HONOLULU POLICE DEPARTMENT

POLICY

LAW ENFORCEMENT ROLE, RESPONSIBILITIES, AND RELATIONSHIPS

May 20, 2020 Policy Number 1.15

CONDUCTED ENERGY WEAPON

POLICY

Departmental personnel shall use conducted energy weapons (CEW) in accordance with applicable laws, this directive, and the department's training and certification program.

PROCEDURE

I. DEFINITIONS

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

B. CEW: A device designed to incapacitate by discharging an electric current into a subject that causes temporary motor skill dysfunction and/or neuromuscular incapacitation.

C. CEW Coordinator: The Training Division commander or designee responsible for the maintenance and training for all departmental CEWs, including the video recording feature.

D. CEW Instructor: An authorized Training Division employee who is currently qualified by the CEW manufacturer to certify officers in the use of the CEW for law enforcement purposes.
E. CEW Liaison: The division-level commander or designee responsible for the maintenance, inventory, and training for the CEW.

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

G. Spark Test: A functional test of the CEW, performed by the officer, to determine if the CEW is operating properly.

II. TRAINING AND CERTIFICATION

A. Officers are authorized to carry and use CEWs only after successfully completing departmental training and certification for the specific CEW model issued.

1. Training for the CEW shall be mandatory for all sworn officers of the rank of lieutenant and below, including officers assigned to nonpatrol and plainclothes assignments.

2. Upon being certified and issued a CEW, uniformed patrol officers of the rank of lieutenant and below shall be required to carry the CEW while on duty. Element commanders shall establish guidelines for nonpatrol and plainclothes officers regarding the appropriate carrying of the CEW for their assignment.

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

C. Only CEW instructors shall provide instruction on the CEW.
III. EQUIPMENT

A. Officers shall only carry and use department-issued CEWs and related equipment such as cartridges, holsters, and pouches.

B. Officers shall inspect their CEWs and related components and conduct quarterly syncing of their units to ensure their CEWs are in proper working condition. Go to CEW on the Training Division's intranet page for syncing instructions.

C. Watch commanders and/or unit supervisors shall be responsible for ensuring that the operational performance of the CEWs issued to their personnel is checked at the beginning of each shift by having each officer perform a spark test in their presence.

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

2. The spark test, when done properly, shall not constitute a deployment of the CEW and is not subject to deployment reporting procedures.

3. Lieutenants and above are not required to have an immediate supervisor witness the spark test as long as it is conducted in the presence of an officer of supervisory rank.

4. Refer to the attachment for the spark test procedure.

D. When off duty, officers shall not store the CEW 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 CEW before storing the device.

E. The holster shall be carried on the opposite side of the duty firearm.
F. Division-level commanders or designees shall coordinate the assignment of the CEWs within their elements.

G. Officers are authorized to carry their CEWs while engaged in special duty assignments.

IV. USE OF THE CEW

A. Deployment Methods

1. Display

The display method is when the CEW 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 CEW. Probe deployment is when the CEW 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. **Probe Follow-up**

   The probe follow-up method is an extension of the probe method. 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 too 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. The result is NMI and maximizes the effectiveness of the CEW. The probe follow-up method should not be confused with the drive stun method.

4. **Drive Stun**

   The drive stun method is a contact application of the CEW with the cartridge removed when it is pressed into the body of a subject and activated. This method causes considerable pain in the area of contact. It does not have a significant effect on the central nervous system. Therefore, it may not incapacitate the subject.

B. **Deployment Guidelines**

1. All deployments of the CEW 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. Refer to Policy 1.04, USE OF FORCE.
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 possible deployment.

4. The display, probe, probe follow-up, or drive stun method may be used when circumstances, known to the officer at the time, indicate the deployment of the CEW is reasonable to use in order to subdue or control behavior in situations such as the subject:
   a. Is potentially violent or engaged in active resistance;
   b. Has verbally or physically demonstrated an intention to actively resist; or
   c. 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. The drive stun method may be used only after the air cartridge has been expended.

6. Use of the CEW 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.

7. 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 CEW until they can be examined by paramedics or other medical personnel.

8. No more than one officer should activate the CEW against a person at a time. Officers shall use only the amount of activations necessary to place the subject into custody.
9. A subject shall not be exposed for more than 15 seconds of total active exposure to a CEW or three applications. Each trigger pull shall be considered one application, regardless if the officer allows the CEW to run the full five-second cycle or shuts it off early.

If the 15 seconds of total exposure or three applications prove to be ineffective, the officer must transition to another force option (e.g., oleoresin capsicum, baton, or physical confrontation).

10. An officer who deploys a CEW by display, probe, probe follow-up, drive stun, or unintentional discharge shall notify the on-duty field supervisor.

11. The CEW shall not be used as a means of punishment.

C. Video Recording Feature

The video recording feature of the CEW shall only be used by officers in the performance of their official duties and when use of the CEW is justified.

