




ARLINGTON COUNTY POLICE DEPARTMENT DIRECTIVE MANUAL

Chapter: 5 <i>Procedures</i>	Revision Date: <i>April 3, 2025</i>	Initiation Date: <i>October 15, 2013</i>	By Authority of the Chief of Police  Chief Charles A. Penn
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538.04 Use of Force

I. Overview

The Arlington County Police Department's highest priority is the sanctity of human life. In all aspects of their conduct, officers shall act with the foremost regard for the preservation of human life and the safety of all persons. The Department is committed to accomplishing its mission with respect and by using communication, crisis intervention, and de-escalation tactics before resorting to force, whenever feasible.

This directive does not create a standard of safety or care above which is embodied in law, nor does it enlarge an officer's civil or criminal liability in any way. Rather, violations of this directive may form the basis for disciplinary action by the department in an administrative setting only.

II. Policy

It is the policy of the Arlington County Police Department to value and preserve human life. Officers may use only the force that is objectively reasonable to effectively gain control of an incident, while protecting the safety of the officer and others, in keeping with the standards set forth in *Graham v. Connor*, 490 U.S. 386 (1989) and the United States Constitution. Officers may use only the level of force that a reasonable officer on the scene would use under the same or similar circumstances to bring an incident or non-compliant suspect under control, detain or arrest a person, prevent an escape, and/or protect the lives or personal safety of themselves or others. The amount of force applied by officers shall be objectively reasonable given the facts and totality of circumstances confronting them [4.1.1].

III. Definitions

- A. Active Countermeasures - Techniques used to gain control of or defend oneself and others from resistant individuals. Active countermeasures include strikes to specific target areas, using hands, elbows, knees, legs, and feet.
- B. Authorized Impact Weapons - Weapons issued or specifically approved by the department for use in a striking manner. Such weapons include, but are not limited to, expandable batons, straight batons, side-handle batons, and certain large metal flashlights. Small flashlights not exceeding eight inches are not considered impact weapons for the purpose of this directive.
- C. Control Holds – Joint manipulation techniques used to gain control of individuals who are resisting lawful orders, a threat to public safety or require detention for law enforcement purposes. Joint manipulation techniques, when applied correctly, target joints and sensitive nerves.
- D. Deadly Force - Intentional force, which if successfully effected, is reasonably likely to cause death or a grave, potentially fatal, injury.
- E. De-escalation - A process or collection of tactics used to prevent, reduce, or manage behaviors associated with conflict such as verbal or physical agitation, aggression, violence, or similar behaviors. De-escalation involves taking action or communicating verbally during a potential force encounter in an attempt 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 without the use of force or reduction in the force.

necessary. [4.1.1]

- F. 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.
- G. Less Lethal Force - Intentional force, other than that which is considered deadly force, used to overcome the resistance of another, or to restrain and/or apprehend an unwilling person, which is not likely to cause death or a grave, potentially fatal, injury.
- H. Mass or Area Deployment - The dispersal of tear gas or other chemical substances across exterior open space or into buildings where area-wide coverage occurs, as opposed to a stream or other concentrated delivery of chemical substance aimed to strike a specific individual.
- I. Neck Restraint – 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 restraints.
- J. Serious Bodily Injury - A physical injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.
- K. Immediate / "Imminent" Threat – An appearance of threatened and impending injury as would put a reasonable and prudent person to his/her instant defense.
- L. Objective Reasonableness – The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations. The circumstances to be considered include but are not limited to: [4.1.1]
 - 1. The severity of the crime.
 - 2. The immediate threat posed by a suspect to the officer or others.
 - 3. The level of resistance presented by a suspect.
 - 4. The potential danger to the community posed by a suspect.
 - 5. Rapidly evolving circumstances and/or the rapidly changing dynamics of a situation.

