

HONOLULU POLICE DEPARTMENT

POLICY LAW ENFORCEMENT ROLE, RESPONSIBILITIES, AND RELATIONSHIPS

April 1, 2021

Policy Number 1.04

USE OF FORCE

POLICY

The Honolulu Police Department (HPD) is committed to ensuring public safety as well as preserving the lives and protecting the rights of all individuals and officers without prejudice to anyone. The HPD is also committed to de-escalating incidents to negate the need for the use of force and only using the amount of force that is necessary to overcome the resistance offered. All applications of force shall conform to the constitutions and laws of the United States (U.S.) and Hawaii.

PROCEDURE

I. LEGAL JUSTIFICATION

The Hawaii Revised Statutes (HRS) details 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 following: 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 41, Section 12.4, and Chapter 41, Section 27.2, Revised Ordinances of Honolulu 2021.

7-5-2023

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.

The following are factors involved in determining reasonableness. Also, refer to section V E below:

A. Severity of the Crime

The more severe or serious the offense, the greater the justification for the use of force.

B. Level of Threat

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

C. Subject's Level of Resistance

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

IV. UNREASONABLE AND/OR EXCESSIVE FORCE

Neither unreasonable nor excessive force is authorized by the department. Force that is beyond the need of a particular event or that is not justified in light of the totality of the circumstances shall be deemed unreasonable and/or excessive. The use of force need not be excessive to be deemed unreasonable. Officers may be held civilly liable, criminally culpable, and/or administratively responsible under the Constitutions of the U.S. and the State of Hawaii, laws, and directives for using unreasonable and/or excessive force.

Unreasonable and/or excessive force will be determined by the same standard of "objective reasonableness" used in determining reasonable force.

V. USE OF FORCE DECISIONS

Based on the totality of the circumstance of a situation, officers are responsible for deciding if force is needed and the reasonableness of such force to fulfill their duties. This decision shall also consider how strenuously, continuously, and/or repeatedly a force option is applied.

A. De-escalation

1. When practicable and reasonable, officers shall use de-escalation concepts (e.g., additional time, space, and resources, etc.) to minimize the need for force.
2. When reasonable and safe under the totality of the circumstances, officers shall attempt to de-escalate and stabilize with time and space so that more options and resources might be made available.
3. Officers shall be attentive and responsive to opportunities and options for avoiding or reducing the need for force without compromising their responsibilities.

- B. The dynamic immediacy of police encounters permit using the appropriate force at any moment without attempting and/or exhausting other options.
- C. Force shall never be used as punishment nor be influenced by an officer's personal feelings.
- D. Besides the subject's resistance, other factors affect a force option decision. These factors include (but are not limited to) the nature of the offense, size of the subject relative to the officer, skill level of the subject relative to the officer, gender of the officer and subject, age of the officer and subject, physical limitations and relative strength of the parties, multiple aggressors, proximity of the subject, injury or exhaustion of the officer, probability of imminent danger, and presence of a weapon or potential weapon.
- E. 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 reasonable force.

VI. SUBJECT'S RESISTANCE

The following sections describe ways in which subjects might resist obeying an officer's lawful order:

A. Nonverbal Resistance

Nonverbal cues or body language (e.g., clenching of fists, widening of foot stance, or glaring at the officer) indicating that the subject's attitude suggests an unwillingness to obey a lawful order.

B. Verbal Resistance

Threats or verbal responses of the subject that indicate an unwillingness to obey a lawful order.

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 requires the officer to increase physical contact to establish control.

D. Defensive Resistance

The subject's physical actions that indicate an intent to prevent an officer's control but are not directed at harming the officer (e.g., 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 situation 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 assaults or attempts to assault the officer, self, or others.

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, self, or others.

VII. CONTROL FORCE OPTIONS

This section lists force options with which officers may respond when subjects resist obeying a lawful order.

The options are not listed in the order officers are required to use them. Rather, the list starts with options that have a low risk for causing injury and ends with those that have a high risk for causing death or serious bodily injury. One type of force may belong to several levels depending on how it is used.

Officers are permitted to respond with techniques and weapons in this directive only after they have successfully completed departmental training for these methods.

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 force.

C. Physical Contact

Techniques such as light pressure points, light joint locks, physical strength techniques, and escort techniques.

D. Chemical Agents

1. Lachrymatory agents that are sprayed, such as the oleoresin capsicum (OC) or pepper spray, that are authorized for and issued to patrol officers.
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, alphachloroacetaphenone [CN or mace], OC, and orthochlorobenzalmalonitrile [CS or tear gas]) after the officers have completed department-approved training.
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 or death.

E. Physical Confrontation

Techniques such as 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. Also, referred to as "Empty Hand Techniques."

F. Intermediate Weapons/Conducted Energy Weapons (CEW)

Department-authorized and -issued impact devices (e.g., batons and CEWs) are considered intermediate weapons.

G. Canine Contact Force

The deployment of departmental canines by certified handlers.

