

<b>YORK-POQUOSON SHERIFF'S OFFICE</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: Use of Force</b>	<b>NUMBER: GO 2-6</b>
<b>EFFECTIVE DATE: August 13, 2024</b>	<b>LAST MODIFIED DATE: August 13, 2024</b>
<b>AMENDS/SUPERSEDES: GO 2-6, January 1, 2023</b>	<b>APPROVED:</b> <u>R.G. Mody</u> Sheriff
<b>VLEPSC: ADM.05.01, ADM.05.02, ADM.05.03, ADM. 05.04, OPR.01.10</b>	

1 **INDEX WORDS**

- 2
- 3 Bola Wrap
- 4 Canine (K-9)
- 5 Choke holds
- 6 Deadly
- 7 Duty to Intervene
- 8 Elastic Band Restrictor
- 9 Excessive Force
- 10 Expandable baton
- 11 Force
- 12 Inappropriate Use of Force
- 13 Non-deadly
- 14 Prohibited acts
- 15 Reporting use of
- 16 Vehicles (firing at/from)
- 17 Pepper spray
- 18 Reasonableness
- 19 Roadblocks
- 20 Stun Cuff Stun Glove
- 21 TASER
- 22 Training
- 23 Use of Force Continuum
- 24 Investigation
- 25 Reporting
- 26 Warning shots

27

28 **POLICY**

29

30 During the normal course of performing law enforcement duties, there are occasions that require

31 a deputy to use the lawful force necessary to execute his legal authority. Deputies are confronted

32 with situations in which control must be exercised to effect arrest. Control may be achieved

33 through verbal persuasion, or by physical force. All care will be taken by deputies to avoid

34 physical force when reasonable alternatives are available. The Sheriff expects deputies to

35 observe the following guidelines in all applications of force:

- 36
- Deputies shall use only the force necessary to affect lawful objectives or purposes.
  - If a threat situation escalates, a deputy may resort to more severe methods of force that are reasonable to overcome either an increasing threat or resistance.
- 37
- 38

- 39 • Increasing levels of threat, perceived by the deputy, with corresponding, authorized  
40 modes of force to oppose the threat is known as “force continuum”. Normally the force  
41 continuum would include the following progressive steps:
  - 42 ○ Level I - Deputy Presence
  - 43 ○ Level II - Verbal Command or Control
  - 44 ○ Level III - Compliance Techniques, use of personal weapons (hands, feet, knees,  
45 elbows, etc.)
  - 46 ○ Level IV - Intermediate Weapons (pepper spray, expandable batons, TASER, Bola  
47 Wrap, Stun Cuff/Elastic Band Restrictor, Stun Glove, Canine or less lethal munitions)
  - 48 ○ Level V – Deadly Force
- 49
- 50 • Deputy Sheriffs must understand how to recognize increasing or decreasing levels of  
51 threat and respond appropriately. However, when a deputy is threatened with a high level  
52 of force, nothing in this policy requires the deputy to apply the force continuum in  
53 progressive order using each level, as long as the level applied by the deputy is  
54 reasonable.
- 55 • The objective of the use of any force is to overcome the suspect's resistance to a deputy's  
56 lawful purpose.
- 57 • Deputies should not unreasonably or unnecessarily endanger themselves or the public  
58 when applying this policy. However, Deputy Sheriffs shall avoid unnecessary or  
59 excessive applications of force, and such violations of the use of general orders herein  
60 may subject the deputy to administrative discipline, suits for damages, and criminal  
61 prosecution.
- 62 • No deputy shall commence duty without having been issued a copy of this general order  
63 and without having read the order and having it explained by a Field Training Officer,  
64 who shall certify that the requirement was completed.
- 65 • No lethal weapons shall be issued or authorized until this requirement shall have been  
66 satisfied, together with all other such requirements, which may be imposed.
- 67 • No non-lethal weapons shall be issued or authorized until this requirement shall have  
68 been satisfied, together with all other such requirements, which may be imposed.
- 69
- 70

## 71 **PURPOSE**

72  
73 This order establishes guidelines and procedures governing the use of force, the procedures for  
74 reporting all uses of force, the procedures for the investigation of use of force incidents, and to  
75 establish guidelines prohibiting certain use of force activities.