IV. Procedure

- A. **De-escalation** - An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force. [4.1.1]
 - 1. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.
- B. **Less Lethal Force** - Officers shall apply a standard of objective reasonableness and consider the totality of the circumstances known to them at the time of an incident in their decision to use less lethal force. [4.1.4]
 - 1. Officers must select a level of force that is objectively reasonable for the given circumstances. In less-lethal force situations, officers shall deploy only those weapons and techniques for which they are trained and only in the manner in which they were trained. [4.3.2]
 - 2. With exception to the minimal force used to control an individual who is under escort when detained or arrested, the use of physical force should be discontinued when resistance ceases or when the incident is under control.

3. Officers are authorized to use less lethal force to: [4.1.4]
 - a. Defend themselves or others from assaults and other threats.
 - b. Arrest, detain, subdue, control, and/or restrain a non-compliant suspect.
 - c. Prevent the escape of a suspect.
 - d. Bring an unlawful or dangerous situation safely and effectively under control.
- C. **Deadly Force** - Virginia Code §19.2-83.5. Use of deadly force by a law-enforcement officer during an arrest or detention, states:
 1. A law-enforcement officer shall not use deadly force against a person unless: [4.1.2]
 - a. 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;
 - b. If feasible, the law-enforcement officer has provided a warning to the subject of the deadly force that he will use deadly force;
 - c. The law-enforcement officer's actions are reasonable, given the totality of the circumstances; and
 - d. All other options have been exhausted or do not reasonably lend themselves to the circumstances.
 2. In determining if an officer's use of deadly force is proper, the totality of the circumstances shall be considered, including the following factors:
 - a. 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
 - b. The immediate threat posed to human life; and
 - c. The amount of time available to the law-enforcement officer to make a decision;
 - d. Whether the subject of the use of deadly force:
 - (1) Possessed or appeared to possess a deadly weapon and
 - (2) 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.
 - e. 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;
 - f. 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
 - g. The seriousness of the suspected crime
 3. Officers are also authorized to use deadly force to prevent the escape of a dangerous suspect, provided that:
 - a. The officer has probable cause to believe that the suspect poses an immediate threat of death or serious physical injury to officers and/or the public, and
 - b. The suspect has threatened the officer with a weapon, or the officer has probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm, and
 - c. There appears to be no other reasonable alternative to prevent the escape, and that unless deadly force is used, the suspect will likely succeed in his escape effort, and

- d. If feasible under the existing circumstances, some warning to the suspect has been given or attempted.
 - 4. In situations where deadly force is authorized, officers may deploy any weapon, object, or technique at their disposal regardless of training and/or the object's intended purpose.
 - a. Neck restraints are considered deadly force and may only be used when it is immediately necessary to protect the officer or another person from the threat of serious bodily injury or death. [4.1.6] [4.1.7]
 - 5. Deadly force shall not be used against persons whose actions are a threat only to themselves or property.
- D. **Use of Firearms** - Officers shall discharge firearms with appropriate care and caution, seeking to minimize the risk to unintended targets to the extent that is tactically feasible. Officers are referred to Directive 538.01 for additional regulations pertaining to the use, storage, and care of departmental firearms.
- 1. Officers may discharge firearms in the performance of their duty to:
 - a. Defend themselves or others in accordance with standards and requirements established in sub-section IV. C. of this directive.
 - b. Apprehend a dangerous fleeing suspect in accordance with standards and requirements established in sub-section IV. C. of this directive.
 - c. Deploy a Less Lethal Munition utilizing training and equipment provided by the department, in accordance with Manual directive 538.01 Firearms.
 - d. Defeat a door, doorframe, or locking mechanism utilizing ballistic breaching training and equipment provided by the Department, in accordance with Manual Directive 538.01 Firearms.
 - e. Humanely destroy a dangerous or suffering animal, in accordance with Manual directive 533.01 Animal Cases.
 - f. Participate in firearms practice, requalification, and/or weapon maintenance at an approved firearms range.
 - 2. *Firearm Prohibitions* – Officers shall not discharge a firearm to:
 - a. Fire a warning shot. [4.1.3]
 - b. Fire at a moving vehicle unless the discharge of a firearm is immediately necessary to protect the law-enforcement officer or another person from death or serious bodily injury. [4.1.1]
 - (1) Example 1 - An occupant of the vehicle is using, or is threatening to use, lethal force by some means other than the vehicle (e.g., occupant is firing a gun from the vehicle), or
 - (2) Example 2 - The vehicle is operated in a manner deliberately intended to strike an officer or citizen, and all other reasonable means of defense, as well as all other reasonable evasive actions (including moving out of the path of the vehicle), have been exhausted, are not practical, or are not available.
 - 3. *Display of Firearms* - Officers may unholster and/or display firearms whenever a reasonable anticipation exists that a firearm may be quickly needed, or as necessary and appropriate during normal maintenance, storage, and/or transport.
 - a. Because the circumstances in which appropriate display of firearms are so numerous and varied, and because one officer's perception of a threat may differ from another's, this directive makes no attempt to describe all such situations. However, officers are directed to exercise sound judgement when displaying firearms, and to consider the safety and welfare of the public when doing so.

