



# Alexandria Police Department

## Directive 10.32



# USE OF FORCE

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### 10.32.01 POLICY AND PURPOSE

This Department's policy and primary value is the preservation of human life. Sworn and appointed law enforcement personnel are responsible to protect life and property and to apprehend criminal offenders, but the protection of life (including the employee's) must always take priority. It is the policy of this Department to only use the force *immediately* necessary to accomplish lawful objectives *and apply de-escalation techniques when possible.* [4.1.1]

The purpose of this directive is to establish our policy on the use of force and to guide employees in the authorized use of *non-lethal*, less-lethal, and *deadly* weapons in the performance of their duties.

**10.32.02 DEFINITIONS****Appointed Law Enforcement Personnel:**

- **Hack Inspectors** are special conservators of the peace as defined in **Alexandria City Code**, with authority to enforce the taxicab regulations of the City of Alexandria, anywhere in the City and at National Airport. Hack inspectors will carry the side arm and any other authorized weapons while on duty and may use these weapons as required for the completion of their assigned duties.
- **Special Police Officers (SPOs)** are authorized under **Code of Virginia** as conservators of the peace while on duty and on the property of the Alexandria Police Department and the adjacent building, grounds and parking areas. While on duty, SPOs may carry authorized side arms and other weapons, and may use these weapons as required for the completion of their assigned duties. SPOs may make arrests with or without warrants, as provided in the Code of Virginia.

**Conducted Energy Weapon (CEW)** – Electronic devices designed to use propelled probes or direct contact to conduct electrical charge to affect the motor and sensory nervous systems.

**Deadly Force** - means any force that is likely or intended to cause serious bodily injury or death. (Virginia Code § 19.2-83.3.)

**Deadly Weapon** - means any object, other than a body part or stationary object, that in the manner of its actual, attempted, or threatened use is likely to cause serious bodily injury or death. (Virginia Code § 19.2-83.3.)

**De-Escalation** – To take action or communicate verbally and/or non-verbally during a potential force encounter to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation with a reduction in the force necessary or without the use of force. De-escalation may include the use of crisis intervention approaches, positioning available resources to contain, command presence, warnings, and verbal persuasion.

**Employee** - A generic, all-inclusive term, which may denote anyone, in any capacity, employed by the Department.

**Excessive Force** - means any force that is objectively unreasonable given the totality of the circumstances, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. (Virginia Code § 19.2-83.3.)

**Firearm** - Any weapon from which a projectile is forcibly ejected by an explosive, gas, or spring device.

**Hobble** - A supplemental restraint system using a one-inch wide webbed belting designed to be used in various situations to secure the legs and ankles of a subject.

**Impact-Weapon** – The Monadnock Expandable Baton and the DMS 24-inch Public Order Baton are the only authorized and approved impact weapon for use by sworn members of this Department.

**Immediate Threat** - *A threat that is actively occurring at the present time.*

**Kinetic Impact Munitions** - *includes impact rounds and baton rounds, such as rubber batons, bean bag rounds, foam baton rounds, and plastic, wax, wood, or rubber-coated projectiles. (Virginia Code § 19.2-83.3.)*

**Less-Lethal Force** - *The use of physical force or any weapon other than a firearm in a manner neither likely nor intended to cause serious physical injury or death, but may cause lesser injuries, when properly used.*

**Limited-Enforcement Personnel** - Employees who have been granted restricted authority under city and/or state code to enforce certain laws or ordinances. Parking enforcement officers, tag enforcement officers and animal control officers fall within this category and may enforce only those laws or ordinances specified within their job descriptions. Limited enforcement personnel are authorized to carry OC spray for defensive use only. All provisions of this directive apply to any such use.

**Miscellaneous Weapons** – An improvised weapon, such as a clipboard, flashlight, pen, portable radio, etc., used only when time or circumstance does not allow for the use of an approved weapon.

**Non-Lethal (formerly called “Non-Deadly”) Force** – The use of physical force or any weapon other than *an impact weapon, CEW, or* firearm in a manner neither likely nor intended to cause serious physical injury or death.

**Non-Sworn Personnel** - Employees who have no law-enforcement authority.

**Oleoresin Capsicum (OC)** - An inflammatory substance naturally occurring in cayenne peppers (genus capsicum). It is the active ingredient in OC spray dispensers.