## 76 77 **DEFINITIONS**

- 78
- 79 • Deadly force
  - 80 ○ Any force applied in any manner by any means that could reasonably be expected to  
81 cause death
  - 82
- 83 • Non-deadly force

- 84 ○ Force employed which is neither likely nor intended to cause death or serious  
85 physical injury.  
86
- 87 ● Reasonableness or Reasonable belief
- 88 ○ When facts or circumstances the deputy knows, or should know, through his/her law  
89 enforcement training and experience, are such as to cause an ordinary and prudent  
90 trained and experienced person to act or think reasonably in a similar way under  
91 similar circumstances.
- 92 ○ In evaluating the reasonable application of force, deputies must consider the actual  
93 threat, their own age, size, strength, and skill-level with agency weapons, state of  
94 health, and the number of deputies opposing the number of suspects.  
95
- 96 ○ Section 19.2-83.5.A., Code of Virginia, prohibits the use of deadly force against a  
97 person unless:
- 98     ▪ The law enforcement officer reasonably believes that deadly force is immediately  
99 necessary to protect the law enforcement officer or another person, other than the  
100 subject of the use of deadly force, from threat of serious bodily injury or death;  
101     ▪ If feasible, the law enforcement officer has provided a warning to the subject of  
102 the deadly force that he will use;  
103     ▪ The law enforcement officer's actions are reasonable, given the totality of  
104 circumstances; and  
105     ▪ All other options have been exhausted or do not reasonably lend themselves to the  
106 circumstances.  
107
- 108 ○ Section 19.2-83.5.B., Code of Virginia, specifies the following factors to be  
109 considered in determining if a law enforcement officer's use of deadly force is  
110 proper:
- 111     ▪ The reasonableness of the law enforcement officer's belief and actions from the  
112 perspective of a reasonable law enforcement officer on scene at the time of the  
113 incident; and
- 114     ❖ The totality of the circumstances including:
- 115         ➤ The amount of time available to the law enforcement officer to make a  
116 decision;
- 117         ➤ Whether the subject of the use of deadly force:
- 118             ✓ Possessed or appeared to possess a deadly weapon;
- 119             ✓ Refused to comply with the law enforcement officer's lawful order to  
120 surrender an object believed to be a deadly weapon prior to the law  
121 enforcement officer using deadly force;
- 122             ✓ Whether the law enforcement officer engaged in de-escalation  
123 measures prior to the use of deadly force, including:
- 124                 \* Taking cover;
- 125                 \* Waiting for backup,
- 126                 \* Trying to calm the subject prior to the use of force;
- 127                 \* Using non-deadly force prior to the use of deadly force.  
128

- 129
- 130
- 131
- 132
- 133
- 134
- 135
- 136
- 137
- 138
- 139
- 140
- 141
- 142
- 143
- 144
- 145
- 146
- 147
- 148
- 149
- 150
- 151
- 152
- 153
- 154
- 155
- 156
- Whether any conduct by the law enforcement officer, prior to the use of deadly force, increased the risk of a confrontation resulting in deadly force being used; and
  - The seriousness of the crime.
- Serious physical injury
    - A physical injury which creates a substantial risk of death, or which causes death or serious and permanent disfigurement, or impairment of the function of any bodily organ or limb.
  - Inappropriate force
    - Force is inappropriate when its application is not justified based on the circumstances.
    - In determining whether force has been inappropriately applied, the primary factor is reasonableness in its application, based on what is known to the deputy at the time force is applied.
    - Reasonableness can be further defined by answering the question, was the application of force necessary and appropriate based on the circumstances?
  - Excessive force
    - Section 19.2-83.3., Code of Virginia, defines excessive force as:
      - 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 officer or others, and
        - ❖ Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

157 **NON-DEADLY FORCE**

158

- 159
- 160
- 161
- 162
- 163
- 164
- 165
- 166
- 167
- 168
- 169
- 170
- 171
- 172
- 173
- 174
- Use of force continuum
    - The Sheriff's Office trains and requires deputies to follow a use-of-force continuum, which emphasizes the recognition of and response to increasing levels of perceived threat.
    - Most instances in which force is applied are non-deadly.
    - Deputies shall assess the incident to determine which technique will best bring the situation under control.
    - Deputies are expected to use the minimum amount of force required to affect an arrest; however, deputies are not required to exhaust all levels of lesser force prior to resorting to the level of force necessary to counter an aggressive action by an offender.
  - Verbal command/control (Level II)
    - Verbal control refers to the manner in which the deputy speaks to a person, which alone can manage a situation.
    - Verbal control includes directions, persuasion, admonitions, or orders.

- The volume and tone of the deputy's speech may also contribute to control without having to resort to another method of force.
- The Sheriff's Office urges the use of verbal commands without the use of profanity or disrespectful or argumentative behavior.
- Compliance techniques/Use of hands, feet knees, elbows, etc. (Level III)
  - At times, uncooperative people who refuse to be taken into custody may only respond to a combination of strength, leverage, takedowns, control holds, or come-a-longs with sufficient force to make the lawful arrest without aggravating a suspect's combativeness.
  - The object of this level of force is to gain control and enforce the suspect's compliance while minimizing the risk of injury to deputies, bystanders, or the person being placed in custody.
  - Where lesser levels of force are ineffective, deputies may employ approved compliance techniques sanctioned and taught through academy training. Where applicable, soft compliance techniques should precede hard compliance techniques.

