Description and Purpose

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|  Dyno Nobel/ Primacord 21 |
| Description | Explosive breaching charge is constructed of both explosive and non-explosive materials. The explosive material (PETN) is encased in a textile outer jacket.  |
| Manufacturer’s Product Description | PRIMACORD 21 detonating cords are flexible linear explosives with a core of PETN explosive encased in a textile outer jacket. PRIMACORD detonating cords are designed for use as trunklines and/or downlines in various mining, quarrying and construction applications. |
| How the item works | An explosive breaching charge is constructed for each specific operational target. Each device is designed, in composition and construction, on the target analysis, the nature and type of mission, the severity of the crime at hand, and the probable risks to the public, officers, and suspect(s) as a direct result of the breach. |
| Expected lifespan | 5 years  |
| Quantity | 2324.5 ft |
| Purpose and intended uses and/or effects | Tactical Teams may encounter hostile environments where it is critical that a point of entry be breached quickly and as safe as possible. An immediate and positive breach is but one key to a successful tactical mission designed to reduce the chances of a violent encounter. |

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| Dyno Nobel/ Primacord 10 |
| Description | Explosive breaching charge is constructed of both explosive and non-explosive materials. The explosive material (PETN) is encased in a textile outer jacket.  |
| Manufacturer’s Product Description | PRIMACORD 10 detonating cords are flexible linear explosives with a core of PETN explosive encased in a textile outer jacket. PRIMACORD detonating cords are designed for use as trunklines and/or downlines in various mining, quarrying and construction applications. |
| How the item works | An explosive breaching charge is constructed for each specific operational target. Each device is designed, in composition and construction, on the target analysis, the nature and type of mission, the severity of the crime at hand, and the probable risks to the public, officers, and suspect(s) as a direct result of the breach. |
| Expected lifespan | 5 years  |
| Quantity | 2013.84 ft |
| Purpose and intended uses and/or effects | Tactical Teams may encounter hostile environments where it is critical that a point of entry be breached quickly and as safe as possible. An immediate and positive breach is but one key to a successful tactical mission designed to reduce the chances of a violent encounter. |

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| Dyno Nobel/ Primacord 5 |
| Description | Explosive breaching charge is constructed of both explosive and non-explosive materials. The explosive material (PETN) is encased in a textile outer jacket.  |
| Manufacturer’s Product Description | PRIMACORD 5 detonating cords are flexible linear explosives with a core of PETN explosive encased in a textile outer jacket. PRIMACORD detonating cords are designed for use as trunklines and/or downlines in various mining, quarrying and construction applications. |
| How the item works | An explosive breaching charge is constructed for each specific operational target. Each device is designed, in composition and construction, on the target analysis, the nature and type of mission, the severity of the crime at hand, and the probable risks to the public, officers, and suspect(s) as a direct result of the breach. |
| Expected lifespan | 5 years  |
| Quantity | 2971.84 ft |
| Purpose and intended uses and/or effects | Tactical Teams may encounter hostile environments where it is critical that a point of entry be breached quickly and as safe as possible. An immediate and positive breach is but one key to a successful tactical mission designed to reduce the chances of a violent encounter. |

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| Dyno Nobel/ Primacord 4y |
| Description | Explosive breaching charge is constructed of both explosive and non-explosive materials. The explosive material (PETN) is encased in a textile outer jacket.  |
| Manufacturer’s Product Description | PRIMACORD 4y detonating cords are flexible linear explosives with a core of PETN explosive encased in a textile outer jacket. PRIMACORD detonating cords are designed for use as trunklines and/or downlines in various mining, quarrying and construction applications. |
| How the item works | An explosive breaching charge is constructed for each specific operational target. Each device is designed, in composition and construction, on the target analysis, the nature and type of mission, the severity of the crime at hand, and the probable risks to the public, officers, and suspect(s) as a direct result of the breach. |
| Expected lifespan | 5 years  |
| Quantity | 2012.51 ft |
| Purpose and intended uses and/or effects | Tactical Teams may encounter hostile environments where it is critical that a point of entry be breached quickly and as safe as possible. An immediate and positive breach is but one key to a successful tactical mission designed to reduce the chances of a violent encounter. |

