HONOLULU POLICE DEPARTMENT

POLICY

LAW ENFORCEMENT ROLE, RESPONSIBILITIES, AND RELATIONSHIPS

May 22, 2015 Policy Number 1.15

ELECTRIC GUN

POLICY

Departmental personnel shall use electric guns in accordance with applicable law, this directive, and the department's training and certification program.

PROCEDURE

I. DEFINITIONS

A. Active Resistance: A behavior which physically counteracts an officer's attempt to control and creates a risk of bodily harm to the officer, subject, and/or another person. People who are running away and/or persons engaged in peaceful civil disobedience are not considered engaged in active resistance.

B. Air Cartridge: A replaceable cartridge for the electric gun which uses compressed nitrogen to deploy two probes attached to connecting wires that send an electrical current into a subject.

C. Electric Gun: A device designed to incapacitate by discharging an electric current into a subject that causes temporary motor skill dysfunction.

The TASER® electronic control device is currently the only electric gun authorized for use by the department.

TASER is a registered trademark of TASER International, Inc.
D. Electric Gun Coordinator: The Training Division commander or designee.

E. Neuromuscular Incapacitation (NMI): The result of an effective application of the electric gun affecting the sensory and motor nervous systems resulting in temporary immobilization.

F. Passive Resistance: When a subject refuses to comply with a directive from a law enforcement officer but does not attempt to engage in physical action likely to cause bodily harm to the officer or to another person.

G. Serious Bodily Injury: Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

H. Spark Test: To test the operation of the electric gun. The air cartridge is removed from the electric gun and activated for at least one second. An electrical arc emitted from the electric gun indicates that it is operating properly.

II. TRAINING AND CERTIFICATION

A. Officers are authorized to carry and use the electric gun only after successfully completing departmental training and certification.

1. Training for the electric gun shall be mandatory for all uniformed officers of the rank of lieutenant and below, including officers assigned to nonpatrol and plainclothes assignments that require wearing of the electric gun.
2. Upon being certified and issued an electric gun, officers of the rank of lieutenant and below shall be required to carry the electric gun while on duty. Element commanders shall establish guidelines for nonpatrol and plainclothes officers regarding the appropriate carrying of the electric gun for their assignment.

B. Once certified, officers must successfully complete annual recertification training to remain authorized to carry and use the electric gun.

C. Only certified electric gun instructors shall be authorized to provide instruction on the electric gun.

D. Once certified, electric gun instructors must be recertified every two years.

III. EQUIPMENT

A. Officers are authorized to carry and use only department-issued electric guns and related equipment such as cartridges and holsters.

B. Officers shall inspect the electric gun and its components to ensure that they are in proper working condition. Any damages or malfunctions shall be reported to the Training Division's electric gun coordinator as soon as practicable after the problem is discovered.

C. The operational performance of the electric gun shall be checked at the beginning of each shift by removing the air cartridge and performing a spark test.

1. The spark test should be performed outside the view of the public.

2. The spark test shall not constitute a deployment of the electric gun and is not subject to deployment reporting procedures.
D. When off duty, officers shall not store the electric gun where it may be susceptible to theft (i.e., vehicle) or exposure to excessive heat and moisture. The air cartridge shall be removed from the electric gun before storing the device.

E. Officers shall carry the electric gun in a department-issued holster. The holster shall be carried on the opposite side of the duty firearm.

F. At no time shall the power source or video recording feature be removed from the electric gun.

G. Element commanders or designees shall coordinate the assignment of electric guns within their elements.

IV. USE OF THE ELECTRIC GUN

A. Deployment Methods

1. **Display**

   The display method is when the electric gun is unholstered, armed, and the video recording feature is activated to document the incident. The display method can assist officers in deterring further resistance.

