

# KAUAI POLICE DEPARTMENT

GENERAL ORDER	DATE OF ISSUE	EFFECTIVE DATE	NO.
	11/8/2010	Immediately	2010-15
REFERENCE CALEA Standard 1.3.4, 1.3.5, 1.3.6, 1.3.9, 1.3.10, 1.3.11, 1.3.12	RESCINDS: <b>GENERAL ORDER 2009-01</b>		
INDEX AS: <b>ELECTRONIC CONTROL DEVICE</b>			

## I. PURPOSE:

The purpose of this policy is to provide officers with guidance and direction in the use of Electronic Control Device (ECD). The ECD is considered an intermediate weapon in the use of force continuum.

## II. DEFINITIONS:

- A. Active Aggression: A threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.
- B. Actively Resisting: Physically forcible movements threatening the safety of the Officer and rising above the level of defensive resistance or mere non-submission.
- C. Air Cartridge: A replaceable cartridge for the electric gun which uses compressed nitrogen to fire two probes attached to connecting wires that send an electrical current into a subject.
- D. Display: The electric gun is removed from its holster and/or is activated to demonstrate its ability to discharge electricity.
- E. Drive Stun: A contact application of the electric gun when it is pressed into the body or a subject and activated.
- F. Electronic Control Device (ECD): A non-lethal electric gun (also known as a conducted energy device) designed to incapacitate by discharging an electric current into a subject that disrupts the ability to communicate messages from the brain to the muscles causing temporary motor skill dysfunction.

The TASER® Electronic Control Device is currently the only electric gun authorized for use by the department

TASER is a registered trademark of Taser International, Inc.

- G. Neuromuscular Incapacitation (NMI): TASER technology uses electrical impulses to cause stimulation that affects the sensory and motor nerves. Neuromuscular

Incapacitation (NMI) occurs when a device is able to cause involuntary stimulation of both the sensory nerves and the motor nerves. It is not dependent on pain and is effective on subjects with a high level of pain tolerance.

- H. Passive Resistance: Physical actions that do not rise to the level of a threat to the safety of an officer.
- I. 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.
- J. Spark Test: To test the operation of the electric gun. The air cartridge is removed from the electric gun and activated between one and five seconds. An electrical arc emitted from the electric gun indicates that it is operating properly.
- K. Substantial Bodily Injury: means bodily injury which causes:
  - (1) A major avulsion, laceration, or penetration of the skin;
  - (2) A burn of at least second degree severity;
  - (3) A bone fracture;
  - (4) A serious concussion; or
  - (5) A tearing, rupture, or corrosive damage to the esophagus, viscera, or other internal organs.
- L. Taser Cam: The Taser Cam is an audio-video recording device integrated into a rechargeable Taser X26C power supply.

### **III. AUTHORITY:**

**Hawaii Revised Statutes, §134.16, Restriction on possession, sale, gift, or delivery of electric guns, (c)** states that "This section shall not apply to law enforcement officers of county police and sheriff departments of this State, or vendors providing electric guns to those entities; provided that electric guns shall at all times remain in the custody and control of the county police or sheriff departments" and **(d)** states that "The county police and sheriff departments of this State shall maintain records regarding every electric gun in their custody and control. Such records shall report every instance of usage of the electric guns; in particular, records shall be maintained in a similar manner for those of discharging of firearms. The county police and sheriff departments shall annually report to the legislature regarding these records twenty days before the beginning of each session."

### **IV. TRAINING AND CERTIFICATION:**

- A. Only Officers who have successfully completed Departmental training in the use of the ECD and Use of Force policy are authorized to carry and use the ECD.

- B. Training shall consist of at least sixteen hours of training in the use, handling, and appropriate deployment of the ECD. Training shall address physical competency, device retention, changes in agency policy (if any), technology changes and reviews of local and national trends in ECD use.
- C. Training protocols should emphasize that multiple activations and continuous cycling of the ECD appear to increase the risk of death or serious injury and should be avoided where prudent.