**PepperBall Launcher** - A less-lethal weapon that fires a projectile containing OC liquid or powder with the intention to subdue or render a subject non-threatening, and which is neither likely nor intended to cause serious physical injury or death.

**Police Officers** - Sworn personnel who have taken an oath of office to uphold all laws of the United States, the Commonwealth, and the City. Police officers have the full authority granted to law enforcement officers in the Code of Virginia, both on and off duty, may carry authorized deadly, less-lethal and non-lethal weapons, and may use such weapons as required for the completion of their assigned duties.

**Positional Asphyxia** - a condition which may be caused or exacerbated by stress owing to the position of the body, with the stress influencing or inhibiting respiration.

**Public Safety/Criminal Justice Associate** - *Includes, but is not limited to, members of task forces with which the Department works, members from other agencies with shared or concurrent jurisdictions, and representatives from support organizations within the broader criminal justice system.*

**Reasonable Belief** - When facts or circumstances a sworn or appointed law enforcement officer knows, or should know, are such as to cause a reasonable sworn or appointed law enforcement officer to act or think in a similar way under similar circumstances. **[4.1.2]**

**Serious Physical Injury** - An injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, or impairment of the function of any bodily organ or limb. **[4.1.2]**

**Side Arm** – The issued handgun usually worn at the waist, but which may be carried at other locations on the body.

**Spit Sock** – Personal protective equipment consisting of a mesh netting that fits over the head of an arrested person to prevent the transfer of saliva from one person to another.

**Sworn Personnel** - Police officers who have taken an oath of office to uphold all laws of the United States, the Commonwealth of Virginia, and the City of Alexandria. Also see the definition of police officer.

**Neck Restraint** - *means the use of any body part or object to attempt to control or disable a person by applying pressure against the neck, including the trachea or carotid artery, with the purpose, intent, or effect of controlling or restricting the person's movement or restricting the person's blood flow or breathing, including chokeholds, carotid restraints, and lateral vascular neck restraints. (Virginia Code § 19.2-83.3.)*

**Violent Prisoner Restraint Device** – A supplemental restraint system designed to be used in conjunction with the Hobble used to control the upper body of a prisoner during transport, limiting the ability of that prisoner to injure themselves or others during or after transport.

**Weaponless Physical Force** - physical control exerted over a person through the use of authorized physical control techniques, i.e., open hand, closed hand, or pain compliance.

### **10.32.03 WEAPONS ISSUING AND TRAINING**

A. Employees are authorized to carry and use on duty only ammunition and firearms that have been approved by the range manager, and only those non-lethal weapons approved by *the Tactical Training Response Unit (TTRU) sergeant*. In addition to the approval just mentioned, all weapons must be specifically authorized for each

individual employee by the Chief of Police. Specific descriptions of these weapons and ammunition may be found in the Police Directives on weapons in Chapter 7.0; and 6.3 Uniforms, Equipment and Appearance. All deadly, less-lethal and non-lethal weapons will be inspected by a certified weapons instructor or armorer before issuance *and during annual training*. Unsafe weapons will be removed from service. A record of all deadly, less-lethal and non-lethal weapons issued to each employee will be maintained in the Property Section. Non-issued weapons may be carried on duty only after approval by the range manager and authorization from the Chief of Police. **[4.3.1c,e]**

- B.** All personnel other than police officers (see definition at 10.32.02) are prohibited from carrying issued deadly, less-lethal and non-lethal weapons while off duty and are prohibited from carrying non-issued weapons on Police Department property, in police vehicles, or while conducting Department business at any time. This includes firearms for which employees may have concealed weapon permits from Virginia or any other jurisdiction.
- C.** Employees must have been issued Police Directives 10.32 Use of Force and 7.2, OC Spray (sworn, appointed and limited enforcement personnel); and 7.1 Firearms, 7.3 Impact Weapons, 7.4 LLM, and 7.5 PepperBall Launcher (sworn and appointed personnel); and must have received the recognized courses of instruction or training on those directives and policies before any deadly, less-lethal or non-lethal weapons are carried or used in accordance with this policy. Records of such issuance and training will be kept in the appropriate files in the Property Unit and Training and *Recruitment* Section respectively. **[4.1.4][4.3.4]**
- D.** All personnel approved to carry weapons must demonstrate proficiency in the use of agency-authorized deadly, less-lethal and non-lethal weapons before being authorized to carry such weapons. Such demonstrations of proficiency will be coordinated by the *Emergency Readiness and Training Division* in cooperation with operational commanders, the range manager, and the TTRU sergeant and may be accomplished in conjunction with the training required in section **C** above.
- E.** At least annually, all personnel approved to carry weapons will receive in-service training on the agency's use of force policies and demonstrate proficiency with all approved deadly weapons, conducted energy weapons and the less lethal munitions (LLM) that the employee is authorized to use. In-service training for other less lethal weapons and weaponless control techniques shall occur at least biennially. In addition: **[4.3.2][4.3.2][4.3.4]**
1. Proficiency training must be monitored by a certified weapons instructor; **[4.3.3a]**
  2. Training and proficiency must be documented; and **[4.3.3b]**

