

**HONOLULU POLICE DEPARTMENT**  
**POLICY**  
**LAW ENFORCEMENT ROLE, RESPONSIBILITIES, AND RELATIONSHIPS**

**April 24, 2015**

**Policy Number 1.04**

**USE OF FORCE**

**POLICY**

This policy provides general guidelines for the use of force. Police officers may use reasonable force to effectively bring an incident under control, while protecting the lives of officers and others. All applications of force shall conform with the constitutions and laws of the United States and Hawaii and the legal statutes of Hawaii.

**PROCEDURE**

I. **LEGAL JUSTIFICATION**

The Hawaii Revised Statutes (HRS) deal with the justification of the force (any bodily impact, restraint, or confinement, or the threat thereof) that law enforcement officers may use in carrying out their duties. For a full discussion of these issues, refer to Chapter 703 and Section 803-7, HRS.

Chapter 703 covers the definitions relating to justification; justification as a defense; choice of evils; execution of public duty; use of force in self-protection; use of force for the protection of other persons; use of force for the protection of property; use of force in law enforcement; use of force to prevent suicide or the commission of a crime; use of force by persons with special responsibility for care, discipline, or safety of others; and provisions generally applicable to justification.

The legal authority for police officers to carry and use weapons is established in Chapter 134, Sections 11 and 16, HRS; and Chapter 40, Section 2.4, and Chapter 41, Section 37.2, Revised Ordinances of the City and County of Honolulu.

April 24, 2015

Policy Number 1.04  
Page 2

II. DEFINITIONS

Bodily Injury: As defined in Section 707-700, HRS, physical pain, illness, or any impairment of physical condition.

Serious bodily injury: As defined in Section 707-700, HRS, bodily injury that creates a substantial risk of death or causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Substantial bodily injury: As defined in Section 707-700, HRS, bodily injury that causes a major avulsion, laceration, or penetration of the skin; a burn of at least second degree severity; a bone fracture; a serious concussion; or a tearing, rupture, or corrosive damage to the esophagus, viscera, or other internal organs.

III. REASONABLE FORCE

Constitutional justification for the use of force is evaluated on the concept of "reasonableness." Police officers are restricted to the use of force that is "objectively reasonable" in light of the facts and circumstances as the officer perceived them to be at the time of the incident. Information learned after the time of the officer's application of force is irrelevant to assessing the appropriateness of the force used. The officer in the situation will be evaluated based on what is considered good and reasonable police practice and whether the officer acted as other reasonable and prudent officers would act faced with a similar situation.

Three factors are involved in determining reasonableness:

A. Severity of the Crime

The more serious or severe the offense, the higher the justification for the use of force. An individual's right to privacy and physical integrity will be weighed against the police department's legitimate interest in taking action against the person.

B. Level of Threat

The more immediate the threat to the safety of the officer or others, the higher the justification for the use of force.

April 24, 2015

Policy Number 1.04

Page 3

C. Subject's Behavior or Level of Resistance

The greater the level of resistance, the higher the justification for greater use of force.

IV. UNREASONABLE FORCE

Unreasonable force is not justified or condoned by the department. Unreasonable force is defined as the use of force which is not reasonable or justifiable by the circumstances of the particular event. The use of force need not be excessive to be deemed unreasonable, as in situations that do not require any use of force. Officers may be held liable under the constitutions, laws, and directives for using unreasonable force.

Excessive force is not justified or condoned by the department. Excessive force is defined as the amount of force which is beyond the need and circumstances of the particular event, or which is not justified in the light of all the circumstances.

Excessive force will be determined by the same standard of "objective reasonableness" used in determining reasonable force. Police officers may be held liable under the constitutions and laws for using excessive force. This liability may include criminal and civil prosecution.

V. LEVELS OF RESISTANCE

The amount of force used should be relative to the level of resistance (the actions taken by a subject to evade an officer's attempts at control). Resistance can be categorized into seven levels, which are listed below from the lowest to highest:

A. Psychological Intimidation

Nonverbal cues or body language (e.g., clenching of fists, widening of foot stance, ignoring the officer, or glaring at the officer) indicate that the subject's attitude is psychologically intimidating.

B. Verbal Noncompliance

Threats or verbal responses of the subject indicate an unwillingness to cooperate.

April 24, 2015

Policy Number 1.04  
Page 4

C. Passive Resistance

The subject's physical actions, usually in the form of a relaxed or "dead weight" posture, do not prevent an officer's attempt at control but are intended to make the officer lift, pull, or muscle the subject to establish control.

D. Defensive Resistance

The subject's physical actions are intended to prevent an officer's control but are not directed at harming the officer (e.g., walking away, breaking the officer's grip, holding on to a fixed object, or locking arms in to the body).

E. Active Resistance

The subject physically counteracts an officer's attempt to control the subject that creates a risk of bodily injury to the officer, subject, or others or the subject threatens to use force against the officer, self, or others in the immediate area.

F. Active Aggression

The subject physically assaults the officer, which may result in injury.

G. Aggravated Active Aggression

Active aggression is considered aggravated if the assault involves the use of weapons and/or techniques or objects, which could result in death or serious or substantial bodily injury to the officer.

VI. LEVELS OF CONTROL (FORCE OPTIONS)

An officer who determines that force must be used must also determine the level to be used in response to different levels of perceived resistance (see Attachment 1). Unlisted types of force (e.g., police shield, bicycle, acoustic device, etc.) may be used and will be evaluated on their risk for causing injury or death to determine the appropriate level to which they belong. One type of force may belong to several levels, depending on how it is used.

April 24, 2015

Policy Number 1.04  
Page 5

The control model has been categorized into eight levels, which are listed below from lowest to highest. The lowest level indicates the amount of force with the lowest propensity for injury or death, and the highest level indicates the greatest risk of injury or death.

A. Officer Presence

Officers have identification of authority (e.g., the police uniform, vehicle, or badge).

B. Verbal Directions

Officers shall, when practicable, give voice directions to elicit voluntary compliance before, during, and after any use of physical force.