- E. Once trained, officers must successfully complete annual retraining.
- F. Only certified instructors shall be authorized to provide instruction on the ECD.
- G. Supervisors and command staff shall receive ECD awareness training so they can make educated decisions about the administrative investigations they review.
- H. The training curriculum shall be developed by the Administrative & Technical Bureau and shall integrate current ECD warnings, instructions, and information provided to law enforcement by Taser International, Inc.
- I. Once certified, instructors must successfully complete biennial recertification training.

**V. ASSIGNMENT OF TASERS:**

- A. The Research & Development Section shall coordinate the assignment of the ECD and ECD accessories to officers authorized to carry and use the Taser.
- B. The Research & Development Section shall establish a uniform format for reports used to monitor ECD assignment.
  - 1. The report shall identify each officer assigned an ECD, related equipment, and accessories.
    - a. The report shall be updated as necessary.
    - b. Each Bureau Commander shall be provided with a copy of the most current list of officers assigned an ECD, related equipment, and accessories.

**VI. AUTHORIZED EQUIPMENT:**

- A. Officers are authorized to carry and use only the department-issued ECD and related equipment such as batteries, accessories, cartridges and holsters.

**VII. STORAGE, CARRYING, AND HANDLING OF THE TASER:**

- A. The ECD device shall be secured at all times, except:
  - 1. To perform authorized testing;
  - 2. During inspections or maintenance;
  - 3. While participating in authorized training;
  - 4. While transferring the device to another officer or exchanging of the device; or,
  - 5. When deployment is imminent.
- B. Officers shall carry the ECD in a department-issued holster with the safety engaged. The ECD shall be worn on the opposite side of the duty firearm.
- C. Officers should avoid dropping the ECD.
- D. Officers should avoid exposing the ECD cartridges to significant moisture, dust, dirt or lint.
- E. Officers shall carry the ECD replacement cartridges in Department approved cases.

**VIII. USE OF THE X26 TASER:**

- A. General Maintenance Guidelines:
  - 1. All testing and/or inspection of the ECD shall be performed during work hours, in a safe location, outside the view of any members of the public, unless specifically authorized by a Bureau Commander.
  - 2. Officers should avoid pointing the laser beam at the eye(s) of a person or animal.
  - 3. Officers shall not attempt to open, modify, or tamper with the ECD or cartridges.
- B. Visual Inspection:
  - 1. Officers shall, at the beginning of each shift, inspect the ECD for damage and cleanliness and replace the power source and/or cartridges when required.

C. Function Test:

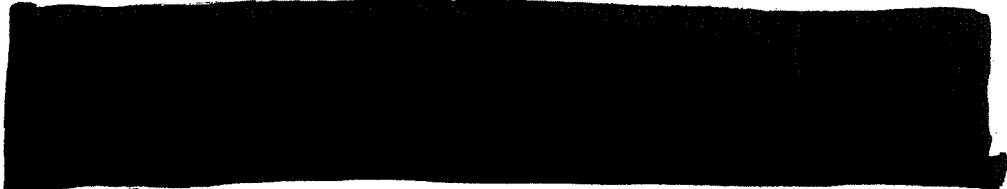
1. The operational performance of the ECD shall be checked at the beginning of each shift by performing a spark test. Any deficiencies shall be immediately reported to the immediate supervisor.
  - a. The spark test shall be performed outside the view of the public.
  - b. The air cartridge shall be removed from the ECD. A visual inspection of the weapon shall be conducted to assure that the air cartridge has been properly removed. The weapon shall be pointed in a safe direction before disengaging the safety switch. The Central Information Display shall be observed to determine the remaining battery life. Officers shall then activate the weapon between one and five seconds and stop the activation by re-engaging the safety switch.
  - c. An immediate, loud and uninterrupted spark being emitted during the one to five second function test should be observed.
  - d. The spark test shall not constitute a deployment of the ECD and is not subject to deployment reporting procedures.
  - e. The ECD shall not be utilized for duty with less than 20% battery life.
  - f. The ECD shall not be utilized for duty when a diminished or intermittent spark is being emitted during the function test.
  - g. The Research & Development Section shall be contacted for a replacement ECD or repairs.