2. **Probe**

   The probe method is the most effective contact application of the electric gun. Probe deployment is when the electric gun is activated while an air cartridge is affixed in the cartridge bay, and the probes are deployed from an air cartridge making contact with a subject. Proper application will result in temporary immobilization that will provide the officer with an opportunity to take control of the subject.
3. **Drive Stun**

The drive stun method is a contact application of the electric gun when it is pressed into the body of a subject and activated. This method causes considerable pain in the area of contact but does not have a significant effect on the central nervous system nor does it incapacitate the subject.

4. **Drive Stun Follow-Up**

The drive stun follow-up is an extension of a probe deployment. It is a contact application with the cartridge still attached. It is useful in the event probes are deployed and one probe misses or the probes are close together (four inches or less). With at least one probe attached, and the cartridge still attached, contact is made with the subject and the cartridge (away from the attached probe) thus completing the circuit, resulting in NMI and maximizing the effectiveness of the electric gun.

B. **Deployment Guidelines**

1. All deployments of the electric gun shall conform to the principles outlined in the department's training and certification program.

2. An officer shall use only the amount of force as is objectively reasonable, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring the incident under control.
"Reasonableness" of force must be judged from the perspective of a reasonable officer on scene at the time of the incident. Any interpretation of "reasonableness" must allow for the fact that police officers are forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving about the amount of force necessary in a particular situation.

3. The display method may be used by an officer during an attempt to subdue or control a subject who has demonstrated violent behavior or an intention to resist and probe deployment is imminent. This will allow the officer to record the subject's behavior prior to activation.

4. The probe method may be used when circumstances, known to the officer at the time, indicate the application of the electric gun is reasonable to use in order to subdue or control behavior in situations such as:

   a. A subject is potentially violent or engaged in active resistance:

      (1) The subject has verbally or physically demonstrated an intention to actively resist; and

      (2) The officer has given a verbal warning of the intended use of the electric gun followed by a reasonable opportunity for voluntary compliance.

   b. A subject who is suicidal or barricaded and is in possession of or within reach of an object or device that could cause harm to himself or herself and others.
5. Use of the electric gun is prohibited in the situations listed below unless exceptional circumstances exist (i.e., preventing greater imminent injuries to the subject or other persons):

a. The officer knows that the subject has come in contact with flammable fluids or is in a flammable environment;

b. The subject is in an elevated position where a fall may cause serious bodily injury or death;

c. The subject is known to be or is visibly pregnant;

d. The subject is operating a motor vehicle;

e. The subject is physically disabled or is visibly frail;

f. The subject is fleeing from custody;

g. The prisoner is handcuffed;

h. The subject appears to be elderly or a young child; and/or

i. The subject is passively resisting and/or engaged in peaceful civil disobedience.

6. Individuals suspected of being under the influence of drugs/alcohol or exhibiting symptoms of excited delirium (e.g., nudity, profuse sweating, and irrational behavior) may be more susceptible to collateral problems and should be closely monitored following the application of the electric gun until they can be examined by paramedics or other medical personnel.
7. The drive stun method of deployment may be utilized only after the air cartridge has been expended and contact with the subject is essential to cause motor skill dysfunction. The air cartridge should not be removed solely for the purpose of using the drive stun method.

8. No more than one officer should activate an electric gun against a person at a time. Officers shall use only the amount of activations necessary to place the subject into custody.

9. The electric gun shall not be used as a means of punishment.

C. Video Recording Feature

The video recording feature of the electric gun shall only be used by the officer in the performance of official duty or when the officer is justified in the use of the electric gun.