#### **Intermediate Weapons (Level IV)**

- Pepper Spray
  - The use of chemical agents is restricted to situations where higher levels of force are unnecessary and lesser levels are inappropriate or ineffective.
  - The only chemical weapon authorized for routine use is oleoresin capsicum (OC) or "pepper spray."
  - Pepper spray shall be used only to the extent necessary to overcome the resistance of the suspect within training standards.
  - Pepper spray shall not be used to threaten to elicit information or persuade people to comply with orders, nor shall they be used on people who are handcuffed, secured, and properly in custody.
  - The application of pepper spray shall be kept to the absolute minimum required to effectively control the subject.
  - Pepper spray shall not be used on persons who are visibly sick, injured, or who are having obvious respiratory problems.
  - Applying pepper spray to such persons can result in a greatly intensified injury compared to the threat that they may present.
  - See [RR 1-18, Weapons](#).
- Expandable Baton
  - The expandable baton is an impact weapon and is the only authorized striking weapon for deputies.
  - The expandable baton may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate and lesser levels are inappropriate or ineffective.
  - Deputies who carry the expandable baton shall be trained and certified in its use.
  - See [RR 1-18, Weapons](#).

- 221
- 222 • **TASER**
    - 223 ○ The TASER is a less lethal alternative weapon used to gain suspect compliance by
    - 224 applying the TASER brand energy weapon on a subject, or firing the weapon at a
    - 225 subject from a safe distance through the use of compressed nitrogen, which shoots
    - 226 two small probes up to 25 feet.
    - 227 ○ Any deputy deploying the TASER should have a second deputy/officer present to
    - 228 serve as lethal cover. Nothing in this policy prohibits a deputy from deploying the
    - 229 TASER at a subject without requesting, or having the presence of additional deputies.
    - 230 ○ The TASER may be used when necessary and appropriate to reduce the potential for
    - 231 death and serious injury to all persons where the suspect is displaying aggressive
    - 232 actions toward the deputy or others.
    - 233 ○ The TASER shall not be used in cases where the suspect is simply non-compliant
    - 234 unless reasonable and articulable circumstances exist to justify this level of force.
    - 235 This application of force requires detailed documentation.
    - 236 ○ The use of the TASER is restricted to situations where higher levels of force are
    - 237 unnecessary and lesser levels are inappropriate or ineffective.
    - 238 ○ Deputies who carry the TASER shall be trained and certified in its use.
    - 239 ○ See [RR 1-18, Weapons](#).
  
  - 240 • **BolaWrap**
    - 241 ○ The BolaWrap should only be used when its operator can safely approach the subject
    - 242 within the operational range of the device. Although the BolaWrap is generally
    - 243 effective in controlling most individuals, deputies should be aware that the device
    - 244 may not achieve the intended results and should be prepared to employ other actions.
    - 245 ○ Any deputy deploying the device should have a second deputy/officer present to serve
    - 246 as lethal cover. Nothing in this policy prohibits a deputy from deploying the
    - 247 BolaWrap at a subject without requesting, or having the presence of additional
    - 248 deputies.
    - 249 ○ The BolaWrap is a patented handheld less lethal restraint device that discharges a
    - 250 Kevlar cord from a replaceable cartridge, in an attempt to wrap around a subject's
    - 251 body to restrict the movement of the subject.
    - 252 ○ When deciding whether to use BolaWrap, deputies should carefully balance safety
    - 253 concerns with factors that include, but are not limited to:
      - 254 ❖ The circumstances of the crime, or incident, leading to the arrest,
      - 255 detention, or contact.
      - 256 ❖ The demeanor and behavior of the subject or suspect.
      - 257 ❖ The age and health of the subject.
      - 258 ❖ Whether the subject has any other apparent physical disability.
    - 259 ○ The Use of the BolaWrap on certain individuals should be avoided unless the totality
    - 260 of the circumstances indicates that other available options (including taking no
    - 261 action) would likely be ineffective, or would present greater danger to the deputy, the
    - 262 subject or others, and the deputy reasonably believes that the need to control the
    - 263 individual outweighs the risk of using the device. These factors include, but are not
    - 264 limited to:
      - 265 ❖ Females who are known to be pregnant.
      - 266 ❖ Elderly individuals or obvious juveniles.

