



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
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IN REPLY REFER TO:

OPNAVINST 3352.1
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OPNAV INSTRUCTION 3352.1

From: Chief of Naval Operations

Subj: HUMAN ELECTRO-MUSCULAR INCAPACITATION (HEMI) DEVICES

Ref: (a) CJCSI 3121.01B, Standing Rules of Engagement/Standing Rules for the Use of Force (NOTAL)
(b) DoD Directive 3000.3, Policy for Non-Lethal Weapons, 9 July 1996
(c) OPNAVINST 5530.14E, Navy Physical Security and Law Enforcement Program
(d) NTPP 3-07.3.2, Multi-Service Tactics, Techniques, and Procedures for the Tactical Employment of Nonlethal Weapons
(e) MARADMIN 560/08, Training and Use of Human Electro-Muscular Incapacitation (HEMI) Devices
(f) TASER® Instructors Manual (NOTAL)
(g) DoD Directive 2310.01E, The Department of Defense Detainee Program, 5 September 2006
(h) JAGINST 5800.7E, Manual of the Judge Advocate General
(i) OPNAVINST F3100.6H, Special Incident Reporting (OPREP-3 PINNACLE, OPREP-3 NAVY BLUE, AND OPREP-3 NAVY UNIT SITREP) Procedures (NOTAL)

Encl: (1) Qualification Criteria for HEMI devices

1. Purpose. To implement policy and procedures for the use of Human Electro-Muscular Incapacitation (HEMI) devices, such as TASERS®, throughout the Navy.

2. Applicability and Scope

a. Applicability. This instruction applies to all Navy military, civilian, and contractor personnel.

b. Scope. HEMI device employment will be governed by reference(a) and applicable supplemental Rules of Engagement/Rules for the Use of Force (ROE/RUF). In the event of a

conflict with reference (a) or supplemental ROE/RUF, those rules supersede any conflicting policies stated in this instruction.

3. Definitions

a. User. Any individual authorized to carry and use a HEMI device.

b. Subject. Any individual that is struck by a HEMI device probe and/or receives a HEMI device discharge.

4. Policy. In accordance with reference (b), it is the policy of the United States Navy to employ non-lethal weapons to expand the range of options available to commanders. HEMI devices are an enabling capability to further this aim.

5. Training and Certification

a. HEMI devices may only be issued to personnel trained and qualified by a certified instructor and authorized to carry HEMI devices by their commanding officer.

b. HEMI device instructors will be certified through the Inter-service Non-lethal Individual Weapons Instructor Course (INIWIC) at the Marine Corps Detachment, Fort Leonard Wood, Missouri or INIWIC Mobile Training Team, in accordance with references (c) and (d) and consistent with reference (e).

c. Re-certification of users must occur and be conducted in accordance with INIWIC guidelines provided in reference (e). Instructors must re-certify in accordance with the guidelines per reference (e).

d. Commands must retain HEMI device training and certification records on all command personnel.

6. Verbal Commands. In order to minimize the number of HEMI device discharges needed for subject compliance, users should, to the extent reasonably possible under the circumstances, provide verbal order(s) to the subject before and during HEMI deployment. Such verbal commands may include, "stop resisting," "lie flat," "put your hands behind your back," etc.

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7. Use of HEMI Devices

a. Nothing in this instruction limits a commander's authority to use all necessary means available and to take all appropriate action in self-defense. Neither the presence nor the potential effect of non-lethal weapons shall constitute an obligation for their employment or a higher standard for employment of force than provided for by applicable law.

b. HEMI devices shall not be used:

- (1) Punitively;
- (2) To rouse unconscious, impaired, or intoxicated individuals;
- (3) In an unprofessional manner, to include horseplay;
- (4) For illegal purposes (e.g., coercion, torture, etc.);
- (5) On small children, visibly or known to be pregnant women, restrained subjects, and/or passive subjects being seized;
- (6) To experiment on a person or allow a person to experience the HEMI device, even if the person requests it, when the HEMI device use would not otherwise be allowed by this policy;
- (7) When prohibited by applicable ROE/RUF, or applicable international agreements, such as Status of Forces Agreement, treaties, domestic law, or policy; or
- (8) To intentionally target any area of the body besides the torso.

c. HEMI devices may only be used against persons:

- (1) When the use of force is authorized per reference (a) or applicable supplemental ROE/RUF; or

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(2) During Department of the Navy authorized training programs and/or demonstrations when medical personnel are present.

d. In accordance with this instruction and references (a) through (f), HEMI devices may be used onboard U.S. military facilities inside U.S. territory and onboard U.S. military facilities outside U.S. territory when specifically authorized by competent authority.