C. Physical Contact

Certain techniques have a minimal chance of causing injury (e.g., the use of light pressure points, minimal joint locks, physical strength techniques, and escort techniques).

D. Chemical Agents

1. Officers are authorized to use only department-issued oleoresin capsicum (OC) sprays to help reduce the risk of injury to themselves and the public. Officers are authorized to use the OC sprays only after they successfully complete the department-approved training.
2. The Chief of Police may authorize specialized elements to carry and use other specific department-issued delivery systems and chemical agents (e.g., pyrotechnic, blast dispersion, alphachloroacetophenone [CN or mace], OC, and orthochlorobenzalmalonitrile [CS or tear gas]). Officers in these elements may do so only after successfully completing department-approved training on the agents.
3. Use of chemical agents on a crowd shall be under the direction of the incident commander at the scene. The exception to this is when officers reasonably believe someone is in immediate danger of serious bodily injury.



April 24, 2015

Policy Number 1.04  
Page 6E. Physical Confrontation

Some techniques have a higher chance of causing injury (e.g., strikes, kicks, takedowns, strong grabs and intense restraining techniques, high intensity joint locks and pressure points, wrestling, and other active physical measures to control a resistant or violent person).

F. Intermediate Weapons/Vascular Neck Restraint (VNR)/  
Conducted Electrical Weapon (CEW)

Department-approved impact devices (e.g., the 26" wooden baton, 36" riot baton, 26" expandable baton, 40" horse baton, and the VNR [submission hold]) are considered intermediate weapons. Officers are authorized to use department-issued batons or the vascular neck restraint only after successfully completing the department-approved training.

Officers are authorized to carry and use only department-issued CEWs and related equipment (e.g., cartridges and holsters). CEWs are designed to control subjects while reducing the risk of injury to officers and the public. Officers are authorized to carry and use department-issued CEWs only after successfully completing the department-approved training. Refer to Policy 1.15, CONDUCTED ELECTRICAL WEAPON.

G. Less-Lethal Ammunition and Weapons

Department-issued, less-lethal impact specialty ammunition (e.g., shot-filled bean bags, wooden projectiles, etc.) that are delivered with firearms are designed to temporarily incapacitate a subject with a reduced risk of death or serious bodily injury as compared to lethal (conventional) ammunition. Officers are authorized to carry and use department-issued, less-lethal ammunition and weapons only after successfully completing the department-approved training.

7-17-2018

7-17-2018

April 24, 2015

Policy Number 1.04  
Page 7

H. Deadly Force/Firearms

Deadly force actions are those that could result in death or serious bodily injury. They usually involve the use of firearms but could include the baton or other objects, as well as unarmed tactics or techniques.

VII. USE OF FORCE DECISIONS

Officers are responsible for determining the appropriate level of force to use. The Levels of Control model provides a general guideline for the appropriate responses to different levels of perceived resistance. Generally the higher the level of resistance, the higher the level of force that is justified.

- A. Officers should generally use the appropriate level of force, which can reasonably be expected to succeed in controlling the situation. Officers are not required to move step by step through all the levels of control. Skipping levels may be reasonable given the resistance encountered. An officer is not expected to use unarmed tactics or a chemical agent on a subject who is violent and armed with a weapon.

If a subject escalates or deescalates his or her level of resistance, officers can respond by adjusting according to the model while retaining a level of advantage to remain in control of the situation.

- B. Besides the subject's resistance, there are other factors that can affect the appropriate level of control (e.g., the nature of the offense, the size of the subject relative to the officer, the skill level of the subject relative to the officer, the sex of the officer and the subject, the age of the officer and the subject, physical limitations and the relative strength of the parties, multiple aggressors, close proximity, injury or exhaustion of the officer, the imminent probability of danger, the presence of a weapon or potential weapon, and so forth).

April 24, 2015

Policy Number 1.04  
Page 8

- C. Since confrontations occur in environments that are tense, uncertain, and rapidly evolving, officers may use tools and tactics outside the parameters of the model and departmental training. However, such applications of force shall meet the same standards of reasonableness.

VIII. LESS-LETHAL WEAPONS

A. Chemical Agents

1. Chemical agents (e.g., spray, saturation, or impact projectile) shall be used by officers only in the performance of official duties. Additionally, each use must be lawful and reasonable.
2. Chemical agents shall never be used as a means of punishment.
3. They shall be used properly and as guided by departmental training and the department's Levels of Control guidelines (see Attachment 1).
  - a. The Training Division shall be responsible for training officers in the proper use of chemical agents and decontamination procedures and for approving chemical agent training by other sources.
  - b. Officers are allowed to carry chemical agents only after they have successfully completed the required training, which has been approved by the Training Division.

4. Treatment/Decontamination

Officers should administer decontamination procedures prescribed by the Training Division to anyone who appears to have been exposed to the chemical agent as soon as it is practicable. Below is a partial list of general treatments for CN, CS, pepper spray, and OC irritation chemical agents. (See Attachment 2 for expanded lists of treatments for exposure to OC.)



April 24, 2015

Policy Number 1.04  
Page 9

- a. As soon as the person is cooperative, advise him or her not to rub their eyes but to face into the wind and blink rapidly. This will promote natural tearing, which can flush the irritant out of the eyes.
- b. As soon as fresh water is available, use copious amounts of it to flush the person's face and eyes. Softly splash the water into the person's face and eyes; do not rub or wipe the water into the eyes.
- c. Allow the air to dry the person's face; do not rub it with a towel or sponge.
- d. Do not apply any salves, creams, aloe, or ointments on the irritated area.
- e. If further medical attention is required, advise the medical personnel of the person's exposure to a specific chemical agent.

5. Reporting the Use of Chemical Agents

When a chemical agent is used, all facts regarding its use (including the type of chemical agent used and advice given about decontamination) shall be included in the Incident Report, HPD-192 and HPD-192E forms.

