Description and Purpose

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| --- | --- |
| Dyno Nobel/ Primacord 21 | |
| Description | An 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 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. |

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| --- | --- |
| Dyno Nobel/ Primacord 10 | |
| Description | An 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 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. |

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| --- | --- |
| Dyno Nobel/ Primacord 5 | |
| Description | An 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 | An 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 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. |

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| --- | --- |
| Ensign-Bickford PRIMASHEET | |
| Description | Primasheet is a PETN sheet explosive that is used |
| Manufacturer’s Product Description | PRIMASHEET 1000 Flexible Sheet Explosive (DATASHEET 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 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. |

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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) is 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 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. |

Fiscal Costs

# Initial Costs

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

The initial costs of the items were approximate:

|  |  |  |
| --- | --- | --- |
| 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. Entry Team Members assigned to the Breachers Unit have access to this equipment and will respond to an incident with the equipment when requested by an Incident Commander. For a tactical team call-out, other Entry 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. Over time deployments can be tracked utilizing an i-code through fiscal.

# Estimated or anticipated costs of potential adverse impacts

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

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

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

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

# Estimated or anticipated ongoing costs

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

Training and personnel costs – Currently, the Entry Team has mandatory training twice a month. This training consists of two 10-hour days and typically occurs at the OPD or any other nearby facility or location. Training spans a variety of disciplines however, typically the Entry Team devotes two training days a year strictly to explosive breaching. There have not been any rental fees or associated costs to locations of training currently. Some training may either require Entry Team members attending to be on overtime or for overtime to backfill that respective Entry Team members position while they are at training. Unknown yearly costs.

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.

Cost of maintenance in last year and break it down

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

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| Not Applicable |  |  |  |
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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, 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 occurs, 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 apparatus are deployed in the field, there exists the possibility that they may cause minor to serious 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 that an injury can be caused when deploying such items when a person is nearby. This possibility exists and is remedied by training; tactical team operators train bi-monthly, and only breachers are allowed to prepare and deploy them in the field.

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.

# 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 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 analogs 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 almost 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 magazines. These magazines are locked and maintained in secured facilities.

# Procedural safeguards

OPD only allows Tactical Team members assigned to the Entry Element, specifically the Breachers Unit to construct and deploy explosive breaching charges. The Breaching Unit is supervised by the Breaching Sergeant that is also certified in explosive breaching. The Tactical Commander/ Incident Commander must provide prior authorization for transporting explosive breaching devices for any Tactical Team planned or unplanned operations. 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) Breachers.
* Whenever possible, scouting and target analysis are 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 the scene that the breach would place the team in unnecessary danger, the breach shall not be conducted.*

WE NEED TO EXPLAIN BESIDES TRAINING WHAT WE DO TO ENSURE NOTHING BAD HAPPENS.

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.

Explosive breaching has been available to the OPD tactical team since approximately 2008. The tactical team trains bi-monthly and explosive breaching training occurs approximately two times a year to ensure continued deployment safety.

Location

Explosive Breaching will typically be used within the areas 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-party 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 a tactical operation.

Having the ability to use explosive breaching for tactical operations allows the Oakland Police Departments Tactical Team the ability to respond to a larger range of critical incidents. When properly used explosive breaching is one of the safest ways to make entry into a structure. Without the capability of explosive breaching during specific critical incidents the likely hood of injury to victims, officers, the community, and the suspects greatly increases.