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County of Fairfax, Virginia 090044

MEMORANDUM

DATE: July 15, 2009
TO: Command Staff
FROM: David M. Rohrer, Colonel *DMR*
Chief of Police
FILE: 09-511
SUBJECT: General Order 540.1 - Use of Force
REF: Update

A comprehensive review of General Order 540.1, Use of Force, which is intended to establish guidelines and reporting requirements for the use of force by members of the Department, has recently been completed. This review has resulted in some significant changes. All sworn Department members need to review the entire General Order as a refresher on the policies and to more fully understand the revisions which will be effective August 1, 2009.

General Order 540.1 now requires supervisors to complete a Use of Force supplement (PD-42SF) for certain uses of force by officers. Much like the pursuit supplement, supervisors will be expected to respond to the scene where force was used and document the event. This policy revision is in no way intended to inhibit or discourage officers from using the appropriate level of force they deem necessary during an investigative stop, to effect a lawful arrest, or to protect themselves or others from harm. This new documentation is being required as it is essential to maintain more comprehensive and accurate information than the Department has historically collected for analysis and review of use of force.

The policy for shooting at or from a moving vehicle has been revised. Section IV. Regulations, subsection A. Deadly Force, states in part:

- d. *Discharging a firearm at a moving vehicle and/or its occupants is prohibited unless the circumstances would authorize the use of deadly force. Officers on foot shall not intentionally place themselves in the path of an oncoming vehicle where the use of deadly force would likely be the probable outcome. When confronted by an oncoming vehicle, officers shall attempt to move out of its path, if possible, rather than discharging a firearm at the vehicle or its occupants.*

Fairfax County Police Department
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Fairfax, Virginia 22030



- e. *Discharging a firearm from a moving vehicle shall be prohibited unless it is necessary in the immediate defense of the life of the officer or another person.*

This change reinforces the risk associated with being in the path of an oncoming vehicle. In most cases, discharging a firearm at a moving vehicle is not going to have the desired effect. The likelihood of disabling the vehicle is minimal and even if the driver is struck, that may not immediately stop the vehicle. Additionally, an injured driver would have less control of the vehicle and very possibly pose an even greater risk to the officer and others. This new policy is intended to prevent situations where officers intentionally place themselves or remain in the path of a vehicle. Should officers find themselves in the path of an oncoming vehicle, their first response shall be to move out of the way and not to discharge their firearm.

Additional revisions in Section G. Non-Deadly Use of Force include updated information and policy for the use of the Conducted Energy Device (CED) and PepperBall Systems, stating in part:

3. Conducted Energy Device (CED)

- a. *Only those Conducted Energy Devices issued by the Fairfax County Police Department shall be used by officers who are trained by the Fairfax County Criminal Justice Academy to use those CEDs.*
- b. *The CED is designed to offer the police officer an alternative to physical force in many situations. However, use of the CED is not always appropriate and should not be considered if not readily available and delay in action could be detrimental to the situation.*
- c. *Requests for a CED and operator may be made by any police officer or supervisor through the Department of Public Safety Communications.*
- d. *A CED may be used to resolve potentially violent situations when an officer reasonably believes any of the following conditions exist:*
 - *Deadly force does not appear to be immediately necessary.*
 - *Attempts to gain compliance by verbal commands or physical control are likely to be ineffective or have been ineffective in the situation.*
 - *There is a reasonable expectation that it will be unsafe for officers to approach within the contact range of the person.*

- e. *Instances where the use or availability of a CED (with the probes or in drive stun mode) may be effective would include, but are not limited to:*
- *Subjects who have made active movements to avoid physical control.*
 - *Service of Mental Detention Orders on persons believed to be violent.*
 - *Apprehension of subjects armed with weapons other than firearms.*
 - *Preplanned warrant service with potentially violent subjects.*
 - *Apprehension of violent persons under the influence of drugs/alcohol.*
 - *Detention of persons threatening suicide or injury to themselves.*
- f. *Prior to utilizing the CED, officers should consider the totality of the circumstances and the surrounding environment (e.g., persons standing in water, on a ledge, building, or bridge) which may place some individuals at risk of secondary injuries when incapacitated by the CED. Officers must have an elevated level of justification prior to using the CED on:*
- *Children.*
 - *Elderly persons.*
 - *Females known to be pregnant.*
 - *Persons who are known to be at a higher risk for serious injury.*
- g. *In circumstance where subjects have been exposed to combustible vapors or flammable liquids, the CED should not be utilized unless there are no other alternatives immediately available.*
- h. *Officers who have received CED training may remove CED probes embedded in a subject's clothing or skin. **Officers shall not remove probes if the subject objects or the probes are embedded in the subject's face, spine, genitals, buttocks, or in a woman's breast.** In these instances, the subject shall be transported to a medical facility for CED probe removal.*

- i. *Officers shall ensure that persons exposed to the CED are restrained and transported in a manner which does not constrict their body position as this may contribute to positional asphyxiation.*

4. PepperBall System

- a. *Only those PepperBall Systems issued by the Fairfax County Police Department shall be used by officers who are trained by the Fairfax County Criminal Justice Academy to use the PepperBall System.*
- b. *The PepperBall System is designed to provide an alternative to physical force. However, the use of the PepperBall System may not always be appropriate and should not be considered if not readily available and a delay in action could be detrimental to the situation.*
- c. *Requests for the PepperBall System and operator may be made by any police officer or supervisor through the Department of Public Safety Communications.*
- d. *The use of the PepperBall System will be at the discretion of the system operator once on the scene.*
- e. *The PepperBall System may be used to resolve potentially violent situations thereby reducing the likelihood of serious injury or death to persons. The PepperBall System may be used when an officer reasonably believes any of the following conditions exist:*
 - *Deadly force does not appear to be immediately necessary.*
 - *Attempts to gain compliance by verbal commands or physical control are likely to be ineffective or have been ineffective in the situation.*
 - *There is a reasonable expectation that it will be unsafe for officers to approach within the contact range of the person.*
- f. *Instances where the use or availability of the PepperBall System may be effective would include, but are not limited to:*
 - *Subjects who have made active movements to avoid physical control.*
 - *Service of Mental Detention Orders on persons believed to be violent.*

- *Apprehension of subjects armed with weapons other than firearms.*
 - *Preplanned warrant service with potentially violent subjects.*
 - *Apprehension of violent persons under the influence of drugs/alcohol.*
 - *Detention of persons threatening suicide or injury to themselves.*
 - *Riot control or an unlawful assembly.*
 - *Restoring institutional integrity in a detention facility.*
- g. *The PepperBall System shall not be used on the following individuals, except in circumstances where the safety of the officer or public outweighs the potential risk to the suspect:*
- *Children.*
 - *Elderly persons.*
 - *Persons with known respiratory ailments.*
 - *Persons with known heart related ailments.*
 - *Females known to be pregnant.*
- h. *When practical and prior to deploying the PepperBall System, officers should attempt to use verbal commands to gain compliance. When deploying the PepperBall System, one officer shall be dedicated to the PepperBall gun and a second officer should be on scene to take control of the subject.*
- i. *When circumstances permit, operators should aim at the subject's torso or center of mass. Intentional impact to the head, neck, spine, groin, and breast area of females should be avoided unless deadly force is intended.*
- j. *Officers are responsible for decontaminating subjects in their custody who have been exposed to the PAVA powder. Persons inadvertently hit with a projectile fired from a PepperBall System or affected by the PAVA powder shall also be provided proper medical attention as required or on request. Officers may choose to decontaminate subjects themselves or request EMS personnel assist with the decontamination. Decontamination should be*

administered with water poured over the bridge of the nose so that it floods both eyes. Particular care should be given to persons wearing contact lenses.

- k. Persons who have been exposed to the PepperBall PAVA powder and who are morbidly obese or have complaints or symptoms of respiratory ailments (e.g., bronchitis, asthma, emphysema, etc.) shall be decontaminated by EMS personnel. This will allow EMS personnel to assess the subject for any adverse reaction to the PAVA powder.*
- l. Officers shall ensure that persons exposed to PAVA powder, especially those who are very obese or who have respiratory ailments, are restrained or transported in a manner which does not constrict their body position since these persons have a greater risk for positional asphyxiation.*

The terminology for the levels of force (Deadly, Less-Lethal, Non-Deadly) have not changed, but the Use of Force Model has been incorporated into the General Order to provide a resource for ongoing training. A Use of Force Reporting chart has also been created to provide a quick reference for reporting incidents which require the use of force. This chart will also assist in determining the proper reporting method when the use of force results in the need for medical treatment.

This memorandum outlines the significant revisions to General Order 540.1, Use of Force; however, the entire Order has been redesigned for ease of use and contains updated information throughout. The Inspections Division of the Internal Affairs Bureau will be available to provide supervisors with additional training on the new reporting requirements, but commanders shall ensure those under their command review this material. The new use of force supplement (PD42SF) can be found in the BLUENet Document Center's PD Forms folder.

These revisions will be incorporated into the next update of the Manual of Regulations and General Orders. Any questions or concerns regarding this policy may be directed to Major Jim Morris, Commander of the Internal Affairs Bureau.

DMR/jam

Attachment

GENERAL ORDER

FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: USE OF FORCE

NUMBER: 540.1

CANCELS ORDER DATED: 4-1-06

ISSUE DATE: 8-1-09

I. PURPOSE

The purpose of this policy is to establish guidelines and reporting requirements for the use of force by members of the Fairfax County Police Department.

II. POLICY

It is the policy of the Fairfax County Police Department that force is used only to the extent reasonably necessary to defend oneself or another, to control a person during an investigative detention or mental detention, and to effect arrest. In all situations, medical assistance shall be provided to any person who is obviously injured, alleges an injury, or requests medical assistance.

III. DEFINITIONS

- A. Use of Force: Any physical contact above the level of a "guiding" or "escort" hold between an officer and another person, or the use of lethal or non-lethal weapons, which further the officer's intent to establish or maintain control or custody or to defend themselves or another person.
- B. Reasonable Use of Force: The use of any force – deadly or not – in the course of an arrest, investigatory stop, or other seizure that is "reasonable" in light of the facts and circumstances confronting the officer, without regard to the officer's underlying intent or motivations.
- C. Deadly Force: Any level of force that is likely to cause death or serious injury.
- D. Less-Lethal Force: Force which may result in death or serious injury. When properly used, less-lethal weapons significantly reduce the probability of such outcomes.
- E. Non-Deadly Force: Force which is not intended to cause death or serious injury. The use of any instrument or technique to deploy non-deadly force may constitute deadly force depending on the totality of circumstances.
- F. Excessive Force: Any force which is determined not reasonably necessary.

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- G. Vehicle Incident: A police vehicle is used to immobilize or make contact with another vehicle, object, or person as a direct result of the intentional actions of the operating officer. The Precision Immobilization Technique shall not be considered a vehicle incident for investigation and documentation purposes.
- H. Precision Immobilization Technique (PIT): The intentional act of using a police vehicle to physically force a fleeing vehicle from a course of travel in order to stop it. The Precision Immobilization Technique is a specific, technical maneuver that requires advanced practical training prior to use.
- I. Institutional Integrity: The condition whereby order is maintained in a detention facility. The use of force instruments or techniques may be used in a detention facility to prevent the following:
- Violations of law.
 - Threatened assault to others.
 - Attempted or threatened suicide.
 - Failure of prisoners to respond to lawful commands to do any acts which are necessary for safety concerns of the facility.
- J. Medical Treatment: Any action taken by Emergency Medical Service (EMS), Department Personnel approved by the Office of the Medical Director (OMD), or medical facility personnel to physically mend an injury (e.g., dress a wound, stitches, etc.) resulting from the use of force or accidental injury. Routine decontamination does not constitute medical treatment. Medical treatment for a pre-existing injury or condition shall be documented in a PD42, unless the use of force further compounds the pre-existing injury or condition.
- K. Serious Injury: An injury which creates a substantial risk of death, disfigurement, prolonged hospitalization, impairment of the functions of any bodily organ or limb, or any injury that medical personnel deem to be potentially life threatening.

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IV. Regulations

A. Deadly Force

Deadly force shall not be used unless it is reasonably necessary. It shall be the officer's belief based on the totality of circumstances known to the officer at the time that imminent threat of death or serious injury to any person exists and that all other methods of force to control the subject(s) would be or have already proven to be ineffective. Any use of deadly force which is not reasonably necessary in view of the circumstances confronting the officer is prohibited.

In any situation where an officer is otherwise acting lawfully, the use of deadly force is justified in the defense of the officer's life or other person's life. Also, the use of deadly force is justified in protecting the officer or public from serious injury.

Deadly force shall not be employed to apprehend a fleeing misdemeanor. Deadly force may be used to apprehend a fleeing felon if: all other means to effect an arrest have been exhausted, the officer has probable cause to believe that the suspect committed a heinous crime, and the felon's escape poses a threat of serious injury or death to the officer or to others.

When effecting any lawful arrest, conducting an investigative detention, or while taking a mentally disturbed person into custody, only the amount of force which is reasonably necessary to ensure safe custody or overcome resistance to arrest or detention is justified. If during the course of a lawful arrest or custodial situation officers are met with resistance to the extent that the officer reasonably believes that death or serious injury will occur to any person the use of deadly force to overcome such resistance is justified.