B. Physical Confrontation Techniques

If lower levels of force are inappropriate or unsuccessful, empty hand techniques (strikes, kicks, control holds, takedowns, and joint locks) may be used to bring a subject under control. The preferred techniques are generally those taught or approved by the Training Division and which pose a limited risk of injury to both the officer and the resisting subject. These techniques should never be used to punish. Additionally, these techniques should never be used to intentionally injure a subject without justification.

April 24, 2015

Policy Number 1.04  
Page 10

1. Strikes and Kicks

The main goal is to cause a muscle dysfunction or to provide a distraction for the officer to be able to gain control. The primary targets are large muscle mass areas, and the secondary targets are joints and bones. Targeting of deadly force areas (e.g., the eyes, groin, throat, and heart) must be restricted to only a small number of appropriate and justified situations.

2. Takedowns, Grabs, and Joint Locks

The purpose of these techniques is to bring a subject under control. They should be used with reasonable caution.

C. Impact Weapons

All impact weapons are considered intermediate levels of force. They include batons used primarily for impact to bring a resistant subject under control. All equipment used must conform with Policy 2.38, UNIFORMS, EQUIPMENT, AND FIREARMS, and this directive.

1. Approved Batons

Four batons have been approved for primary use: a 26" straight baton made of black hard wood, a 36" straight riot baton, a 40" white oak horse baton, and a 26" expandable tactical baton.

2. Required Training

All officers carrying any type of impact weapon or device must have successfully completed the required training for that device. The training must be provided or approved by the Training Division.

April 24, 2015

Policy Number 1.04  
Page 11

3. Target Areas

Guidelines in sections a, b, and c below refer to areas that are targets of intended strikes with the baton. Pressing the baton against a part of the body below the neck as a reinforced method to move someone without using it as an impact weapon is not considered striking a target area.

a. The primary target areas of impact weapons are the motor nerve points and large muscle mass areas of the legs, such as the thigh muscle or the back of the calf muscle. The goal is to cause a muscle dysfunction and provide a means to gain control over combative subjects. Primary target areas should be used first, if available, since they are less likely to cause injuries.

b. The secondary targets are joints and areas of the body where the bone is close to the surface of the skin, such as the shin or wrist. The goal is to cause a distraction by causing pain in order to provide a means to gain control over combative subjects.

Secondary targets should only be used when primary target areas are unavailable or have proved ineffective.

c. Targets that are likely to cause death or serious bodily injury are prohibited. These areas include the head, neck, chest, spine, kidneys, groin area, and any other locale likely to cause serious injury or death. Prohibited targets may be used if the officer faces a deadly force situation in which such action is appropriate and reasonable.

4. Medical Treatment

Whenever an impact weapon is used, medical treatment should be obtained for the person who was struck or injured.

April 24, 2015

Policy Number 1.04  
Page 12

5. Documentation

a. Documentation is required for all incidents in which a baton was used. If the baton was used in an arrest, the use shall be documented in the Incident Report, HPD-192 form. If no arrest was made, the activity and justification shall be documented in the Incident Report, HPD-192 form. The officer who used the baton shall forward a copy of the Incident Report to the element commander.

b. When an organized group of officers under a supervisor's command only displays their batons for crowd management, the supervisor shall have the following responsibility:

The supervisor shall document the incident in the HPD-192 and HPD-192E forms and include pertinent information (e.g., why the batons were displayed, names of officers who displayed their batons, subjects' actions, and number of subjects involved).

c. In circumstances other than that which is specifically described above, officers who display their batons shall document the incident using the Incident Report, HPD-192 and HPD-192E forms.

D. Vascular Neck Restraint **Temporarily Suspended**

The vascular neck restraint (submission hold) is considered an intermediate level of force and should only be used when that level is reasonable and appropriate. Use of this restraint restricts oxygenated blood flow to the brain, which can terminate the resistance of a combative suspect and may result in momentary unconsciousness.

April 24, 2015

Policy Number 1.04  
Page 13

1. The submission hold must be applied correctly, with pressure placed in four areas. Pressure is applied to both sides of the neck, to the back of the neck, and to the front of the chest. There should be no pressure to the throat or front airway area. The hold properly applied will restrict the blood flow through the carotid arteries on the sides of the neck. The hold should not be maintained for more than 30 seconds. The hold should generally not be applied repeatedly. If it is not successful after two applications, other techniques should be used.
2. Neck restraints or neck holds which restrict the subject's airway, such as bar arm chokes, are prohibited. Officers shall not use neck cranks or neck holds that place pain and pressure on the subject's neck or spine in order to overcome a subject's resistance. The only exception is for situations in which the officer is justified in using deadly force.
3. Medical Treatment  
  
After a subject is controlled and secured, the officer should monitor the subject who should be placed on his or her side or seated in an upright position. Officers need to render first aid if the subject does not recover after 25 to 30 seconds. Any time the submission hold is used and the subject becomes unconscious and the person has visible injuries or complains of any injuries as a result of the hold, medical treatment should be provided as soon as practicable.
4. Documentation  
  
Documentation is required for all incidents in which a submission hold is used. If the hold was used during an arrest, the details should be included in the Incident Report, HPD-192 form. If no arrest was made, the activity and justification shall be documented in the Incident Report, HPD-192 form. The officer who used the submission hold shall forward a copy of the Incident Report, HPD-192 form, to the element commander.



April 24, 2015

Policy Number 1.04  
Page 14

7-17-2018

E. CEWs

CEWs shall be used properly and as guided by departmental training; Policy 1.15, CONDUCTED ELECTRICAL WEAPON; and the department's Levels of Control guidelines (see Attachment 2).

F. Canine Contact Force

Canines are valuable law enforcement tools. Police canines are used to locate persons and property. They may also be deployed to defend against assault or to apprehend suspects who represent a threat to the community (e.g., barricaded suspects, hostage holders, or snipers). This use of canines is generally considered an intermediate level of force.

1. The canine handler is responsible for knowing the policies, rules, and regulations regarding canine deployment. The handler has the training and experience to evaluate the responses and actions of his or her canine, its capabilities, and its limitations. The handler alone shall make the final decision to deploy the canine.