- b. The mere display of a firearm, including the pointing of that firearm at a suspect without a subsequent discharge, does not constitute deadly force. However, the pointing of a firearm at any person is a serious act, and officers shall not do so unless they can tactically justify their actions. Whenever a firearm is pointed at a person(s) the circumstances shall be documented in a Case Report or Case Supplement. If multiple officers pointed their firearms at any person, each officer must individually document their actions.
- E. **Use of Chemical Agents and Chemical Munitions** [4.1.4] - Chemical agents, such as pepper spray (OC), may be used in situations where force is permitted, provided that the officer has been trained in the use of the substance and is approved for such use by the department.
 - 1. *Chemical munitions* – Chemical munitions may be deployed when:
 - a. Members of a crowd or other assembly assault, threaten, or endanger innocent bystanders, either by a direct act or by the creation of inherently dangerous conditions.
 - b. Members of a crowd or other assembly assault or threaten to assault any person by discharging weapons, throwing objects, physically storming police lines, or other acts that may endanger public safety.
 - c. The action, movement, or placement of a crowd or other assembly interferes with the delivery of medical, firefighting, law enforcement, or other essential public safety services.
 - d. Members of a crowd or other assembly engage in arson, destruction of property, looting, or other criminal acts that threaten public safety.
 - e. Utilized to induce the surrender of a barricaded person, or to diminish that person's capacity to injure himself or others.
 - 2. *Mass or area deployment*
 - a. Consultation with the Tactical Operations Section Commander should occur when circumstances and time permit.
 - b. Chemical munitions designed and intended for deployment during crowd control, civil disturbance, and barricade situations shall only be deployed with the approval of the command official in charge of the tactical scene. This official must hold the rank of First Sergeant or higher but may delegate this authority when required by tactical needs.
 - c. Where practical, the Emergency Communications Center should be notified shortly before chemical munitions are deployed. When prior notification is not made, the official shall cause notification to occur as soon after the event as practical.
 - d. The Chief of Police or designee may issue alternative rules of engagement for specific events or incidents. These alternative rules may expand the conditions for which the area-wide use of chemical agents and/or chemical munitions are authorized or may further restrict those conditions.
- F. **Use of Impact Weapons** - Officers may elect to use an authorized impact weapon in any situation where use of force is permitted, provided that the use of such weapon is objectively reasonable under the totality of the circumstances and the officer has been trained in the use of the impact weapon and is approved for such use by the department [4.1.4].
- G. **Use of Specialized Weapons and Other Tactical Devices** - Highly specialized weapons and/or tactical devices, including but not limited to, Noise Flash Diversionary Devices (NFDD), Less Lethal Munitions, ballistic breaching shotguns and other such devices may be used by specially trained officers in certain tactical situations. [4.1.4]
 - 1. The use of kinetic impact munitions by a law-enforcement officer is prohibited unless the use of kinetic impact munitions is necessary to protect the law-enforcement officer or another person from bodily injury.