V. RESPONSIBILITIES

A. Training Division

The element commander or designee of the Training Division shall:

1. Provide training and certification for officers in the proper use of the electric gun; and

2. Maintain training and certification records of all departmental personnel.
B. **Professional Standards Office**

The commander or designee of the Professional Standards Office (PSO) shall:

1. Review each reported incident and submit a report of the findings to the officer's element commander, Training Division, Administrative Review Board (ARB), and the Chief of Police. If directed, the PSO shall conduct a detailed, administrative investigation and submit its findings to the Chief of Police via the ARB;

2. Maintain statistics on the use of the electric gun by departmental personnel; and

3. Be responsible for an annual report to the Legislature.

C. **Property and Supply Section**

The Property and Supply Section of the Finance Division shall:

1. Maintain a record of the department's inventory and issuance of the electric gun and related equipment; and

2. Issue electric guns and related equipment/supplies such as cartridges, holsters, and biohazard containers.

D. **Electric Gun Coordinator**

The electric gun coordinator shall:

1. Maintain, service, and/or replace all electric guns as needed;

2. Coordinate the department's electric gun certification training; and
3. Be responsible for all other duties as may become necessary for the department's electric gun program.

E. Field Supervisor

A field supervisor shall:

1. Respond to the scene where the electric gun has been deployed by probes or drive stun;

2. Ensure that the subject who comes in contact with the electric gun receives appropriate medical treatment;

3. Ensure that the appropriate Incident Reports; the Use of Force Report, HPD-192E form; and the Electric Gun Use Report, HPD-192G form; are completed and submitted and copies are forwarded to the element commander and the PSO within five days;

4. Notify the watch commander whenever an electric gun has been deployed by probes or drive stun;

5. Immediately notify the PSO whenever an electric gun has been deployed at a subject by probe or drive stun; and

6. Perform a download of the electric gun firing and video data (see section VII below).

F. Deploying Officer

1. Display Method

The deploying officer shall:

a. Immediately notify a supervisor when the display method is used;
b. Observe the electric gun data download and ensure that both the firing and video data are submitted into evidence (see section VII below); and

c. Complete and submit all appropriate Incident Reports; the Use of Force Report, HPD-192E form; and the Electric Gun Use Report, HPD-192G form. Copies of the reports shall be forwarded to the element commander and the PSO for review.

2. **Probe Deployment Method**

   The deploying officer shall:

   a. Whenever practicable, provide a loud verbal warning to the subject and other officers before deploying the electric gun at the subject;

   b. Whenever practicable, aim the electric gun at the lower, center mass of the body for front deployment and below the neck for back deployment. Also, avoid intentional contact with sensitive tissue areas, such as the heart, head, face, throat, or groin;

   c. If possible, notify a supervisor of an imminent deployment or deployment of the probes;

   d. Ensure that medical treatment is obtained whenever an electric gun is used and contact is made with a subject;

   e. Ensure that only qualified medical personnel remove electric gun probes that penetrate a subject's skin;

   f. Ensure that the expended probes, cartridges, and wires used for deployment are submitted into evidence;
g. Use biohazard precautions when handling expended electric gun probes. The expended probes shall be handled in a manner similar to handling contaminated needles and sharps to prevent possible injury and contamination;

h. Observe the electric gun data download and ensure that both the firing and video data are submitted into evidence (see section VII below); and

i. Complete and submit all appropriate Incident Reports; the Use of Force Report, HPD-192E form; and the Electric Gun Use Report, HPD-192G form. Copies of the reports shall be forwarded to the element commander and the PSO for review.

3. Drive Stun Method

The deploying officer shall:

a. Whenever practicable, aim the electric gun at the lower center mass of the body for front deployment and avoid contact with sensitive tissue areas, such as the head, face, throat, or groin;

b. If possible, notify a supervisor of an imminent deployment or deployment of the drive stun;

c. Ensure that medical treatment is obtained whenever an electric gun is used and contact is made with a subject;

d. Observe the electric gun data download and ensure that both the electric gun firing and video data are submitted into evidence (see section VII below); and
e. Complete and submit all appropriate Incident Reports; the Use of Force Report, HPD-192E form; and the Electric Gun Use Report, HPD-192G form. Copies of the reports shall be forwarded to the element commander and the PSO for review.