The guidelines for deployment shall be based on the standard of reasonableness, weighing the safety of the public against the immediate need to apprehend.

2. Medical Treatment

Whenever a handler uses a police canine who makes contact with an offender, the handler should inspect the contacted area and determine if any injury has occurred. Any subject with visible injuries or complaints of pain as a result of canine contact should be given reasonable medical treatment as soon as practicable.

3. Documentation

The use of canines in apprehension or as defense against assault shall be documented in the Incident Report, HPD-192 form, by both the arresting officer and the handler. The reports shall contain the manner in which the canine was deployed and the circumstances of its use.

April 24, 2015

Policy Number 1.04  
Page 15

G. Less-Lethal Ammunition

Less-lethal ammunition is considered to be at a level between intermediate force and deadly force when shot at areas of a body that are less likely (than other areas) to cause death or serious bodily injury. Less-lethal ammunition and weapons shall be withdrawn, carried, maintained, used, and returned in accordance with departmental training guidelines and this directive.

Only officers qualified by the department to use less-lethal ammunition and weapons are authorized to utilize the equipment. Prior to any officer of this department being authorized to possess and/or use a less-lethal weapon, the officer shall be issued and receive instructions on this policy. The issuance and instructions shall be documented and stored at the Training Division.

1. Less-Lethal Ammunition and Weapons

- a. Less-lethal ammunition authorized for patrol elements is the issued Combined Tactical Systems model 2581, 12-gauge shotgun cartridges, which are loaded with shot-filled "bean bag" projectiles. The authorized less-lethal weapon is the issued Remington 870 shotgun with an orange stock that is labeled "LESS LETHAL."
- b. Officers of specialized elements may use other types of less-lethal equipment (e.g., wooden and rubber projectiles, 37mm projectiles, 40mm projectiles, etc.) that are specifically authorized for and issued to them by the department. The assignment of these weapons may be changed by the element commander or designee.

April 24, 2015

Policy Number 1.04  
Page 16

2. Use by Patrol Elements

Qualified sector sergeants shall withdraw less-lethal ammunition and weapons from the district's arsenal after starting their work shifts but before they go on the road. Personnel shall return the equipment at the end of the work shift. Other qualified officers may similarly withdraw less-lethal ammunition and weapons that are designated for their respective sectors. Watch commanders can change the assignments of less-lethal weapons and ammunition.

3. Treatment

- a. When an individual is struck with less-lethal ammunition, a paramedic shall be called to the scene of the incident to examine the person at the earliest and safest opportunity.
- b. If a paramedic cannot examine the subject at the scene in a timely manner, the individual should be taken to a hospital for examination prior to booking.
- c. If the individual complains or shows signs of injury after the initial medical examination, the person should be reexamined by an emergency medical technician or taken to a medical facility for further examination.
- d. If the individual flees the scene before medical treatment can be provided, the deploying officer shall account for the deployment of less-lethal ammunition by submitting the Incident Report, HPD-192 and HPD-192E forms.

4. Sections IX B through H of this directive regarding firearms shall apply to less-lethal firearms.

H. Other Force Options

As technology provides additional response options, the Chief of Police may approve other force implements.

April 24, 2015

Policy Number 1.04  
Page 17

- I. In-service training for less-lethal weapons shall occur at least biennially.

IX. DEADLY FORCE AND FIREARMS

Deadly force is force used with the intent of causing, or which the actor knows will create a substantial risk of causing, death or serious bodily injury. Deadly force may be used only when an officer reasonably believes that the use of such force is necessary to defend his or her own life or that of another person in immediate danger of death or serious bodily injury.

The U.S. Supreme Court has ruled that the use of deadly force is a seizure subject to the "reasonableness" requirement of the Fourth Amendment. Even where an officer has probable cause to arrest a subject, it may be unreasonable to do so using deadly force.

- A. Appropriate types of firearms and specific guidelines regarding on-duty and off-duty approved models are provided in Policy 2.38, UNIFORMS, EQUIPMENT, AND FIREARMS. A firearm may be used only when legally justified (see section II of this policy and Sections 703-304 to 703-308, HRS).

B. Handling of Firearms

All personnel shall take reasonable safety precautions when handling any firearm.

- 1. A firearm shall not be drawn, displayed, fired unnecessarily, or used as an unlawful threat or warning.
- 2. A firearm shall not be discharged at a moving vehicle unless the operator and/or occupant(s) of the vehicle pose an immediate threat of death or serious bodily injury and/or are attempting to use deadly force against the officer or other(s).
- 3. Officers shall take reasonable measures to avoid placing themselves in the path or potential path of a suspect vehicle.
- 4. All personnel shall take reasonable safety precautions when carrying, transporting, loading, or unloading firearms.

April 24, 2015

Policy Number 1.04  
Page 18

C. PSO Investigation

With the exception of department-sanctioned training and practice, both of the following shall ensue when a firearm is discharged by a departmental employee:

1. The Criminal Investigation Section of the PSO shall respond and investigate along with any other element that is responsible for examining such incidents, e.g., the Criminal Investigation Division. Refer to Policy 4.29, CRIME SCENE: INVESTIGATIVE RESPONSIBILITIES AND PROCEDURES, for notification procedures to the PSO.
2. An administrative review of the incident shall be conducted by the PSO, and a report of the findings shall be submitted to the Administrative Review Board (ARB). If directed, the PSO shall conduct a detailed administrative investigation and submit its findings to the Chief of Police via the ARB.

D. Use of Firearm That Results in, or is Likely to Result in, a Human Death

1. The PSO shall head the investigation of any discharge of a firearm by a departmental employee that results in or is likely to result in a human death.
2. The officer shall be debriefed and evaluated for return to duty by the police psychologist within 48 hours of the incident. The officer shall not be returned to full duty until cleared by the police psychologist.
3. The investigative report shall be forwarded to the Department of the Prosecuting Attorney to determine if any criminal negligence was involved.