2. Officers who are authorized to deploy these weapons shall deploy them in the manner in which they were trained. Officers who have not been trained and approved for such use should not deploy these weapons, however, in situations where deadly force is authorized, officers may deploy any weapon or object at their disposal regardless of training and/or the object's intended purpose.
 3. While the use of these weapons and tactical devices does not constitute deadly force, their use may be governed by more restrictive rules of engagement that exist for the specific situation in which they are deployed. These rules of engagement are set by the incident commander or the commander of the tactical event.
 4. With the exception of bean bags, Taser Energy Weapons, ballistic breaching shotguns and certain Less Lethal Munitions, deployment of specialized weapons and/or tactical devices requires the approval of the incident commander or the commander of the tactical event, although that command officer may delegate this authority, as tactical needs require.
- H. **Use of Canine** - In routine search and tracking applications, the use of a canine is not considered a use of force. For purposes of this directive, only an intentional deployment action resulting in an actual canine bite during the apprehension of a suspect shall qualify as a use of force. An incidental canine bite of the handler or other persons would not constitute a use of force. (See Manual directive 537.06 Police Canine)
- I. **Use of Handcuffs** – In normal usage, the placement of handcuffs upon a compliant person is not considered a use of force. However, this type of encounter necessitates the accurate recording of the circumstances surrounding the decision to handcuff the person. This is usually accomplished by writing a Case Report.
1. When a person is handcuffed and the incident is captured on body-worn camera (BWC), the video recording of the incident may serve as documentation of the encounter. The Axon category "Handcuffing No Report" may be used to replace the Case Report requirement when the below criteria is met. See below for further guidance on case report narrative requirements.
 - a. At least one officer physically involved in handcuffing a person must be wearing a BWC that is recording both audio and video for the entirety of the handcuffing process.
 - b. The BWC videos of all officers physically involved in handcuffing a person are categorized as "Handcuffing No Report" and includes the appropriate secondary category such as "Investigative Contact," "Traffic Stop," or other category that would not ordinarily result in a Case Report. The category "Handcuffing No Report" shall not be the only category assigned to a BWC to capture.
 - c. At a safe time during the encounter an officer shall verbally identify the person (name and date of birth) and verbally state the reason for the use of handcuffs on the same video. All statements must be clear, concise, and audible for the BWC to capture.
 - d. If any of the criteria is not met, the use of handcuffs shall be documented in a Case Report. When the Case Report involves multiple individuals, the narrative shall identify the individual(s) who were handcuffed and the reason the individual(s) were handcuffed.
 - e. Department Directive Manual 536.05 – *Transporting and Processing In-Custody Arrestees* governs the application of handcuffs.
- J. **Medical Aid Following Police Actions** [4.1.5]
1. Once the scene is safe and as soon as practical, an officer shall provide appropriate aid consistent with their training and summon appropriate medical assistance to any individual who:
 - a. Has visible injuries, complains of being injured, or requests medical attention.
 - b. Displays any level of medical distress.
 - c. Is unconscious or was unconscious before or following any applied force.
 - d. Is the subject of the applied use of chemical agents, impact weapons, or specialized weapons and other tactical devices (as defined in section III of this policy).

2. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
3. *Treatment of Exposure to Chemical Agents Deployed by Officers* - An officer shall arrange for any person exposed to a chemical agent to be examined by medical personnel. The suspect shall be transported to a hospital or other appropriate acute care facility if:
 - a. Medical personnel determine that the suspect requires attention at a medical facility.
 - b. The suspect is observed to have difficulty breathing or exhibits other symptoms that suggest an unusually adverse or abnormal reaction to the chemical agents.
 - c. The suspect specifically requests examination or treatment at a medical facility, regardless of whether the suspect has been examined by medical personnel.
4. The mass or area deployment situations, it may not be possible to offer medical attention to every exposed person. However, any exposed person who requests treatment or is subsequently arrested shall be examined and/or treated in accordance with the provisions of this directive
5. If a bystander is unintentionally exposed to a chemical agent, officers shall also obtain the bystander's contact information for inclusion in relevant reports, inform the bystander of proper cleansing methods, and/or call for medical assistance if respiratory issues are evident.