Firearms:

- a. Only ammunition and firearms issued or authorized by the Fairfax County Police Department shall be used on-duty or carried in an off-duty capacity. This does not apply to lawful firearms related off-duty activities (e.g., hunting or recreational shooting).
- b. If feasible, when using a firearm for the purpose of deadly force, officers shall give the verbal warning, "**Police, don't move!**" prior to using deadly force. **The pointing of a firearm in response to the actions of a subject to establish control and gain compliance shall be considered non-deadly use of force.**

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- c. Officers shall not fire warning shots under any circumstances.
- d. Discharging a firearm at a moving vehicle and/or its occupants is prohibited unless the circumstances would authorize the use of deadly force. Officers on foot shall not intentionally place themselves in the path of an oncoming vehicle where the use of deadly force would likely be the probable outcome. When confronted by an oncoming vehicle, officers shall attempt to move out of its path, if possible, rather than discharging a firearm at the vehicle or its occupants.
- e. Discharging a firearm from a moving vehicle shall be prohibited unless it is necessary in the immediate defense of the life of the officer or another person.
- f. Officers shall exercise caution at all times and in any place when handling or displaying firearms. Except for official purposes (e.g., training, securing, cleaning, etc.) firearms shall not be handled or displayed. Firearms, whether loaded or unloaded, shall not be aimed at any person except as necessary in the line of duty.
- g. Officers shall not leave Department issued or other approved firearms unsecured. This shall apply to on-duty and off-duty situations.
- h. When an officer is otherwise justified in using deadly force, the officer shall not use deadly force recklessly or in such a manner that injury or death to an innocent bystander is likely.
- i. Employees shall immediately inform their supervisor if they discharge a firearm in the following circumstances:
 - Intentionally discharge a firearm on-duty or off-duty. This does not apply to authorized training exercises or lawful firearms related off-duty activities (e.g., hunting or recreational shooting).
 - Accidentally discharge a firearm on-duty or off-duty. This does not apply to authorized training exercises.These circumstances shall be immediately reported by the supervisor to the employees' respective commander or to the Duty Officer.

B. Reporting the Use of Deadly Force and Investigation of Injuries

1. Officers who use deadly force shall immediately inform an on-duty supervisor

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or DPSC of the incident. The responding supervisor shall notify the employee's commander or the Duty Officer of the deadly force incident.

2. Accidental firearm discharges, not resulting in death or injury to any person, that occur on- or off-duty and not during an approved training exercise, will usually be investigated by an on-duty supervisor. If a person is endangered by the accidental discharge, the on-duty supervisor shall notify the Internal Affairs Bureau Commander who will make a determination on the investigating authority. The investigating supervisor shall document the findings in an administrative investigation.
3. Accidental firearm discharges, not resulting in death or injury to any person, that occur during approved training exercises, will be investigated at the direction of the bureau commander who is responsible for the entity conducting the approved training exercise.
4. All intentional and all accidental firearm discharges that result in injury or death and occur in Fairfax County will be investigated by the Major Crimes Division in coordination with the Internal Affairs Bureau or at the direction of the Chief of Police by an agency outside the Department. All intentional and all accidental firearm discharges that result in injury or death and occur outside of Fairfax County will be investigated by the Internal Affairs Bureau in cooperation with the appropriate jurisdiction.
5. Any officer who uses force that results in serious injury or death to any person, or who intentionally discharges a firearm other than a firearm loaded with less-lethal munitions, or who accidentally discharges a firearm that results in injury, shall be placed on administrative leave in accordance with General Order 301, X. Internal Investigations, by a designee of the Internal Affairs Bureau.
6. Crimes associated with the incident will be investigated by the entity normally charged with that responsibility, unless the Chief, Deputy Chief, Commander of the Internal Affairs Bureau, or Commander of the Criminal Investigations Bureau determines a different response is appropriate. The officer shall not be responsible for the investigation and subsequent arrest of the perpetrator; unless immediate action by the officer is necessary.
7. The need to obtain comprehensive statements from all involved officers and witnesses is paramount. As soon as practical and following an initial review of all available information, the officer(s) who deployed deadly force or was directly involved with the deployment will be interviewed by a Major Crimes

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Division detective. **Internal Affairs Bureau staff shall not be present during these interviews.**

- a. Officers are normally required to answer questions regarding their duties, but they are not compelled to answer questions put forth by Major Crime's detectives since their actions could constitute a violation of the law. Refusal to answer questions will not result in disciplinary action; however, all answers given must comply with Regulation 201.21, Truthfulness.
 - b. A separate statement from the officer(s) directly involved will be taken by the Internal Affairs Bureau detective following the completion of the criminal investigation.
 - c. To expedite the information gathering process, members of the Major Crimes Division, the Internal Affairs Bureau or other entities deemed appropriate by the Major Crimes Division Commander may assist in the interviews of any officers who did not use deadly force and witnessed the incident under investigation.
8. The officers involved should maintain custody of their equipment, (e.g., their weapon, holster and gun belt). This equipment shall be removed from the officers by the Crime Scene Section at the direction of a Major Crimes detective on their arrival. However, should there be a concern for public safety or the officers' inability to maintain custody due to injury or emotional state, a responding supervisor should take possession of the officers' equipment. The supervisor shall not tamper with the weapon, except to make it safe by de-cocking or engaging any safety mechanism. The supervisor shall turn the equipment over to the Crime Scene Section and then document in a supplement the condition of the weapon and any action taken.

C. Deadly Force Against Animals

- 1. Officers may use deadly force to destroy a non-domesticated injured animal or any suspected rabid animal. Deadly force may be used against any animal that is attacking or threatening to attack when it is reasonably necessary to defend oneself or another person against the threat of serious physical injury.
- 2. When possible, force should be used progressively by officers to protect themselves or a third party from an attacking animal. Alternatives to deadly force may include striking instruments, Oleoresin Capsicum, Conducted Energy Devices, physical barriers, or catch poles. Non-deadly force strategies

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should be developed to establish control over domesticated animals when planning operations.

3. In any situation where an officer is otherwise justified in using deadly force against an animal, the officer shall not use deadly force recklessly or in any place or under any circumstances where injury or death to any person is likely. Officers who discharge a firearm toward an animal shall immediately inform their supervisor of the incident.
4. Prior to destroying an injured domesticated animal, an Animal Control Officer shall be notified. The Animal Control Officer will make the determination of responding or at least providing guidance. Arrangements should be made to transport the injured animal to a veterinary facility for treatment. Field euthanasia of a domesticated animal should only be performed by an Animal Control Officer or veterinarian. A reasonable effort to contact the animal's owner and obtain consent must be made.
5. If destruction of a domestic or non-domestic animal is necessary, the officer shall advise the supervisor of his intentions. The officer shall then clear the area of spectators and use the utmost caution to destroy the animal.

D. Reporting the Use of Deadly Force Against Animals

1. The use of deadly force against a non-domesticated animal (e.g., attacking, suspected rabid, or injured) or an injured domesticated animal, that does not result in death or injury to any person and regardless of the animal's death or injury, shall be documented in a Field Investigation Report. A copy of the report shall be forwarded to the Internal Affairs Bureau through the appropriate commander.
2. **The use of deadly force against any attacking domesticated animal that results in an animal's wounding or death shall be investigated by the Internal Affairs Bureau.** The use of deadly force against any domesticated animal that does not result in death or injury to any person and does not result in an animal's wounding or death, shall be administratively investigated by a first line supervisor. A copy of the administrative investigation shall be forwarded to the Internal Affairs Bureau through the appropriate commander.

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E. Less-Lethal Force

1. Extended Range Kinetic Energy Impact Projectile

- a. Only kinetic energy impact projectiles issued by the Fairfax County Police Department shall be used by officers who are trained and certified by the Fairfax County Criminal Justice Academy to use the Kinetic Energy device.
- b. Kinetic energy impact projectiles are designed to provide a less-lethal alternative when the use of deadly force is not immediately necessary. However, the use of kinetic energy impact projectiles may not always be appropriate and should not be considered if not readily available and a delay in action would be detrimental to the situation.
- c. Kinetic energy impact projectiles may be used to resolve potentially violent situations, thereby reducing the likelihood of serious injury or death to oneself or to other persons. Kinetic energy impact projectiles will only be used when the following conditions exist:
 - There is a reasonable belief it is unsafe for officers to approach.
 - Immediate action is necessary or circumstances (e.g., flammable liquids, etc.) preclude the use of a CED.
 - The subject has an immediate ability to utilize force that is likely to cause death or serious injury.
- d. Instances where the use or availability of a kinetic energy impact projectile may be effective would include, but are not limited to:
 - A subject who is armed with a weapon other than a firearm.
 - A violent subject who is under the influence of drugs or alcohol.
 - A subject who is threatening serious injury to himself and is armed with a weapon that makes it unsafe for the officers to approach.

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- e. Requests for a kinetic energy projectile operator may be made by any police officer or supervisor through the DPSC. The use of the kinetic energy impact projectile will be at the discretion of the operator once on the scene.
- f. It shall be the responsibility of the operator to visually and physically inspect the shotgun and munitions to insure that only the appropriate projectiles are used for deployment. Whenever practical, a second officer will inspect the shotgun to assure the weapon is unloaded of shotgun ammunition prior to loading the kinetic energy impact projectiles.
- g. All perimeter units within the immediate area shall be advised, either by radio or direct verbal contact, that kinetic energy impact projectiles may be deployed and again once they have been used.
- h. Kinetic energy impact projectiles should be used from behind cover or at a safe distance from the target. A cover officer shall be in position to engage the subject with deadly force if necessary.
- i. When circumstances permit, operators should aim for the subject's shoulders, arms, abdomen, or thighs. Intentional impact to the head, neck, or chest shall be avoided unless deadly force is intended.
- j. The subject shall be taken to a medical facility for examination after having been impacted with a kinetic energy impact projectile.

F. Reporting the Use of Less-Lethal Force and Investigation of Injuries

- 1. Officers who use less-lethal force shall immediately inform an on-duty supervisor or DPSC of the use of force incident. The notified supervisor or DPSC shall notify the employee's commander or the Duty Officer of the less-lethal force incident.
- 2. All less-lethal force incidents will be investigated by the Internal Affairs Bureau. The Major Crimes Division will share joint investigative responsibilities for those less-lethal force incidents that result in serious injury or death.
- 3. Any officer who uses less-lethal force which results in serious injury or death to a person shall be placed on administrative leave by a designee of the Internal Affairs Bureau and in accordance with General Order 301, X. Internal Investigations.

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4. The involved officer's weapon used in the less-lethal force incident will be taken into custody by the first non-involved supervisor once the scene is stabilized. The supervisor taking custody of the items is responsible for the preservation of all equipment and will personally deliver items to a member of the Crime Scene Section. **Weapons involved will not be opened, unloaded or tampered with in any manner, except to render it safe for handling by engaging any safety mechanism.**

G. Non-Deadly Use of Force

Instances where the use of non-deadly force may be effective would include, but not be limited to:

- Effecting an investigative stop or arrest.
- Preventing escape from lawful custody.
- Defending oneself or another person from injury or assault.
- Establishing custody for a temporary detention order.
- Restoring institutional integrity in a detention facility.

Officers may use the force reasonably necessary (e.g., moderate pressure to stop, turn, or guide a subject) to conduct an investigative stop without converting the stop into an arrest. Increased levels of force may be used if it is reasonable under the circumstances. See General Order 540.2, V. Investigative Stop, Frisk and Search Beyond the Person, for detailed procedures regarding investigative stops.

Voluntary field contacts may be utilized by an officer who wants to speak to someone or obtain a person's identification. Officers may not use any force to conduct a voluntary field contact. See General Order 540.2, IV. Voluntary Field Contacts, for detailed procedures regarding voluntary stops.

When possible, only that level of non-deadly force reasonably necessary (e.g., physical control techniques, pointing a firearm, striking with a baton or other instrument, discharging OC, a CED, PepperBall System, or utilizing a vehicle to intercept another vehicle, etc.) to establish control and gain compliance shall be used in response to opposing force. Officers shall escalate or de-escalate their use of force in direct response to the opposing person's actions.

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Officers who use non-deadly force on persons exhibiting symptoms of mental health crisis or drug intoxication should give particular consideration that these persons may be experiencing or are at an increased risk of developing excited delirium. Excited delirium should be strongly suspected in subjects who exhibit extreme paranoia, bizarre physical symptoms (profuse sweating, foaming at the mouth, seizures, shaking, inability to breath, etc.), violent resistance to arrest, little or no reaction to pain, unbelievable strength, and/or extreme aggression toward objects (particularly glass). Excited delirium is a potentially fatal acute medical illness which may lead to "Custody Death Syndrome." Subjects who are exhibiting signs or symptoms of excited delirium shall be evaluated at a medical facility.

Handcuffed persons resisting arrest or assaulting officers present a unique use of force decision. Officers may use only that amount of force reasonably necessary to ensure safe custody or to overcome the person's resistance to a lawful arrest. Striking instruments, OC, and the CED shall not be used on a handcuffed person unless the person continues to pose a threat to the officer, to others, to the person himself and/or all other force alternatives have been ineffective or deemed unacceptable for the situation.

Non-deadly strategies may also be used against an animal that is attacking or threatening to attack a person or another animal. Instruments of non-deadly force (e.g. striking instruments, chemical agents, or CED) are intended to reduce the likelihood of serious injury or death to the animal and to provide a more humane and less traumatic conclusion to the incident.

1. Baton (Striking Instruments)

- a. Batons shall be issued or approved in accordance with SOP 04-002 Police Uniforms, Personal Equipment and Civilian Clothing.
- b. The baton may be used to strike the subject in designated target areas of the body (e.g., torso, legs, and arms). Whenever possible, intentional strikes to the subject's head, kidneys or groin shall be avoided.
- c. The baton may be used as a lever to induce sufficient pressure to cause the subject to cease aggressive action. Utilization of the baton, flashlight, or other instrument in a manner constituting a choke hold is prohibited except when deadly force is justified.
- d. The baton may be used to block strikes or attempted strikes initiated by the subject and directed at an officer or other person.

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- e. Due to the dangers associated with an accidental discharge, using a firearm as a striking instrument shall be avoided except as a last resort.