7-29-2019



April 24, 2015

Policy Number 1.04  
Page 19

7-29-2019

E. Use of a Firearm That Does Not Result in Human Death or Injury

With the exception of department-sanctioned training and practice, when the discharge of a firearm by an officer does not result in any human death or injury, the officer shall be debriefed and evaluated for return to duty by the police psychologist within 72 hours of the incident.

Psychological and Peer Support Unit debriefings for these officers shall be available at their option.

F. Other Applications of Deadly Force

Deadly force is not limited to the use of firearms. An impact weapon and unarmed techniques, or other means, may be considered deadly force depending on their applications and targets. The use of deadly force is based on the perceived need and justification that it is reasonable and necessary.

G. Medical Considerations

Whenever deadly force is used, the officer shall assess the physical condition of any injured person and render aid at the earliest and safest opportunity. If necessary, the Honolulu Emergency Services Department shall be called.

H. When an employee uses force or takes an action that causes the death of any person or inflicts serious physical injury to any person, the Chief of Police or a designee shall temporarily relieve the employee from line-duty pending an administrative review. When authorized by the Chief of Police or a designee, the officer may return to the usual assignment.

April 24, 2015

Policy Number 1.04  
Page 20X. USE OF FORCE REPORT

7-17-2018

Unless incapacitated, each officer who uses force beyond routine handcuffing shall submit a Use of Force and Conducted Electrical Weapon Report, HPD-192E form, to record the officer's direct involvement in the incident. A report is not required when a weapon or type of force is displayed or used for department-approved training, practice, maintenance, inspection, and other authorized activity (e.g., community fairs, scheduled demonstrations, etc.).

A. The following are examples of when a Use of Force and Conducted Electrical Weapon Report, HPD-192E form, shall be submitted with the investigative report. This list is not intended to be all-inclusive:

1. Discharge of a firearm (e.g., handgun, rifle, shotgun, etc.);
2. Display of a firearm toward a person or to coerce a person into submission with a firearm being exhibited;
3. Discharge of a 40mm/37mm/12-gauge shotgun with less-lethal munitions;
4. Display of a 40mm/37mm/12-gauge shotgun with less-lethal munitions toward a person or to coerce a person into submission with a weapon being exhibited;
5. Use or attempted use of the vascular neck restraint;
6. Use or display of a baton "at ready;"
7. Discharge of a chemical agent in the direction of a person;
8. When there is an injury or complaint of injury resulting from guiding, holding, directing, or handcuffing an individual;
9. Any deployment of the CEW;
10. Discharge of a Pepperball launcher; and

7-17-2018

April 24, 2015

Policy Number 1.04  
Page 21

11. Display of a Pepperball launcher toward a person or to coerce a person into submission with a weapon being exhibited.

7-17-2018

- B. Photographs should be taken of all subjects listed on the Use of Force and Conducted Electrical Weapon Report, HPD-192E form, as well as all injured parties. This includes officers, subjects, and other individuals involved in the incident.

7-17-2018

1. Close-up photographs should depict all injuries sustained or the specific area of the body when there is a complaint of injury.

2. Disposition of the photographs should be indicated in the Use of Force and Conducted Electrical Weapon Report, HPD-192E form.

Exception: In circumstances where the injured person flees or the officer is unable to take such photographs of the injuries, the officer shall note such circumstances in the investigative report.

7-17-2018

- C. An annual review of the incidents where force was used, based on the submitted HPD-192E forms, will be made to determine whether there are policy, training, weapons/equipment, or discipline issues which need to be addressed.

1. The review will be conducted by the commanders or designees of the PSO, the Training Division, and the Information Technology Division.
2. If there are any issues which need to be addressed, a report shall be forwarded to the Chief of Police or designee for action.

#### XI. MEDICAL CONSIDERATIONS

Officers are accountable for the reasonable and equitable treatment of offenders. Medical attention shall be made available to a subject in custody when one or more of the following conditions are met:

- A. The subject complains of an injury or requests medical attention;
- B. An injury is visible;
- C. A person loses consciousness;

April 24, 2015

Policy Number 1.04  
Page 22

- D. The baton or a canine is used and contact is made with the subject;
- E. A chemical agent is used and major symptoms do not subside within 45 minutes; or
- F. The officer believes that medical attention is required, perhaps from a previous condition or injury.

XII. EXCEPTIONAL CIRCUMSTANCES

In situations involving exceptional circumstances not covered in this policy, officers should use the amount of force reasonably necessary to protect themselves or others. Officers must be able to articulate the reasons for employing such force.

