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

Explosive Breaching

Purpose:

The purpose of this policy is to establish guidelines for the utilization of explosive breaching for tactical and life saving measures.

The Oakland Police Department Tactical Team’s mission is to provide tactical support in situations where a critical incident escalates beyond the capabilities of field units. The Tactical Team brings additional resources and specialized equipment to aid the field units. The goal of this unit is the safe and non-violent resolution of those incidents. It may become necessary for the Tactical Team to execute an entry in a hostile environment. It is critical that the point of entry be breached as quickly and safely 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.

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, explosive breaching will be utilized in accordance with OPD Core Values and our Mission.

Overview:

Explosive breaching, the use of an explosive device, constructed of both explosive and non-explosive materials, to successfully achieve a desired breaching objective, can be an effective option in tactical operations. An explosive breaching charge constructed by law enforcement is not classified as “destructive devices,” but can be considered an **industrial tool**. An effective breaching charge is a tool designed to use the minimal amount of explosives necessary to achieve our breaching and mission objectives. Effective breaching techniques: reduce damage inside and outside the target, when necessary allow team personnel to stack closer to the charge thereby increasing the speed of response, and provide maximum safety to victims, officers, citizens, and subjects.



In addition, explosive breaching techniques are not limited to tactical operations. In the event of disasters, explosive breaching may be employed to rescue victims entrapped in buildings or other structures where conventional access is restricted or unavailable.

Definitions:

Explosive Breach: The use of an explosive device, constructed of both explosive and non-explosive materials, to successfully achieve a desired breaching objective.

Breaching Charges/Devices: A construction of explosive materials created for the specific purpose of using explosives as an industrial breaching tool.

Explosive Breaching Unit: Members of the Tactical Team who train regularly and are proficient in explosive breaching techniques. These members are also referred to as Breachers.

Breacher: A Tactical Team member who is trained and certified in the construction, placement, and initiation of explosive breaching devices. Absent the Breaching Sergeant, the Breacher will have the final say if a breach can be conducted.

Breaching Sergeant: Shall be a breacher and is in charge of the overall breaching program. The Breaching Sergeant shall have the final say as to the tactical placement of Breachers. The Breaching Sergeant is responsible to ensure that all documentation is completed and the program is run safely. The Breaching Sergeant's immediate supervisor is the Tactical Team Commander.

Range Safety Officer: A Breacher who has been assigned (during non-operational activities where explosives are utilized) to ensure that standard safety precautions are being met during the event.

Training:

Only personnel who have successfully completed accredited 80-hour approved training in the utilization of Explosive Breaching can deploy in the field. Members shall attend and pass the OPD SWAT School and be current SWAT members prior to being authorized to transport and deploy Explosive Breaching. Training shall be conducted by a certified instructor and minimally include; explosive safety and handling, explosive breaching hazards and safety, fundamentals of explosives, charge construction, and effects, proper documentation, storage and transportation, and the safety recommendations set by the



manufacturer. Training must also include construction and deployment of live devices and indoctrination to the device's physiological and psychological effects.

Refresher training shall be conducted at least yearly and members who do not attend the training should not deploy devices except in exigent lifesaving situations. All refresher training will include construction and detonation of a minimum of one explosive breaching charge. All training, and live operations shall require the presence of at least two (2) members who have attended the necessary training, absent exigent life saving measures.

Continuous training and documentation is a critical facet of the breaching program.

- All Breachers shall attend an accredited 80-hour "Explosive Breaching" course prior to performing operational breaches of any kind. All Breachers shall train on a quarterly basis. This training will entail a minimum of one explosive breach.
- The Breaching Sergeant shall maintain a list of active certified Breachers.
- Explosive breach training is perpetual and will be coordinated and conducted to include research and development ("R&D") of new techniques and load data which will be considered an on-going process within the Unit, however attendance to these activities will be considered "optional". The Tactical Team will receive semi-annual training in which an explosive breach is utilized, incorporating both members of the Breaching Unit and tactical personnel.
- All explosive breaching, whether in a training, "R&D" or operational situation, shall require the presence of at least two (2) qualified members of the Breaching Unit; one of whom is certified as a Breacher.

Authorization for Use:

The Tactical Commander/Incident Commander must provide prior authorization of transporting explosive breaching devices for any tactical team planned or unplanned operations. Only trained Oakland Police Department current SWAT Team members who are certified explosive Breachers are authorized to transport and/or use Explosive Breaching within the scope of this training bulletin.

Deployment:

Members should gather as much intelligence as possible to include: the presence of young children or elderly, a potential drug lab, and any other potential hazards prior to the



possibility of using Explosive Breaching. The existence of any of these factors may discourage its use.