3. Employees who are unable to demonstrate proficiency with a weapon are not authorized to return to duty with that weapon until such time as proficiency is demonstrated and documented. **[4.3.3c]**
4. Procedures for remedial training, for those sworn and appointed officers who are unable to qualify with an authorized firearm are found in Police **Directive 7.1, Firearms**. Documentation will be included in the regular reports on firearms training submitted by the range officer. **[4.3.3c]**

**F. Responsibilities of the Emergency Readiness and Training Division (ERT)**

1. *Annually, the commander of the Emergency Readiness and Training Division (ERT) and the Tactical Training Unit supervisor in collaboration with the Office of Professional Responsibility (OPR), will conduct a review of all assaults on law enforcement officers and use of force incidents to determine trends or patterns with recommendations to enhance officer safety, revise policy, or address training issues.* **[4.2.5]**
2. *Annually, the Tactical Training Unit shall be responsible for conducting training to ensure employees understand the practical application of de-escalation techniques. Consideration should be given to scenario-based training, the concept of crisis recognition, effective communication, using distance and cover to create time, contact and cover responsibilities, and “slowing down” situations that do not pose an immediate threat.* **[4.1.1]**

**10.32.04 USE OF DEADLY FORCE**

**[1.2.2]**

- A. Personnel should refer to *Virginia Code 19.2-83.5. Use of deadly force by a law-enforcement officer during an arrest or detention in determining if a law-enforcement officer's use of non-lethal, less-lethal, and deadly force is proper. The following factors shall be considered:*
1. *The reasonableness of the law-enforcement officer's belief and actions from the perspective of a reasonable law-enforcement officer on the scene at the time of the incident; and*
  2. *The totality of the circumstances, including:*
    - i. *the amount of time available to the law-enforcement officer to make a decision;*
    - ii. *whether the subject of the use of deadly force*
      - a. *possessed or appeared to possess a deadly weapon and*
      - b. *refused to comply with the law-enforcement officer's lawful order to surrender an object believed to be a deadly weapon prior to the law-enforcement officer using deadly force;*

- iii. *whether the law-enforcement officer engaged in de-escalation measures prior to the use of deadly force, including taking cover, waiting for backup, trying to calm the subject prior to the use of force, or using non-deadly force prior to the use of deadly force;*
- iv. *whether any conduct by the law-enforcement officer prior to the use of deadly force intentionally increased the risk of a confrontation resulting in deadly force being used; and*
- v. *the seriousness of the suspected crime.*

**B.** *A law-enforcement officer shall not use deadly force against a person unless:*

1. *The law-enforcement officer reasonably believes that deadly force is immediately necessary to protect the law-enforcement officer or another person, other than the subject of the use of deadly force, from the threat of serious bodily injury or death.*
2. *If feasible, the law-enforcement officer has provided a warning to the subject of the deadly force that he will use deadly force*
3. *The law-enforcement officer's actions are reasonable, given the totality of the circumstances; and*
4. *All other options have been exhausted or do not reasonably lend themselves to the circumstances.*

**[4.1.2]**

**C.** The use of deadly force to apprehend or prevent the escape of a fleeing felon is justified only when and if all the following conditions are met:

- a. The *law enforcement officer* has probable cause to believe that a serious violent felony has been committed and the person to be arrested has committed it; and
- b. The *officer* has identified himself or herself as a police officer or law enforcement personnel and given notice of the intention to arrest (time and circumstances permitting); and
- c. *The officer reasonably believes that deadly force is immediately necessary to protect the officer or another person, other than the person whose arrest is sought, from an immediate threat of death or serious physical injury to the officer or others, if apprehension is delayed.*
- d. The *officer* has exhausted all other reasonable means of apprehension; and
- e. The *officer* has taken all reasonable precautions to ensure that innocent persons will not be endangered by the use of *deadly* force.