7-17-2018

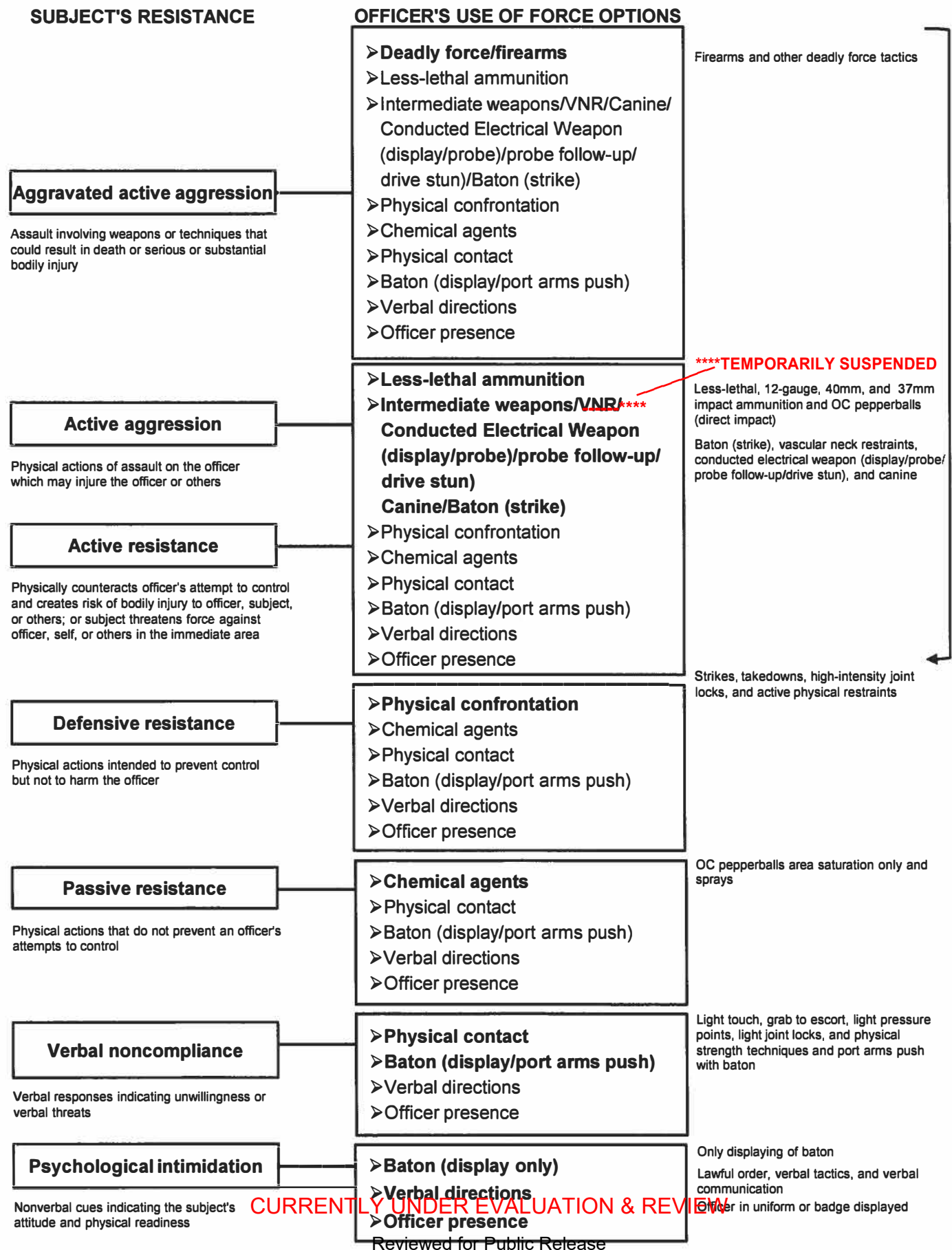
  
[ SUSAN BALLARD  
Chief of Police

Attachments

Post on bulletin  
board for one week

Policy first issued  
February 13, 1998

# Honolulu Police Department Levels of Control



7-17-2018



Officers should generally use the appropriate level of force, which can reasonably be expected to succeed in controlling the situation. They are not required to move step by step through all levels of control. Skipping levels may be reasonable given the resistance encountered. An officer is not expected to use unarmed tactics or a chemical agent on a subject who is violent and armed with a weapon. If a subject deescalates his or her level of resistance, officers can respond by adjusting as well, while retaining a level of advantage to remain in control of the situation. Besides the subject's resistance, there are other factors that can affect the appropriate level of control (e.g., the nature of the offense; the size of the subject relative to the officer; the skill level of the subject relative to the officer; the sex of the officer and the subject; the age of the officer and the subject; physical limitations and the relative strength of the parties; multiple aggressors; close proximity, injury, or exhaustion of the officer; the imminent probability of danger; the presence of a weapon or potential weapon; and so forth). Since confrontations occur in environments that are tense, uncertain, and rapidly evolving, officers may use tools and tactics outside the parameters of the model and departmental training. However, such applications of force shall meet the standards of reasonableness.

**April 24, 2015**  
**Attachment 2**

**Policy Number 1.04**

**DECONTAMINATION TREATMENT FOR  
OLEORESIN CAPSICUM (OC)**

The following are general guidelines for decontamination treatment of individuals exposed to oleoresin capsicum (OC) or o-chlorobenzylidene malononitrile (tear gas). As circumstances vary with each exposure incident, these treatment guidelines should be applied based on the attendant factors of a given situation.

1. Monitor and verbally reassure the subjects that they are safe and that they will be all right. Tell the subjects to calm down or relax and try to breathe normally.
2. If possible, move the subjects from the contaminated area and into an area with fresh air and face them into the wind.
3. If water is available, allow the subjects to use cool water to rinse the OC from their faces. Encourage the subjects to open their eyes and flush with the cool water. Cool water can allow for a quicker recovery. If soap is also available, it should be used, as soap and water will help remove the resin from the skin, thereby assisting in the recovery process.
4. Do not rub the affected areas.
5. If the subjects are wearing contact lenses, they should be allowed to remove them. Officers shall not remove the contact lenses for the subjects. Let them remove their own lenses.
6. Do not apply creams, oils, Vaseline, salves, greases, or aloe to the affected areas. Such medications would help trap the resin, which will delay the recovery process.
7. If the subjects are wet from OC spray, officers should wait until the subjects are dry before transporting them. If not, the officers themselves may also become slightly contaminated with the OC.
8. Medical attention should be given if requested by the subjects or if major symptoms persist beyond 45 minutes.
9. Officers should decontaminate themselves if they have been exposed. At the very least, they should wash their hands after using OC or being involved in an OC incident.
10. Environmental decontamination: Since OC is biodegradable and is a solution rather than a particulate, normal ventilation should remove the OC from the environment in about 30 to 45 minutes. The opening of doors and windows in addition to the use of fans will accelerate the evaporation process.
11. Infants who may have been exposed should be taken to a medical facility for treatment.