2. Oleoresin Capsicum (OC)

- a. Only those Oleoresin Capsicum dispensers issued by the Fairfax County Police Department shall be used by Department employees.
- b. When possible, OC should be directed at the subject's face and ideally not at the eyes when closer than three feet. This is due to the potential risk of injury and damage to the eyes from the pressure of the propellant.
- c. Officers may use OC to resolve potentially violent situations thereby reducing the likelihood of injury to oneself or to other persons. Instances where OC may be effective would include, but are not limited to:
 - When it is reasonably necessary to accomplish or overcome resistance to a lawful arrest.
 - Prevent escape from custody.
 - Defend against assault.
 - Establish custody of a mentally disturbed person.
 - Restore institutional integrity in a detention facility.
- d. Prior to utilizing OC, officers should consider the totality of the circumstances and give particular consideration to its use on persons who are at risk for adverse reaction to OC. This may include persons:
 - Who are known to be or who appear morbidly obese.
 - Who are known to have respiratory ailments (e.g., bronchitis, asthma, emphysema, etc.).

Persons who have been exposed to OC and who are morbidly obese or have complaints or symptoms of respiratory ailments shall be decontaminated by EMS personnel. This will allow EMS personnel to assess the subject for any adverse reaction to OC product.

- e. Officers are responsible for decontaminating subjects in their custody

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who have been exposed to OC. Persons inadvertently exposed to OC will be provided with medical attention, on request. Officers may choose to decontaminate subjects themselves or request EMS personnel to assist with the decontamination. Decontamination should be administered with water poured over the bridge of the nose so that it floods both eyes. Particular care should be given to persons wearing contact lenses.

- f. Officers shall ensure that persons exposed to OC, especially those who are very obese or who have respiratory ailments, are restrained or transported in a manner which does not constrict their body position since these persons have a greater risk for positional asphyxiation.

3. Conducted Energy Device (CED)

- a. Only those Conducted Energy Devices issued by the Fairfax County Police Department shall be used by officers who are trained by the Fairfax County Criminal Justice Academy to use those CEDs.
- b. The CED is designed to offer the police officer an alternative to physical force in many situations. However, use of the CED is not always appropriate and should not be considered if not readily available and delay in action could be detrimental to the situation.
- c. Requests for a CED and operator may be made by any police officer or supervisor through the Department of Public Safety Communications.
- d. A CED may be used to resolve potentially violent situations when an officer reasonably believes any of the following conditions exist:
- Deadly force does not appear to be immediately necessary.
 - Attempts to gain compliance by verbal commands or physical control are likely to be ineffective or have been ineffective in the situation.
 - There is a reasonable expectation that it will be unsafe for officers to approach within the contact range of the person.
- e. Instances where the use or availability of a CED (with the probes or in drive stun mode) may be effective would include, but are not limited to:
- Subjects who have made active movements to avoid physical control.

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- Service of Mental Detention Orders on persons believed to be violent.
 - Apprehension of subjects armed with weapons other than firearms.
 - Preplanned warrant service with potentially violent subjects.
 - Apprehension of violent persons under the influence of drugs/alcohol.
 - Detention of persons threatening suicide or injury to themselves.
- f. Prior to utilizing the CED, officers should consider the totality of the circumstances and the surrounding environment (e.g., persons standing in water, on a ledge, building, or bridge) which may place some individuals at risk of secondary injuries when incapacitated by the CED. Officers must have an elevated level of justification prior to using the CED on:
- Children.
 - Elderly persons.
 - Females known to be pregnant.
 - Persons who are known to be at a higher risk for serious injury.
- g. In circumstance where subjects have been exposed to combustible vapors or flammable liquids, the CED should not be utilized unless there are no other alternatives immediately available.
- h. Officers who have received CED training may remove CED probes embedded in a subject's clothing or skin. **Officers shall not remove probes if the subject objects or the probes are embedded in the subject's face, spine, genitals, buttocks, or in a woman's breast.** In these instances, the subject shall be transported to a medical facility for CED probe removal.
- i. Officers shall ensure that persons exposed to the CED are restrained and transported in a manner which does not constrict their body position as this may contribute to positional asphyxiation.

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4. PepperBall System

- a. Only those PepperBall Systems issued by the Fairfax County Police Department shall be used by officers who are trained by the Fairfax County Criminal Justice Academy to use the PepperBall System.
- b. The PepperBall System is designed to provide an alternative to physical force. However, the use of the PepperBall System may not always be appropriate and should not be considered if not readily available and a delay in action could be detrimental to the situation.
- c. Requests for the PepperBall System and operator may be made by any police officer or supervisor through the Department of Public Safety Communications.
- d. The use of the PepperBall System will be at the discretion of the system operator once on the scene.
- e. The PepperBall System may be used to resolve potentially violent situations thereby reducing the likelihood of serious injury or death to persons. The PepperBall System may be used when an officer reasonably believes any of the following conditions exist:
 - Deadly force does not appear to be immediately necessary.
 - Attempts to gain compliance by verbal commands or physical control are likely to be ineffective or have been ineffective in the situation.
 - There is a reasonable expectation that it will be unsafe for officers to approach within the contact range of the person.
- f. Instances where the use or availability of the PepperBall System may be effective would include, but are not limited to:
 - Subjects who have made active movements to avoid physical control.
 - Service of Mental Detention Orders on persons believed to be violent.
 - Apprehension of subjects armed with weapons other than firearms.
 - Preplanned warrant service with potentially violent subjects.

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- Apprehension of violent persons under the influence of drugs/alcohol.
 - Detention of persons threatening suicide or injury to themselves.
 - Riot control or an unlawful assembly.
 - Restoring institutional integrity in a detention facility.
- g. The PepperBall System shall not be used on the following individuals, except in circumstances where the safety of the officer or public outweighs the potential risk to the suspect:
- Children.
 - Elderly persons.
 - Persons with known respiratory ailments.
 - Persons with known heart related ailments.
 - Females known to be pregnant.
- h. When practical and prior to deploying the PepperBall System, officers should attempt to use verbal commands to gain compliance. When deploying the PepperBall System, one officer shall be dedicated to the PepperBall gun and a second officer should be on scene to take control of the subject.
- i. When circumstances permit, operators should aim at the subject's torso or center of mass. Intentional impact to the head, neck, spine, groin, and breast area of females should be avoided unless deadly force is intended.
- j. Officers are responsible for decontaminating subjects in their custody who have been exposed to the PAVA powder. Persons inadvertently hit with a projectile fired from a PepperBall System or affected by the PAVA powder shall also be provided proper medical attention as required or on request. Officers may choose to decontaminate subjects themselves or request EMS personnel assist with the decontamination. Decontamination should be administered with water poured over the bridge of the nose so that it floods both eyes. Particular care should be given to persons wearing contact lenses.

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- k. Persons who have been exposed to the PepperBall PAVA powder and who are morbidly obese or have complaints or symptoms of respiratory ailments (e.g., bronchitis, asthma, emphysema, etc.) shall be decontaminated by EMS personnel. This will allow EMS personnel to assess the subject for any adverse reaction to the PAVA powder.
- l. Officers shall ensure that persons exposed to PAVA powder, especially those who are very obese or who have respiratory ailments, are restrained or transported in a manner which does not constrict their body position since these persons have a greater risk for positional asphyxiation.

5. Vehicle Incident

Due to the potential dangers associated with vehicle collisions, the use of police vehicles to immobilize or make intentional contact with another vehicle, object, or person should be avoided except in the following circumstances:

- a. Tactical Vehicular Intercepts (TVI) conducted under the command of the OCN or TAC and utilized in accordance with the training and procedures established for these specialized units. OCN or TAC supervisors will have command authority to investigate tactical intercepts.
- b. Vehicle maneuvers used to box-in or trap a vehicle (e.g., rolling roadblocks, pinning suspect vehicle in place, etc.), and slow its rate of speed so as to affect a safe forced stop. Such maneuvers may be conducted to minimize the risk of injury or damage to property when it is likely to terminate an incident, which if permitted to continue, would place others at risk of injury or death.
- c. Stationary roadblocks used to block or immobilize another vehicle may be authorized by a supervisor and must take into account the risk of injury or death to any person. Stationary roadblocks are regulated by General Order 501.1, Operation of Police Vehicles.

6. Precision Immobilization Technique (PIT)

- a. When a fleeing vehicle must be stopped immediately to safeguard life, only officers who have been trained and certified by the Fairfax County Criminal Justice Academy may utilize the Precision Immobilization Technique.

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- b. The decision to utilize the Precision Immobilization Technique must take into account the safety of bystanders, and the risk of serious injury to the occupant(s) of the fleeing vehicle and to the involved police officer(s).
- c. The use of the PIT shall be investigated as an administrative investigation by the Internal Affairs Bureau with the assistance of the Crash Reconstruction Unit, and it shall be documented in accordance with General Order 540.1 Section IV., H. Reporting the Non-Deadly Use of Force and Investigation of Injuries.

H. Reporting the Non-Deadly Use of Force and Investigation of Injuries

1. Officers who use non-deadly force shall immediately inform their on-duty supervisor of the use of force incident. Unless circumstances exist which prohibit the notified supervisor from responding, the supervisor shall respond to the scene of any use of force incident where injury results, or a vehicle, CED, or PepperBall System is utilized. The notified supervisor shall review the circumstances surrounding the use of force incident and notify the Duty Officer or appropriate commander of the occurrence of:
 - a. Any non-deadly use of force, accidental injury, or any other situation resulting in serious injury or death to any person.
 - b. Any medical treatment provided by EMS, Department personnel approved by OMD, or medical facility resulting from the non-deadly use of force, accidental injury, or any other situation resulting in medical treatment to any person.
 - c. Any use of the Precision Immobilization Technique (PIT).
2. The Duty Officer or the appropriate commander will determine if an injury is to be designated a serious injury. This determination will be based, in part, on information from medical personnel. At the earliest opportunity, the Duty Officer or commander will notify the appropriate bureau commanders of all injuries designated serious.
3. The on-duty supervisor shall ensure that the use of all non-deadly force is documented on a Field Investigation Report. Self-inflicted and/or accidental injuries and all non-deadly force that **involves the complaint of injury or medical treatment** shall be documented on a Supplementary Investigation Report (PD-42SF) and investigated as follows:

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- a. Serious injury or death to any person resulting from the use of non-deadly force, self-inflicted and/or accidental injury, or any other situation:
- Investigative Authority: The Major Crimes Division and the Internal Affairs Bureau.
 - Investigative Format: CIB Criminal Investigation and Internal Affairs Bureau Administrative Investigation.
 - Documentation Review: The commander of the Internal Affairs Bureau shall review the administrative investigation and forward the investigation to the appropriate bureau commander.
- b. Medical treatment for non-serious injuries, provided by medical facility personnel resulting from the use of non-deadly force, self-inflicted and/or accidental injury, or any other situation to any person:
- Investigative Authority: The on-duty supervisor.
 - Investigative Format: Administrative investigation and a Supplementary Investigation Report (PD-42SF) detailing the incident, type of force used, extent of injuries, and type of medical treatment provided.
 - Documentation Review: The on-duty supervisor shall review all investigation reports and forward copies of the incident reports and administrative investigation to the division commander for approval and forwarding to the appropriate bureau commander and to the Internal Affairs Commander.
- c. Medical treatment for non-serious injuries provided by EMS personnel, Department personnel approved by OMD, or **refusal of treatment** by any person who has obvious non-serious injuries or alleges a non-serious injury resulting from the use of non-deadly force, self-inflicted and/or accidental injury, or any other situation:
- Investigative Authority: The on-duty supervisor or above.
 - Investigative Format: Supplementary Investigation Report (PD-42SF) detailing the incident, type of force used, extent of injuries observed or the complaint of injuries, and the fact that medical treatment was administered or refused by the injured person.

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- Documentation Review: The on-duty supervisor shall review all investigation reports and forward copies to the division commander for approval and subsequent forwarding to the appropriate bureau commander and to the Internal Affairs Bureau Commander.
4. The on-duty supervisor shall ensure that the use of all non-deadly force that **does not involve the complaint of injury or medical treatment** shall be documented and investigated as follows:
- a. Use of Non-deadly force which involves striking a person, discharging a chemical agent or CED, or utilizing a vehicle to contact a vehicle or person:
 - Investigative Authority: The on-duty supervisor or above.
 - Investigative Format: Supplementary Investigation Report (PD-42SF) detailing the incident, the type of force used, the fact that no injuries were observed or the fact that no complaint of injuries were made.
 - Documentation Review: The on-duty supervisor shall review all investigation reports and forward a copy to the division commander for approval and subsequent forwarding to the appropriate Bureau Commander and to the Internal Affairs Bureau Commander.
 - b. Use of Non-deadly force which involves pointing a firearm in response to the actions of a subject, physical control techniques to establish control and gain compliance, or vehicle incident techniques that do not involve contact with a person or object:
 - Investigative Authority: The on-duty supervisor or above.
 - Investigative Format: Field Investigation Report (PD-42), completed by the involved officer, detailing the incident, the type of force used, the fact that no injuries were observed or the fact that no complaint of injuries were made.
 - Documentation Review: The on-duty supervisor shall review all investigation reports and forward a copy to the division commander for concurrence and subsequent forwarding to the appropriate bureau commander and to the Internal Affairs Bureau Commander.