- 267
- 268
- 269
- 270
- 271
- 272
- 273
- 274
- 275
- 276
- 277
- 278
- 279
- 280
- 281
- 282
- 283
- 284
- 285
- 286
- 287
- 288
- 289
- 290
- 291
- 292
- 293
- 294
- 295
- 296
- 297
- 298
- 299
- 300
- 301
- 302
- 303
- 304
- 305
- 306
- 307
- 308
- 309
- 310
- 311
- ❖ Individuals in close proximity to dangerous objects, such that they could injure themselves if they fall or stumble into them.
  - ❖ Individuals in or near any body of water that may present a drowning risk.
  - ❖ Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles, machinery, etc.)
  - ❖ Individuals detained in a patrol unit.
  - ❖ Individuals who are handcuffed or otherwise restrained and under control.
- See [RR 1-18, Weapons.](#)
- **Stun Cuff/Elastic Band Restrictor (EBR)**
    - The Stun Cuff/Elastic Band Restrictor is a device that controls a prisoner using wireless non-lethal technology.
    - The use (attaching it to a defendant) of this device can only be authorized by a Sergeant and above.
    - The judge can request the device be attached to a defendant.
    - This device can be hidden under prisoner clothes for jury trials.
    - The activation of the device shall be under the direct control of a designated bailiff at all times, during trial, when the device is being worn by a defendant.
    - Activation of the Stun Cuff/Elastic Band Restrictor is considered a use of force and shall not be activated due to non-compliance to verbal orders by a defendant.
    - A use of force report, in accordance with this policy, shall be generated following any activation of the Stun Cuff/Elastic Band Restrictor.
    - See [RR 1-18, Weapons.](#)
  - **Stun Glove**
    - The Stun Glove is a device that controls a prisoner by using non-lethal energy weapon technology.
    - The Stun Glove shall be under the direct control of a designated bailiff at all times, during trial.
    - Activation of the Stun Glove is considered a use of force and shall not be activated due to non-compliance to verbal orders by a defendant.
    - A use of force report, in accordance with this policy, shall be generated
    - following any activation of the Stun Glove.
    - See [RR 1-18, Weapons.](#)
  - **Less Lethal Munitions**
    - Less lethal munitions are an alternative weapon used to gain suspect compliance by applying the less lethal weapon on a subject, or firing the weapon at a subject from a safe distance.
    - Less lethal munitions may be used when necessary and appropriate to reduce the potential for death and serious injury to all persons where the suspect is displaying aggressive actions toward the deputy or others.
    - The less lethal munitions shall not be used in cases where the suspect is simply non-compliant unless reasonable and articulable circumstances exist to justify this level of force. This application of force requires detailed documentation.

- 312 ○ The use of less lethal munitions is restricted to situations where higher levels of force  
313 are unnecessary and lesser levels are inappropriate or ineffective.
- 314 ○ Deputies who carry the less lethal munitions shall be trained and certified in its use.
- 315 ○ See [RR 1-18, Weapons](#)).
- 316 ○ Section 19.2-83.4., Code of Virginia, prohibits the use of kinetic impact munitions by  
317 a law enforcement officer unless the use of kinetic impact munitions is necessary to  
318 protect the law enforcement officer or another person from bodily injury.
  - 319 ■ Kinetic impact munitions are defined as:
    - 320 ❖ Baton rounds such as rubber batons;
    - 321 ❖ Bean bag rounds;
    - 322 ❖ Foam baton rounds,
    - 323 ❖ Plastic, wood or rubber coated projectiles.
- 324
- 325 ● Canine
  - 326 ○ A Canine may be employed to:
    - 327 ■ Affect the arrest of a person(s) whom the deputy has reasonable grounds to  
328 believe committed a felony or misdemeanor, and is attempting to escape or avoid  
329 capture.
    - 330 ■ Apprehend a person who is suspected to have committed a felony or misdemeanor  
331 and is armed with a weapon.
    - 332 ■ Apprehend a person acting aggressively toward officers.
    - 333 ■ Search a building and apprehend a criminal offender secreting him/herself within  
334 the building.
      - 335 ❖ Prior to releasing the Canine, the handler shall, if circumstances permit,  
336 announce the Canine is being released.
      - 337 ❖ Prior to releasing the Canine in a building search, the Canine handler shall  
338 loudly and clearly announce the presence of the Canine and provide specific  
339 instructions to the offender.
  - 340
  - 341 ○ The Canine shall not be used:
    - 342 ■ To apprehend juveniles believed to have only committed status offenses.
    - 343 ■ In cases where the suspect is simply non-compliant unless:
      - 344 ❖ The suspect poses an immediate threat of injury or use of deadly force toward  
345 others, or
      - 346 ❖ Is armed and threatening the use of a weapon, or
      - 347 ❖ In the process of committing a felony or misdemeanor, and or
      - 348 ❖ Attempting to avoid capture.
- 349

## 350 **DEADLY FORCE**

- 351
- 352 ● Use of force continuum (Level V)
  - 353 ○ Deadly force is any use of force likely to cause death, regardless of the weapon used.
  - 354 ○ When applying deadly force, the deputy's objective shall be to stop the threat.
  - 355 Deputies may use deadly force:



