

Oakland Police Department
Controlled Equipment Impact Report

Item(s): Flash bangs

Applicable Use Policy: TB III- P.05: NOISE-FLASH DIVERSION DEVICES



Description and Purpose

Combined Tactical System/ CTS 7290M	
Description	Metal bodied hand thrown Light Sound Diversionary Device
Manufacturer's Product Description	The CTS 7290M Mini Flash-Bang is the newest generation in the evolution of the Flash-Bang. Our Model 7290M Flash-Bang exhibits all of the same attributes of it's larger counterpart but in a smaller and lighter package. Weighing in at just 15 ounces the new 7290M is approximately 30% lighter than the 7290 but still has the same 180db output of the 7290 and produces 6-8 million candela of light. The patented design of the 7290M, incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. In addition, internal adjustments have greatly reduced smoke output.
Capabilities / How the item works	The device is thrown to clear/safe location. Fuse assembly ignites interior flash powder, which creates noise and light signature per manufacturer's description.
Expected lifespan	~5 years
Quantity	54
Purpose and intended uses and/or effects	The purpose of flashbangs is to distract a subject by overstimulating the senses with sound and light. This will give law enforcement an advantage when conducting a law enforcement action.

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
Combined Tactical System/ CTS 7290M	\$40 per unit	~\$2,160

The Department also has ongoing replacement costs depending on usage and during the course of the year of training.

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

Estimated or anticipated costs for each proposed use

Flash bangs: Staff assigned to the entry team are authorized to carry and use these items. These items may be used by a Tango Team or for a Tactical Team operation. Other members of the team will respond to incidents that require the use of this equipment 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; these items are stored in a secured room so there is no added cost of transportation. While rare, the deployment of an above listed item may have serious costs, including injury, loss of life and/or property damage. Even justified uses may result in costly litigation or other costs.

The Department recognizes that each use of a flash bang will cost \$40 per a use.

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, 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. Since persons 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 is 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 residence or buildings catching on fire, unintended impacted persons needing medical attention; emotional trauma to vulnerable and/or minor bystanders; and potential litigation costs.

The department recognizes that flash bang devices can cause burn injuries and potential to start fires in dwellings. There are reported cases in other jurisdictions where flashbangs were thrown in a rooms occupied by with children and uninvolved persons. The Department has not had any incidents of building catching on fire in the last 10 years. OPD did have an incident where an unintended person was burned by a flash bang grenade. This is summarized below.

Estimated or anticipated ongoing costs

Costs for purchases, operation and training– currently approximately unknown per a year. OPD has never tracked costs related to this military equipment. The cost is unknown for the initial training and continuing training. The OPD SWAT Team consists of 31 members who have all successfully completed the 120 hours school and will continue to receive training once a year.

Initial training for the Tactical Team Entry 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.

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The Tactical Team school is held once a year depending on openings. The Tactical Team trains bi-monthly to stay proficient on their skills. During the scenarios, there could be situations where flashbangs are trained.

Training costs also include rental of a range facility (typically around \$60/hour). 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.

There is continuing training costs which is an 8 hour class once a year for the OPD SWAT Team.

Maintenance and storage have costs – while the flash bangs have an approximately 5 year life span, they will not need replacement of parts. The devices are stored at OPD police facilities so there is no separate cost.

Costs are difficult to calculate because the use of flashbangs are infrequent. Since July 1, 2022, OPD has not deployed any flashbang devices. In the future, it will be easier to estimate a cost based on deployments.

Impacts

Reasonably anticipated impacts

Deliberate misuse.

Though unlikely, it is possible that Flash bangs 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 Flash bangs 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 Flash bangs 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 affected persons

Any time flash bangs are deployed, there is some possibility of effects on persons in the vicinity. These effects may range from transient to long-term to permanent; effects range from emotional response to physical injury to permanent disability or death.

The explosion of magnesium-based pyrotechnic chemicals causes a very bright flash and a loud sound (160–180 decibels), which can cause temporary blindness, temporary loss of hearing and loss of balance, as well as a sense of panic.

At close range the intensity of the sound a flash bang makes could be enough to cause permanent hearing damage.

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 when 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 as 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 been 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 qualified member must complete an inventory log prior to transporting the devices from the facility. They must also complete a log at the end of their shift, so supervisors will know if there are any missing items. The Special Operations Section is responsible for tracking and conducting yearly audits on inventory.