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V. Use of Force Reporting by Type of Force Employed and Injury / Treatment

T Y P E O F F O R C E		Officer Document PD-42B	Supervisor Document PD-42SF	Supervisor Administrative Investigation	CIB Criminal Investigation	IAB Administrative Investigation	CRU	Notifications: Duty Officer/ Commander
	Deadly Force	Yes	Yes (IAB)	No	Yes	Yes	No	Yes
	Striking, Kicking, Hitting, OC	Yes	Yes	No	No	No	No	No
	Use of CED* PepperBall*	Yes	Yes	No	No	No	No	Yes
	Less-Lethal	Yes	Yes (IAB)	No	No	Yes	No	Yes
	Ripp Hobble	Yes	No	No	No	No	No	No
	Take to Ground	Yes	No	No	No	No	No	No
	Handcuffing Minor Force Used	Yes	No	No	No	No	No	No
	Pointing Firearm	Yes	No	No	No	No	No	No
	Pressure Points	Yes	No	No	No	No	No	No
PIT	Yes	Yes (IAB)	No	No	Yes	Yes	Yes	
Vehicle Incident:								
- Contact	Yes	Yes	Yes	No	No	No	Yes	
- No Contact	Yes	No	No	No	No	No	No	
Destruction of Attacking Domestic Animal	Yes	No	No	No	Yes	No	Yes	
Destruction of Non-Domestic Animal	Yes	No	No	No	No	No	No	

* CED and PepperBall – Complete required forms in addition to PD-42SF

* Info copy of all reports involving use of force shall be sent to the Internal Affairs Bureau

I N J U R Y	Injury / Treatment	Officer Document PD-42B	Supervisor Document PD-42SF	Supervisor Administrative Investigation	CIB Criminal Investigation	IAB Administrative Investigation	Notifications: Duty Officer / Commander
	Non-serious / EMS, approved Department personnel (e.g., OMD approved medics) or Refused treatment	Yes	Yes	No	No	No	Yes
	Non-serious / Medical facility	Yes	Yes	Yes	No	No	Yes
	Serious Injury or Death	Yes	Yes (IAB)	No	Yes	Yes	Yes

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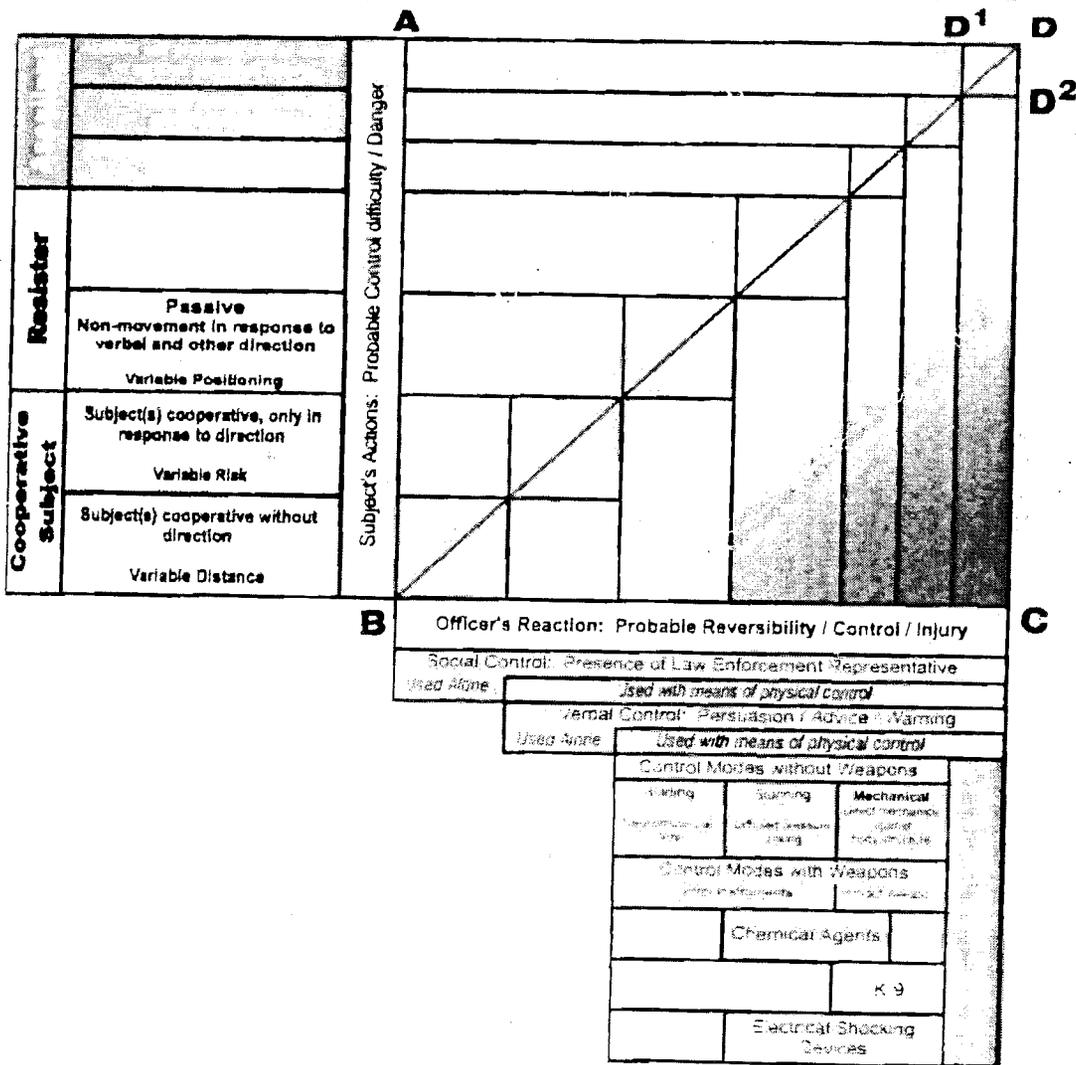
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VI. USE OF FORCE MODEL

Use of Force Model



* Electronic Shocking Device is analogous to CED.

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VII. TRAINING

All sworn officers shall receive training and demonstrate proficiency in the use of all authorized weapons before carrying them. The Director of the Criminal Justice Academy shall maintain an authorized list of weapons approved by the Chief of Police to be used for deadly and non-lethal force. Officers shall qualify with all issued firearms on an annual basis to comply with the mandates established by the Virginia Department of Criminal Justice Services. Additionally, all officers shall undergo refresher training and qualification (if applicable) at least biennially for any authorized weapons other than firearms.

VIII. LEGAL REFERENCE

1. The U. S. Supreme Court 1989 case of Graham v. Connor defined the "Objective Reasonableness Standard." The "reasonableness" of a particular use of force must be judged from the "objective" standard of a "reasonable" officer on the scene, and it must take into allowance the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.
2. The U. S. Supreme Court in the 1985 case of Tennessee v. Garner defined the deadly use force to prevent escape of a fleeing felon.
3. Code of Virginia, Section 37.1-67.1, permits officers to lawfully go to or be sent beyond the territorial limits of the county, city, or town in which they serve to any point in the Commonwealth for the purpose of executing any order for temporary detention.
4. Code of Virginia, Section 18.2-312, permits the lawful use of tear gas or other gases by police officers or other peace officers in the proper performance of their duties, or by any person or persons in the protection of person, life or property.

IX. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM		OPR
05.01	18.02	01.10
05.02	18.03	06.01
05.03	18.04	06.02
06.01	18.05	
18.01	18.06	

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This General Order becomes effective August 1, 2009 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

APPROVED BY:

Chief of Police

County Executive

Page of	Date of Event	Time of Event	Case#
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Use of Force Control Techniques:

	Officer #1	Officer #2	A / S / O
Control by Physical Force:			
- Strike with Foot / Knee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Strike with Hand / Fist	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Strike with Elbow / Shoulder	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Strike with _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Control by Instrument:			
- Rip Hobble	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Baton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- ASP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Flashlight	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Control by Chemical Agent:			
- Oleoresin Capsicum Spray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- CS Chemical Agent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- PepperBall	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Model Number: _____	Target Distance: _____	Number Shots: _____	

Control by Conducted Energy:			
- Drive Stun	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Probe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Model Number: _____	Target Distance: _____	Number Shots: _____	

Control by Firearm:			
- Extended Range Kinetic Energy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Control by Vehicle:			
- Tactical Vehicle Intercept	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Vehicle Maneuvers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Stationary Roadblocks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Precision Immobilization	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Case Status (Check Only One Block)		<input type="checkbox"/> 6 Active-FOT CIB	<input type="checkbox"/> 2 Inactive	<input type="checkbox"/> 3 Service	<input type="checkbox"/> 8 Closed Exceptionally
<input type="checkbox"/> 1 Active	<input type="checkbox"/> 7 Active-TOY CIS	<input type="checkbox"/> 5 Active-TOT	<input type="checkbox"/> 9 Inactive-WOP	<input type="checkbox"/> 4 Closed Arrest	<input type="checkbox"/> Victim Refused to Cooperate
Date of Report	Time of Report	Investigated By	EIN	Case Closed (Status 4 or 8)	
				<input type="checkbox"/> Juveniles	<input type="checkbox"/> Adults
Time Received	Time Arrived	Time Cleared	Approving Commander	EIN	Date
					<input type="checkbox"/> Juvenile/No Custody
					<input type="checkbox"/> Prosecution Declined
					<input type="checkbox"/> Death of Offender
					<input type="checkbox"/> Extradition Denied

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CANCELS ORDER DATED: 4-1-06	ISSUE DATE: 8-1-09

This General Order becomes effective August 1, 2009 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

APPROVED BY:

Chief of Police

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: USE OF FORCE

NUMBER: 540.1

CANCELS ORDER DATED: 4-1-06

ISSUE DATE: 8-1-09

VII. TRAINING

All sworn officers shall receive training and demonstrate proficiency in the use of all authorized weapons before carrying them. The Director of the Criminal Justice Academy shall maintain an authorized list of weapons approved by the Chief of Police to be used for deadly and non-lethal force. Officers shall qualify with all issued firearms on an annual basis to comply with the mandates established by the Virginia Department of Criminal Justice Services. Additionally, all officers shall undergo refresher training and qualification (if applicable) at least biennially for any authorized weapons other than firearms.

VIII. LEGAL REFERENCE

1. The U. S. Supreme Court 1989 case of Graham v. Connor defined the "Objective Reasonableness Standard." The "reasonableness" of a particular use of force must be judged from the "objective" standard of a "reasonable" officer on the scene, and it must take into allowance the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.
2. The U. S. Supreme Court in the 1985 case of Tennessee v. Garner defined the deadly use force to prevent escape of a fleeing felon.
3. Code of Virginia, Section 37.1-67.1, permits officers to lawfully go to or be sent beyond the territorial limits of the county, city, or town in which they serve to any point in the Commonwealth for the purpose of executing any order for temporary detention.
4. Code of Virginia, Section 18.2-312, permits the lawful use of tear gas or other gases by police officers or other peace officers in the proper performance of their duties, or by any person or persons in the protection of person, life or property.

IX. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM		OPR
05.01	18.02	01.10
05.02	18.03	06.01
05.03	18.04	06.02
06.01	18.05	
18.01	18.06	

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SUBJECT: USE OF FORCE

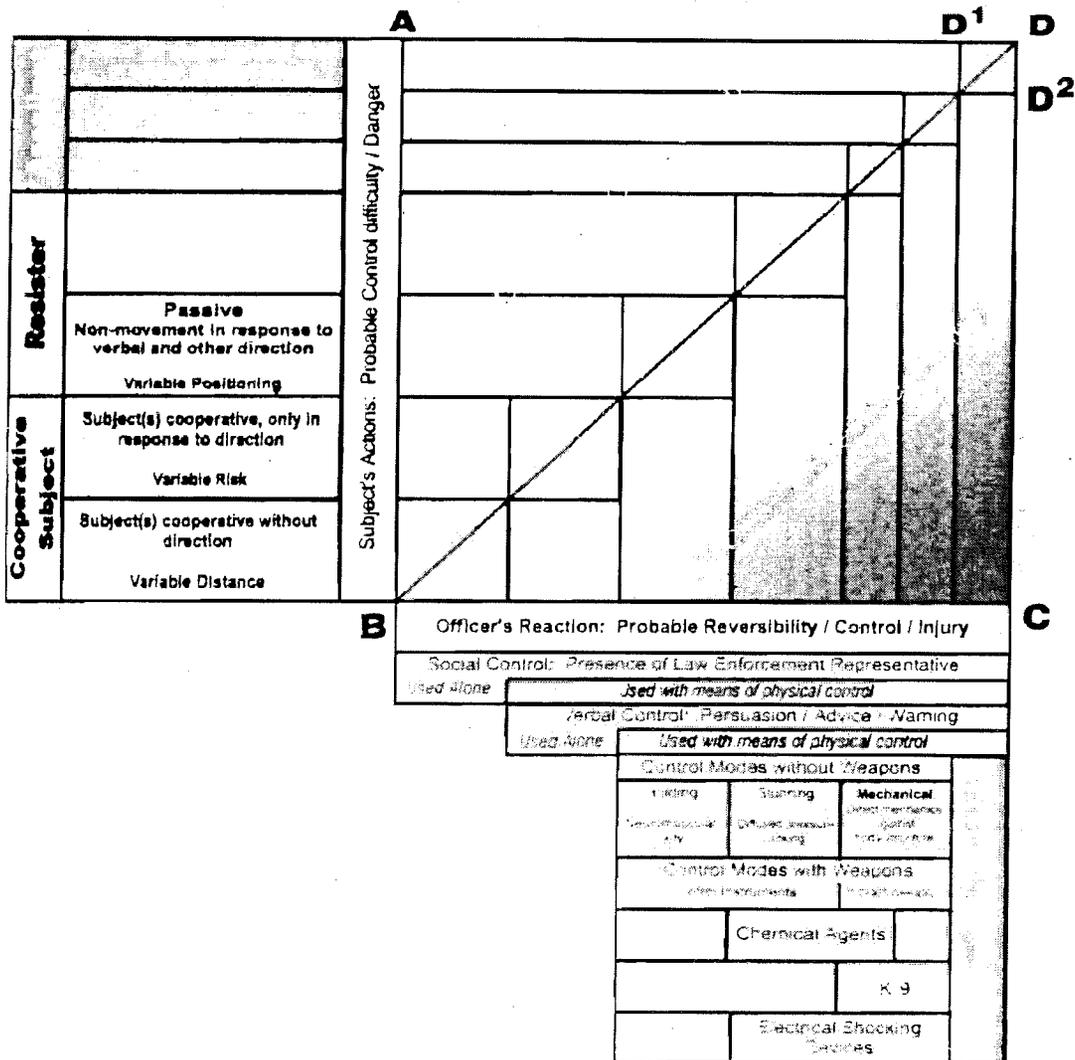
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VI. USE OF FORCE MODEL

Use of Force Model



* Electronic Shocking Device is analogous to CED.