- 356
- 357
- 358
- 359
- 360
- 361
- 362
- 363
- 364
- 365
- 366
- 367
- 368
- 369
- 370
- 371
- 372
- 373
- 374
- 375
- 376
- 377
- 378
- 379
- 380
- 381
- 382
- 383
- 384
- 385
- 386
- 387
- 388
- 389
- 390
- 391
- 392
- 393
- 394
- 395
- 396
- 397
- 398
- 399
- 400
- 401
- Only under a reasonable belief that the action is in defense of human life, including the deputy’s or in defense of any person in imminent danger of serious physical injury.
  - Against a fleeing felon only under a reasonable belief that the action is in defense of human life, including the deputy’s or in defense of any person in imminent danger of serious physical injury. No other reasonable means of capture must be available to the deputy in this case without endangering the deputy's life or the life of another person.
  - Imminent danger does not mean “immediate” or “instantaneous”, but that an action is pending. In evaluating "imminent danger" the deputy must reasonably believe that the person:
    - ❖ Possesses a weapon or is attempting to gain access to a weapon.
    - ❖ Is armed and running to gain tactical advantage or cover.
    - ❖ Has the capacity of inflicting death or serious physical injury and is demonstrating an intention to do so.
    - ❖ Is attempting to escape from the vicinity of a violent confrontation in which he inflicted or attempted to inflict death or serious physical injury and if the suspect escapes, the life of the deputy or the life of another person will be in imminent danger of death or serious physical injury.
  - No other safe alternative is available.
    - A deputy is not required to use or consider alternatives that increase danger to themselves or others, but if a safe alternative to the use of deadly force is likely to achieve the purpose of averting the imminent danger, deadly force is not necessary.
  - Verbal warning. If feasible, and if to do so would not increase the danger to the deputy or others, a verbal warning to submit to the authority of the deputy shall be given prior to the use of deadly force.
  - If possible or applicable, less-lethal munition weapons should be used in lieu of deadly force.
  - In some escalating deadly force situations, less-lethal munitions may be justified to be used as deadly force.
  - If possible or applicable, the use of a Canine may be used in lieu of deadly force.
  - Firearms may be used to kill seriously injured or dangerous animals when no other disposition is reasonably practical. Prior to discharging a firearm for this purpose, a supervisor's approval shall be obtained.
  - Roadblocks
    - Deputies may set up a roadblock only in the case of a fleeing felon, and only under a reasonable belief that the action is in defense of human life, including the deputy’s or in defense of any person in imminent danger of serious physical injury.
    - Given the liability and constitutional considerations, roadblocks must be reasonable. Only the Sheriff, a command officer, or in their absence, the on-duty supervisor can order the formation of a stationary roadblock. The decision to do so shall be guided by reasonableness. Reasonableness in this context involves several characteristics:

- 402           ▪ The nature and seriousness of the offense.
- 403           ▪ The probability of the roadblock's success.
- 404           ▪ Availability of alternatives to the use of a roadblock.
- 405           ▪ The location of the roadblock and the environmental conditions.
- 406           ▪ The existence of an adequate warning to the suspect and other drivers.
- 407           ▪ The danger posed by the suspect to the public.
- 408           ▪ The opportunity for the suspect to stop before colliding with the roadblock.
- 409           ▪ The safety of deputies establishing the roadblock.
- 410           ▪ The risk of physical injury to the occupants of the pursued vehicle.
- 411
- 412           ○ See [GO 2-9 Vehicle Operations](#), regarding the conduct of Roadblocks.
- 413           ○ A Use of Force Report shall be initiated by the supervisor in the Sheriff's Office
- 414           Records Management System, Internal Affairs, Use of Force Module prior to the end
- 415           of the shift.

### 416 **LIMITATIONS ON FORCE**

- 417
- 418
- 419           • Section 19.2-83.6, Code of Virginia, requires law enforcement officers, while in the
- 420           performance of their official duties and witnesses another law enforcement officer
- 421           engaging in or attempting to engage in the use of excessive force against another person,
- 422           if feasible,
- 423           ○ Shall intervene to end the use of excessive force or attempted use of excessive force
- 424           or to prevent further excessive use of force;
- 425           ○ Shall also render aid, as circumstances reasonably permit, to any person injured as a
- 426           result of the use of excessive force, and
- 427           Any law-enforcement who intervenes pursuant to subsection A of 19.2-83.6 or witnesses
- 428           another law- enforcement officer engaging or attempting to engage in the use of
- 429           excessive force against another person shall report such intervention or use of excessive
- 430           force immediately to a supervisor in writing. The supervisor shall document the incident
- 431           and report to the Chief Deputy to conduct an internal affairs investigation.
- 432
- 433           No employing agency shall retaliate, threaten to retaliate, or take or threaten to take any
- 434           disciplinary action against a law enforcement officer who intervenes pursuant to
- 435           subsection A or makes a report pursuant to subsection B of 19.2-83.6.
- 436
- 437           All sworn employees shall receive initial training and refresher training every calendar
- 438           year on duty to intervene.
- 439           •
- 440           • The following acts associated with the use of force are prohibited.
- 441           ○ The use of any force considered to be inappropriate or excessive based on the
- 442           circumstances;
- 443           ○ Firing into crowds;
- 444           ○ Firing of warning shots;
- 445           ○ Firing from a moving vehicle;