K. Supervisory Review Responsibilities [4.2.2]

1. Respond to the scene.
2. Ensure the safety of all individuals involved in the incident and confirm that appropriate medical aid has been rendered.
3. Ensure photographs are taken and any video or audio documenting the encounter is preserved.
4. Ensure that a claim is made through risk management or worker's compensation (whichever applies) for any actual or alleged injury or property damage as a result of police actions.
5. Complete a Use of Force review in BlueTeam summarizing the incident and the circumstances surrounding the use of force.
6. Forward the Use of Force review with an attached copy of the Case Report and other supporting materials through the chain of command to the Office of Professional Responsibility (OPR).

L. Reporting Requirements

1. *Incidents Requiring Supervisory Notification*
 - a. The officer used a firearm, chemical agent, other police weapon, or vehicle. [4.2.1, a, c]
 - b. An injury or death occurred to any person. [4.2.1, b]
 - c. An arrestee/detainee alleges injury during the arrest procedure.
 - d. An officer uses active countermeasures or, through any level of applied force, takes an individual to the ground [4.2.1, d]
 - e. An officer encounters an individual with obvious injuries, and the circumstances of the encounter are such that the person may reasonably claim the injuries resulted from contact with the officer. (Non-Use of Force Injury).
 - f. An officer becomes aware of an allegation of excessive force (supervisor shall notify the appropriate chain of command and OPR immediately).
 - g. During a SWAT or CDU deployment where multiple use of force incidents occur by department personnel, the Commander of the Office of Professional Responsibility should be consulted to

determine whether the incident will be reviewed by supervisors within the specialty unit or by Office of Professional Responsibility staff.

M. Office of Professional Responsibility Responsibilities

1. Review all uses of force.
2. Investigate any use of force resulting in death, serious bodily injury, or an excessive force complaint.
3. Assess whether any related policy, training, or equipment issues should be addressed.
4. Identify officers who are becoming or are likely to become at risk of violating use of force or other department directives through the Early Intervention Program.
5. Conduct an annual analysis of Use of Force activities that identify:
 - a. Date and time of incidents [4.2.4, a]
 - b. Types of encounters resulting in the use of force [4.2.4, b].
 - c. Trends or patterns related to race, age, and gender of suspects involved [4.2.4, c].
 - d. Trends or patterns resulting in injury to any person including employees [4.2.4, d].
 - e. Impact of findings on policies, practices, equipment, and training [4.2.4, e].

N. Officer Involved Action Resulting in Death or Serious Bodily Injury – Refer to Manual Directive 538.07 - Officer Involved Action Resulting in Death or Serious Bodily Injury.

- O. Nothing in this directive requires, or encourages, officers to expose themselves to unreasonable risk, take extraordinary measures, or sustain injury before applying appropriate deadly force. However, all deadly force incidents will be rigorously investigated regardless of whether death occurs and involved officers will be held strictly accountable for the reasonableness of their actions.

P. Duty to Intervene in Use of Excessive Force (Virginia Code §19.2-83.6) [1.2.10]

1. Any law-enforcement officer who, while in the performance of his official duties, witnesses another law-enforcement officer engaging in 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 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 to the supervisor managing the incident or the employee's supervisor. Any supervisor who becomes aware of such allegations shall report them to the Office of Professional responsibility prior to completing a use of force review. No employee shall retaliate, threaten to retaliate, or take or threaten to take any disciplinary action against a law-enforcement officer who intervenes or makes a report.