USE OF FORCE AND

CURRENTLY UNDER EVALUATION & REVIEW

HONOLULU POLICE DEPARTMENT

CONDUCTED BY: [ ] [ ] [ ] [ ] [ ] [ ]  
(CEW) REPORT

INCIDENT TYPE:	Date/Time:	Location:	Beat:
Subject's Name (Last, First, Middle):		DOB:	Occupation ("Unemployed" if none, school name if juvenile):
Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Ethnicity:	Height:	Weight:
Build:		Clothing Description:	

<b>NATURE OF INITIAL CONTACT</b>	<input type="checkbox"/> Traffic Violation	<input type="checkbox"/> Field Interview	<input type="checkbox"/> Misc. Assist	<input type="checkbox"/> Prisoner Transport
<input type="checkbox"/> Sent to Investigate case	<input type="checkbox"/> Arrest Warrant	<input type="checkbox"/> Follow-up	<input type="checkbox"/> On Beat	<input type="checkbox"/> Other: _____
Important Information Known Before or Upon Arrival: _____				

<b>OFFICER IDENTIFICATION (Check all that apply)</b>	<input type="checkbox"/> Uniform (describe): _____	
<input type="checkbox"/> Verbal	<input type="checkbox"/> Nonuniform/Badge	<input type="checkbox"/> Nonuniform/Marked Clothing (describe): _____
Vehicle: <input type="checkbox"/> None <input type="checkbox"/> Police White Car <input type="checkbox"/> Subsidized (blue light) <input type="checkbox"/> Solo Bike <input type="checkbox"/> Bicycle <input type="checkbox"/> Other: _____		

<b>SUBJECT'S RESPONSE TO OFFICER'S ARRIVAL</b>
<input type="checkbox"/> No Response <input type="checkbox"/> Complied With Directions <input type="checkbox"/> Took Evasive Action/Fled <input type="checkbox"/> Stopped Action <input type="checkbox"/> Hid
<input type="checkbox"/> Took Aggressive Action <input type="checkbox"/> Called Officer by Title or Slang: _____
<input type="checkbox"/> Other: _____

SUBJECT'S ACTIONS (All Resistance Encountered)	OFFICER'S RESPONSE (All Control Effected)
<input type="checkbox"/> Psychological Intimidation (describe)	Verbal Command: <input type="checkbox"/> Asking <input type="checkbox"/> Setting Context <input type="checkbox"/> Ordering <input type="checkbox"/> Giving Options <input type="checkbox"/> Confirmation <input type="checkbox"/> Other: _____ <input type="checkbox"/> Effective: YES / NO
<input type="checkbox"/> Verbal Noncompliance (describe)	Physical Contact: <input type="checkbox"/> Touch <input type="checkbox"/> Escort <input type="checkbox"/> Lt Pressure Point <input type="checkbox"/> Lt. Joint Lock <input type="checkbox"/> Other: _____ <input type="checkbox"/> Effective: YES / NO
<input type="checkbox"/> Passive Resistance (describe)	Chemical Agent: <input type="checkbox"/> OC <input type="checkbox"/> CS <input type="checkbox"/> CN <input type="checkbox"/> Pepperball <input type="checkbox"/> Display Only <input type="checkbox"/> Used Comment: _____ <input type="checkbox"/> Effective: YES / NO Number of Sprays: _____
<input type="checkbox"/> Defensive Resistance (describe)	Physical Confrontation: <input type="checkbox"/> Hand/Arm Strike <input type="checkbox"/> Foot/Leg Strike <input type="checkbox"/> Head Lock <input type="checkbox"/> Joint Lock <input type="checkbox"/> Physical Strength Technique <input type="checkbox"/> Other: _____ <input type="checkbox"/> CEW <input type="checkbox"/> X26 <input type="checkbox"/> X26P (COMPLETE CEW USE SECTION BELOW)
<input type="checkbox"/> Active Resistance (describe)	<input type="checkbox"/> Video Recording YES / NO <input type="checkbox"/> Display Only <input type="checkbox"/> Probes Deployed <input type="checkbox"/> Probe Follow-up <input type="checkbox"/> Drive Stun <input type="checkbox"/> Effective: YES / NO
<input type="checkbox"/> Active Aggression (describe)	Intermediate Weapon: <input type="checkbox"/> Display Baton Only <input type="checkbox"/> Baton Strike <input type="checkbox"/> Baton Jab <input type="checkbox"/> Vascular Neck Restraint <input type="checkbox"/> Other: _____ <input type="checkbox"/> 12 ga. Less Lethal Describe: _____ <input type="checkbox"/> Impact Munition <input type="checkbox"/> Effective: YES / NO <input type="checkbox"/> Display Only <input type="checkbox"/> Deployed
<input type="checkbox"/> Aggravated Active Aggression (describe)	Deadly Force: <input type="checkbox"/> Handgun <input type="checkbox"/> Rifle <input type="checkbox"/> Shotgun <input type="checkbox"/> Other: _____ <input type="checkbox"/> Weapon Displayed <input type="checkbox"/> Fired Weapon <input type="checkbox"/> Other Weapon: _____ <input type="checkbox"/> Effective: YES / NO

**FOR CEW USE ONLY (if none used, then skip to DURATION OF RESISTANCE)**

CEW Serial #: \_\_\_\_\_ Air Cartridge Type(s): ☐ 21-ft Standard ☐ 25-ft

NMI (check one): ☐ FULL NMI ☐ PARTIAL NMI ☐ INEFFECTIVE ☐ FAILURE

Number of Air Cartridges Fired: \_\_\_\_\_ Number of Cycles Applied: \_\_\_\_\_ Suspect Wearing Heavy or Loose Clothing: YES / NO

Usage (check one): ☐ Applies to x2 only ☐ Display Only ☐ CEW Application

Is This a Dart Probe Contact: YES / NO Is This a Drive Stun Contact: YES / NO Probe Follow-up Contact: YES / NO

Approximate Target Distance at the Time of the Probe Deployment: \_\_\_\_\_ feet Approximate Location Between the Two Probes: \_\_\_\_\_ inches

Need for an Additional Shot: YES / NO

Did Probes Penetrate the Subject's Skin: YES / NO Probes Removed on Scene: YES / NO

Did the CEW Application Cause Injury: YES / NO If YES, Was the Subject Treated for the Injury: YES / NO