- 446 ○ Discharging a firearm into or at a moving vehicle is prohibited, unless the discharge  
447 of a firearm is immediately necessary to protect the law enforcement officer or  
448 another person from death or serious injury.
- 449 ○ Firing into a building or through doors when the person fired at is not clearly visible  
450 unless deputies are being fired upon from such building or through such door.
- 451 ○ Firing at a suspect when lesser force could be used and the deputy believes that the  
452 suspect can be apprehended reasonably soon thereafter without the use of deadly  
453 force, or when there is any substantial danger to innocent bystanders.
- 454 ○ Application of chokehold or carotid control holds.
  - 455 ■ Neck restraints are prohibited except when deadly force is justified
  - 456 ■ In accordance with Section [19.2-83.4](#), Code of Virginia, the use of a neck restraint  
457 by a law-enforcement officer is prohibited unless the use of a neck restraint is  
458 immediately necessary to protect the law-enforcement officer or another person  
459 from death or serious bodily injury.
  - 460 ■ According to [19.2-83.3](#), Code of Virginia, "Neck restraint" means the use of any  
461 body part or object to attempt to control or disable a person by applying pressure  
462 against the neck, including the trachea or carotid artery, with the purpose, intent,  
463 or effect of controlling or restricting the person's movement or restricting the  
464 person's blood flow or breathing, including chokeholds, carotid restraints, and  
465 lateral vascular neck restraints.
  - 466 ■ These neck restraint techniques include:
    - 467 ❖ Choke holds;
    - 468 ❖ Carotid restraints;
    - 469 ❖ Lateral vascular neck restraints.
- 470 ○ The continued use of force once the suspected offender is restrained or submits to law  
471 enforcement orders and is no longer a threat to the law enforcement officer or others.  
472
- 473 ○ Use of any flashlight as batons.
  - 474 ■ A deputy may use a flashlight or other object designed for a use other than as a  
475 weapon only to defend themselves or another from imminent serious physical  
476 injury or death and then only if agency sanctioned methods are not available or  
477 are impractical.
  - 478 ■ The use of a flashlight under such circumstances may be deemed an application of  
479 deadly force.
- 480
- 481 ○ The carrying or use of saps, blackjacks, slapjacks.
- 482 ○ Use of deadly force against unarmed, non-dangerous fleeing felons, fleeing  
483 misdemeanants, or traffic offenders.
- 484 ○ Any use of force not reasonably necessary in the light of the circumstances  
485 confronting the deputy.
- 486 ○ Forcible enforcement action when off-duty is discouraged except when in the  
487 discretion of the deputy, circumstances are present which seriously threaten life,  
488 valuable property, or public order.  
489

## 490 **REPORTING USE OF FORCE**

- 492
- 493
- 494
- 495
- 496
- 497
- 498
- 499
- 500
- 501
- 502
- 503
- 504
- 505
- 506
- 507
- 508
- 509
- 510
- 511
- 512
- 513
- 514
- 515
- 516
- 517
- 518
- 519
- 520
- 521
- 522
- 523
- 524
- 525
- 526
- 527
- 528
- 529
- 530
- 531
- 532
- 533
- 534
- 535
- 536
- 537
- The following uses of force shall be documented by deputy sheriffs and supervisors:
    - Any application of force using level IV level V weapons.
    - Anytime a deputy discharges a firearm either intentionally or unintentionally at or in the direction of another person.
    - Any use of force involving use of personal weapons (hands, feet, knees, elbows, etc.) involving strikes or blows to the suspect.
    - Any time a suspect must be physically taken to the ground to be detained or to affect an arrest.
    - Any time a suspect complains of or suffers any injury during or following a deputy's hands on interaction with the suspect when the injury or complaint of injury occurs prior to the suspect being released from the deputy's custody.
      - This shall include injuries sustained or complaints of injuries received by and following the application of restraint devices.
    - Any use of force utilizing a Canine, when the suspect or any other person is bitten regardless if medical attention is required.
  - The following actions shall require a Show of Force report be completed in the use of force module in the Sheriff's RMS:
    - Anytime a deputy points or displays a firearm at or towards another person with the intent to achieve compliance by that person.
    - Anytime a deputy points a TASER or other similar device at another person with the intent to achieve compliance by that person.
    - Anytime a deputy displays a chemical agent container at or towards another person with the intent to achieve compliance by that person.
    - Anytime a deputy displays an impact weapon at or towards another person with the intent to achieve compliance by that person.
    - Anytime a deputy discharges a firearm at an animal aggressively approaching the deputy.
      - A Show of Force shall not be statistically reported as a use of force.
  - The following uses of force are not required to be documented by deputy sheriffs:
    - The simple act of grabbing a suspect attempting to leave the scene of a lawful detention or arrest.
    - Routine application of common restraining devices such as handcuffs or leg shackles during a lawful detention or arrest, when no injury is sustained or complained of.
    - Escort holds while escorting a suspect following a lawful detention or arrest.
    - When physically removing a demonstrator or clearing demonstrators from the scene of a protest or civil disturbance or riot if no injury is sustained or complained of.
    - When deputy sheriff's points or displays a firearm while conducting a search warrant or other justified search of a residence, building or vehicle during the clearing portion of the search.
    - When a deputy sheriff discharges a firearm to euthanize a suffering animal; however, an officer report shall be completed.
    - The mere act of un-holstering a firearm, TASER, chemical weapon container, or impact weapon unless such act or display is used to gain compliance.

