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1. PURPOSE

To establish the guidelines governing the use of force while members are acting under the color of their authority.

2. PERSONS AFFECTED

All sworn personnel.

3. POLICY

It shall be the policy of the Hawai'i Police Department that members shall use only the force reasonably necessary to accomplish lawful objectives, while protecting the lives of officers and citizens alike.

4. DEFINITIONS

4.1. **Deadly Force** – Force which the actor uses with the intent of causing or which he or she knows to create a substantial risk of causing death or serious bodily harm. Intentionally firing a firearm in the direction of another person, or in the direction which another person is believed to be, constitutes deadly force (Hawai'i Revised Statutes, Section 703-300, as amended).

4.2. **Less-Lethal Force** – Any use of force other than that which is considered deadly force.

4.3. **Force** – Any bodily impact, restraint, or confinement, or the threat thereof (Hawai'i Revised Statutes, Section 703-300, as amended).

4.4. **Reasonable Belief** – The facts or circumstances an officer knows, or should know, which would cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

4.5. **Serious Bodily Injury** – Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ (Hawai'i Revised Statutes, Section 703-300, as amended).

5. RESPONSIBILITIES

5.1. Members

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5.1.1. Members shall be responsible for maintaining and assuring that all issued equipment associated with this directive is in good working order.

5.1.2. Members shall take all possible precautions in securing weapons and shall maintain active and passive control of weapons at all times.

5.2. Supervisors

5.2.1. Immediate supervisors shall ensure that members have issued weapons that are routinely inspected and in good working order.

5.2.2. Supervisors shall monitor use of force incidents under their command and shall cause notice to commanding officers for incidents handled outside the scope of this directive.

5.3. Commanding Officer

5.3.1. The commanding officer shall ensure that members are properly trained and certified in the use of weapons or tactics for official duty.

5.3.2. Commanding officers shall be responsible for recovering any weapons from members for just cause.

5.4. Police Chief

5.4.1. The Police Chief shall have the authority to add, amend, delete, or modify the specifications of any issued or authorized weapons used for official business.

5.4.2. The Police Chief shall have the authority to direct training or retraining of any member in the use of weapons or tactics for official duty.

6. PROCEDURES

6.1. Parameters for Use of Force

6.1.1. In accordance with Section 703-307, Hawai'i Revised Statutes, as amended, a police officer is authorized to use force upon or toward the person of another when making or assisting in making an arrest and the officer reasonably believes that such force is immediately necessary to affect a lawful arrest. The use of force is not justifiable under this section unless:

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- a. The officer makes known the purpose of the arrest or believes that it is otherwise known by or cannot reasonably be made known to the person to be arrested; and,
- b. When the arrest is made under a warrant, the warrant is valid or is believed by the officer to be valid.

6.1.2. The use of force to prevent the escape of an arrested person from custody is justifiable when the force could justifiably have been employed to effect the arrest under which the person is in custody.

6.1.3. In accordance with Section 803-7, Hawai'i Revised Statutes, as amended, in all cases where the person arrested refuses to submit or attempts to escape, such degree of force may be used as is necessary to compel the person to submission.

6.2. Parameters for Use of Deadly Force

6.2.1. An officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious bodily injury.

6.2.2. In accordance with Chapter 703, Hawai'i Revised Statutes, as amended, a police officer is authorized to use deadly force under the following conditions:

- a. The police officer reasonably believes that there is an immediate threat or imminent danger of serious bodily injury or death to himself or others; or,
- b. Where there is an arrest for a felony; and,
- c. The officer reasonably believes that the force employed creates no substantial risk of injury to innocent persons; and,
- d. The officer believes that:
  - The crimes for which the arrest is made involved conduct including the use or threatened use of deadly force; or,

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- There is a substantial risk that the person to be arrested will cause death or serious bodily injury if his apprehension is delayed.

6.3. Parameters for Discharging of Firearms in Other Situations

6.3.1. In addition to conditions identified previously, a police officer is justified to discharge his firearm under the following conditions:

- a. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured;
- b. During target practice or competitive sporting events at an approved range.

6.3.2. Officers shall adhere to the following restrictions regarding the display or discharge of firearms:

[REDACTED]

[REDACTED]

- c. Likewise, the use and even the display of rifles, shotguns, or other approved long guns must be justified, based on existing conditions at each scene or incident;
- d. Caution shall always be exercised when unloading and loading firearms;

[REDACTED]

[REDACTED]

[REDACTED]

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h. Warning shots are prohibited.

6.4. Parameters for Use of Less-Lethal Force

6.4.1. When deadly force is not justified, an officer should assess the incident in order to determine which less-lethal technique or weapon will best de-escalate the incident and bring it under control in a safe manner.

6.4.2. Police officers are justified to use department approved less-lethal force techniques and issued equipment for resolution of incidents:

- a. To protect themselves or another from physical harm; or
- b. To restrain or subdue a resistant individual; or
- c. To bring an unlawful situation safely and effectively under control.