H. 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 and designed to temporarily incapacitate a subject.

I. Deadly Force/Firearms

Deadly force actions are those that have the intent or are known to cause 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.

Neck restraints, chokeholds, and similar techniques, regardless if they are part of the department's training curriculum, are prohibited except when deadly force is justified.

VIII. LESS-LETHAL OPTIONS

This section delineates as well as provides more details on the less-lethal force options available to officers.

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.
2. Chemical agents shall be used as guided by departmental training and the department's Levels of Control guidelines (see Attachment 1).
3. 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.)

- a. As soon as the person is cooperative, advise him or her not to rub his or her 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.

4. 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 form.

B. Physical Confrontation Techniques

If lower levels of force are not appropriate, successful, or feasible, empty hand techniques (e.g., 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 resisting subject.

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. Primary targets are large muscle mass areas, and 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. 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. 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. 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.

2. Medical Treatment

Whenever an impact weapon is used and a person is struck or injured, medical treatment shall be obtained for the person as soon as practicable.

3. Documentation

When an organized group of officers under a supervisor's command only displays their batons for crowd management, 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).

D. CEWS

CEWS shall be used properly as guided by departmental training; Policy 1.15, CONDUCTED ENERGY WEAPON; and the department's Levels of Control guidelines (see Attachment 1).

E. Canine Contact Force

Canines may 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.

2. Medical Treatment

Whenever a handler uses a police canine that 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 complains of pain as a result of canine contact shall be given reasonable medical treatment as soon as practicable.

F. 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, pepper ball launchers, 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.

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, and D through H of this directive regarding firearms shall apply to less-lethal firearms.

G. Other Force Options

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

H. 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. All personnel shall take reasonable safety precautions when carrying, transporting, loading, or unloading firearms.

C. Discharging Firearms at Subjects in Vehicles

1. Except as required for traffic control, traffic enforcement, and similar duties, officers shall not place themselves in the path or apparent path of a subject's vehicle.
2. A firearm shall not be discharged at a subject in a vehicle or the vehicle itself unless:
 - a. A person in the vehicle threatens the officer or another person with deadly force by means other than the vehicle; or
 - b. Unanticipated movements of the vehicle do not afford the officer a chance to get to safety; the vehicle's movement poses a threat that justifies the use of deadly force; or the vehicle is being used to cause mass human casualties.
3. A firearm shall not be discharged from a moving vehicle unless the use of deadly force is justified.
4. Vehicles used for law enforcement purposes, regardless of registered ownership, shall not be used to block, contain, or ram a subject's vehicle.
5. A moving vehicle on its own is not a threat that justifies the use of deadly force. Therefore, except in circumstances in section 2 above, officers shall move out of the path of a vehicle instead of discharging a firearm at it.

D. Professional Standards Office (PSO) Investigation

1. Firearm Discharges

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

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- a. 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; and
- b. 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.

2. Less-Lethal Weapon Discharges

With the exception of department-sanctioned training and practice, the PSO commander or designee shall:

- a. Review each less-lethal weapon discharge incident and, if one is not within acceptable parameters, prepare and send an unscheduled inspection to the appropriate division. If warranted, the PSO shall conduct a detailed administrative investigation and submit its findings to the Chief of Police via the ARB; and
- b. Maintain statistics on less-lethal weapon discharges by departmental personnel.

E. Use of Firearm That Results in, or is Likely to Result in, Human Death or Injury

- 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 human death or injury.
- 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 return 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.

F. 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 consultations for these officers shall be available at their option.

G. 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.

H. 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.

I. Administrative Leave

When an employee uses force or takes an action that causes the death of any person or inflicts serious bodily injury to any person, the Chief of Police or a designee shall temporarily relieve the employee from field duty pending an administrative review. When authorized by the Chief of Police or a designee, the officer may return to the usual assignment. An actor officer may request and shall be granted administrative leave for relief from duty of up to three working days.

X. DUTY TO INTERVENE

Complying with the laws that govern use of police force is everyone's responsibility. Intervening or to intervene shall mean an overt effort intended to prevent or stop a course of events.

- A. Any officer who witnesses an unlawful use of force by another officer or clearly believes that this is occurring shall immediately intervene.
- B. Any officer who intervenes shall report the incident to a supervisor.
- C. A supervisor who is made aware of an unlawful use of police force shall make fact-finding inquiries and then take appropriate action(s).

D. NON-RETALIATION

- 1. There shall be no retaliation or discrimination against an officer who intervenes. Retaliatory conduct is illegal and constitutes a separate violation of law and rules. Any retaliation or discriminatory action shall be reported by the victim and shall be dealt with promptly and severely by management.
- 2. An employee who is found to have retaliated shall be disciplined.

XI. USE OF FORCE REPORT

Unless incapacitated, each officer who uses force beyond routine handcuffing shall submit a Use of Force and Conducted Energy 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, or other authorized activity (e.g., community fairs, scheduled demonstrations, etc.).

A. The following are examples of when a Use of Force and Conducted Energy 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.)