4. Drive Stun Follow Up Method

The deploying officer shall:

a. In the event of only one probe making contact with the subject or a close probe spread, whenever practicable, aim the electric gun at the lower, center mass for front deployment and below the neck for back deployment. Also, avoid contact with sensitive tissue areas, such as the heart, head, face, throat, and groin;

b. Ensure that medical treatment is obtained whenever an electric gun is used and contact is made with a subject;

c. Ensure that only qualified, medical personnel remove the electric gun probes that penetrate a subject's skin;

d. Ensure that the expended probes, cartridges, and wires used for deployment are submitted into evidence;

e. Use biohazard precautions with handling expended electric gun probes. The expended probes shall be handled in a manner similar to handling contaminated needles and sharps to prevent possible injury and contamination;

f. Observe the electric gun data download and ensure that both the firing and video data are submitted into evidence (see section VII below); and
g. Complete and submit all appropriate incident reports; the Use of Force Report, HPD-192E form; and the Electric Gun Use Report, HPD-192G form. Copies of the reports shall be forwarded to the element commander and the PSO for review.

VI. ACCIDENTAL DEPLOYMENT

A. Whenever an electric gun cartridge is expended unintentionally in any situation other than during a department-sanctioned training, the deploying officer shall immediately notify an on-duty supervisor.

B. The deploying officer shall complete and submit an Incident Report for an accidental probe deployment of the electric gun cartridge.

C. The expended probes, cartridges, wires, and electric gun firing and video data shall be submitted into evidence.

D. Officers shall use biohazard precautions when handling expended electric gun probes. The expended probes shall be handled in a manner similar to handling contaminated needles and sharps to prevent possible injury and contamination.

E. The supervisor or watch commander shall ensure that copies of the report are forwarded to the element commander and the PSO for review no later than the end of the initial investigating officer's tour of duty.

F. If the deployment results in contact or injury to any subject, the deploying officer's on-duty supervisor who was previously notified shall immediately report the accidental deployment to the PSO.

G. To avoid an accidental probe deployment, officers shall ensure that the air cartridge is removed from the electric gun prior to spark testing the device.
VII. ELECTRIC GUN DATA

A. The electric gun data consists of two types of digital files (firing data and video data captured by the electric gun recording system).

B. Officers who deploy an electric gun in any method (display, probe, or drive stun) shall submit the associated, unaltered digital files (firing data log and video files captured by the electric gun) into evidence.

C. Supervisors shall perform the data download of the electric gun.

D. Data shall be downloaded from the electric gun using the software provided by the electric gun manufacturer and recorded onto nonrewritable, optical media (e.g., CD-R and DVD-R). The media shall be finalized (no additional data can be written to the media) and marked for identification.

1. Care shall be exercised when marking and packaging the media to ensure against damage and degradation. Optical discs shall be marked directly on the label side of the disc with a nonsolvent-based, felt-tip permanent marker.

2. If multiple electric guns are deployed during the same incident, each electric gun's data shall be recorded onto separate media.

E. The officer shall view the data on the optical media to ensure that the data is complete before submitting it into evidence.

F. The firing and video data and features of the electric gun recording system can be referenced when completing the Incident Report, the Use of Force Report, and the Electric Gun Use Report.
G. Additionally, the firing data log shall be printed and submitted as an attachment to the Electric Gun Use Report, HPD-192G form.

H. Electric gun data files are official police records and shall be considered confidential records.

I. Confidential records shall not be released to an unauthorized recipient. Confidential records are not to be released to anyone outside of the department without appropriate authorization and safeguards to protect the contents.

J. Any reproduction, transfer, or use of the electric gun data files, other than what is provided in section D above, requires the prior approval of the Chief of Police or designee.

K. If no data is recorded during the deployment of an electric gun or if there is a failure in the data download process, an explanation shall be provided on the Electric Gun Use Report, HPD-192G form. The supervisor shall ensure that the officer submits the entire electric gun into evidence under a separate Miscellaneous Public report number.

LOUIS M. KEALOHA
Chief of Police

Post on bulletin board for one week

Policy first issued
June 27, 2006