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| Ensign-Bickford PRIMASHEET |
| Description | Primasheet is a PETN flexible-sheet explosive.  |
| Manufacturer’s Product Description | PRIMASHEET 1000 Flexible Sheet Explosive (DETASHEET Flexible Explosive) is a waterproof PETN based (63% nominal) flexible sheet explosive. It is manufactured as a continuous roll of varying lengths and thicknesses for a wide range of applications. |
| How the item works | An explosive breaching charge is constructed for each specific operational target. Each device is designed, in composition and construction, on the target analysis, the nature and type of mission, the severity of the crime at hand, and the probable risks to the public, officers, and suspect(s) as a direct result of the breach. |
| Expected lifespan | 5 years  |
| Quantity | 8 lbs |
| Purpose and intended uses and/or effects | Tactical Teams may encounter hostile environments where it is critical that a point of entry be breached quickly and as safe as possible. An immediate and positive breach is but one key to a successful tactical mission designed to reduce the chances of a violent encounter. |

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| Dyno Nobel MS 1.4B |
| Description | A non-electric delay detonator (blasting caps) that are used for initiating an explosive breaching charge. |
| Manufacturer’s Product Description | NONEL® nonelectric delay detonator MS 1.4B units consist of a length of orange shock tube, with a Standard (#8) detonator attached to one end and the other end sealed. A white J-hook is affixed near the sealed end, providing easy means of connection to detonating cord. Easy-to-read, color-coded delay tags display the delay number and nominal firing time prominently. Designed to provide in-hole delay time for underground (non-coal) and surface blast applications in the mining, quarry and construction industries, the NONEL MS can be used in combination with a detonating cord trunkline, NONEL EZTL, NONEL EZ DET and/or NONEL TD detonators for maximum timing flexibility. |
| How the item works | A non-electric delay detonator (blasting caps) are attached to the explosive breaching charge and a mechanical initiator. The blasting caps are used to initiate the breaching charge. |
| Expected lifespan | 5 years  |
| Quantity | 307 units |
| Purpose and intended uses and/or effects | Tactical Teams may encounter hostile environments where it is critical that a point of entry be breached quickly and as safe as possible. An immediate and positive breach is but one key to a successful tactical mission designed to reduce the chances of a violent encounter. |

Fiscal Costs

# Initial Costs

[x]  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 |
| Dyno Nobel/ Primacord 21 | ~$1,700 per 1600ft | ~$3,400 |
| Dyno Nobel/ Primacord 10 | ~$965.96 | ~$965.96 |
| Dyno Nobel/ Primacord 5 | ~$1,002.39 | ~$1,002.39 |
| Dyno Nobel/ Primacord 4y | ~$586.50 | ~$586.50 |
| Ensign-Bickford/ Primesheet | ~$162 per/LBS | ~$1,296 |
| Dyno Nobel/ Nonel MS 1.4B | ~$429 per 30 units | ~$6,006.00 |

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

# Estimated or anticipated costs for each proposed use

Explosive breaching materials are stored in a locked and secured facility and/or vehicle, at the Oakland Police Department, within ATF-approved containers called “magazines.” Tactical Operations Team members qualified as explosive breachers have access to this equipment and will respond to an incident with the equipment when requested by an Incident Commander. For a Tactical Operations Team call-out, other Tactical Operations Team 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. Overtime deployments can be tracked utilizing an i-code through the Fiscal Division.

# 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, the Entry Team (an element of the Tactical Operations Team) has mandatory training twice a month. This training consists of two 10-hour days and typically occurs at the OPD or other nearby facility. Training spans a variety of disciplines. However, typically the Entry Team devotes two training days a year strictly to explosive breaching. There has not been any rental fees or associated costs to locations of training currently. Some training may either require Entry Team members attending on overtime, or for overtime to backfill that respective Entry Team member’s position while they are at training. At this time, annual costs are unknown. It is expected that the team leader(s) facilitating explosive breaching training will forecast upcoming costs for subsequent impact reports, to include external explosive breaching classes, and costs for materials for in-house training.

A requisite for becoming an Explosive Breacher includes completing an approved explosive breaching course, the cost of which may vary. The course offered by Forced Entry Tactical Training, which is an approved course, currently costs $1,950 per student, and is a 9-day course. Depending on assignment, course attendees may need their assignment backfilled.