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V. Use of Force Reporting by Type of Force Employed and Injury / Treatment

TYPE OF FORCE		Officer Document PD-42B	Supervisor Document PD-42SF	Supervisor Administrative Investigation	CIB Criminal Investigation	IAB Administrative Investigation	CRU	Notifications: Duty Officer/ Commander
	Deadly Force	Yes	Yes (IAB)	No	Yes	Yes	No	Yes
	Striking, Kicking, Hitting, OC	Yes	Yes	No	No	No	No	No
	Use of CED* PepperBall*	Yes	Yes	No	No	No	No	Yes
	Less-Lethal	Yes	Yes (IAB)	No	No	Yes	No	Yes
	Ripp Hobble	Yes	No	No	No	No	No	No
	Take to Ground	Yes	No	No	No	No	No	No
	Handcuffing	Yes	No	No	No	No	No	No
	Minor Force Used							
	Pointing Firearm	Yes	No	No	No	No	No	No
	Pressure Points	Yes	No	No	No	No	No	No
	PIT	Yes	Yes (IAB)	No	No	Yes	Yes	Yes
	Vehicle Incident:							
	- Contact	Yes	Yes	Yes	No	No	No	Yes
	- No Contact	Yes	No	No	No	No	No	No
Destruction of Attacking Domestic Animal	Yes	No	No	No	Yes	No	Yes	
Destruction of Non-Domestic Animal	Yes	No	No	No	No	No	No	

* CED and PepperBall – Complete required forms in addition to PD-42SF
 * Info copy of all reports involving use of force shall be sent to the Internal Affairs Bureau

INJURY	Injury / Treatment	Officer Document PD-42B	Supervisor Document PD-42SF	Supervisor Administrative Investigation	CIB Criminal Investigation	IAB Administrative Investigation	Notifications: Duty Officer / Commander
	Non-serious / EMS, approved Department personnel (e.g., OMD approved medics) or Refused treatment	Yes	Yes	No	No	No	Yes
	Non-serious / Medical facility	Yes	Yes	Yes	No	No	Yes
	Serious Injury or Death	Yes	Yes (IAB)	No	Yes	Yes	Yes

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- Documentation Review: The on-duty supervisor shall review all investigation reports and forward copies to the division commander for approval and subsequent forwarding to the appropriate bureau commander and to the Internal Affairs Bureau Commander.
4. The on-duty supervisor shall ensure that the use of all non-deadly force that **does not involve the complaint of injury or medical treatment** shall be documented and investigated as follows:
- a. Use of Non-deadly force which involves striking a person, discharging a chemical agent or CED, or utilizing a vehicle to contact a vehicle or person:
 - Investigative Authority: The on-duty supervisor or above.
 - Investigative Format: Supplementary Investigation Report (PD-42SF) detailing the incident, the type of force used, the fact that no injuries were observed or the fact that no complaint of injuries were made.
 - Documentation Review: The on-duty supervisor shall review all investigation reports and forward a copy to the division commander for approval and subsequent forwarding to the appropriate Bureau Commander and to the Internal Affairs Bureau Commander.
 - b. Use of Non-deadly force which involves pointing a firearm in response to the actions of a subject, physical control techniques to establish control and gain compliance, or vehicle incident techniques that do not involve contact with a person or object:
 - Investigative Authority: The on-duty supervisor or above.
 - Investigative Format: Field Investigation Report (PD-42), completed by the involved officer, detailing the incident, the type of force used, the fact that no injuries were observed or the fact that no complaint of injuries were made.
 - Documentation Review: The on-duty supervisor shall review all investigation reports and forward a copy to the division commander for concurrence and subsequent forwarding to the appropriate bureau commander and to the Internal Affairs Bureau Commander.

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- a. Serious injury or death to any person resulting from the use of non-deadly force, self-inflicted and/or accidental injury, or any other situation:
 - Investigative Authority: The Major Crimes Division and the Internal Affairs Bureau.
 - Investigative Format: CIB Criminal Investigation and Internal Affairs Bureau Administrative Investigation.
 - Documentation Review: The commander of the Internal Affairs Bureau shall review the administrative investigation and forward the investigation to the appropriate bureau commander.

- b. Medical treatment for non-serious injuries, provided by medical facility personnel resulting from the use of non-deadly force, self-inflicted and/or accidental injury, or any other situation to any person:
 - Investigative Authority: The on-duty supervisor.
 - Investigative Format: Administrative investigation and a Supplementary Investigation Report (PD-42SF) detailing the incident, type of force used, extent of injuries, and type of medical treatment provided.
 - Documentation Review: The on-duty supervisor shall review all investigation reports and forward copies of the incident reports and administrative investigation to the division commander for approval and forwarding to the appropriate bureau commander and to the Internal Affairs Commander.

- c. Medical treatment for non-serious injuries provided by EMS personnel, Department personnel approved by OMD, or **refusal of treatment** by any person who has obvious non-serious injuries or alleges a non-serious injury resulting from the use of non-deadly force, self-inflicted and/or accidental injury, or any other situation:
 - Investigative Authority: The on-duty supervisor or above.
 - Investigative Format: Supplementary Investigation Report (PD-42SF) detailing the incident, type of force used, extent of injuries observed or the complaint of injuries, and the fact that medical treatment was administered or refused by the injured person.

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- b. The decision to utilize the Precision Immobilization Technique must take into account the safety of bystanders, and the risk of serious injury to the occupant(s) of the fleeing vehicle and to the involved police officer(s).
- c. The use of the PIT shall be investigated as an administrative investigation by the Internal Affairs Bureau with the assistance of the Crash Reconstruction Unit, and it shall be documented in accordance with General Order 540.1 Section IV., H. Reporting the Non-Deadly Use of Force and Investigation of Injuries.

H. Reporting the Non-Deadly Use of Force and Investigation of Injuries

1. Officers who use non-deadly force shall immediately inform their on-duty supervisor of the use of force incident. Unless circumstances exist which prohibit the notified supervisor from responding, the supervisor shall respond to the scene of any use of force incident where injury results, or a vehicle, CED, or PepperBall System is utilized. The notified supervisor shall review the circumstances surrounding the use of force incident and notify the Duty Officer or appropriate commander of the occurrence of:
 - a. Any non-deadly use of force, accidental injury, or any other situation resulting in serious injury or death to any person.
 - b. Any medical treatment provided by EMS, Department personnel approved by OMD, or medical facility resulting from the non-deadly use of force, accidental injury, or any other situation resulting in medical treatment to any person.
 - c. Any use of the Precision Immobilization Technique (PIT).
2. The Duty Officer or the appropriate commander will determine if an injury is to be designated a serious injury. This determination will be based, in part, on information from medical personnel. At the earliest opportunity, the Duty Officer or commander will notify the appropriate bureau commanders of all injuries designated serious.
3. The on-duty supervisor shall ensure that the use of all non-deadly force is documented on a Field Investigation Report. Self-inflicted and/or accidental injuries and all non-deadly force that **involves the complaint of injury or medical treatment** shall be documented on a Supplementary Investigation Report (PD-42SF) and investigated as follows:

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- k. Persons who have been exposed to the PepperBall PAVA powder and who are morbidly obese or have complaints or symptoms of respiratory ailments (e.g., bronchitis, asthma, emphysema, etc.) shall be decontaminated by EMS personnel. This will allow EMS personnel to assess the subject for any adverse reaction to the PAVA powder.
- l. Officers shall ensure that persons exposed to PAVA powder, especially those who are very obese or who have respiratory ailments, are restrained or transported in a manner which does not constrict their body position since these persons have a greater risk for positional asphyxiation.

5. Vehicle Incident

Due to the potential dangers associated with vehicle collisions, the use of police vehicles to immobilize or make intentional contact with another vehicle, object, or person should be avoided except in the following circumstances:

- a. Tactical Vehicular Intercepts (TVI) conducted under the command of the OCN or TAC and utilized in accordance with the training and procedures established for these specialized units. OCN or TAC supervisors will have command authority to investigate tactical intercepts.
- b. Vehicle maneuvers used to box-in or trap a vehicle (e.g., rolling roadblocks, pinning suspect vehicle in place, etc.), and slow its rate of speed so as to affect a safe forced stop. Such maneuvers may be conducted to minimize the risk of injury or damage to property when it is likely to terminate an incident, which if permitted to continue, would place others at risk of injury or death.
- c. Stationary roadblocks used to block or immobilize another vehicle may be authorized by a supervisor and must take into account the risk of injury or death to any person. Stationary roadblocks are regulated by General Order 501.1, Operation of Police Vehicles.

6. Precision Immobilization Technique (PIT)

- a. When a fleeing vehicle must be stopped immediately to safeguard life, only officers who have been trained and certified by the Fairfax County Criminal Justice Academy may utilize the Precision Immobilization Technique.

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- Apprehension of violent persons under the influence of drugs/alcohol.
 - Detention of persons threatening suicide or injury to themselves.
 - Riot control or an unlawful assembly.
 - Restoring institutional integrity in a detention facility.
- g. The PepperBall System shall not be used on the following individuals, except in circumstances where the safety of the officer or public outweighs the potential risk to the suspect:
- Children.
 - Elderly persons.
 - Persons with known respiratory ailments.
 - Persons with known heart related ailments.
 - Females known to be pregnant.
- h. When practical and prior to deploying the PepperBall System, officers should attempt to use verbal commands to gain compliance. When deploying the PepperBall System, one officer shall be dedicated to the PepperBall gun and a second officer should be on scene to take control of the subject.
- i. When circumstances permit, operators should aim at the subject's torso or center of mass. Intentional impact to the head, neck, spine, groin, and breast area of females should be avoided unless deadly force is intended.
- j. Officers are responsible for decontaminating subjects in their custody who have been exposed to the PAVA powder. Persons inadvertently hit with a projectile fired from a PepperBall System or affected by the PAVA powder shall also be provided proper medical attention as required or on request. Officers may choose to decontaminate subjects themselves or request EMS personnel assist with the decontamination. Decontamination should be administered with water poured over the bridge of the nose so that it floods both eyes. Particular care should be given to persons wearing contact lenses.

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4. PepperBall System

- a. Only those PepperBall Systems issued by the Fairfax County Police Department shall be used by officers who are trained by the Fairfax County Criminal Justice Academy to use the PepperBall System.
- b. The PepperBall System is designed to provide an alternative to physical force. However, the use of the PepperBall System may not always be appropriate and should not be considered if not readily available and a delay in action could be detrimental to the situation.
- c. Requests for the PepperBall System and operator may be made by any police officer or supervisor through the Department of Public Safety Communications.
- d. The use of the PepperBall System will be at the discretion of the system operator once on the scene.
- e. The PepperBall System may be used to resolve potentially violent situations thereby reducing the likelihood of serious injury or death to persons. The PepperBall System may be used when an officer reasonably believes any of the following conditions exist:
 - Deadly force does not appear to be immediately necessary.
 - Attempts to gain compliance by verbal commands or physical control are likely to be ineffective or have been ineffective in the situation.
 - There is a reasonable expectation that it will be unsafe for officers to approach within the contact range of the person.
- f. Instances where the use or availability of the PepperBall System may be effective would include, but are not limited to:
 - Subjects who have made active movements to avoid physical control.
 - Service of Mental Detention Orders on persons believed to be violent.
 - Apprehension of subjects armed with weapons other than firearms.
 - Preplanned warrant service with potentially violent subjects.

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- Service of Mental Detention Orders on persons believed to be violent.
 - Apprehension of subjects armed with weapons other than firearms.
 - Preplanned warrant service with potentially violent subjects.
 - Apprehension of violent persons under the influence of drugs/alcohol.
 - Detention of persons threatening suicide or injury to themselves.
- f. Prior to utilizing the CED, officers should consider the totality of the circumstances and the surrounding environment (e.g., persons standing in water, on a ledge, building, or bridge) which may place some individuals at risk of secondary injuries when incapacitated by the CED. Officers must have an elevated level of justification prior to using the CED on:
- Children.
 - Elderly persons.
 - Females known to be pregnant.
 - Persons who are known to be at a higher risk for serious injury.
- g. In circumstance where subjects have been exposed to combustible vapors or flammable liquids, the CED should not be utilized unless there are no other alternatives immediately available.
- h. Officers who have received CED training may remove CED probes embedded in a subject's clothing or skin. **Officers shall not remove probes if the subject objects or the probes are embedded in the subject's face, spine, genitals, buttocks, or in a woman's breast.** In these instances, the subject shall be transported to a medical facility for CED probe removal.
- i. Officers shall ensure that persons exposed to the CED are restrained and transported in a manner which does not constrict their body position as this may contribute to positional asphyxiation.

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who have been exposed to OC. Persons inadvertently exposed to OC will be provided with medical attention, on request. Officers may choose to decontaminate subjects themselves or request EMS personnel to assist with the decontamination. Decontamination should be administered with water poured over the bridge of the nose so that it floods both eyes. Particular care should be given to persons wearing contact lenses.

- f. Officers shall ensure that persons exposed to OC, especially those who are very obese or who have respiratory ailments, are restrained or transported in a manner which does not constrict their body position since these persons have a greater risk for positional asphyxiation.

3. Conducted Energy Device (CED)

- a. Only those Conducted Energy Devices issued by the Fairfax County Police Department shall be used by officers who are trained by the Fairfax County Criminal Justice Academy to use those CEDs.
- b. The CED is designed to offer the police officer an alternative to physical force in many situations. However, use of the CED is not always appropriate and should not be considered if not readily available and delay in action could be detrimental to the situation.
- c. Requests for a CED and operator may be made by any police officer or supervisor through the Department of Public Safety Communications.
- d. A CED may be used to resolve potentially violent situations when an officer reasonably believes any of the following conditions exist:
 - Deadly force does not appear to be immediately necessary.
 - Attempts to gain compliance by verbal commands or physical control are likely to be ineffective or have been ineffective in the situation.
 - There is a reasonable expectation that it will be unsafe for officers to approach within the contact range of the person.
- e. Instances where the use or availability of a CED (with the probes or in drive stun mode) may be effective would include, but are not limited to:
 - Subjects who have made active movements to avoid physical control.