**Note:** *In both sections B and C above, unless the officer can articulate an immediate threat of serious injury or death to himself or others, deadly force is not permitted.*

*Therefore, when the immediacy is gone, deadly force cannot be used. This is stated in both Tennessee v. Garner and Virginia Code 19.2-83.5. The factors listed in subsection B of Virginia Code 19.2-83.5 provide guidelines and the court will look at the totality of the circumstances of all these factors to make a determination if the deadly force was reasonable.*

D. The use of deadly force to destroy animals that are seriously injured, suffering, or dangerous is justified only when no other disposition is reasonably practical.

- a. A supervisor's prior approval should be sought when practical.
- b. When an officer destroys an animal, the carcass will be turned over to the Animal Shelter. The Animal Shelter is responsible for ensuring that it is tested for rabies and distemper, when appropriate, and notifying the officer of the results.
- c. Notify the Office of Professional Responsibility that an animal was destroyed with a firearm.

E. All due care will be used to prevent injury to citizens. Warning shots will not be fired for any reason. **[4.1.3]**

F. *The willful discharge of a firearm by a law-enforcement officer into or at a moving vehicle is prohibited unless the discharge of a firearm is immediately necessary to protect the law-enforcement officer or another person from death or serious bodily injury.*

1. As in any case in which deadly force is used, the safety of innocent persons is of paramount importance and the employee's actions shall not unreasonably jeopardize the safety of such persons. Further, employees must consider the following factors in determining whether shooting at or from a moving vehicle is justified under the foregoing standard:
  - a. An occupant of the target vehicle is using or threatening to use **deadly** force by a means other than the vehicle.
  - b. The target vehicle is being operated in a manner deliberately intended to strike an employee or a citizen.
  - c. All other reasonable means of defense (including taking cover or moving out of the path of the vehicle or taking other evasive action) have been exhausted, are not practical, or are not present.
2. Employees should also be aware and cognizant of the following factors when making decisions on shooting at or from moving vehicles:
  - a. Bullets fired at a moving vehicle are unlikely to stop or disable the vehicle.

- b. Bullets may ricochet off glass or metal and cause injury to employees or other persons.
- c. The vehicle may crash and cause injury to others if the bullets disable the driver.
- d. Shooting at or from a moving vehicle is extremely difficult, greatly reducing the likelihood of striking the intended target.

#### **G. Controlled, Directed Fire:**

1. Controlled, directed fire is controlled and deliberate targeted fire at an active *deadly* threat to enable officers to advance to and stop that *deadly* threat.
2. Controlled, directed fire may be used only under the following conditions:
  - a. To protect citizens and/or officers when there is an immediate danger to human life from indiscriminate shooting from a subject.
  - b. To cover the movement of an officer or element that is moving to a tactical location during an active shooter or coordinated assault incident.
  - c. To cover the retreat of officers or civilians when met with overwhelming gunfire or multiple shooters.
  - d. When the officer reasonably believes that the area targeted is where a *deadly* threat is located.
  - e. When the officer reasonably believes that the area in which he/she is firing is capable of accepting and/or defeating the round. [1.2.2]

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| <b>10.32.05</b> | <b>USE OF LESS-LETHAL AND NON-LETHAL FORCE</b> |
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| <b>[1.2.2]</b> |
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**A.** Use of less-lethal and non-lethal force is justified when employees only use the force *immediately* necessary to accomplish lawful objectives. The decision on what level of force to use should be made based on the resistance by the person and weapons possessed by the person. Employees must always hold a position of advantage over resistive persons but should escalate or de-escalate the use of force in response to the actions of the other person(s). [4.1.1] [4.1.4] [4.3.4]