Any flash bang deployed in the field will be reported through the Special Operations Section and they will track the following information: summary of deployment, location-area, quantity, and commander/supervisor on the scene.

Safeguards include but are not limited to members using a safety clip and pen when carrying a device on their person. Members shall visually clear an area of people prior to deploying devices. Members shall visually clear the area of potential hazards (including fire hazards) prior to deploying devices.

Due to the potential fire hazard, members should consider the availability of a fire extinguisher 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.

Any time flash bangs are deployed, there is some possibility of effects on persons in the vicinity. These effects may range from transient to long-term to permanent; effects range from emotional response to physical injury to permanent disability or death.

The explosion of magnesium-based pyrotechnic chemicals causes a very bright flash and a loud sound (160–180 decibels), which can cause temporary blindness, temporary loss of hearing and loss of balance, as well as a sense of panic.

At close range the intensity of the sound a flash bang makes could be enough to cause permanent hearing damage. However, this possibility exists and is remedied by improvements to policy and training at least once per month. Additionally, the Department has instituted safeguards around limiting the number of officers who have access to flash bangs, only trained SWAT Team members.

Finally, the possibility exists that an impacted person can be injured (hearing loss, burns deformations or even death), or a fire will start. While the Department works hard to avoid this issue through selection, training, and qualification, the specific policy improvements. OPD has medical staged with all SWAT callouts and the Fire Department is recommended to be staged on situations where flash bangs may be used.

The SWAT Team conducts extensive planning into a planned operation. OPD members are trained to visually check an area before the possibility of deployment. Flash bangs are not to be thrown next or at people.

Procedural safeguards

The Special Operations Section Commander is responsible for ensuring that all Noise-Flash Diversion Devices are inspected annually. This inspection will ensure that the Department's devices are properly stored and in good condition. Expired Devices beyond their recommended lifetimes shall be designated for use in training only. Noise-Flash Diversionary Devices should be stored in a cool, dry location within the armory, on a separate shelf from fixed ammunition.

Devices with illegible serial number and identification shall not be deployed to the field.

Safeguards include but are not limited to members using a safety clip and pen when carrying a device on their person. Members shall visually clear an area of people prior to deploying

devices. Members shall visually clear the area of potential hazards (including fire hazards) prior to deploying devices.

OPD does not issue every officer a flash bangs. 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 carry the items must attend both initial training (3 weeks for Tactical Team) and ongoing training in order to stay proficient.

The Annual report will discuss any the results of any internal audits, any information about violations of controlled equipment use policies to the extent permitted by law, and any actions taken in response. The report will also discuss a summary of any flashbang deployments.

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. 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.

The Oakland Police Department uses alternative methods instead of confronting subjects in a residence or building. Members use surveillance techniques to observe the subject leaving their location and stopping them on the street out in the open. This will reduce the need to use a flashbang device. Also, when there are no threats to innocent bystanders, OPD will surround and negotiate with subjects. Time is on the officer's side and there is no rush to

enter a building. The goal of all the situation is to have a safe surrender of the subject and for no officers or people be injured.

Location

Flash bangs 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

The Flash bangs are an integral part of American law enforcement, mainly because the weapon system allows officers to distract subjects when entering a dangerous area.

On October 31, 2008, the Oakland Police Department's SWAT Team conducted an operation on Douglas Ave. SWAT team had been called in because police believed people in the home were gang members armed with guns. Two shotguns and cocaine and heroin were found during the search. A flash bang grenade that an officer deployed in the hallway, hit a wall and bounced back into the living room where the resident was sleeping, burning her on her chest and legs. The City of Oakland settled the lawsuit for 1.2 million dollars.

There have been no lawsuits regarding flashbangs since 2008.

Diversionary Devices may be utilized in many situations to include potentially dangerous barricaded subject situations, hostage situations, and critical incidents. Some criteria considered prior to a deployment is dependent upon whether the suspect is a dangerous felon, causes a life-threatening situation and/or other unique incidents where it appears to be a reasonable method in which to resolve the situation. When deployed appropriately these devices can assist in safely apprehending suspects and resolving high risk critical incidents with minimal or no injuries to suspects and/or officers.