D. Deployment Guidelines:

1.





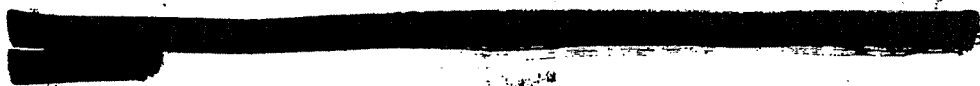






3.



4. All deployments of the ECD shall conform to the principles outlined in

KPD's training and certification program and be consistent with GENERAL ORDER 06-01 (or current), USE OF FORCE.

5. Officers should be prepared to transition to other force options should the ECD fail to operate or fail to have the desired effect.
6. Prior to ECD deployment, the officer shall to the extent possible consider whether less intrusive means would be enough to obtain compliance from the subject.
7. 
8. **The ECD shall only be used against persons who pose an immediate threat to the officer(s) or another person.**
9. The ECD **shall not** be used in the following situations:
  - a. The ECD shall not be used to punish an individual.
  - b. 
  - c. 
  - d. 
  - e. When a person is displaying resistance not rising to the level of an immediate threat to the officer(s) or another person;
10. 
  - a. 
  - b. 
  - c. 
  - d. 

[REDACTED]

11. The ECD should not be activated against a subject by more than one officer at the same time.
12. The ECD may be used against an aggressive animal which poses an immediate threat to the Officer or another person, subject to the other deployment guidelines in this directive.
13. [REDACTED]
14. Officers should be aware that there is a higher risk of sudden death in people under the influence of drugs and/or symptoms associated with excited delirium and take this into account when deploying the ECD against an individual who appears to be under the influence of drugs or displays symptoms associated with excited delirium.
15. No more than one officer should activate the ECD. Deployment of more than one ECD against the same suspect must be justified and articulated in the Incident Report, Use of Force Report form and Use of ECD Report form.
16. Following ECD deployment, officers should use a restraint technique that does not impair respiration.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



**F. Audio-Video Recording Feature:**

1. Whenever practical, the audio-video recording feature of the ECD shall be used in circumstances when deployment is imminent.
2. When tactically sound, the audio-video recording feature should be used to record aggressive behavior.
3. The ECD shall not be used without a functional audio-video recorder.
4. Officers shall notify their supervisor as soon as practical, but no later than the end of shift to report a damaged or malfunctioning audio-video recorder.
5. The Research & Development Section shall be contacted for a replacement audio-video recorder.
6. No other use of the audio-video recording feature is authorized.

**IX. RESPONSIBILITIES:**

**A. Training Section responsibilities:**

1. Coordinate and provide training and certification for officers in the proper use of the ECD.
2. Maintain training and certification records of all departmental personnel.

**B. Research & Development Responsibilities:**

1. Maintain a record of the department's inventory and issuance of the ECD and related equipment.
2. Issue ECD and related equipment/supplies such as cartridges, holsters, and biohazard containers.
3. Submit an annual report to the legislature regarding every ECD in the Department's custody and control and every instance of usage of the ECD.
4. All other duties as may become necessary for the department's ECD program.



5. Maintenance, service, and/or replacement of any ECD.

**C. Immediate Supervisor Responsibilities:**

1. Respond to the scene when the ECD has been deployed either accidentally or intentionally.
2. Ensure that the subject who comes in contact with the ECD receives appropriate medical treatment.
3. Ensure that appropriate Incident Reports; Use of Force Report, Use of ECD Report, are completed and submitted and copies forwarded to the Bureau Commander. The Bureau Commander or designee is responsible for ensuring that a copy of this report is forwarded to the Administrative & Technical Bureau Commander.
4. Notify the District Commander verbally and in writing whenever an ECD has been deployed by probes or drive stun.
5. Secure the ECD for transfer to the Commander or designee of the Internal Affairs Unit.
6. Ensure that a copy of the ECD firing data and video data for intentional discharges are submitted into evidence.
7. Immediately notifying the Commander or designee of the Internal Affairs Unit regarding the incident and circumstances requiring use of the ECD.