V. RESPONSIBILITIES

A. Training Division

The commander or designee of the Training Division shall:

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

2. Maintain training and certification records of all departmental personnel.
B. Professional Standards Office (PSO)

The commander or designee of the PSO shall:

1. Review each reported incident and, if one is not within acceptable parameters, prepare and send an unscheduled inspection to the appropriate division or, if warranted, conduct a detailed, administrative investigation, and submit its findings to the Chief of Police via the Administrative Review Board;

2. Maintain statistics on the use of the CEW 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 CEWs and related equipment; and

2. Issue the CEW and related equipment/supplies such as cartridges, holsters, pouches, and biohazard containers.

D. CEW Coordinator

The CEW coordinator shall:

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

2. Coordinate the department's CEW program to include certification training, firmware updates, information updates, etc.;
3. Maintain a CEW certification list on the Training Division's intranet webpage;

4. Coordinate the inspection of all departmental CEWs on an annual basis and maintain a log of these inspections; and

5. Be responsible for all other duties as may become necessary for the department's CEW program.

E. CEW Liaison

Divisions that have officers with issued CEWs shall assign a CEW liaison to do the following:

1. Maintain the division's inventory and database of CEWs and related equipment, in accordance with instructions provided by the CEW coordinator;

2. Maintain the CEWs for the division, as well as coordinate replacement of CEWs, as needed;

3. Conduct firmware updates for CEWs when firmware updates from the manufacturer become available.
   a. Firmware updates shall be completed by the end of each fiscal quarter and reported to the CEW coordinator.
   b. A database of inspected and synced CEWs shall be created and maintained on a monthly basis;

4. Schedule and coordinate annual inspections with the CEW coordinator for all assigned CEWs; and

5. Be responsible for all other duties as may become necessary for the department's CEW program, as determined by the CEW coordinator.
F. Field Supervisor

A field supervisor shall:

1. Respond to the scene where the CEW has been deployed by probes, probe follow-up, drive stun, or via unintentional discharge;

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

3. Ensure that the appropriate Incident Reports include the Use of Force and Conducted Electrical Weapon Report, HPD-192E form, are completed and submitted; hard copies shall be forwarded to the deploying officer's element commander and the PSO by the end of the work shift;

4. Notify the watch commander whenever a CEW has been deployed by probes, probe follow-up, drive stun, or unintentional discharge; and

5. Ensure that the deploying officer performs a download of the CEW firing and video data (see section VIII below).

G. Deploying Officer

1. Use of CEW

Except for departmental training, use of the CEW means any use of the unit, including the display method, probe method, probe follow-up method, and drive stun method. Deploying officers shall:

a. If practicable, notify a supervisor of an imminent deployment of the CEW or immediately notify a supervisor when the CEW is intentionally or unintentionally discharged;
b. If practicable, provide a loud, verbal warning to the subject before deploying the CEW at the subject to allow a reasonable opportunity for the subject to comply voluntarily;

c. If practicable, aim or contact the CEW 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 and genitals;

d. Once the subject is under control and the situation is deemed safe, request for qualified medical personnel to remove the CEW probes from the subject's skin. If the request is denied or qualified medical personnel are not available prior to transport, an officer trained in probe removal should remove the probes and ensure that medical treatment from a medical facility is obtained;

e. Take photographs of the probe strike points both before and after removal, if possible. Also, take photographs of any other injuries caused by the use of the CEW;

f. Ensure that the expended probes, cartridges, and wires are submitted into evidence. Biohazard precautions, as with handling needles and sharps, shall be used to handle the probes;

g. Perform the CEW data download and ensure that both the firing and video data are submitted into evidence (see section VIII below). Refer to the Training Division's intranet webpage under CEW for download instructions; and
h. Complete and submit to their field supervisors all appropriate Incident Reports and the Use of Force and Conducted Electrical Weapon Report, HPD-192E form, by the end of the work shift.

2. Unintentional Deployment

a. Whenever a CEW cartridge is expended unintentionally in any situation other than during a department-sanctioned training, the deploying officer shall immediately notify an on-duty field supervisor and complete the requirements of section VG 1g through h above.

b. The deploying officer shall ensure that medical treatment is obtained for any contact or injury and, if necessary, an industrial injury form is completed.

VI. ANIMALS

A. The CEW may be deployed against a potentially dangerous animal, such as a dog, if alternative methods are not reasonably available or are likely to be ineffective and the animal appears to pose a threat to the safety of any human or another animal.

B. Officers should target the center mass of the animal and should not target the head or other sensitive areas of the animal.

C. The deployment of a CEW may temporarily immobilize the animal. Officers should be prepared to act quickly with control devices or restraints, if available.
D. Ensure that all procedures for the type of CEW deployment are followed with the exception of medical treatment.

1. The officer shall not attempt to remove the probes from the animal.

2. The officer shall instruct the owner of the animal to have a licensed veterinarian remove the probes and inform the Honolulu Police Department for the recovery of the probes.

3. If the Hawaiian Humane Society or other animal control agency captures the animal, the officer shall request that the probes be removed by a licensed veterinarian and submitted into evidence.

VII. CEW DATA

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

B. Officers who deploy a CEW in any method (display, probe, probe follow-up, drive stun, or unintentional deployment) shall submit the associated, unaltered digital files (firing data log and video files captured by the CEW) into evidence.