**B.** When possible, force should be used to maintain a position of advantage in response to opposing force (i.e. physical presence, verbal commands, use of OC, physical control holds, use of an impact weapon, miscellaneous weapons, and as a final option, deadly force). There are occasions when an employee may be required to defend against an attack with whatever is available; to include items not normally considered

weapons. These items, while not encouraged, shall not be prima facie evidence of inappropriate use of force. *In these instances, it shall be incumbent upon the employee to articulate and document within the incident report the circumstances that justified the force and method.* [4.1.4] [4.3.4]

- C.** The potential for causing death or serious injury with less-lethal or non-lethal weapons is a reality. This potential is greatly reduced when impacts to the head and neck are avoided. When using impact weapons and less-lethal munitions, employees will be aware of the below contact areas, which are based on the potential for injury to the human body.
1. Green areas: the extremities (arms, hands, legs and feet); these areas will be considered when incapacitation is necessary, and a minimal potential for injury is the appropriate response.
  2. Yellow areas: joints and the torso; these areas will be considered when an escalation of force above the green areas is necessary and appropriate. Impact to these areas has an increased potential for serious physical injury.
  3. Red areas: the head, neck, spine, solar plexus, and kidney areas; intentional impacts to these areas will be avoided unless the use of deadly force is justified, necessary and appropriate.
- D.** The Less-Lethal and Non-Lethal Force options available to properly trained, sworn personnel are:
1. OC Spray – Refer to Police Directive 7.2 OC Spray.
  2. PepperBall Launcher – Refer to Police Directive 7.5 PepperBall Launchers.
  3. Conducted Energy Weapons – Refer to Police Directive 7.6 Conducted Energy Weapons.
  4. Less-Lethal Munitions – Refer to Police Directive 7.4 Less-Lethal Munitions.
  5. Impact Weapons – Refer to Police Directive 7.3 Impact Weapons. [4.1.4]
- E.** Sworn and appointed law enforcement personnel should be aware of the possibility of burn injuries when hot automobile hoods are used to control suspects during arrest and should refrain from doing so except in an emergency. If the situation warrants using a body surface of a vehicle to gain control of an arrestee, employees should use the trunk area instead of the hood whenever practical.
- F.** Weapons of any kind will only be used by trained and authorized personnel.
- G.** See Police Directive 10.19 K-9 Operations regarding use of force by K-9 personnel.

- H. Vascular Neck Restraints and Choke Holds** *the use of a neck restraint by a law-enforcement officer is prohibited unless the use of a neck restraint is immediately necessary to protect the law-enforcement officer or another person from death or serious bodily injury. (VA Code § 19.2-83.4.) Neck restraints will not be used by employees to include circumstances involving evidence retrieval from suspects. These techniques pose the same risk of injury and death to the subject as deadly force.* [4.1.7]
- I.** *Any type of technique that involves holding a detainee with a knee or other object to the back of their neck is expressly prohibited.* [4.1.7]

#### **10.32.06 USE OF VEHICLES/VEHICLE STOPS**

Under certain circumstances, use of a vehicle to attempt to make an arrest may be analogous to use of deadly force. Employees will adhere to all provisions of this directive and the provisions of Police Directive 10.11B Emergency Vehicle Pursuits while deciding when and how to use a vehicle in an arrest situation.

#### **10.32.07 POSITIONAL ASPHYXIA**

- A.** Positional asphyxia (see definition at 10.32.02) may cause the death of persons in police custody if safeguards are not observed. Employees should ensure careful monitoring of suspects, especially under the following circumstances, which may be associated with in-custody deaths due to positional asphyxia:
1. Obesity of the suspect.
  2. Intoxication caused by drugs or alcohol.
  3. Violent or bizarre behavior.
  4. Violent struggle requiring restraint in excess of normal handcuffing (i.e. hobbles, Spit Sock, violent prisoner restraint devices, etc.).
  5. Unresponsive suspect during or immediately after a struggle.
- B.** To minimize the risk of positional asphyxia, employees will carefully observe the following safeguards:
1. Monitor in-custody suspects for gurgling, gasping, or unresponsiveness and summon medical assistance if any of these symptoms are present.
  2. Avoid leaving suspects positioned so they are lying face down for prolonged periods of time.

3. If handcuffs alone are insufficient to reasonably control the suspect, use of the hobbles should be attempted if they are available. It should be noted that there should be little or no asphyxiation issues with the use of the hobbles, since the feet are tethered to the door frame. Only trained, sworn personnel are authorized to use hobbles.