6.5. Training, Qualifications, and Regulations

6.5.1. Deadly Weapons

a. While on duty, an officer shall carry their department issued firearm and ammunition authorized by and registered with the department, or as outlined in G.O. 801;

[REDACTED]

[REDACTED]

c. Authorized weapons are those with which the officers have qualified and received departmental training on proper and safe usage, and that are registered and comply with departmental specifications;

d. Officers who fail to successfully complete the qualification course with their duty weapons in accordance with the department testing procedures shall be immediately reassigned to non-law enforcement duties, if available. If such duties are not available, the officer shall be placed on Authorized Leave of Absence status until such time that he/she can qualify with their duty weapon;

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- e. Officers shall not carry and use any supplemental weapon which they have not qualified with during the most recent qualification period;
- f. An officer who has taken extended leave or suffered an illness or injury that could affect his/her ability to use a firearm must re-qualify before returning to enforcement duties. Depending on the reasons for the extended leave or illness, an officer may be required to undergo a Psychological Evaluation to determine whether the officer is fit to return to duty as a police officer;
- g. Officers shall not place or store any firearms or other weapons in any police building, motor vehicle, desk, locker, or at any other location, except when the place of storage is locked. Firearms which are not under the direct and immediate control of the officer shall be unloaded before being stored.

6.5.2. Less-Lethal Force Impact Weapons and Methods

- a. Officers are not permitted to use less-lethal weapons unless qualified in the proficient use of that weapon as provided in approved training procedures and standards.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

- 6.5.4. Pepper Spray – The use of department-issued Pepper Spray shall be in accordance with General Order 805 Use of Pepper Spray.
- 6.5.5. Conducted Electrical Weapons (CEW) – The use of the department-issued TASER (CEW) manufactured by TASER International, Inc., shall be in accordance with General Order 817 Conducted Electrical Weapon.
- 6.5.6. Less-Lethal Extended Range Impact Devices – The use of Less- Lethal Extended Range Impact Devices shall be in accordance with General Order 816 Less-Lethal Extended Range Impact Devices.

[REDACTED]

- 6.5.8. Reporting Uses of Force
  - a. The involved employee(s) shall submit to a preliminary interview with the Office of Professional Standards regarding the incident and the actions taken before the conclusion of their tour of duty in the following incidents:
    - When a firearm is discharged outside of a firing range;
    - When use of any force results in death or a report of serious injury.
  - b. District or Division Commanders and a representative of the Office of Professional Standards shall be immediately notified, and a supervisor assigned to the scene to investigate any incident involving officers in their command:
    - When an officer’s firearm is discharged outside of the firing range;

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- When the officer's use of force results in death or a report of serious bodily injury;
- c. In accordance with General Order 604, Critical Incident, the involved employee shall not be required to submit a written report until the officer has had a reasonable period of time to consult with counsel of choice and/or union representative. The reasonable period of time to consult with counsel of choice and/or union representative shall not exceed four (4) hours;
- d. A written memorandum to the Police Chief will be submitted before the conclusion of the tour of duty of any officer involved in the following incidents. This does not preclude, however, that involved employees may be subject to a preliminary interview with the Office of Professional Standards regarding the incident and the actions taken. The Police Chief or designee will conduct an Administrative Review to determine if force was justified:
- Whenever Pepper Spray is utilized.
  - When the wooden or expandable metal baton is utilized.
  - When a CEW is utilized.
  - When a Less-Lethal Extended Range Impact Device is utilized.
  - When Arrest Control Techniques are utilized in response to resistance or aggression.
  - When use of force results in, or is alleged to have resulted in, injury of another person.
- e. In all instances involving the reported use of force, it shall be the responsibility of the supervisor(s) to ensure that all proper notifications are made and necessary reports filed.

#### 6.5.9. Medical Assistance

When force is used and a person is injured or complains of injury, the officer shall ensure that appropriate medical aid is rendered. Appropriate medical aid may include:



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- a. Increased observation to detect obvious changes in condition;
- b. Flushing chemical agents from the eyes;
- c. Rendering first aid;
- d. Evaluation by Emergency Medical Services personnel;
- e. For more serious or life-threatening incidents, providing for treatment by medical professionals.

6.5.10. Investigations

- a. The Office of Professional Standards shall conduct a thorough investigation of all circumstances attending the discharge of firearms by department personnel and submit a detailed memo to the Police Chief. If violation of any policy is found, the matter shall be referred for appropriate disciplinary action.
- b. When an officer's use of force results in death or a report of serious bodily injury, the procedures outlined in General Order 604, Critical Incident, shall be adhered to.

6.5.11. Departmental Response

- a. Deadly Force Incident – When an officer's use of force causes death or serious bodily injury, the procedures outlined in General Order 604, Critical Incident, shall be adhered to.
- b. Discharge of Firearms – A Special Review Board shall be convened in accordance with General Order 304, Special Review Board (Deadly Force Incidents).

6.5.12. The Commander of the Special Response Team, or designee, shall conduct a documented annual analysis on incidents of use of force to identify any training needs, equipment upgrade, and/or policy modifications. The analysis shall be forwarded to the Police Chief with any recommendations. These reports shall include all reports that are generated when an employee:

- a. Discharges a firearm, for other than training or recreational purposes;

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- b. Takes an action that results in, or is alleged to have resulted in, injury or death of another person;
- c. Applies force through the use of deadly or less-lethal device; or;
- d. Applies Arrest Control Techniques in response to resistance or aggression.