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- e. Due to the dangers associated with an accidental discharge, using a firearm as a striking instrument shall be avoided except as a last resort.

2. Oleoresin Capsicum (OC)

- a. Only those Oleoresin Capsicum dispensers issued by the Fairfax County Police Department shall be used by Department employees.
- b. When possible, OC should be directed at the subject's face and ideally not at the eyes when closer than three feet. This is due to the potential risk of injury and damage to the eyes from the pressure of the propellant.
- c. Officers may use OC to resolve potentially violent situations thereby reducing the likelihood of injury to oneself or to other persons. Instances where OC may be effective would include, but are not limited to:
- When it is reasonably necessary to accomplish or overcome resistance to a lawful arrest.
 - Prevent escape from custody.
 - Defend against assault.
 - Establish custody of a mentally disturbed person.
 - Restore institutional integrity in a detention facility.
- d. Prior to utilizing OC, officers should consider the totality of the circumstances and give particular consideration to its use on persons who are at risk for adverse reaction to OC. This may include persons:
- Who are known to be or who appear morbidly obese.
 - Who are known to have respiratory ailments (e.g., bronchitis, asthma, emphysema, etc.).

Persons who have been exposed to OC and who are morbidly obese or have complaints or symptoms of respiratory ailments shall be decontaminated by EMS personnel. This will allow EMS personnel to assess the subject for any adverse reaction to OC product.

- e. Officers are responsible for decontaminating subjects in their custody

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Officers who use non-deadly force on persons exhibiting symptoms of mental health crisis or drug intoxication should give particular consideration that these persons may be experiencing or are at an increased risk of developing excited delirium. Excited delirium should be strongly suspected in subjects who exhibit extreme paranoia, bizarre physical symptoms (profuse sweating, foaming at the mouth, seizures, shaking, inability to breath, etc.), violent resistance to arrest, little or no reaction to pain, unbelievable strength, and/or extreme aggression toward objects (particularly glass). Excited delirium is a potentially fatal acute medical illness which may lead to "Custody Death Syndrome." Subjects who are exhibiting signs or symptoms of excited delirium shall be evaluated at a medical facility.

Handcuffed persons resisting arrest or assaulting officers present a unique use of force decision. Officers may use only that amount of force reasonably necessary to ensure safe custody or to overcome the person's resistance to a lawful arrest. Striking instruments, OC, and the CED shall not be used on a handcuffed person unless the person continues to pose a threat to the officer, to others, to the person himself and/or all other force alternatives have been ineffective or deemed unacceptable for the situation.

Non-deadly strategies may also be used against an animal that is attacking or threatening to attack a person or another animal. Instruments of non-deadly force (e.g. striking instruments, chemical agents, or CED) are intended to reduce the likelihood of serious injury or death to the animal and to provide a more humane and less traumatic conclusion to the incident.

1. Baton (Striking Instruments)

- a. Batons shall be issued or approved in accordance with SOP 04-002 Police Uniforms, Personal Equipment and Civilian Clothing.
- b. The baton may be used to strike the subject in designated target areas of the body (e.g., torso, legs, and arms). Whenever possible, intentional strikes to the subject's head, kidneys or groin shall be avoided.
- c. The baton may be used as a lever to induce sufficient pressure to cause the subject to cease aggressive action. Utilization of the baton, flashlight, or other instrument in a manner constituting a choke hold is prohibited except when deadly force is justified.
- d. The baton may be used to block strikes or attempted strikes initiated by the subject and directed at an officer or other person.

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4. The involved officer's weapon used in the less-lethal force incident will be taken into custody by the first non-involved supervisor once the scene is stabilized. The supervisor taking custody of the items is responsible for the preservation of all equipment and will personally deliver items to a member of the Crime Scene Section. **Weapons involved will not be opened, unloaded or tampered with in any manner, except to render it safe for handling by engaging any safety mechanism.**

G. Non-Deadly Use of Force

Instances where the use of non-deadly force may be effective would include, but not be limited to:

- Effecting an investigative stop or arrest.
- Preventing escape from lawful custody.
- Defending oneself or another person from injury or assault.
- Establishing custody for a temporary detention order.
- Restoring institutional integrity in a detention facility.

Officers may use the force reasonably necessary (e.g., moderate pressure to stop, turn, or guide a subject) to conduct an investigative stop without converting the stop into an arrest. Increased levels of force may be used if it is reasonable under the circumstances. See General Order 540.2, V. Investigative Stop, Frisk and Search Beyond the Person, for detailed procedures regarding investigative stops.

Voluntary field contacts may be utilized by an officer who wants to speak to someone or obtain a person's identification. Officers may not use any force to conduct a voluntary field contact. See General Order 540.2, IV. Voluntary Field Contacts, for detailed procedures regarding voluntary stops.

When possible, only that level of non-deadly force reasonably necessary (e.g., physical control techniques, pointing a firearm, striking with a baton or other instrument, discharging OC, a CED, PepperBall System, or utilizing a vehicle to intercept another vehicle, etc.) to establish control and gain compliance shall be used in response to opposing force. Officers shall escalate or de-escalate their use of force in direct response to the opposing person's actions.

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- e. Requests for a kinetic energy projectile operator may be made by any police officer or supervisor through the DPSC. The use of the kinetic energy impact projectile will be at the discretion of the operator once on the scene.
- f. It shall be the responsibility of the operator to visually and physically inspect the shotgun and munitions to insure that only the appropriate projectiles are used for deployment. Whenever practical, a second officer will inspect the shotgun to assure the weapon is unloaded of shotgun ammunition prior to loading the kinetic energy impact projectiles.
- g. All perimeter units within the immediate area shall be advised, either by radio or direct verbal contact, that kinetic energy impact projectiles may be deployed and again once they have been used.
- h. Kinetic energy impact projectiles should be used from behind cover or at a safe distance from the target. A cover officer shall be in position to engage the subject with deadly force if necessary.
- i. When circumstances permit, operators should aim for the subject's shoulders, arms, abdomen, or thighs. Intentional impact to the head, neck, or chest shall be avoided unless deadly force is intended.
- j. The subject shall be taken to a medical facility for examination after having been impacted with a kinetic energy impact projectile.

F. Reporting the Use of Less-Lethal Force and Investigation of Injuries

- 1. Officers who use less-lethal force shall immediately inform an on-duty supervisor or DPSC of the use of force incident. The notified supervisor or DPSC shall notify the employee's commander or the Duty Officer of the less-lethal force incident.
- 2. All less-lethal force incidents will be investigated by the Internal Affairs Bureau. The Major Crimes Division will share joint investigative responsibilities for those less-lethal force incidents that result in serious injury or death.
- 3. Any officer who uses less-lethal force which results in serious injury or death to a person shall be placed on administrative leave by a designee of the Internal Affairs Bureau and in accordance with General Order 301, X. Internal Investigations.

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E. Less-Lethal Force

1. Extended Range Kinetic Energy Impact Projectile

- a. Only kinetic energy impact projectiles issued by the Fairfax County Police Department shall be used by officers who are trained and certified by the Fairfax County Criminal Justice Academy to use the Kinetic Energy device.
- b. Kinetic energy impact projectiles are designed to provide a less-lethal alternative when the use of deadly force is not immediately necessary. However, the use of kinetic energy impact projectiles may not always be appropriate and should not be considered if not readily available and a delay in action would be detrimental to the situation.
- c. Kinetic energy impact projectiles may be used to resolve potentially violent situations, thereby reducing the likelihood of serious injury or death to oneself or to other persons. Kinetic energy impact projectiles will only be used when the following conditions exist:
 - There is a reasonable belief it is unsafe for officers to approach.
 - Immediate action is necessary or circumstances (e.g., flammable liquids, etc.) preclude the use of a CED.
 - The subject has an immediate ability to utilize force that is likely to cause death or serious injury.
- d. Instances where the use or availability of a kinetic energy impact projectile may be effective would include, but are not limited to:
 - A subject who is armed with a weapon other than a firearm.
 - A violent subject who is under the influence of drugs or alcohol.
 - A subject who is threatening serious injury to himself and is armed with a weapon that makes it unsafe for the officers to approach.

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should be developed to establish control over domesticated animals when planning operations.

3. In any situation where an officer is otherwise justified in using deadly force against an animal, the officer shall not use deadly force recklessly or in any place or under any circumstances where injury or death to any person is likely. Officers who discharge a firearm toward an animal shall immediately inform their supervisor of the incident.
4. Prior to destroying an injured domesticated animal, an Animal Control Officer shall be notified. The Animal Control Officer will make the determination of responding or at least providing guidance. Arrangements should be made to transport the injured animal to a veterinary facility for treatment. Field euthanasia of a domesticated animal should only be performed by an Animal Control Officer or veterinarian. A reasonable effort to contact the animal's owner and obtain consent must be made.
5. If destruction of a domestic or non-domestic animal is necessary, the officer shall advise the supervisor of his intentions. The officer shall then clear the area of spectators and use the utmost caution to destroy the animal.

D. Reporting the Use of Deadly Force Against Animals

1. The use of deadly force against a non-domesticated animal (e.g., attacking, suspected rabid, or injured) or an injured domesticated animal, that does not result in death or injury to any person and regardless of the animal's death or injury, shall be documented in a Field Investigation Report. A copy of the report shall be forwarded to the Internal Affairs Bureau through the appropriate commander.
2. **The use of deadly force against any attacking domesticated animal that results in an animal's wounding or death shall be investigated by the Internal Affairs Bureau.** The use of deadly force against any domesticated animal that does not result in death or injury to any person and does not result in an animal's wounding or death, shall be administratively investigated by a first line supervisor. A copy of the administrative investigation shall be forwarded to the Internal Affairs Bureau through the appropriate commander.

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Division detective. **Internal Affairs Bureau staff shall not be present during these interviews.**

- a. Officers are normally required to answer questions regarding their duties, but they are not compelled to answer questions put forth by Major Crime's detectives since their actions could constitute a violation of the law. Refusal to answer questions will not result in disciplinary action; however, all answers given must comply with Regulation 201.21, Truthfulness.
 - b. A separate statement from the officer(s) directly involved will be taken by the Internal Affairs Bureau detective following the completion of the criminal investigation.
 - c. To expedite the information gathering process, members of the Major Crimes Division, the Internal Affairs Bureau or other entities deemed appropriate by the Major Crimes Division Commander may assist in the interviews of any officers who did not use deadly force and witnessed the incident under investigation.
8. The officers involved should maintain custody of their equipment, (e.g., their weapon, holster and gun belt). This equipment shall be removed from the officers by the Crime Scene Section at the direction of a Major Crimes detective on their arrival. However, should there be a concern for public safety or the officers' inability to maintain custody due to injury or emotional state, a responding supervisor should take possession of the officers' equipment. The supervisor shall not tamper with the weapon, except to make it safe by de-cocking or engaging any safety mechanism. The supervisor shall turn the equipment over to the Crime Scene Section and then document in a supplement the condition of the weapon and any action taken.

C. Deadly Force Against Animals

1. Officers may use deadly force to destroy a non-domesticated injured animal or any suspected rabid animal. Deadly force may be used against any animal that is attacking or threatening to attack when it is reasonably necessary to defend oneself or another person against the threat of serious physical injury.
2. When possible, force should be used progressively by officers to protect themselves or a third party from an attacking animal. Alternatives to deadly force may include striking instruments, Oleoresin Capsicum, Conducted Energy Devices, physical barriers, or catch poles. Non-deadly force strategies

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or DPSC of the incident. The responding supervisor shall notify the employee's commander or the Duty Officer of the deadly force incident.

2. Accidental firearm discharges, not resulting in death or injury to any person, that occur on- or off-duty and not during an approved training exercise, will usually be investigated by an on-duty supervisor. If a person is endangered by the accidental discharge, the on-duty supervisor shall notify the Internal Affairs Bureau Commander who will make a determination on the investigating authority. The investigating supervisor shall document the findings in an administrative investigation.
3. Accidental firearm discharges, not resulting in death or injury to any person, that occur during approved training exercises, will be investigated at the direction of the bureau commander who is responsible for the entity conducting the approved training exercise.
4. All intentional and all accidental firearm discharges that result in injury or death and occur in Fairfax County will be investigated by the Major Crimes Division in coordination with the Internal Affairs Bureau or at the direction of the Chief of Police by an agency outside the Department. All intentional and all accidental firearm discharges that result in injury or death and occur outside of Fairfax County will be investigated by the Internal Affairs Bureau in cooperation with the appropriate jurisdiction.
5. Any officer who uses force that results in serious injury or death to any person, or who intentionally discharges a firearm other than a firearm loaded with less-lethal munitions, or who accidentally discharges a firearm that results in injury, shall be placed on administrative leave in accordance with General Order 301, X. Internal Investigations, by a designee of the Internal Affairs Bureau.
6. Crimes associated with the incident will be investigated by the entity normally charged with that responsibility, unless the Chief, Deputy Chief, Commander of the Internal Affairs Bureau, or Commander of the Criminal Investigations Bureau determines a different response is appropriate. The officer shall not be responsible for the investigation and subsequent arrest of the perpetrator; unless immediate action by the officer is necessary.
7. The need to obtain comprehensive statements from all involved officers and witnesses is paramount. As soon as practical and following an initial review of all available information, the officer(s) who deployed deadly force or was directly involved with the deployment will be interviewed by a Major Crimes

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- c. Officers shall not fire warning shots under any circumstances.
- d. Discharging a firearm at a moving vehicle and/or its occupants is prohibited unless the circumstances would authorize the use of deadly force. Officers on foot shall not intentionally place themselves in the path of an oncoming vehicle where the use of deadly force would likely be the probable outcome. When confronted by an oncoming vehicle, officers shall attempt to move out of its path, if possible, rather than discharging a firearm at the vehicle or its occupants.
- e. Discharging a firearm from a moving vehicle shall be prohibited unless it is necessary in the immediate defense of the life of the officer or another person.
- f. Officers shall exercise caution at all times and in any place when handling or displaying firearms. Except for official purposes (e.g., training, securing, cleaning, etc.) firearms shall not be handled or displayed. Firearms, whether loaded or unloaded, shall not be aimed at any person except as necessary in the line of duty.
- g. Officers shall not leave Department issued or other approved firearms unsecured. This shall apply to on-duty and off-duty situations.
- h. When an officer is otherwise justified in using deadly force, the officer shall not use deadly force recklessly or in such a manner that injury or death to an innocent bystander is likely.
- i. Employees shall immediately inform their supervisor if they discharge a firearm in the following circumstances:
 - Intentionally discharge a firearm on-duty or off-duty. This does not apply to authorized training exercises or lawful firearms related off-duty activities (e.g., hunting or recreational shooting).
 - Accidentally discharge a firearm on-duty or off-duty. This does not apply to authorized training exercises.These circumstances shall be immediately reported by the supervisor to the employees' respective commander or to the Duty Officer.