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- 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 of a baton or display of a baton "at ready"
- 6. Discharge of a chemical agent in the direction of a person
- 7. When there is an injury or complaint of injury resulting from guiding, holding, directing, or handcuffing an individual
- 8. Any deployment of the CEW
- 9. Discharge of a pepper ball launcher
- 10. Display of a pepper ball launcher toward a person or to coerce a person into submission with a weapon being exhibited

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

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

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2. Disposition of the photographs should be indicated in the Use of Force and Conducted Energy 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.

- C. An annual review of the incidents where force was used, based on the submitted HPD-192E forms, will be conducted 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.

XII. MEDICAL CONSIDERATIONS

Officers are accountable for the reasonable and equitable treatment of all persons on which force was used. 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;
- 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.


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XIII. 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.

1-16-2024


ARTHUR J. LOGAN
Chief of Police

Attachments

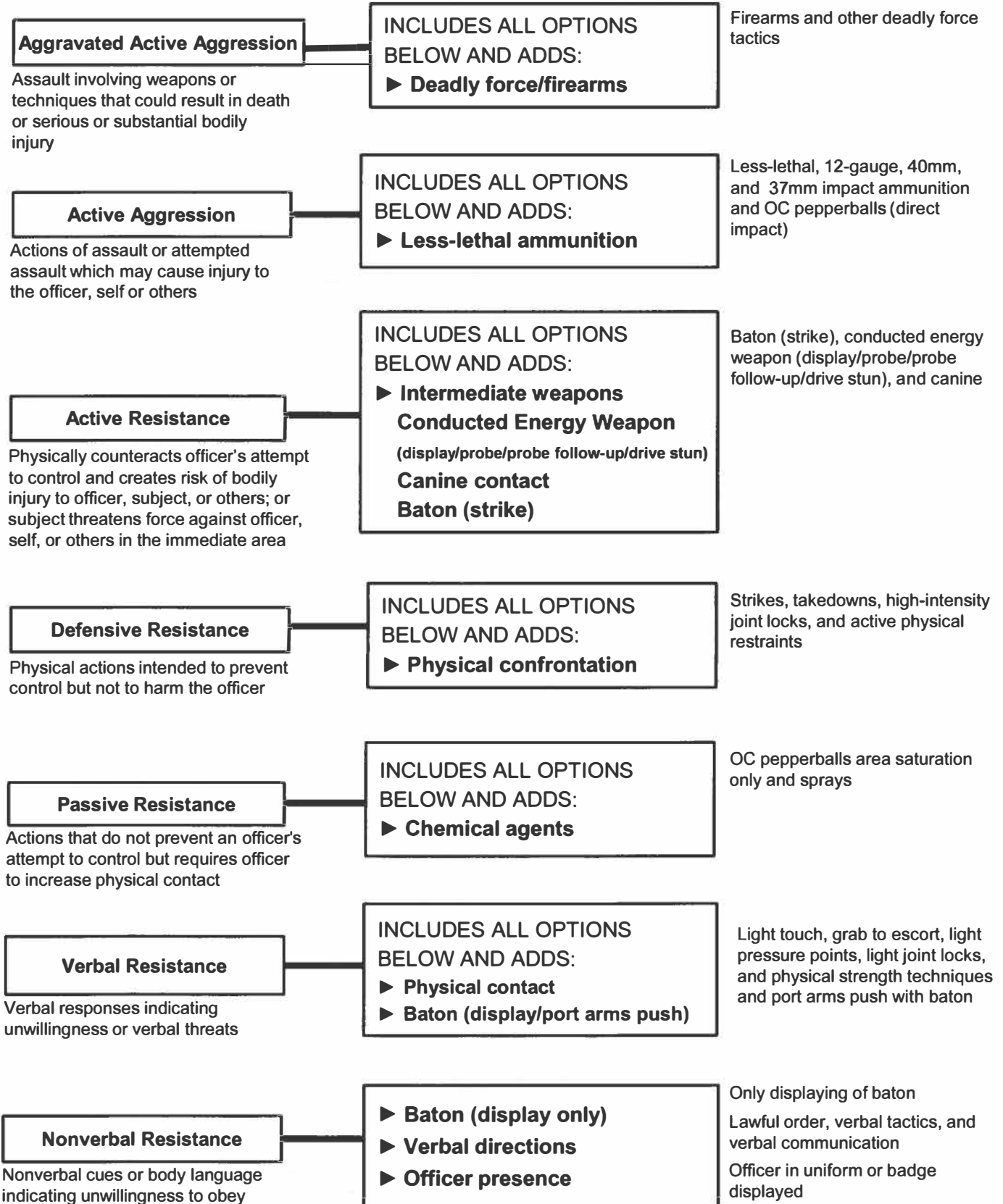
Post on bulletin
board for one week

Policy first issued
February 13, 1998

Honolulu Police Department Levels of Control

SUBJECT'S RESISTANCE

OFFICER'S FORCE OPTIONS



General Guidelines

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 de-escalates 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 gender 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.

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.