**D. Deploying Officer responsibilities:**

1. Observe all deployment considerations set forth in this directive.
2. Immediately notify a supervisor of a deployment of the ECD.
3. Ensure that the expended probes, cartridges, and wires used for deployment are submitted into evidence.
4. Complete and submit all appropriate incident reports, Use of Force Report and, Use of ECD Report.

[REDACTED]

[REDACTED]

[REDACTED]

- 
3. Photographs of cartridges/darts;
  4. Facts regarding use of the ECD.
  5. The make, model, and serial number of the unit used.
  6. The serial number of the cartridge used.

**E. Internal Affairs Unit:**

The Commander or designee of the Internal Affairs Unit shall:

1. Recover any ECD that has been discharged in any situation other than during Department-sanctioned training.
2. Perform a download of the ECD firing data and video data onto non-rewritable digital video disc or non-rewritable compact disc.
3. Review each incident and submit an administrative report of the findings to the Chief of Police.
4. Persons conducting administrative investigations into ECD usage should be aware that ECD download data may be unreliable. Investigators should be able to articulate the difference between the actual duration of an ECD activation on a person and the total time of discharge registered on an ECD device.

**X. PROBE REMOVAL AND MEDICAL TREATMENT:**

- A. When reasonably possible, only officers who have received proper training in the removal of probes or qualified medical personnel shall remove the probes from a person.
- B. When probes penetrate sensitive areas of a subject such as the face, head, genitals, or female breasts, the subject shall be transported to an emergency medical facility for treatment and removal of the probes.
- C. The officer who is assigned to this case shall recover the probes from the hospital personnel who removed the probes and shall submit the probes into evidence following proper chain of custody procedures.
- D. Officers shall use biohazard precautions when handling ECD probes removed from a

person. The expended probes shall be handled in a manner similar to handling contaminated needles and sharps.

- E. An individual exposed to an application of the ECD shall be transported to a medical facility for examination by a physician.
- F. If any individual refuses to be examined by a physician, this shall be noted on the medical facility's patient report by hospital personnel.
- G. All persons in custody who have been exposed to an application of the ECD shall be monitored regularly while in police custody even if they have received medical care.

**XI. ACCIDENTAL DISCHARGE:**

- A. Whenever an ECD cartridge is expended unintentionally in any situation other than during Department-sanctioned training, the deploying officer shall immediately notify his or her supervisor.
- B. The deploying officer shall complete and submit a memorandum to their Bureau Commander documenting the accidental discharge of the ECD cartridge. The expended probes, cartridges, and wires shall be placed in an envelope or other suitable container and submitted along with the memorandum. The supervisor shall ensure that copies of the memorandum and expended probes, cartridges, and wires are forwarded to the Internal Affairs Unit.

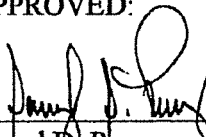
**XII. ECD DATA:**

- A. The ECD data consists of two types of digital files (firing data and video data captured by the ECD recording system).
- B. The designated supervisor shall submit the associated unaltered digital files (firing data log and video files captured by the ECD) into evidence for cases where a ECD is deployed.
- C. The designated supervisor shall perform the data download of the ECD. The officer shall view the data on the optical media to ensure that the data is complete before being submitted into evidence by the supervisor.
- D. Data shall be downloaded from the ECD using the software provided by the manufacturer and recorded onto non-rewriteable optical media (e.g. CD-R, DVD-R). The media shall be finalized (no additional data can be written to the media) and marked for identification.