B. Reporting the Use of Deadly Force and Investigation of Injuries

- 1. Officers who use deadly force shall immediately inform an on-duty supervisor

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IV. Regulations

A. Deadly Force

Deadly force shall not be used unless it is reasonably necessary. It shall be the officer's belief based on the totality of circumstances known to the officer at the time that imminent threat of death or serious injury to any person exists and that all other methods of force to control the subject(s) would be or have already proven to be ineffective. Any use of deadly force which is not reasonably necessary in view of the circumstances confronting the officer is prohibited.

In any situation where an officer is otherwise acting lawfully, the use of deadly force is justified in the defense of the officer's life or other person's life. Also, the use of deadly force is justified in protecting the officer or public from serious injury.

Deadly force shall not be employed to apprehend a fleeing misdemeanor. Deadly force may be used to apprehend a fleeing felon if: all other means to effect an arrest have been exhausted, the officer has probable cause to believe that the suspect committed a heinous crime, and the felon's escape poses a threat of serious injury or death to the officer or to others.

When effecting any lawful arrest, conducting an investigative detention, or while taking a mentally disturbed person into custody, only the amount of force which is reasonably necessary to ensure safe custody or overcome resistance to arrest or detention is justified. If during the course of a lawful arrest or custodial situation officers are met with resistance to the extent that the officer reasonably believes that death or serious injury will occur to any person the use of deadly force to overcome such resistance is justified.

Firearms:

- a. Only ammunition and firearms issued or authorized by the Fairfax County Police Department shall be used on-duty or carried in an off-duty capacity. This does not apply to lawful firearms related off-duty activities (e.g., hunting or recreational shooting).
- b. If feasible, when using a firearm for the purpose of deadly force, officers shall give the verbal warning, "**Police, don't move!**" prior to using deadly force. **The pointing of a firearm in response to the actions of a subject to establish control and gain compliance shall be considered non-deadly use of force.**

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- G. Vehicle Incident: A police vehicle is used to immobilize or make contact with another vehicle, object, or person as a direct result of the intentional actions of the operating officer. The Precision Immobilization Technique shall not be considered a vehicle incident for investigation and documentation purposes.
- H. Precision Immobilization Technique (PIT): The intentional act of using a police vehicle to physically force a fleeing vehicle from a course of travel in order to stop it. The Precision Immobilization Technique is a specific, technical maneuver that requires advanced practical training prior to use.
- I. Institutional Integrity: The condition whereby order is maintained in a detention facility. The use of force instruments or techniques may be used in a detention facility to prevent the following:
- Violations of law.
 - Threatened assault to others.
 - Attempted or threatened suicide.
 - Failure of prisoners to respond to lawful commands to do any acts which are necessary for safety concerns of the facility.
- J. Medical Treatment: Any action taken by Emergency Medical Service (EMS), Department Personnel approved by the Office of the Medical Director (OMD), or medical facility personnel to physically mend an injury (e.g., dress a wound, stitches, etc.) resulting from the use of force or accidental injury. Routine decontamination does not constitute medical treatment. Medical treatment for a pre-existing injury or condition shall be documented in a PD42, unless the use of force further compounds the pre-existing injury or condition.
- K. Serious Injury: An injury which creates a substantial risk of death, disfigurement, prolonged hospitalization, impairment of the functions of any bodily organ or limb, or any injury that medical personnel deem to be potentially life threatening.

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SUBJECT: USE OF FORCE

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CANCELS ORDER DATED: 4-1-06

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I. PURPOSE

The purpose of this policy is to establish guidelines and reporting requirements for the use of force by members of the Fairfax County Police Department.

II. POLICY

It is the policy of the Fairfax County Police Department that force is used only to the extent reasonably necessary to defend oneself or another, to control a person during an investigative detention or mental detention, and to effect arrest. In all situations, medical assistance shall be provided to any person who is obviously injured, alleges an injury, or requests medical assistance.

III. DEFINITIONS

- A. Use of Force: Any physical contact above the level of a "guiding" or "escort" hold between an officer and another person, or the use of lethal or non-lethal weapons, which further the officer's intent to establish or maintain control or custody or to defend themselves or another person.
- B. Reasonable Use of Force: The use of any force – deadly or not – in the course of an arrest, investigatory stop, or other seizure that is "reasonable" in light of the facts and circumstances confronting the officer, without regard to the officer's underlying intent or motivations.
- C. Deadly Force: Any level of force that is likely to cause death or serious injury.
- D. Less-Lethal Force: Force which may result in death or serious injury. When properly used, less-lethal weapons significantly reduce the probability of such outcomes.
- E. Non-Deadly Force: Force which is not intended to cause death or serious injury. The use of any instrument or technique to deploy non-deadly force may constitute deadly force depending on the totality of circumstances.
- F. Excessive Force: Any force which is determined not reasonably necessary.

administered with water poured over the bridge of the nose so that it floods both eyes. Particular care should be given to persons wearing contact lenses.

- k. Persons who have been exposed to the PepperBall PAVA powder and who are morbidly obese or have complaints or symptoms of respiratory ailments (e.g., bronchitis, asthma, emphysema, etc.) shall be decontaminated by EMS personnel. This will allow EMS personnel to assess the subject for any adverse reaction to the PAVA powder.*
- l. Officers shall ensure that persons exposed to PAVA powder, especially those who are very obese or who have respiratory ailments, are restrained or transported in a manner which does not constrict their body position since these persons have a greater risk for positional asphyxiation.*

The terminology for the levels of force (Deadly, Less-Lethal, Non-Deadly) have not changed, but the Use of Force Model has been incorporated into the General Order to provide a resource for ongoing training. A Use of Force Reporting chart has also been created to provide a quick reference for reporting incidents which require the use of force. This chart will also assist in determining the proper reporting method when the use of force results in the need for medical treatment.

This memorandum outlines the significant revisions to General Order 540.1, Use of Force; however, the entire Order has been redesigned for ease of use and contains updated information throughout. The Inspections Division of the Internal Affairs Bureau will be available to provide supervisors with additional training on the new reporting requirements, but commanders shall ensure those under their command review this material. The new use of force supplement (PD42SF) can be found in the BLUENet Document Center's PD Forms folder.

These revisions will be incorporated into the next update of the Manual of Regulations and General Orders. Any questions or concerns regarding this policy may be directed to Major Jim Morris, Commander of the Internal Affairs Bureau.

DMR/jam

Attachment

- *Apprehension of subjects armed with weapons other than firearms.*
 - *Preplanned warrant service with potentially violent subjects.*
 - *Apprehension of violent persons under the influence of drugs/alcohol.*
 - *Detention of persons threatening suicide or injury to themselves.*
 - *Riot control or an unlawful assembly.*
 - *Restoring institutional integrity in a detention facility.*
- g. The PepperBall System shall not be used on the following individuals, except in circumstances where the safety of the officer or public outweighs the potential risk to the suspect:*
- *Children.*
 - *Elderly persons.*
 - *Persons with known respiratory ailments.*
 - *Persons with known heart related ailments.*
 - *Females known to be pregnant.*
- h. When practical and prior to deploying the PepperBall System, officers should attempt to use verbal commands to gain compliance. When deploying the PepperBall System, one officer shall be dedicated to the PepperBall gun and a second officer should be on scene to take control of the subject.*
- i. When circumstances permit, operators should aim at the subject's torso or center of mass. Intentional impact to the head, neck, spine, groin, and breast area of females should be avoided unless deadly force is intended.*
- j. Officers are responsible for decontaminating subjects in their custody who have been exposed to the PAVA powder. Persons inadvertently hit with a projectile fired from a PepperBall System or affected by the PAVA powder shall also be provided proper medical attention as required or on request. Officers may choose to decontaminate subjects themselves or request EMS personnel assist with the decontamination. Decontamination should be*

- i. *Officers shall ensure that persons exposed to the CED are restrained and transported in a manner which does not constrict their body position as this may contribute to positional asphyxiation.*

4. PepperBall System

- a. *Only those PepperBall Systems issued by the Fairfax County Police Department shall be used by officers who are trained by the Fairfax County Criminal Justice Academy to use the PepperBall System.*
- b. *The PepperBall System is designed to provide an alternative to physical force. However, the use of the PepperBall System may not always be appropriate and should not be considered if not readily available and a delay in action could be detrimental to the situation.*
- c. *Requests for the PepperBall System and operator may be made by any police officer or supervisor through the Department of Public Safety Communications.*
- d. *The use of the PepperBall System will be at the discretion of the system operator once on the scene.*
- e. *The PepperBall System may be used to resolve potentially violent situations thereby reducing the likelihood of serious injury or death to persons. The PepperBall System may be used when an officer reasonably believes any of the following conditions exist:*
 - *Deadly force does not appear to be immediately necessary.*
 - *Attempts to gain compliance by verbal commands or physical control are likely to be ineffective or have been ineffective in the situation.*
 - *There is a reasonable expectation that it will be unsafe for officers to approach within the contact range of the person.*
- f. *Instances where the use or availability of the PepperBall System may be effective would include, but are not limited to:*
 - *Subjects who have made active movements to avoid physical control.*
 - *Service of Mental Detention Orders on persons believed to be violent.*

- e. *Instances where the use or availability of a CED (with the probes or in drive stun mode) may be effective would include, but are not limited to:*
- *Subjects who have made active movements to avoid physical control.*
 - *Service of Mental Detention Orders on persons believed to be violent.*
 - *Apprehension of subjects armed with weapons other than firearms.*
 - *Preplanned warrant service with potentially violent subjects.*
 - *Apprehension of violent persons under the influence of drugs/alcohol.*
 - *Detention of persons threatening suicide or injury to themselves.*
- f. *Prior to utilizing the CED, officers should consider the totality of the circumstances and the surrounding environment (e.g., persons standing in water, on a ledge, building, or bridge) which may place some individuals at risk of secondary injuries when incapacitated by the CED. Officers must have an elevated level of justification prior to using the CED on:*
- *Children.*
 - *Elderly persons.*
 - *Females known to be pregnant.*
 - *Persons who are known to be at a higher risk for serious injury.*
- g. *In circumstance where subjects have been exposed to combustible vapors or flammable liquids, the CED should not be utilized unless there are no other alternatives immediately available.*
- h. *Officers who have received CED training may remove CED probes embedded in a subject's clothing or skin. **Officers shall not remove probes if the subject objects or the probes are embedded in the subject's face, spine, genitals, buttocks, or in a woman's breast.** In these instances, the subject shall be transported to a medical facility for CED probe removal.*

- e. *Discharging a firearm from a moving vehicle shall be prohibited unless it is necessary in the immediate defense of the life of the officer or another person.*

This change reinforces the risk associated with being in the path of an oncoming vehicle. In most cases, discharging a firearm at a moving vehicle is not going to have the desired effect. The likelihood of disabling the vehicle is minimal and even if the driver is struck, that may not immediately stop the vehicle. Additionally, an injured driver would have less control of the vehicle and very possibly pose an even greater risk to the officer and others. This new policy is intended to prevent situations where officers intentionally place themselves or remain in the path of a vehicle. Should officers find themselves in the path of an oncoming vehicle, their first response shall be to move out of the way and not to discharge their firearm.

Additional revisions in Section G. Non-Deadly Use of Force include updated information and policy for the use of the Conducted Energy Device (CED) and PepperBall Systems, stating in part:

3. Conducted Energy Device (CED)

- a. *Only those Conducted Energy Devices issued by the Fairfax County Police Department shall be used by officers who are trained by the Fairfax County Criminal Justice Academy to use those CEDs.*
- b. *The CED is designed to offer the police officer an alternative to physical force in many situations. However, use of the CED is not always appropriate and should not be considered if not readily available and delay in action could be detrimental to the situation.*
- c. *Requests for a CED and operator may be made by any police officer or supervisor through the Department of Public Safety Communications.*
- d. *A CED may be used to resolve potentially violent situations when an officer reasonably believes any of the following conditions exist:*
 - *Deadly force does not appear to be immediately necessary.*
 - *Attempts to gain compliance by verbal commands or physical control are likely to be ineffective or have been ineffective in the situation.*
 - *There is a reasonable expectation that it will be unsafe for officers to approach within the contact range of the person.*



County of Fairfax, Virginia 090044

MEMORANDUM

DATE: July 15, 2009
TO: Command Staff
FROM: David M. Rohrer, Colonel *DMR*
Chief of Police
FILE: 09-511
SUBJECT: General Order 540.1 - Use of Force
REF: Update

A comprehensive review of General Order 540.1, Use of Force, which is intended to establish guidelines and reporting requirements for the use of force by members of the Department, has recently been completed. This review has resulted in some significant changes. All sworn Department members need to review the entire General Order as a refresher on the policies and to more fully understand the revisions which will be effective August 1, 2009.

General Order 540.1 now requires supervisors to complete a Use of Force supplement (PD-42SF) for certain uses of force by officers. Much like the pursuit supplement, supervisors will be expected to respond to the scene where force was used and document the event. This policy revision is in no way intended to inhibit or discourage officers from using the appropriate level of force they deem necessary during an investigative stop, to effect a lawful arrest, or to protect themselves or others from harm. This new documentation is being required as it is essential to maintain more comprehensive and accurate information than the Department has historically collected for analysis and review of use of force.