538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583

- Deputy Sheriffs shall:
  - Render appropriate first aid and summon EMS personnel if applicable.
  - Immediately notify the on-duty supervisor of the use of force.
  - Document the Use of Force in the incident report associated with the call that resulted in the use of force prior to the end of their shift documenting the following:
    - A specific description of level of force applied;
    - The specific actions of the suspect, prior to and during the application of force, that required the use of force utilized;
    - If any lesser level of force was attempted and the specific force attempted to include verbal commands;
    - The number of and names of other deputies present during the application of the force;
    - Description of the injury received or complained of by the suspect;
    - Any medical treatment sought and who rendered medical treatment or injury evaluation.
  - All deputy sheriffs present on scene at the time reportable use of force was applied shall write a supplemental report regarding their actions and observations to include the above information if known.
- The supervisor shall:
  - Initiate a Use of Force entry in the Sheriff's Office Records Management System, Internal Affairs, Use Force module prior to the end of their shift.
- Injuries sustained by Sheriff's Office personnel during training or demonstrations are not required to be documented under this policy.
- Following a TASER deployment:
  - Always use care and proper personal protective equipment when handling TASER probes that have been removed from an individual.
  - TASER probes are designed to break the skin and they should be treated as a biohazard (see [GO 2-34 Communicable Disease](#)).
  - The TASER cartridge, including the wire bundles, blast doors, probes, and AFID tags, should be collected.
  - AFID tags and blast doors scatter upon firing the TASER and may not be able to be located. A reasonable effort should be made to collect these items.
  - The probes should be inserted, point side down, into the expended cartridge.
  - Tape should be used to secure the probes inside of the expended cartridge.
  - The cartridge, including the probes, wire bundles, and any blast doors and AFID tags located, should be packaged in accordance with [GO 2-15 Evidence Procedures](#).
  - The sealed evidence bag shall be marked as a biohazard with an orange and black "Biohazard" sticker and submitted into property and evidence in accordance with [GO 2-15 Evidence Procedures](#).

584 **INVESTIGATION AND DEPARTMENTAL RESPONSE**

- 585
- 586 • In accordance with 19.2-83.5, Code of Virginia, law enforcement officers shall be
- 587 disciplined for the following:
- 588 ○ Applying or participating in the application of inappropriate or excessive use of force;
- 589 ○ Failure to intervene, if feasible, in the application of inappropriate or excessive force,
- 590 if present, during the application of such force;
- 591 ○ Failure to report known or suspected inappropriate or excessive use of force.
- 592 ○ Failure to render aid as circumstances objectively permit, to any person injured as a
- 593 result of the use of excessive force.
- 594
- 595 • Discipline for violation of Section 19.2-83.4 may include any of the following:
- 596 ○ Dismissal/Termination;
- 597 ○ Demotion;
- 598 ○ Suspension;
- 599 ○ Transfer;
- 600 ○ Decertification as law enforcement officer.
- 601
- 602 • Removal from duty
- 603 ○ Pending internal administrative review, any deputy whose actions or applications of
- 604 force results in death or serious physical injury of another shall, at the Sheriff's
- 605 discretion, be removed from line-duty assignment.
- 606 ○ This action protects both the deputy's and the community's interest until the situation
- 607 is investigated and resolved.
- 608
- 609 • Internal review
- 610 ○ A deputy's first line supervisor, sergeant or lieutenant, shall review all Show of Force
- 611 incidents involving the pointing of a firearm or TASER, or display of a chemical
- 612 weapon device or impact weapon at or toward any person or the discharge of a
- 613 weapon at or towards an aggressive animal.
- 614 ■ The first line supervisor shall review the body camera, in car camera, TASER
- 615 cam footage of the incident if applicable;
- 616 ■ The first line supervisor shall review the deputy's incident report;
- 617 ■ The first line supervisor shall determine if such use of force was proper and
- 618 justified and within Sheriff's Office policy;
- 619 ■ The first line supervisor shall report their findings through the Use of Force
- 620 module to the respective Division Commander;
- 621 ■ The Division Commander shall review the first line supervisor's use of force
- 622 report and either concur with the findings or direct necessary corrective actions.
- 623 ❖ In the event the review determines the pointing of the firearm or TASER or
- 624 display of a chemical weapon device or impact weapon was inappropriate, the
- 625 finding shall be referred to the Chief Deputy through the use of force module
- 626 for review and any necessary internal affairs investigation.
- 627