8. Elevated HEMI Device Application Risk Factors. Users shall consider factors that elevate the risk of direct or secondary injuries to subjects before employing a HEMI device. The following are examples of elevated risk factors that should be considered when they are reasonably perceived by the user:

a. Presence of flammable liquids/fumes or explosive environments;

b. Whether the subject is in a position where a fall may cause serious bodily injury or death (e.g., elevated positions such as a roof, possession of or proximity to sharp objects, etc.);

c. Whether the subject is operating a moving vehicle or machinery, or whether the subject is running (fleeing);

d. Whether the subject is visibly frail or infirm, or known by the user to be frail or infirm.;

e. Whether the subject is near a swimming pool or other body of water;

f. Effect of multiple HEMI device applications; and

g. Whether the subject is holding a firearm.

9. HEMI Device use on Detainees. The use of HEMI devices against detainees shall be pursuant to this instruction, reference (g), and other laws, regulations, policies, and issuances applicable to detainee operations.

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10. Post-HEMI Device Medical Attention

a. Medical treatment will be provided to any subject who requests it.

b. If a subject of HEMI device discharge exhibits any sign of medical distress, users shall apply appropriate detention techniques, to include restraining devices, render first aid and summon emergency medical care.

c. If required, the subject will be transported to the nearest medical facility for treatment.

11. Probe Removal

a. Sensitive Areas. Only medical personnel shall remove probes located in sensitive areas of the body.

b. Non-Sensitive Areas. Removal of probes in non-sensitive areas may be done by users according to the probe-removal training guidelines set out in reference (g).

12. Photographs. When lawful and appropriate to do so, photographs should be taken of probe impact sites and any other related injuries as soon as it is reasonable to do so. While it is important to preserve evidence of the HEMI device use, it is also important not to violate any medical, privacy, or other legal statutes. Photographs shall be preserved as evidence in accordance with references (c) and (h).

13. Probes - Biohazard

a. Probes that have been deployed and strike the subject will be treated as biohazard sharps. They should be placed point down into the expended cartridge bores and appropriately secured (e.g., with latex glove(s), tape, etc.).

b. The probes and the expended cartridge(s) shall be maintained as evidence appropriately secured, tagged, and identified as biohazard(s).

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14. Notification of HEMI Device Application. If custody of a subject that received a HEMI discharge is transferred, the receiving unit shall be informed that the individual was subject to use of a HEMI device.

15. Transport Concerns

a. Avoid Face-Down Transport. Users should avoid transporting a subject who has been controlled by the use of a HEMI device face-down.

b. Transporting on Probes. If probes are still embedded in the subject, avoid transporting the subject in a position that would further embed the probes in the subject.

16. Reporting Requirements

a. Commanding officers must be advised of any discharge of a HEMI device. Commanding officers shall determine whether an investigation pursuant to reference (h) is required under the circumstances.

b. Commanding officers must report, in accordance with reference (i), any discharge of a HEMI device that is inconsistent with this instruction or requiring medical treatment. Information particular to HEMI employment will be noted in the reports, specifically:

(1) Circumstances that precipitated the use of the HEMI device (include specific subject behavior);

(2) Extent of HEMI device use (including number of times the device was discharged, settings used, and other pertinent information);

(3) Known results of the HEMI device's use (including requirements for medical attention, whether the device adequately incapacitated the subject, etc.); and

(4) Downloadable information from the HEMI device's data port system providing the time, date, and duration of recent uses.

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17. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed in accordance with Secretary of the Navy (SECNAV) Manual 5210.1.

18. Reports Control. The reports required by this instruction are exempt from reports control by SECNAV Manual 5214.1.



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