**C.** If a suspect is restrained in addition to normal handcuffing, employees will:

1. Monitor the suspect carefully.
2. Remove the additional restraints as soon as it can be done safely.
3. Include the following information in the Offense/Incident Report (APD-7):
  - a. Actions taken by the person(s) restrained, including documentation of the level of resistance encountered.
  - b. A description of the restraint that was used and its consequences.
  - c. How long the suspect was restrained.
  - d. How long the suspect was prone (laying face down), if applicable.
  - e. How long transportation of the suspect lasted.
  - f. Identification of any witnesses.
  - g. Any other pertinent details.

#### **10.32.08 REPORTING**

##### **A. Employee Responsibilities:**

1. As soon as possible, but certainly within one hour of being involved in any of the circumstances listed below, an employee will notify a supervisor and provide a brief statement of the facts surrounding the use of force.
  - a. When an officer discharges a firearm for other than training or recreational purposes. **[4.2.1,a]**
  - b. When action taken by the employee results in or is alleged to have resulted in injury or death of another person. **[4.2.1,b]**
  - c. When an employee applies force by means of a K-9, a baton, OC spray, CEW, or any other weapon. **[4.2.1,c]**

- d. On the complaint of a person that he or she has sustained an injury, or that the use of force by the employee was excessive. **[4.2.1,d]**
2. Whenever weaponless physical control is exerted over a person through the use of authorized physical control techniques, i.e., open hand, closed hand, or pain compliance, it will be recorded in the PD-7 Offense Report. **[4.2.1d]**

**B. Supervisor Responsibilities:**

1. The employee's immediate supervisor or a supervisor on-duty at the time will respond to the scene and investigate all incidents involving use of force by an employee as soon after the incident as possible (preferably at the incident scene).
2. If the Use of Force involves a CEW, the investigating supervisor should refer to Police Directive 7.6.04, Conducted Energy Weapons, for the proper collection of evidence and required notifications.
3. In order to ensure proper case management, the supervisor will, by the end of their shift, notify the Office of Professional Responsibility (OPR) via email that they have initiated a use of force investigation. Upon receiving this notification, OPR will open the investigation in Blue Team, assign the event an OPR case number, and forward it to the investigating supervisor in Blue Team.
4. The investigating supervisor will obtain a written or recorded statement from the involved employee. The statement will include the following information:
  - a. Actions taken by the person(s), against whom force was used, including documentation of the level of resistance encountered.
  - b. Actions taken by the employee, including the nature of force used and its consequences.
  - c. Injuries sustained or inflicted.
  - d. Identification of known witnesses.
  - e. Any other pertinent details.
5. When an employee is incapacitated or otherwise incapable, the immediate supervisor or the person acting in that capacity is responsible for completing the statement of facts.
6. The supervisor will identify (including full name, address, phone number, date of birth, social security number, sex, and race), interview, and obtain written or recorded statements from all witnesses, complainants, and suspects. **[4.2.2]**

7. Review the statements and ensure that they fully address the specifics of the investigation. Address any discrepancies by re-interviewing witnesses, complainants, suspects and employees. **[4.2.2]**
8. The supervisor will then complete the memorandum (see Police Directive 2.3, Complaints and Disciplinary Actions, Appendix A for memorandum format) showing the results of the investigation. The supervisor will: **[4.2.2]**
  - a. Review the employee's formal disciplinary actions records to ascertain the number of incidents of reported uses of force within the last 24 months and document this information in the memorandum.
  - b. Comment on whether there is reason to believe that the number of incidents may indicate the need for counseling, coaching, training, or other type of referral.
  - c. Classify the use of force as falling into one of the following categories:
    - **Within Policy Limits** - The use of force was justified and was not excessive. This finding does not preclude a separate recommendation for counseling, coaching or training, none of which qualifies as a disciplinary action.
    - **Not Within Policy Limits** - the force was excessive or unnecessary. The employee(s) involved in the incident did not need to use force and/or the degree of force used was excessive. This finding mandates the lodging of disciplinary charges for excessive force.
    - **Unfounded** – the allegation is false or not factual.
9. Within 30 days of the use of force, the supervisor will send the investigation memorandum and all attachments, through the employee's chain of command via Blue Team for review and comments. **[4.2.2]**