DESCRIPTION OF INJURY: \_\_\_\_\_

Need for Additional Applications: YES / NO Did the Device Respond Satisfactorily: YES / NO

If the CEW Deployment was Unsuccessful, was the PROBE FOLLOW-UP Used: YES / NO

Describe the Subject's Demeanor After the Device was Used or Displayed: \_\_\_\_\_

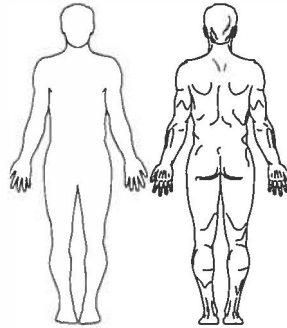
CEW Downloaded: YES / NO By Whom: \_\_\_\_\_ Date/Time: \_\_\_\_\_

If Not Downloaded, Explain Why: \_\_\_\_\_

Firing Record(s) Submitted: YES / NO Video File(s) Submitted: YES / NO

CURRENTLY UNDER EVALUATION & REVIEW

(Place "X's" where probes hit suspect **AND** "O's" where stunned)



**COMMENTS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DURATION OF RESISTANCE**

☐ Less than 30 sec. ☐ 30 sec. – 1 min. ☐ 1-2 min. ☐ 2-4 min. ☐ Other: \_\_\_\_\_

**CONDITIONS (Check all that apply)**

Approximate Number of Subjects in Area: \_\_\_\_\_

Approximate Number of Who Resisted or Assaulted Officers: \_\_\_\_\_

Approximate Number of Bystanders: \_\_\_\_\_

Approximate Number of Officers Present: \_\_\_\_\_

- |  |  |  |   |  |  |
|--|--|--|---|--|--|
| <input type="checkbox"/> Alcohol Used                        | <input type="checkbox"/> Drugs Used      | <input type="checkbox"/> Suspected Alcohol Use | <input type="checkbox"/> Suspected Drug Use | <input type="checkbox"/> Known to Resist or Assault  | <input type="checkbox"/> Subject Size              |
| <input type="checkbox"/> Great Anger                         | <input type="checkbox"/> Great Fear      | <input type="checkbox"/> Great Strength        | <input type="checkbox"/> Threatening        | <input type="checkbox"/> Fighting Skill/Martial Arts | <input type="checkbox"/> Officer Injury/Exhaustion |
| <input type="checkbox"/> Mentally Deranged                   | <input type="checkbox"/> Gang Member     | <input type="checkbox"/> Gang Associate        | <input type="checkbox"/> Hostile Bystanders | <input type="checkbox"/> Potential Ambush            | <input type="checkbox"/> Foot Pursuit              |
| <input type="checkbox"/> Close Proximity to Officer's Weapon | <input type="checkbox"/> Weapons in Area | <input type="checkbox"/> Violent Crime         | <input type="checkbox"/> Vehicle Traffic    | <input type="checkbox"/> Vehicle Pursuit             |  |
| <input type="checkbox"/> Other (explain): _____              |  |  |   |  |  |

**RESTRAINTS USED**

- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Handcuffs                                 | <input type="checkbox"/> Flex Cuff         | <input type="checkbox"/> Leg Irons                    | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Complaint of Tightness/Pain Action taken: | <input type="checkbox"/> Checked & OK      | <input type="checkbox"/> Checked & Adjusted           | <input type="checkbox"/> Reason: _____ |
| <input type="checkbox"/> Escape/Attempt                            | <input type="checkbox"/> Restraint Removed | <input type="checkbox"/> Handcuffs Moved to the Front | <input type="checkbox"/> Reason: _____ |

**INJURIES**

Subject

Upon Arrival

☐  
☐  
☐  
☐  
☐  
☐

Subject

As a Result of Incident

☐  
☐  
☐  
☐  
☐  
☐

Officer

- ☐ No Injury Observed, None Reported When Asked  
☐ No Injury Observed, but Complained of Injury  
☐ Bodily Injury  
☐ Substantial Bodily Injury  
☐ Serious Bodily Injury  
☐ Death

(\*If subject and officer had none, skip to "SUBJECT TRANSPORT")

Describe, Including Cause:

(Subject) \_\_\_\_\_

(Officer) \_\_\_\_\_

- |   |  |
|---|--|
| Treatment: <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/> Refused<br><input type="checkbox"/> Treated and Released<br><input type="checkbox"/> Admitted to Hospital |
|---|--|

Disposition of Photograph(s):

Photographs: YES / NO ☐ Submitted Into evidence ☐ Attached to Key Report ☐ Attached to Arrest Report

**SUBJECT TRANSPORT**

Demeanor:

- |                                       |   |   |                                       |                                  |                                   |
|---------------------------------------|---|---|---------------------------------------|----------------------------------|-----------------------------------|
| <input type="checkbox"/> Cooperative  | <input type="checkbox"/> Threats          | <input type="checkbox"/> Challenges         | <input type="checkbox"/> Screaming    | <input type="checkbox"/> Kicking | <input type="checkbox"/> Spitting |
| <input type="checkbox"/> Hitting head | <input type="checkbox"/> Obscene Language | <input type="checkbox"/> Attempts to Escape | <input type="checkbox"/> Other: _____ |                                  |                                   |

Position: ☐ Sitting ☐ Lying on Side ☐ Lying on Back ☐ Other: \_\_\_\_\_

How Transported: ☐ Police Vehicle No.: \_\_\_\_\_ ☐ Paddy Wagon ☐ Ambulance ☐ Other: \_\_\_\_\_

By Whom: \_\_\_\_\_ ID No. \_\_\_\_\_ Date/Time Transported: \_\_\_\_\_

Date/Time Arrived: \_\_\_\_\_ Destination: \_\_\_\_\_

**COMMENTS**

☐ Refer to the Use of Force in My Report

**OFFICER INFORMATION**

ID Number

Date/Time

Approved By

ID Number

Writer

**CURRENTLY UNDER EVALUATION & REVIEW**

Submit with the Incident Report  
Reviewed for Public Release