The purpose of Explosive Breaching is a tactical option and can be employed when a rapid entry is critical to the success of the mission. A “breach and delay” situation is an explosive breach where the tactical advantage is gained when a rapid entry is not desirable. The option to use an explosive breach shall be at the discretion of the Tactical Team. The Department follows these practices to achieve that purpose:

- The construction of all explosive breach devices shall be constructed by at least two (2) Breachers.
- Whenever possible, scouting and target analysis the responsibility of the Breachers.
- Construction of the explosive breaching device varies 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.
- Prior to setting the explosive breach, the Breacher will present a briefing to the Tactical Commander and all team members involved in the entry.
- A 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 Breacher. *If it is the opinion of the Breacher on scene that the breach would place the team in unnecessary danger, the breach shall not be conducted.*

Each tactical situation will dictate the best initiation sequence of the explosive breach.

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:

Explosive Breaching shall only be used in the following situations:

- Barricaded subject and/or hostage situations



- Active shooter incidents
- Exigent circumstances where the need to quickly enter a dwelling would assist in the preservation of life.
- Situations wherein the Incident Commander deems there 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:

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

Explosive breaching is a valuable and useful tool, which, may not be appropriate in all breaching situations. An explosive breach should not be employed when:

1. The construction of the doors, walls or building is unknown, absent exigent circumstances where the preservation of life is necessary
2. There is a presence of known flammable/unstable chemicals or other incendiary materials.
3. Other means of mechanical breaching techniques (i.e. "ram", Haligan, etc.) are more effective and safer to use.
4. The Breacher has not trained and been documented as proficient in the type of charge needed on a similar target site.

The Breaching Unit shall conduct no explosive breach requiring an immediate “dynamic” entry by tactical personnel, for any other law enforcement agency, unless members of that tactical team have been previously exposed to explosive breaching. This does not preclude the use of an explosive breach when the entry is to be performed by the Oakland Police Department Tactical Team, on a mutual aid basis.

Post- Deployment Considerations:

At the conclusion of a deployment, the Breacher shall submit a "Breachers Report" to the Tactical or Incident Commander entailing the situation requiring the explosive breach and



the composition of the breaching device. This report will be attached to the Tactical Team After Action Report. **The Commander shall submit a report to the Chief of Police within 30 days detailing the incident the reason for the use of Explosive Breaching. The summary of deployments in the Annual Report must include a detailed summary of such uses.**

After the successful or non-successful use of a explosive breaching device officers shall document any damage sustained during the deployment of a device and assess the need, if any, for medical attention. Members will complete a “breaching report” for the device used, complete the appropriate police report, and collect and dispose of any remnants from the device. Incident Commanders shall complete an after-action report documenting the use of Diversion Devices. The Special Operations Section shall maintain a master log of all explosives 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 explosives are inspected annually. This inspection will ensure that the Department's explosives are properly stored and in good condition. Expired Devices beyond their recommended lifetimes shall be designated for use in training only. Explosives should be stored in in compliance with all regulations of the Oakland Fire Department and the Bureau of Alcohol, Tobacco, and Firearms. Devices may be temporarily issued to SWAT Team members, or other designated personnel who have completed the necessary training, provided appropriate records are maintained. Explosives shall be transported to training or an operational sight in the appropriate ATF specified magazine. Explosives shall only be carried on the person of a Team member who has received the necessary training and the deployment of the explosive device was authorized by the incident commander. Loans of Departmentally owned equipment to other agencies must be pre-approved by the Chief or his/her designee.

All new purchases of explosives are registered with the Bureau of Alcohol, Tobacco, and Firearms (ATF). Typically, the police department’s purchase of new devices is reported directly (by lot number and product description) to ATF by the distributor.

All Breachers will maintain a Breacher's “log book” (notebook style or computer file); documenting all explosive breaches they have conducted/participated in, whether in training or actual operations. The designated Breacher of each entry point shall be responsible to complete a “Breacher Report” in a timely manner whenever explosive breaching devices are used. A copy of this report shall be given to every participating member of the Breaching Unit.



Once a year, the Lead Tactical Commander will conduct an audit of all breaching materials to ensure that all explosives and their operating components are accounted for. This audit will be submitted to the Support Operations Division Captain on the last calendar day of January of each year. This audit will be included in the Annual report.

HANDLING MISFIRES

- Handling of misfires and non-functioning breaching devices are the responsibility of the Breacher.
- In the event of a misfire of the “breaching device”, the Breacher or Assistant Breacher may elect to re-cock the initiator and fire the device again, unless doing so compromises the safety of tactical personnel.
- In the event of a second misfire (or a “compromised” first attempt), the Breacher or Assistant breacher will call for a secondary breach, after which the Breacher will remove the breaching device and place it safely away from team members.
- In the event of a failed initiation of a breaching charge in which the firing device functioned accordingly, movement to an alternate breach location may be immediately considered.

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.²

² DGO K-7: Military Equipment Funding, Acquisition and Use Policy