1. Care shall be exercised when marking and packaging the media to ensure against damage and degradation. Optical discs shall be marked directly on the label side of the disc with a non-solvent based felt-tip permanent marker. Ballpoint pens or other hard-tipped writing instruments shall not be used.
  2. If multiple ECD are deployed during the same incident, each ECD's data shall be recorded onto separate media.
- E. Additionally, the firing data log shall be printed and submitted as an attachment to the Use of ECD Report.
- F. ECD data files are official police records and shall be secured and handled appropriately. Reproduction and/or release of ECD data files is strictly prohibited unless approved in writing by the Chief of Police. This does not apply to release of ECD data files as part of an official criminal proceeding.
- G. If no data is recorded during a deployment of the ECD or if there is a failure in the data downloads process, an explanation shall be provided in the Use of ECD Report.

**EMPLOYEES OF THE KAUAI POLICE DEPARTMENT SHALL ADHERE TO THE PROVISIONS OF THIS DIRECTIVE.**

APPROVED:

  
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Darryl D. Perry  
Chief of Police

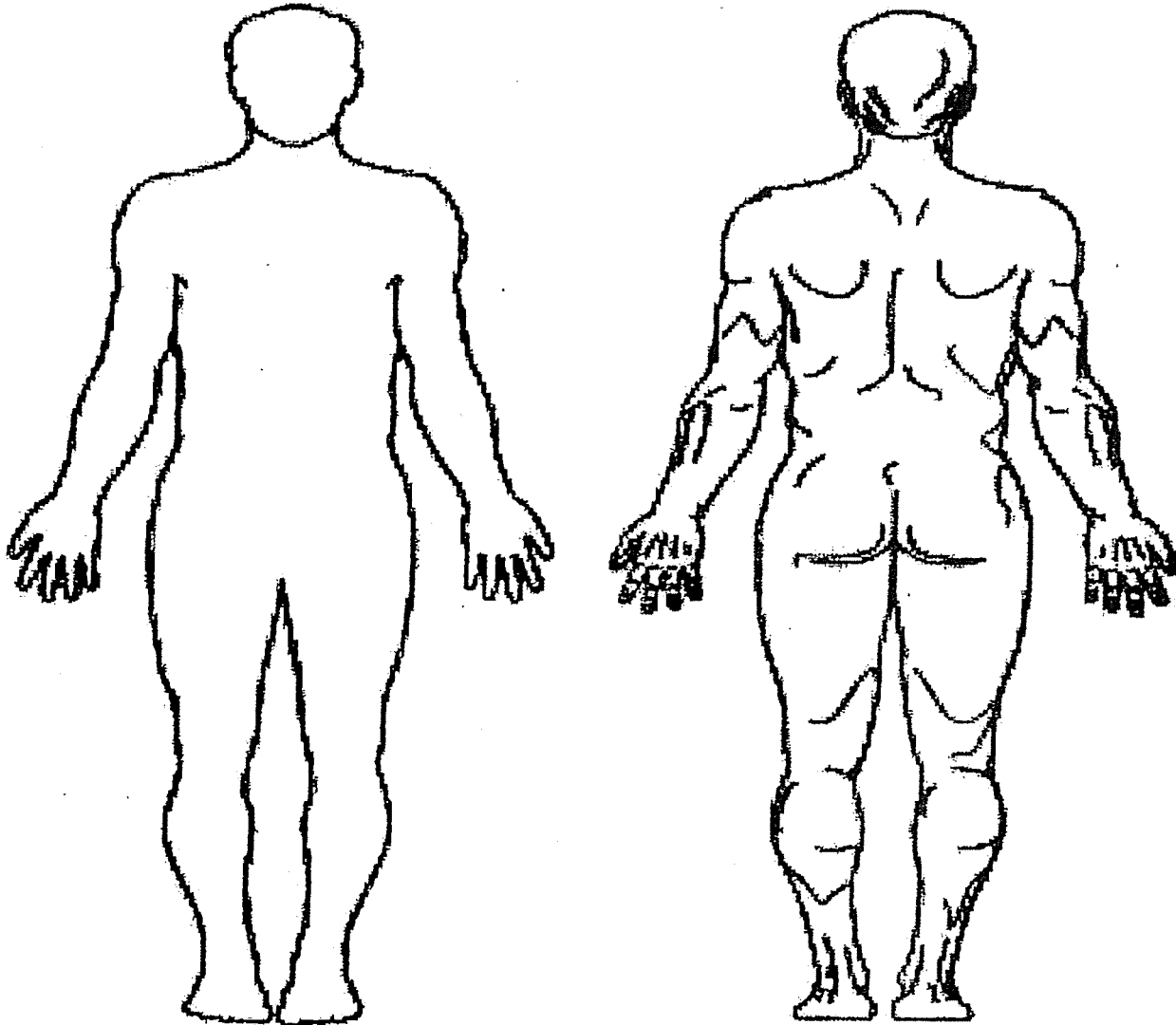
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\_\_\_\_\_  
Date

