicle (All-purpose response vehicle).

The MRAP is part of the federal government's 1033 military surplus program. This program allows local police agencies to purchase surplus war equipment (i.e. tanks and other mine resistant and other offensive/defensive vehicles). The cities of Moore and Shawnee, and McClain and Oklahoma Counties have purchased MRAP(s) through this program. Also, OCPD, Edmond, and Oklahoma County have purchased Non-Military Armored Personnel Vehicle. The 1033 program was eliminated in March 2015. Neither of listed departments has expressed an interest in partnering with our department for the purposes of purchasing this vehicle. Also, each of these departments have independent emergency response teams. Each team has been designed to meet the needs of each individual city mentioned. Although, staff has no doubt that mutual aid would be provided to the city upon request, staff cannot guarantee the other jurisdiction's vehicle would be readily available when requested. The National Guard Reserve facility does not allow the use of military vehicles by local municipalities. Only the governor has the authority to authorize the National Guard to assist local departments in domestic law incidents and catastrophic incidents. Also, the *Posse Comitatus* Act of 1878, limits the powers of the federal government in using its military personnel (army and navy) to act as domestic law enforcement personnel. The presence of true military vehicle would set a tone of militarization if ever deployed in Norman, especially for local law enforcement issues.

Purpose and Usage

This is a vehicle that will be used for emergency incidents. This includes, but not limited to: active shooters, emergency response team responses, rescue of citizens and emergency responders during and following natural disasters. Since 2010, our emergency response team has responded to more than 35 callouts (a callout is an emergency event in which someone is shooting, barricaded, or holding someone hostage) and more than 100 high risk and drug warrants. The mission of our emergency response team: Is to conduct tactical operations to resolve incidents that cannot be resolved by

conventional police personnel, methods, or equipment. Our stated "GOAL" is to find **peaceful resolutions** to situations when possible, while considering the following priorities of Life:

1. Hostages or those in immediate danger
2. Innocent Bystanders
3. Police
4. The suspect(s)

The protocol used for the request and notification of SWAT Personnel is:

Armed Barricade Suspect

Armed Hostage Situation

High Risk Warrant Service (SEARCH and/or ARREST WARRANTS)

Some high risk factors include:

- *Suspect(s) are known or believed to be armed*
- *The location is fortified (exterior bars, interior fortifications etc...)*
- *Suspect(s) have a violent criminal history*
- *The suspect(s) is wanted for a violent felony or armed assault on a police officer*
- *There is a hazardous environment (i.e. clandestine laboratory, explosives or booby traps)*
- *Counter surveillance on the property (video cameras, guard dogs, alarms, guards/look outs)*
- *These and other factors are vetted using a Warrant Matrix.*
 - *The matrix is scored and if the score reaches a certain threshold then the warrant is served by SWAT.*
 - *The Matrix is reviewed by the SWAT Commander and Assistant Team Commander. The final decision to activate SWAT for a warrant rests with the SWAT Command.*
 - *A Variety of Tactics are examined and considered for a warrant service.*

If the warrant service does not meet the guidelines of the matrix, the emergency response team is not deployed. The emergency response team is requested by a supervisor and the request goes straight to the emergency response team commander. The emergency response team commander evaluates each situation individually based on the above listed guidelines and the merits of the situation at hand. Since 2013, while in the course of their duties, the NPD emergency response team has been fired upon numerous times. Fortunately, no officer or citizen was injured or killed. Although the department has been fortunate that all of these incidents ended peacefully, staff understands that active shooter incidents are occurring more frequently (based on current FBI statistics) approximately one incident every three weeks in the United States. Suspects are becoming more violent and unwilling to surrender peacefully. The size and demographics of a city does not factor into the actions of these suspects. Cities with populations under 1,000 and up to 1,000,000 have become targets. The life expectancy of this vehicle is 20 years or longer.

The vehicle comes with a standard three year warranty from Ford and Lenco Industries. Additional vehicle maintenance will not be required to maintain the vehicle. The services will be outsourced for any routine maintenance and paid for with asset forfeiture funds. Because the vehicle is a Ford 550 truck designed specifically for law enforcement purposes, parts can be purchased from local dealerships and parts suppliers. Also, any certified mechanic can work on this vehicle. MRAP(s) have limited service options, with parts being expensive and difficult to locate. The largest safety feature is the emergency response team member assigned to the vehicle during deployments. Only a limited number of emergency response team personnel will be allowed to operate the vehicle. The vehicle will never be isolated or unattended during a deployment. Like any other of our special team vehicles it will be locked and secured at the investigation center or the police training facility. This vehicle will come equipped with radio harnessing. The radio in the existing in the current emergency response vehicle truck will be moved into the rescue vehicle.

Asset Forfeiture

It is also imperative for the history of the department's partnership with federal agencies, and the process in which asset forfeiture funds are obtained and utilized to be explained. The Norman Police Department's current Task Force partnership with the Drug Enforcement Agency (DEA) officially began in May 2010. An NPD detective was assigned as a Task Force Officer with DEA. The Norman Police Department had previously participated in the Task Force partnership, but was forced to abandon the position in 2007. There are two primary categories of benefits related to Norman's partnership with the DEA through the Task Force program; prevention and mitigation. A primary goal of the DEA is to stop the distribution of illegal drugs throughout the United States. Through participation in the DEA Task Force, Norman Detectives have contributed to numerous investigations that resulted in decreased availability of illegal drugs and legal drugs being used illegally in our Country, State, and community. In addition, Norman's participation in the DEA Task Force provides a force multiplier when related investigations exceed the scope of Norman's staffing or technological capabilities. When Norman Police identify illegal activity that exceeds jurisdictional limitations and/or requires advanced technical capabilities DEA Task Force representation allows increased options for partnering on the investigation or transferring responsibility if necessary. Because the department participates in this partnership, it qualifies to receive asset sharing based on the federal equitable sharing program. This program allows local departments and federal agencies to focus on illegal drug activity and white collar criminals, who prey on the vulnerable for financial gain.

