

HONOLULU POLICE DEPARTMENT

POLICY LAW ENFORCEMENT ROLE, RESPONSIBILITIES, AND RELATIONSHIPS

April 1, 2022

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 CEW cartridge which uses compressed nitrogen to deploy two probes attached to connecting wires that deliver an electrical current.
- B. Categorizing: Classifying firing data by the type of event or incident (e.g., felony, misdemeanor, or non-evidentiary).
- C. CEW: A device designed to incapacitate by discharging an electric current into a subject that causes temporary motor skill dysfunction and/or neuromuscular incapacitation (NMI).
- D. CEW Coordinator: The Training Division commander or designee responsible for the maintenance and training for all departmental CEWs.
- E. 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.

- F. CEW Liaison: The division-level commander or designee responsible for the maintenance, inventory, and training for the CEW.
- G. Functionality Test: A functional test of the CEW, performed by the officer, to determine if the CEW is operating properly.
- H. Labeling: Attaching identifying information to firing data (e.g., Honolulu Police Department report number and incident date).
- I. NMI: The result of an effective application of the CEW affecting the sensory and motor nervous systems, resulting in temporary immobilization.
- J. Warning Arc: The pressing of the arc switch that produces an audible and visible warning arc across both bays of the CEW and is used to gain voluntary compliance.

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 on their persons while on duty.

Element commanders are responsible for establishing guidelines for functionality testing of CEWs for their nonpatrol and plainclothes officers.

- 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 to ensure their CEWs are operating properly.
- C. Watch commanders and/or unit supervisors shall be responsible for ensuring that the operational performance of the CEWs issued to their personnel are checked at the beginning of each shift by having each officer perform a functionality test in their presence.
 - 1. The functionality test should be performed outside the view of the public.
 - 2. The functionality test, when done properly, is not a CEW deployment and not subject to deployment reporting procedures.
 - 3. Lieutenants and above are not required to have an immediate supervisor witness the functionality test as long as it is conducted in the presence of an officer of supervisory rank.
 - 4. Refer to the attachment for the functionality 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.
- 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 and armed. A warning arc may be performed to assist officers in deterring further resistance.

2. Probe

The probe method is the most effective application of the CEW. Probe deployment is when the trigger is pulled and the probes are deployed.

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. With at least one probe attached to the subject and the cartridge still inserted, contact is made with the subject and the CEW (away from the attached probe) thus completing the circuit, providing a greater opportunity for NMI.

4. Drive Stun

The drive stun method is a contact application of the CEW when it is pressed into the body of a subject and activated via the arc switch. This method causes considerable pain in the area of contact but 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, 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 in possession or within reach of an object or device that could cause harm to the subject and others.

4. 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.
- 5. 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.
- 6. No more than one officer should activate the CEW against a subject at a time.
- 7. Up to three CEW applications can be used on a subject and the total active CEW exposure time of the collective applications shall not exceed 15 seconds. Each trigger pull or each time the CEW is re-energized shall be considered one application, regardless if the officer allows the CEW to run the full five-second cycle or shuts it off early.
- 8. 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). Officers shall use only the amount of activations necessary to place the subject into custody.
- 9. An officer who deploys a CEW by display, probe, probe follow-up, drive stun, or unintentional discharge shall notify the on-duty field supervisor.
- 10. The CEW shall not be used as punishment.

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 and rechargeable battery packs 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 within 30 days and reported to the CEW coordinator.

- b. A database of inspected and updated 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:

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- 1. Ensure that for a display, probe, probe follow-up, or drive stun deployment, the appropriate Incident Reports include the Use of Force and Conducted Energy Weapon Report, HPD-192E form, and the firing data PDF report are completed and submitted by the end of the work shift; and
- 2. When deploying officers are unable to retrieve firing data or have a problem with the data upload, ensure that the officer submits the entire CEW into evidence under a separate Miscellaneous Public report number.

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 upload, which shall entail categorizing and labeling the firing data, and attach a copy to the Incident Report. If the data is irretrievable or a problem occurred with the upload, submit the entire CEW into evidence under a separate Miscellaneous Public report number; and
- h. Complete and submit to their field supervisors all appropriate Incident Reports and the Use of Force and Conducted Energy Weapon Report, HPD-192E form, by the end of the work shift.

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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 V G 1 a 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 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 FIRING DATA


- A. The CEW firing data consists of firing digital 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 perform a firing data upload in evidence.com that shall entail categorizing and labeling the firing data, and attach a copy to the Incident Report.
- C. Data shall be uploaded using the docking stations provided by the CEW manufacturer.
- D. CEW firing data files are official police records and shall be considered confidential records.
- E. 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.

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- F. Any reproduction, transfer, or use of the CEW data files, other than what is provided in section VII C above, requires the prior approval of the Chief of Police or designee.

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ARTHUR J. LOGAN
Chief of Police

Attachment

Post on bulletin
board for one week

Policy first issued
June 27, 2006

CEW Functionality Test Procedure

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

1. 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.
2. The supervisor shall give the command "WITH YOUR SUPPORT HAND, TAP AND RELEASE BOTH ARC SWITCHES."
3. The supervisor shall give the command "VERIFY Central Information Display (CID)," at which time the officer shall visually inspect the CID to verify that the CEW is charged and there are no error messages.
4. The supervisor shall give the command "ARM," at which time the officer will take the CEW off of safe.
5. 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.
6. 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.
7. After verifying that the weapon is operational, the officer shall place the CEW on safe and load the CEW.
8. 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.