**KAUAI POLICE DEPARTMENT  
USE OF ELECTRONIC CONTROL DEVICE REPORT**

CLASSIFICATION		REPORT NUMBER
OFFICER'S NAME		ELECTRIC GUN SERIAL #
		SUPERVISOR ON SCENE
DATE OF USE	TIME OF USE	TYPE OF ELECTRIC GUN USE: (Check all that apply)
		<input type="checkbox"/> ARC DISPLAY <input type="checkbox"/> DRIVE STUN <input type="checkbox"/> PROBE DEPLOYMENT

**MARK "X" FOR ALL PROBES DEPLOYED  
MARK "S" FOR ALL DRIVE STUNS DEPLOYED**



**KAUAI POLICE DEPARTMENT  
USE OF ELECTRIC GUN REPORT**

**SUSPECT INFORMATION**

<p>GENDER : _____</p> <p>AGE : _____</p> <p>HEIGHT: _____</p> <p>WEIGHT: _____</p>	<p><b>BUILD:</b></p> <p><input type="checkbox"/> <b>OBESE</b></p> <p><input type="checkbox"/> <b>HEAVY</b></p> <p><input type="checkbox"/> <b>MEDIUM</b></p> <p><input type="checkbox"/> <b>SLIM</b></p>	<p><b>CONDUCT:</b></p> <p><input type="checkbox"/> <b>NONE</b></p> <p><input type="checkbox"/> <b>UNKNOWN</b></p> <p><input type="checkbox"/> <b>DRUGS</b></p> <p><input type="checkbox"/> <b>ALCOHOL</b></p>
<p><b>RESISTANCE AT TIME OF ELECTRIC GUN USE:</b></p> <p><input type="checkbox"/> <b>THREATENING</b>    <input type="checkbox"/> <b>KICK</b></p> <p><input type="checkbox"/> <b>POSTURING</b>      <input type="checkbox"/> <b>OTHER: _____</b></p> <p><input type="checkbox"/> <b>PUSH/PULL</b>      <input type="checkbox"/> <b>WEAPON: _____</b></p> <p><input type="checkbox"/> <b>PUNCH</b></p>		

**PROBES DEPLOYED**

<p>Cartridge Serial #: _____</p> <p>Cartridge Serial #: _____</p> <p>Cartridge Serial #: _____</p> <p># of Cycles Applied: _____</p> <p>Probes Removed By: <input type="checkbox"/> Officer    <input type="checkbox"/> Medic    <input type="checkbox"/> Hospital</p> <p>Arrestee Injured: <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Treatment for Arrestee: <input type="checkbox"/> Refused    <input type="checkbox"/> Medic    <input type="checkbox"/> Hospital</p>
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**DRIVE STUN**

<p># Of Cycles Applied: _____</p> <p>Arrestee Injured: <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Treatment For Arrestee: <input type="checkbox"/> Refused    <input type="checkbox"/> Medic    <input type="checkbox"/> Hospital</p>
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Officer's Signature: \_\_\_\_\_ Date/time: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_