It is important that the distinction between seizure and forfeiture be explained. Both terms come to play in this topic. A peace officer (state, federal, county, or local) having developed probable cause "**Seizes**" items (Money, cars, guns, etc.....) a Judge authorizes "**Forfeiture**" of said "**seized**" items. The federal government has established very strict guidelines outlining that only an agency directly participating in investigations or prosecutions resulting in a federal forfeiture may request an equitable share of the proceeds of the forfeiture. Following a seizure in a joint investigation (that may take several years), a local agency involved in the investigation may request a share of the property. The request must be in written form via a Form DAG-71 Application for Transfer of Federally Forfeited Property. This form must be signed by the law enforcement administrator and the respective department's legal department. Completing this form is not automatic approval for the department to receive requested funds. A forfeiture hearing is required by law, in order to determine if the department receives the funds or if it returned to the person the funds were seized from. NPD has a 100% conviction rate related to those individuals who have gone through the federal seizure process.

Also, the funds in the seizure accounts are not from one specific case. These funds have been accumulated over many years.

The guidelines for the usage of seized funds are very strict. Both the federal and state guidelines limit what these funds may be used for. Funds may not be used for anything other than police purposes or equipment, like the proposed vehicle. Items for animal welfare, parks, sidewalks, and other community interest would be classified as prohibited use. As mentioned previously this is not an item funded by the general fund (capital). However, the department does have to request appropriation of the funds through City Council.

Recent Incidents

Two cities that recently experienced active shooter incidents, Naperville, Illinois (pop. 141,853) and Canon City, Colorado (pop. 16,400) both have armored vehicles. Naperville belongs to the benchmark cities group with Norman and 29 other cities. Neither of these cities ever expected to use the vehicles. However, they both believed the possession of the vehicle could save lives in their communities. Approximately 6 months ago members of the Canon City police department encountered an active shooter incident. A female, was critically injured by the suspect. Members of team were able to remove the victim so that she could be transported for immediate medical attention. Unfortunately the victim died. However, the vehicle provided officers with the cover and concealment required to do so safely. The suspect continued to fire at the officers during the rescue. One of the rounds struck the bullet proof glass. The glass saved the life of the officer driving the armored vehicle.

Naperville special response team utilizes its armored vehicle on every tactical callout that involves the potential use of weapons against police officers and the public. The team has been able place the vehicle close to crisis sites and staffed with special resource team members, police officers, negotiators, medics, and K9 units on several occasions. They have also used it on barricaded armed suicidal calls, barricaded armed criminal offender calls. The department also receives overwhelming support from the community to stage the vehicle at high profile events such as marathons, large festivals, and also staged for dignitary protection details. The vehicle is utilized as a defensive platform so that officers can be close to a crisis location, while maintaining the safety of officers and the public. The department believes that proximity equals opportunity.

Summary

Each year the number of officer and citizen deaths and injuries at the hands of active shooters increases. Patrol officers are the first to arrive on the scene of these incidents and encounter individuals who are carrying out well planned acts of violence. The suspect has no respect for the lives of the first responders and citizens the encounter. As a matter of fact, the more brutal the after-math, the more the suspect feels their mission has been accomplished. The majority of these individuals have established a "ready to die" mentality. Our police department and many of others throughout the country train officers have a guardian mentality instead of that of a warrior. The military's purpose both historically and currently, is to conquer. The purpose of law enforcement is to protect, serve, and to adapt to the incident at hand peacefully if possible. The military focuses on ending the actions of the enemy by any means necessary for a victory. The police department's focus is to leave each incident we encounter peacefully, with all involved remaining alive. This vehicle has no offensive capabilities. Currently, when a suspect threatens members of any community and its first responders with a deadly

weapon, the police officers are sworn to neutralize the suspect or any other threat. The officers who respond to an active shooter incident inside of the all-purpose response vehicle, helps peaceful negotiations become a legitimate first option.

An all-purpose rescue vehicle, therefore, has the exact opposite mission. The “militarization of police” does not come with the purchase of one piece of safety equipment. It is an attitude or demeanor in which a police department addresses and/or treats its community. I have made perfectly clear my expectations our department, and would never create an environment where we are “at war” with the community we serve. It is an outlook, not a vehicle, which creates a feeling of a military state. A clear and strategic written policy has been developed regarding the deployment of an all-purpose rescue vehicle. A rescue vehicle sustains our community’s capability gaps enabling prompt, safe response to any potential hazard. Keep in mind the vehicles that were observed in the recent months throughout the country were mostly military vehicles either purchased from military surplus or used by the National Guard. The vehicle provides NPD an opportunity to neutralize the incidents which provides time to de-escalate, with a possible peaceful conclusion.

In the event of an active shooter, or in other major critical incident, the vehicle allows the special response team, including negotiators, emergency medical technician, and an emergency medicine physician, who participates more than 60% of the time in callouts (a team of 12), to be transported safely into an active shooter incident. The deployment of these resources allows for the imminent rescue of citizens, officers, and the ability to negotiate from a safe advantage point for a peaceful solution. This truck can transport trained negotiators safely into a hostile environment to communicate with deranged individuals. This is something that cannot be safely done at this time due to the department not having this vehicle. Norman is one of one of the few departments utilizing this unique medical partnership. In 2013 and 2014 we were approached with the opportunity to purchase army surplus vehicles (i.e. MRAP or Tank) for approximately \$2,500.00. After conducting research on the 1033 program, and lengthy discussions with staff, including the city manager it was determined this acquisition would not be appropriate for this community.