

TRAINING



BULLETIN

Effective Date:
8 Feb 23

Index Number: III-P.05
Alpha Index: High Risk Incidents
Barricaded Subject Incidents
Critical Incidents

Evaluation Coordinator: Training Division

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

NOISE-FLASH DIVERSION DEVICES

Purpose:

The purpose of this Training Bulletin is to establish guidelines for the deployment and use of Noise-Flash Diversion Devices (NFDD), sometimes referred to as "Flash bangs".

Oakland Police Department trained personnel are authorized to use NFDDs in situations when the use of a diversion would; facilitate entry into a building or structure, assist with the apprehension of a subject, and/or reduce the risk of injury to the public and OPD personnel. This device produces a bright flash and a loud noise to stun or disorient an individual.

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

Overview:

Within the scope of police operations, the preservation of life is paramount. When devices and tools, such as the NFDD, are used within the scope of training and policy, they can provide a tactical advantage in the furtherance of this goal. Reasonable utilization of such specialized devices which provide distracting stimuli to the; visual, auditory, and equilibrium systems of a subject, by qualified personnel, can safely provide a substantial contribution towards successfully and safely resolving critical incidents.

Training:

Only personnel who have successfully completed departmentally approved training in the utilization of Noise-Flash Diversion Devices (NFDD) shall be issued or authorized to deploy NFDDs. Members shall attend and pass the OPD SWAT School and be current SWAT members prior to being authorized to carry and deploy NFDDs. Training shall be conducted by a certified instructor and minimally include; safe handling of the devices, authorized carrying and transportation, proper methods of deployment, potential hazards, physiological and psychological effects on people, and the safety recommendations set by the manufacturer. Training must also include deployment of live and/or training devices and indoctrination to the device's physiological and psychological effects. Re-certification shall be conducted every year and those not re-certified should not deploy devices except in exigent lifesaving situations.

Authorization for Use:



Diversionsary Devices, Index Number III-P.05

The Tactical Commander/Incident Commander must provide prior authorization of transporting Noise-Flash Diversionsary Device for any tactical team planned or unplanned operations. Only trained Oakland Police Department current SWAT Team members are authorized to transport and/or use NFDDs within the scope of this training bulletin.

Except in extreme emergencies (i.e., life-threatening situations), Noise-Flash Diversionsary Devices shall not be transported to the field without prior authorization.

Deployment:

Members should gather as much intelligence as possible to include: the presence of young children or elderly, flammable material, a potential drug lab, and any other potential hazards prior to the possibility of using the NFDDs. The existence of any of these factors may discourage the use of NFDDs.

The purpose of flashbangs is to distract and momentarily incapacitate anyone in the deployment vicinity. To do so, flashbangs must be deployed such that it does not burn a person or flammable material. The Department follows these practices to achieve that purpose:

Absent exigent lifesaving incidents, members should consider the following factors:

- Devices shall only be deployed by trained SWAT Team members, who have completed the necessary training.
- Members shall visually clear the area of people prior to deploying devices.
- Members shall visually clear the area of potential hazards (including fire hazards) prior to deploying devices.
- Every effort should be made not to deploy NFDDs near a person.
- Members shall consider the size of the room prior to deploying due to the chance of a device striking a wall and changing directions.

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:

NFDDs shall only be used in the following situations:

- Barricaded subject ¹and/or hostage situations
- High-risk warrant services

1

A barricaded subject incident is an incident in which a person armed with a weapon, explosive, or other dangerous device seizes control of a location and refuses to surrender to police custody. A barricaded subject incident may or may not include the taking of hostage. In a barricaded subject incident, the primary objective is the safe release of all hostages, if any and the peaceful surrender of the suspect(s). Steps in this procedure can be adopted for use during sniper incidents and during crimes in progress in which innocent bystanders are in danger. Also, steps in this procedure can be adopted for use during a high-risk arrest or the high-risk service of a warrant.



- Discouraging dangerous animals from attacking
- Circumstances wherein distraction of violent persons and/or those under the influence of alcohol and/or drugs is believed necessary to facilitate apprehension
- Active shooter incidents
- Exigent circumstances where the need to create a diversion would assist in the preservation of life.
- Situations wherein the Incident Commander or on-scene Supervisor deems their 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:

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

Flashbang grenades shall not be used by any member to disperse any assembly, protest, or demonstration. Hand-thrown devices emitting light, sound, shall not be thrown directly into a crowd, at persons, or where they will explode above or near people's heads, but shall be thrown at a safe distance from persons.²

Penal Code section 13652's restrictions on "kinetic energy projectiles" and "chemical agents" apply to CS Blast Dispersion grenades and other **hand-thrown devices emitting light**, sound, and chemical agent.

The above items shall not be used solely due to any of the following:

- a. A violation of an imposed curfew.
- b. A verbal threat.
- c. Noncompliance with a law enforcement directive.

Post- Deployment Considerations:

After the deployment of a successful or non-successful deployment of a NFDD officers shall document any damage sustained during the deployment of a device and assess the need, if any, for medical attention. Members will document the serial number of the device used, complete the appropriate police report, and collect and dispose of the spent device. Incident Commanders shall complete an after-action report documenting the use of Diversion Devices. The Special Operations

² Training Bulletin III-G; OPD Crowd Control and Crowd Management Policy



Diversionsary Devices, Index Number III-P.05

Section shall maintain a master log of all Diversion Devices 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 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 Diversionsary Devices should be stored in a cool, dry location within the armory, on a separate shelf from fixed ammunition. Devices may be temporarily issued to SWAT Team members, or other designated personnel who have completed the necessary training, provided appropriate records are maintained. Devices should be carried securely in a pouch/carrier with a retention strap or flap. Devices shall not be carried on the exterior of the members equipment by the safety lever of the device. Loans of Departmentally owned equipment to other agencies must be pre-approved by the Chief or his/her designee.

Diversionsary devices are registered by serial number with the Bureau of Alcohol, Tobacco, and Firearms (ATF). Typically, the police department's purchase of new devices is reported directly (by case-lot serial numbers) to ATF by the device manufacturer via ATF Form 5. The National Firearms Act requires the police department to notify ATF upon the use/expenditure of diversionsary devices. A Special Operations Section Commander shall be responsible for submitting written notification to ATF when all devices listed on a single ATF form 5 have been used/expended.

Bureau of Alcohol, Tobacco, and Firearms

National Firearms Branch

244 Neely Road Martinsburg, WV 25405

(304)616-4500

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.³

³ DGO K-7: Military Equipment Funding, Acquisition and Use Policy