Storage costs – Explosive breaching equipment are housed at secured OPD facilities and vehicles and there are no associated costs.

Maintenance and upgrade costs – Per the manufacturer, there is a 5-year shelf life for the explosives. Materials to construct breaching charges range from fractions of a dollar to several hundred dollars.

Explosive breaching charges/devices may vary greatly in terms of size and composition, and thus cost. A primary reason for this range is the medium being breached. Below are sample amounts and costs for explosive breaching materials associated with a typical training day, which incorporates the use of various-sized charges:

Charge #1

50 gr/ft @ 1.5 ft = 75 grains = $0.73

X2 NONEL Priming @ 15.4gr/ea = 30.8 grains = $28.60

Charge #2

50 gr/ft @ 14 ft, 10 in = 178 inches = 741.66 grains = $7.16

X2 NONEL Priming @ 15.4gr/ea = 30.8 grains = $28.60

Charge #3

25 gr/ft @ 6.5 ft = 78 in = 162 grains = $5.21

X2 NONEL Priming @ 15.4gr/ea = 30.8 grains = $28.60

Charge #4

100 gr/ft @ 5 ft = 60 in = 500 grains = $5.32

50 gr/ft @ 4ft = 48 in = 200 grains = $8.50

100 g/ft @ 2ft = 24 in = 200 grains = $2.13

X2 NONEL Priming @ 15.4gr/ea = 30.8 grains = $28.60

Charge # 5

50 gr/ft @ 27ft = 324 in = 1,350 grains = $13.05

X2 NONEL Priming @15.4gr/ea = 30.8 grains = $28.60

Total cost for explosive breaching materials on an average training day: $185.10

Additional materials required for explosive breaching training may include doors and/or door frames, dry wall sheets, and other building materials that would be present in an anticipated explosive breach in training. These materials have previously been donated or otherwise supplied to the Entry Team for training. Further, these materials may be purchased as requested through the Tactical Operations Team’s funding allotment.

Entry Team operators, of whom Explosive Breachers are certified, train twice monthly. There are five team leaders, five assistant team leaders, and five operators under each team. Depending on each officers’ assignment, overtime expenses may incur to backfill for their normal assignment when they attend training. These expenses are covered by the respective division to which the individual operators are assigned.

Impacts

# Reasonably anticipated impacts

## Deliberate misuse

Though unlikely, it is possible that Explosive Breaching 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 Explosive Breaching 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 and force 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 Explosive Breaching 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.

Anytime explosive breaching apparatuses are deployed in the field, there exists the possibility that they may cause minor to lethal injury to a person. There is also the possibility of property damage and unintended property damage when the breach is deployed. When the explosive breach is deployed this does not constitute a use of force. However, there is an inherent possibility of that an injury can be caused when deploying such items when a person is nearby. This possibility exists and is remedied by training; Tactical Operations Team members train bi-monthly, and only those qualified as explosive breachers are allowed to prepare, transport, and deploy explosive breaching materials in the field.

Explosive breaching is only employed during extreme circumstances. By virtue of these circumstances, stress levels may be elevated for all involved, including officers and community members.

Professional medical personnel are to be staged whenever explosive breaching is anticipated, in the event injuries are sustained. The City Corp Yard is also made available to assist with the securing of residences damaged by explosive breaches.

Mitigations

# Use of force and de-escalation policy – [DGO K-03](https://public.powerdms.com/OAKLAND/tree/documents/415)

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.

Of further note, it is intent of the Department, through DGO K-03 as well as the explosive breaching policy (TB III-P.06), to employ all other reasonable options prior to the employment of an explosive breach. Explosive breaches are authorized only when non-explosive breaching options are deemed impractical or have been exhausted, or the delay caused by employing those options would significantly contribute to the imminent loss of life.

# Force reporting and review policy and practice – DGOs [K-04](https://public.powerdms.com/OAKLAND/tree/documents/416) and [K-04.1](https://public.powerdms.com/OAKLAND/tree/documents/417)

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](https://public.powerdms.com/OAKLAND/tree/documents/1266222)

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

Explosive breaching materials are stored and transported in ATF-approved magazines. These magazines are locked and maintained in secured facilities. Explosive materials are stored in separate magazines from initiator materials.