C. The deploying officer shall perform the data download of the CEW.

D. Data shall be downloaded from the CEW using the software provided by the CEW 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 CEWs are deployed during the same incident, each CEW'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 CEW recording system can be referenced when completing the Incident Report to include the Use of Force and Conducted Electrical Weapon Report, HPD-192E form.

G. Refer to the Training Division's intranet webpage under CEW for download instructions.

H. The firing data log shall be printed and submitted as an attachment to the Use of Force and Conducted Electrical Weapon Report, HPD-192E form.

I. CEW data files are official police records and shall be considered confidential records.

J. 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.

K. Any reproduction, transfer, or use of the CEW data files, other than what is provided in section VII D above, requires the prior approval of the Chief of Police or designee.
L. If no video and/or data has been recorded during the deployment of a CEW or if there is a failure in the video and/or data download process, an explanation shall be provided on the Use of Force and Conducted Electrical Weapon Report, HPD-192E form. The supervisor shall ensure that the officer submits the entire CEW into evidence under a separate Miscellaneous Public report number.

VIII. MODEL SPECIFIC INSTRUCTIONS

Various models of CEWs are issued to different officers and procedures herein addresses most of these models. However, the Taser 7® model has model-specific procedures that are applicable only to this model. Attachment 2 contains definitions and procedures that shall apply to officers who are issued the Taser 7® CEW and their supervisors.

SUSAN BALLARD
Chief of Police

Attachments

Post on bulletin board for one week

Policy first issued
June 27, 2006
SPARK TEST PROCEDURE

All air cartridges shall be removed from the CEW, including cartridge pouches, prior to the spark test.

1. The officer shall conduct the spark test at least three feet away from the air cartridges to avoid an electric static discharge.

2. The officer shall point the CEW at the ceiling, directly overhead, with a clear view of the Central Information Display. At no time shall an officer point the CEW at the ground, wall, or another person during the spark test.

3. The supervisor shall verify that the officer has the CEW pointed toward the ceiling and that all air cartridges have been removed from the cartridge bay.

4. The supervisor shall give the command "ARM."

5. The officer shall switch the weapon from Safe to Arm.

6. The supervisor shall give the command "TEST."

7. The officer shall activate the CEW, allowing it to cycle for five seconds. A strong electric arc should be observed.

8. A visual inspection of the Central Information Display should be done to verify that the CEW is charged and there are no error messages.

9. After verifying that the weapon is operational, the officer shall place the CEW on Safe, load the CEW, and secure it in the issued holster.
Taser 7® CEW DEFINITIONS AND PROCEDURES

This attachment applies to officers who are certified to carry the Taser 7® model CEW and their supervisors.

I. DEFINITIONS

A. Categorizing: A way to classify firing data by type of event or incident (e.g., felony, misdemeanor, or non-evidentiary).

B. Labeling: The process of attaching identifying information to firing data (e.g., HPD report number and incident date).

C. Display Method: Considered a deployment method, the display method is when the CEW is unholstered and armed to begin the event log. A warning arc may be performed to assist officers in deterring further resistance.

D. Warning Arc: The pressing of the Arc Switch, which provides an audible and visual Warning Arc across both bays of the Taser 7®, is used for gaining voluntary compliance.

II. CEW Liaison

Divisions that have officers with issued CEWs shall assign a CEW liaison to:

A. Perform monthly charging of the rechargeable battery pack as needed, but at a minimum once every 30 days; and

B. Conduct firmware updates via the docking station for CEWs.
III. Deploying Officer

In addition to requirements in section V G 1 in the directive, officers deploying the Taser 7® shall perform the following:

A. Upload the CEW data to Evidence.com by removing the rechargeable battery pack from the CEW and docking it in the designated docking station;

B. Categorize and label the firing data in Evidence.com; and

C. Attach a copy of the firing data log to their incident reports.

VI. Taser 7® Spark Test Procedure

All air cartridges shall be removed from the CEW before conducting the spark test. The trigger shall not be pulled anytime during the spark test.

A. The officer shall point the CEW at the ceiling with a clear view of the Central Information Display (CID).

B. The supervisor shall verify that the officer has the CEW pointed toward the ceiling and that all air cartridges have been removed from the cartridge bays.

C. The supervisor shall give the command "WITH YOUR SUPPORT HAND, TAP AND RELEASE BOTH ARC SWITCHES."

D. The supervisor shall give the command "VERIFY CID," at which time the officer shall visually inspect the CID to verify that the CEW is charged and there are no error messages.

E. The supervisor shall give the command "ARM," at which time the officer will take the CEW off of safe.
F. The supervisor shall give the command "INVERT TO SUPPORT HAND." The officer shall switch the CEW from their dominant hand to their support hand and place the thumb on the arc switch.

G. The supervisor shall give the command "ARC." The officer shall press and release the arc switch to activate the CEW, allowing it to cycle for five seconds. A strong electric arc should be heard and observed.

H. After verifying that the weapon is operational, the officer shall place the CEW on safe and load the CEW.

I. The officer shall check that the cartridges are seated properly and being read by the CEW by arming the CEW and checking the CID. The unit shall then be placed back on safe and secured in the issued holster.