- 628
- 629
- 630
- 631
- 632
- 633
- 634
- 635
- 636
- 637
- 638
- 639
- 640
- 641
- 642
- 643
- 644
- 645
- 646
- 647
- 648
- 649
- 650
- 651
- 652
- 653
- 654
- 655
- 656
- 657
- 658
- 659
- 660
- 661
- 662
- 663
- 664
- 665
- 666
- 667
- 668
- 669
- 670
- 671
- 672
- 673
- The Chief Deputy shall initiate an internal affairs investigation or review the following reported uses of force and shall report the findings and actions taken, if any, to the Sheriff:
    - Citizen complaints of inappropriate, unjustified or excessive force used by a deputy;
    - When an offender is injured following the application of any level of force;
    - The discharge of a firearm, either intentionally or unintentionally at or in the direction of another person or structure ;
    - When a deputy uses any impact or chemical weapon on an offender.
    - The use or display of any non-agency issued weapon in the line of duty.
  - The Investigations Division Commander shall initiate a criminal investigation any time a reported use of force involves the discharge of a firearm where another person is injured or killed.
  - The Investigations Division Commander shall initiate a criminal investigation, if directed to do so by the Chief Deputy or Sheriff in cases where the internal affairs investigation determines any use of force to be inappropriate.
  - Board of Inquiry
    - The Sheriff or Chief Deputy may, at their discretion, convene a Board of Inquiry to examine those cases when a deputy has taken the life of or seriously injured another person. The Board of Inquiry shall determine whether:
      - Sheriff's Office policy was violated.
      - Relevant Sheriff's Office policy was clearly understandable and effective to cover the situation.
      - Training and policy needs were adequate.
    - If a Board of Inquiry is convened, the Chief Deputy shall appoint at least four members to the board of inquiry to include:
      - A command officer holding the rank of Captain or higher, who shall serve as the board leader.
      - A certified firearms instructor, if a firearm or less lethal firearm was used by the deputy, and
      - A Sheriff's Office Armorer, if a firearm or less lethal firearm was used by the deputy, or
      - A certified instructor in the use of the Taser, if a Taser was used, or
      - A certified instructor in the use of impact weapons, if an impact weapon was used, or
      - A certified defensive tactic instructor, if personal weapons were used, or
      - A certified driving instructor, if a Sheriff's Office vehicle was used.
    - At least Two (2) rank and file employees (one chosen by the employee under investigation).
    - The board will meet as needed until the specific incident has been fully examined. However, the board should report as expeditiously as possible to prevent delaying the conclusion for both the employee and the Sheriff.
    - The board may call witnesses including:

- 674           ○ The internal affairs investigating officer.  
675           ○ The employee under investigation.  
676           ○ Other Sheriff's Office employees.  
677           ○ Other witness from the general public.  
678  
679       ● Disposition  
680           ○ The board will present its majority finding to the Chief Deputy in writing within five  
681           (5) working days after completion.  
682           ○ The Chief Deputy will forward the completed internal affairs investigation report,  
683           including the finding of the Board of Inquiry to the Sheriff within ten (10) working  
684           days after receipt.  
685  
686       ● Internal investigations  
687           ○ Serious applications of force shall require two types of investigations, an  
688           administrative investigation to determine whether Sheriff's Office policies were  
689           violated and a criminal investigation to determine if criminal laws were violated.  
690           ○ The criminal investigation shall be discontinued whenever the Sheriff determines that  
691           no illegal misconduct occurred. [See RR 1-9, Complaints/Internal Affairs](#)  
692           [Investigations](#).  
693  
694       ● Drug/ alcohol testing  
695           ○ Immediately following the use of deadly force, or as soon as practical thereafter, any  
696           Deputy Sheriff involved in the delivery of deadly force shall submit to drug and  
697           alcohol testing to determine if he/she was impaired by drugs or alcohol at the time of  
698           the use of force incident.  
699           ○ The on-duty supervisor or employee's supervisor, or internal affairs investigator shall  
700           accompany the deputy to an approved medical facility for testing.  
701           ○ Testing shall be conducted in accordance with [GO 2-35, Alcohol/Drug Testing](#).  
702  
703       ● Psychological services  
704           ○ A post-shooting psychological follow-up shall be instituted by the Sheriff, whenever  
705           he deems appropriate.  
706           ○ During an internal investigation, the Sheriff's Office shall do all within its power to  
707           avoid placement of a stigma on the deputy who discharges a firearm in performance  
708           of duty.  
709           ○ Following a shooting that results in death, the deputy shall not return to duty until a  
710           psychological evaluation has been conducted, and identified counseling has been  
711           received.