# Procedural safeguards

OPD only allows qualified Tactical Operations Team members assigned to the Entry Element, categorized as Explosive Breachers, to construct and deploy explosive breaching charges. Materials may only be accessed, transported, and used by authorized personnel. Explosive Breachers are supervised by a Breaching Sergeant, who is also certified in explosive breaching. The Tactical Commander/Incident Commander must provide prior authorization of transporting explosive breaching devices for any planned or unplanned Tactical Operations Team operation. The following additional considerations are taken during the deployment of an explosive breaching charge:

* The construction of all explosive breach devices shall be constructed by at least two (2) Explosive Breachers.
* Whenever possible, scouting and target analysis the responsibility of the Explosive Breachers.
* Construction of the explosive breaching device varies for each specific operational target. Each device is designed, in composition and construction, on the target (medium to be explosively breached) analysis, the nature and type of mission, and the probable risks to the public, officers, and all involved persons as a direct result of the breach.
* Prior to setting the explosive breach, the Explosive Breacher(s) will present a briefing to the Tactical Commander and all team members involved in the entry.
* An Explosive Breacher shall perform the placement of an explosive breaching device.
* Placement of the Entry Team during the explosive breach will be the responsibility of the Tactical Team Leader in charge of the entry with input from the Explosive Breacher(s). *If it is the opinion of the Explosive Breacher on scene that the breach would place the team in unnecessary danger, the breach shall not be conducted.*
* The Special Operations Section Commander is responsible for ensuring all explosive materials are audited to ensure material accountability.

In an effort to prepare not only Explosive Breachers, but the entire Entry Team, to help handle the additional stresses involved with operating during an explosive breaching situation, reality-based training scenarios designed to inoculate stress are incorporated into team training. These scenarios include completing performance objectives under time and physical stress, and involve critical thinking and problem analysis, including canceling a planned explosive breach.

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 use of 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. Officers are trained to continually evaluate evolving situations to determine which tools are appropriate for use. This means the initiation of a plan involving a tool may change based on the changing circumstances. 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.

Location

Explosive Breaching 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

[x]  This item does not require third-party actors for operation.

[ ]  This item does require third-part actors for operation:

Track Record

Other agencies have the capability of performing explosive breaching operations similar to the Oakland Police Department. The Oakland Police Department has not utilized an explosive breaching charge during any operation to date since 2008, when explosive breaching became part of Tactical Team operations. The department conducts explosive breaching minimally twice annually. None of the trainings resulted in injury or in the unintended or unanticipated destruction of property resulting from the detonation of an explosive charge.

In July 2021, the Los Angeles Police Department confiscated several thousand pounds of illegal fireworks along with approximately 40 soda can-sized improvised explosive devices, and around 200 additional devices that were smaller but similarly constructed. The items, in a planned operation, were detonated inside a vehicle which held a chamber for the purposes of containing and safely detonating such materials. The detonation of the contraband did not go as intended and around 20 people were injured. The exact material/means of the detonation are unknown.

The Oakland Police Department’s explosive breaching policy does not allow the use of explosive breaching charges to be used for the purposes of detonating other incendiary devices.

In July 2016, the Dallas Police Department detonated an explosive where a murder suspect was located. The explosive was delivered via remote-controlled robot and killed the suspect.

The Oakland Police Department’s explosive breaching policy explicitly states the use of explosive breaching charges shall not be used against any individual.

In May 1985, the Philadelphia Police Department initiated an operation involving the service of multiple arrest warrants in a neighborhood. The operation led to a standoff between the police and occupants within a building. At one point, the police dropped two 1.5-pound explosives in the building from a Pennsylvania State Police helicopter. The explosives were made of Tovex and C-4. The resultant explosions ignited fuel from a generator, which led to a fire. The fire was initially allowed to burn in an apparent attempt to destroy the roof of the structure. Further delaying the extinguishing of the fire was gunfire from building occupants at firefighters as they initially approached. Ultimately, the fire killed 11 people in the building, and destroyed numerous previously-evacuated houses in the area.

The Oakland Police Department’s explosive breaching policy does not allow the use of explosive devices to be deployed from a helicopter, or any other thrown or delivery method aside from the direct placement of the device on the medium to be breached.