**C. Commander Responsibilities:**

All commanders will ensure that the incident was thoroughly investigated, that the finding falls within one of the three categories shown above, and that a recommendation for appropriate remedial action, if necessary, is documented. The package will then be forwarded to the Chief of Police through OPR. **[4.2.2]**

**D. Office of Professional Responsibility:**

1. OPR will review all reports and memorandums regarding the use of force, make appropriate comments, and forward them to the Chief of Police. **[4.2.2]**

2. The employee(s) involved in a use of force incident and the investigating supervisor will be notified, in writing, by OPR as to the results of the investigation. If the use of force is determined to be “Not Within Policy Limits”, the employee’s chain of command will also be notified.
3. Annually, the commander of OPR will conduct an analysis of the Department’s use of force activities, policies, and practices. The analysis should identify:
  - a. Date and time of incidents,
  - b. Types of encounters resulting in use of force,
  - c. Trends or patterns related to race, age and gender of subjects involved,
  - d. Trends or patterns resulting in injury to any person including employees, and
  - e. Impact or findings on policies, practices, equipment, and training. **[4.2.4]**

E. When an employee is directly involved in a use of force that results in death or serious injury, he or she must participate in a debriefing with a mental health professional (see also Police Directive 4.5, Resiliency and Peer Support.), which will be arranged jointly by the commanders of the Office of Professional Responsibility and Human Resources and *Labor Relations* Division.

#### **10.32.09 DEADLY FORCE INVESTIGATION**

See Police Directive 10.35 Investigation of *Deadly* Force and In-Custody Deaths regarding the investigation of deadly force *and circumstances where the application of less-lethal or non-lethal force results in death.*

#### **10.32.10 DUTY TO INTERVENE/DUTY TO RENDER AID**

##### **A. Duty to Intervene:**

1. *Any law-enforcement officer who, while in the performance of his official duties, witnesses another law-enforcement officer engaging or attempting to engage in the use of excessive force against another person shall intervene, when such intervention is feasible, to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force. A law-enforcement officer shall also render aid, as circumstances reasonably permit, to any person injured as the result of the use of excessive force.*
2. *Any law-enforcement officer who intervenes pursuant to subsection 1. or who witnesses another law-enforcement officer engaging or attempting to engage in the use of excessive force against another person shall report such intervention or use of excessive force in accordance with the law-enforcement officer's employing agency's policies and procedures for reporting misconduct committed by a law-*

*enforcement officer. No employing agency shall retaliate, threaten to retaliate, or take or threaten to take any disciplinary action against a law-enforcement officer who intervenes pursuant to subsection 1. or makes a report pursuant to this subsection. (Virginia Code §19.2-83.6)*

3. Employees must promptly report any excessive, unreasonable, or improper application force to a supervisor. Supervisors must respond and document the incident according to Police Directive 10.32.08.B.

4. *When the incident involves a public safety associate, employees must report the incident to their supervisor. Supervisors must respond and document the incident and report it to the commander of the Office of Professional Responsibility, who will notify the Chief of Police immediately.* [1.2.10]

B. Sworn, appointed and limited enforcement personnel will take the appropriate steps to render necessary or requested medical aid *as quickly as reasonably possible* after use of deadly, less-lethal and non-lethal weapons. Such steps must be decided on a case-by-case basis and should take into consideration the severity of the injury, employee safety, and the level of medical training possessed by the employee. In most cases, arranging for the injured person to be treated at the scene or transported to the hospital will be sufficient. *An ambulance will be called whenever there are obvious severe injuries, medical distress (i.e., a heart condition, diabetes, respiratory difficulty, etc.) is apparent, or the individual is unconscious.* [4.1.5]

#### **10.32.10 ADMINISTRATIVE ASSIGNMENT**

A. Any employee, whose action(s) or use of force in an official capacity results in a death or serious physical injury, or who shoots at and misses any person, will be immediately removed from operational assignments and reassigned to administrative duties or administrative leave, pending investigative review by the Chief of Police. See also Police Directive 10.35.06 (G). [4.2.3]

B. An officer or other employee causing minor injury to another person by use of force other than a firearm need not be automatically reassigned, but an investigative review by the Chief of Police may determine if a temporary administrative assignment is appropriate.

**BY AUTHORITY OF:**

**Don Hayes  
Chief of Police**