The policy for shooting at or from a moving vehicle has been revised. Section IV, Regulations, subsection A, Deadly Force, states in part:

- d. *Discharging a firearm at a moving vehicle and/or its occupants is prohibited unless the circumstances would authorize the use of deadly force. Officers on foot shall not intentionally place themselves in the path of an oncoming vehicle where the use of deadly force would likely be the probable outcome. When confronted by an oncoming vehicle, officers shall attempt to move out of its path, if possible, rather than discharging a firearm at the vehicle or its occupants.*

Fairfax County Police Department
4100 Chain Bridge Road
Fairfax, Virginia 22030





County of Fairfax, Virginia 090034

MEMORANDUM

DATE: June 8, 2009
TO: Command Staff
FROM: David M. Rohrer, Colonel 
Chief of Police
FILE: 09-142
SUBJECT: Revision to SOP 06-025 – Conducted Energy Device

The Law Enforcement Training Unit and the Internal Affairs Bureau have concluded a review of SOP 06-025, Conducted Energy Device (CED), for compliance with national best practices and current internal business modes. The changes to the SOP are attached in their entirety. These revisions are effective immediately. Commanders shall ensure that all officers under their command are informed of these revisions.

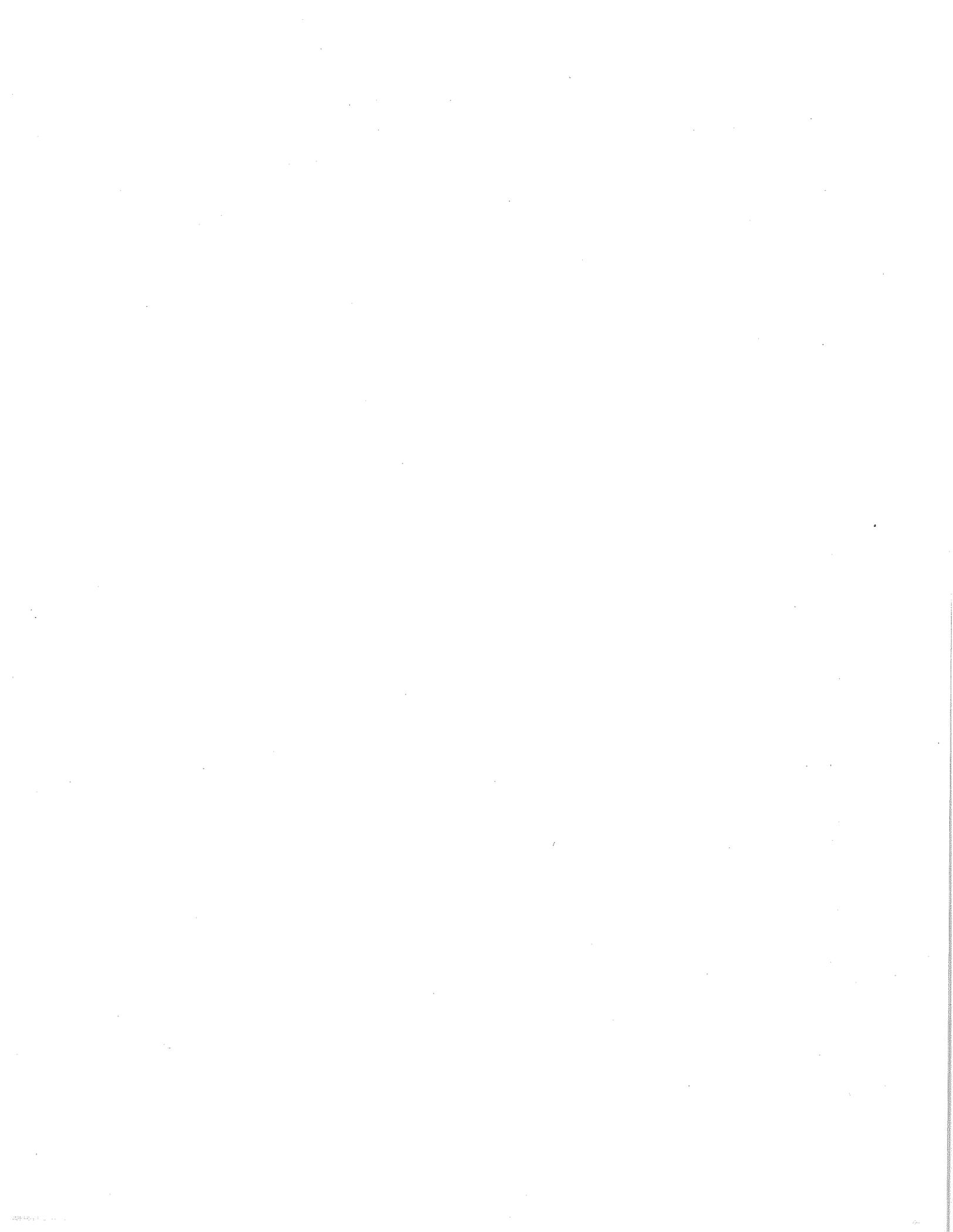
The changes to SOP 06-025 will be reflected in the next revision cycle of the Manual of SOPs and General Orders. Should you have any questions, please do not hesitate to contact Major Edwin C. Roessler Jr., Director of the Criminal Justice Academy, at 703-449-7272.

DMR/ecr

Attachment

Fairfax County Police Department
4100 Chain Bridge Road
Fairfax, Virginia 22030





TITLE: Conducted Energy Device

SOP NUMBER: 06-025

EFFECTIVE DATE: 06-08-09

REPLACES/RESCINDS:

fcpd sop

I. PURPOSE

The purpose of this Standard Operating Procedure is to provide officers with guidance and direction on the use of Conducted Energy Devices.

II. POLICY

It is the policy of this agency to use only that level of force reasonably necessary to control or otherwise subdue violent or potentially violent individuals. Conducted Energy Devices have been proven effective in furtherance of this policy and are authorized for use in appropriate circumstances by trained personnel.

III. DEFINITION

Conducted Energy Device (CED): A general class of device that is designed to disrupt a subject's motor nervous system by means of deploying battery powered electrical energy which is sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

Drive Stun: A CED delivery method used to diffuse pressure and cause pain.

IV. PROCEDURES

A. Authorized Users

Only officers who have satisfactorily completed this agency's training course and CED instructors who have completed the manufacturer's certification course shall be authorized to carry CED systems. All personnel authorized to carry these devices shall complete annual in-service refresher training. This training will cover the physical capabilities of the CED device, device retention, changes in agency policy, technology changes, and a review of local and national trends in CED use. This training will also give an overview of CED deployment strategies, probe removal, and prisoner care.

B. Authorized Equipment

Only Conducted Energy Devices approved by the Director of the Fairfax County Criminal Justice Academy shall be carried by authorized users. All bureaus and divisions requiring specialized CED equipment shall coordinate with the Academy Director for testing, evaluation and final approval by the Chief of Police. The Academy shall be responsible for developing a training regime for the authorized equipment as well as maintaining a list of authorized and distributed equipment.

B. C. Device Readiness

The CED will be carried by authorized officers in an approved holster. This holster shall be worn on the officers' "weak side carry" position on their Sam-brown belt. Specialty Units that carry CEDs may seek a written variance to this weak side carry standard from the Director of the Criminal Justice Academy. The Academy Director may provide this variance after consultation with the Academy's range staff supervisor. Only certified CED Instructors shall have the authorization to make alterations or repairs to the CED systems. No other individual shall perform any repairs or make any alterations to a police department issued CED system.

C. D. Deployment

1. The CED is designed to disrupt the motor nervous system of a suspect by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses. Officers shall only utilize one CED system against a suspect, unless the first system fails to achieve the desired result. Additionally, officers should only use the number of CED applications necessary to bring the suspect into ~~eustody~~ custody compliance with lawful commands.
2. **Use of Force Continuum (CED Probes)** - The CED probe delivery method is equivalent to OC spray on the Use of Force Continuum; it is therefore considered non-deadly force. The decision to deploy a CED should require the same justification as any other non-deadly use of force device. However, when determining whether to use OC spray or a CED, the totality of the circumstances and the surrounding environment should be considered in conjunction with the following factors specific to these two devices:

- (a) The likelihood of physical injury resulting from a CED is similar to OC spray with the exception of accidental probe contact to a vital area or a secondary injury to the subject from falling.
 - (b) Persons exposed to CEDs recover rapidly as compared to far longer recovery periods for OC spray.
 - (c) A CED is more likely than OC spray to incapacitate persons under the influence of alcohol, controlled substances, or those suffering from mental instability.
3. **Use of Force Continuum (Drive Stun Mode)** – The CED drive stun delivery method is considered non-deadly force, and the drive stun method is analogous to Control Modes without Weapons (Stunning) on the Use of Force Continuum. The CED drive stun is used against a person to cause diffused pressure and pain.

The CED should only be deployed in the drive stun mode in exigent circumstances. In this mode of delivery, the cartridge is removed and the unit is pressed firmly into the following approved areas:

- Brachial plexus tie-in (upper chest)
- Radial (forearm)
- Common peroneal (outside of thigh)
- Tibial (calf muscle)
- Carotid (sides of neck - see warning below)
- Pelvic Triangle (see warning below)

WARNING: *If possible, avoid applying drive stun to neck or groin. These areas are sensitive to mechanical injury (i.e., crushing to the trachea or testicles when applied forcefully). These sensitive areas should only be targeted when officers are defending themselves from violent attacks.*

4. The CED operator must be familiar with the surrounding environment prior to deploying the system. Officers should be cognizant that a suspect's elevated position may result in secondary injuries due to a fall after application of the CED. The operator must weigh the need for incapacitation against the need to prevent serious bodily injury to the subject, civilians, and other officers.
5. Officers should be particularly cognizant of the potential for secondary injuries in elderly persons who are incapacitated by a CED system. Coexisting medical diseases and/or increased possibility of bone fractures in the elderly require an elevated level of justification prior to deploying the CED system

against them.

6. Officers should be particularly cognizant of the potential for secondary injury in pregnant women. Injury may occur to the unborn child due to a fall onto the abdomen. The use of a CED on persons known to be or thought to be pregnant should be limited to those situations where such risks are deemed necessary. **A pregnant woman who has been subjected to a CED application must be evaluated at a medical facility.**
7. There is no reason to suspect that children would be likely to suffer injury if exposed to a CED. However, the disapproving public opinion that could be triggered by such an application of the CED is a strong reason to dissuade the use of the device on children. Officers must therefore have an elevated level of justification prior to utilizing the CED on children.
8. Officers who use a CED on persons exhibiting symptoms of mental health crisis or drug abuse should give particular consideration that these persons may be experiencing or are at an increased risk of developing excited delirium. Excited delirium is a potentially fatal acute medical illness. Subjects who are exhibiting signs or symptoms of excited delirium shall be evaluated at a medical facility. Excited delirium should be strongly suspected in a subject who exhibits unbelievable strength, little or no reaction to pain, ability to resist multiple officers, excessive sweating, bizarre or violent behavior, aggression, extreme paranoia, incoherent shouting, and destruction of property - particularly glass.
9. Using a CED against an attacking animal may reduce the need for greater, more injurious force against the animal. The use of a CED on an animal should be based on the intent to provide a safer, more humane and less traumatic conclusion to the incident.
 - a) A CED may be deployed on an animal when the animal is threatening or is attacking a person, officer, another animal, or property.
 - b) The animal has attacked or is an active threat to a person, officer, another animal, or has caused a continuing public nuisance, and the animal needs to be captured for reason of public peace or safety, preservation of property, or other legitimate purpose.
 - c) Center mass of the animal should be targeted. Care should be taken to avoid the head and other sensitive areas on the animal. It is understood that deployments against animals may be very dynamic in nature and the probes may impact unintended areas.

- d) Procedures for probe removal should take place as outlined herein. Personnel will take reasonable measures to consider that the animal's welfare is provided for, in the event that probes impact a sensitive area, or it appears the animal's health is in jeopardy. It is generally understood that as long as personnel acted appropriately, the animal's owner will be responsible for any medical attention required for the animal.

D. E. CED Probe Removal

CED operators trained in the removal of probes may normally remove CED probes that are embedded in a subject's skin. When removing these probes, the officer should wear protective gloves. The officer should grab the probe and pull it directly away from the subject's skin, while simultaneously supporting this skin with their opposing hand. Once the probe is removed, it shall be stored in a sharps container or the expended cartridge for disposal. The officer shall clean the impact area on the suspect with an antiseptic wipe, and then cover the impact area with a bandage.

In most instances, there will be a small amount of blood visible around the probe impact area. In these instances, the officer's supervisor shall complete the appropriate paperwork to document this uncompromised bloodborne pathogen exposure if there is blood or body fluid transfer to the officer's intact skin. If a compromised bloodborne pathogen exposure should occur, the officer's supervisor shall complete the required compromised exposure paperwork. Officers shall not remove probes if the subject objects, or if the probe is embedded in a subject's face, genital area, buttocks, spine, or in a woman's breast. In these instances, the subject shall be transported to a medical facility for the removal of the probes.

E. F. CED Reporting Requirements

A CED (formerly known as "TASER") Report form shall be completed documenting the use of the CED and the removal of its probes. Copies of the PD42 and the CED Report ~~both reports~~ shall be forwarded to the Internal Affairs Bureau. When recording the deployment of the CED on the PD42, the final event classification should be "Use of Force."

~~The Office of the Medical Director (OMD) also requests that information regarding every deployment of a CED be conveyed to the OMD. Given the potential for secondary injury, coexisting medical or mental health illness or~~

~~intoxication, the Fairfax County Police Department must carefully evaluate each use of the CED. Prospective review of CED uses, and information gathered by the OMD, will allow potential issues regarding the health and safety of officers and subjects to be evaluated.~~

The Office of the Medical Director (OMD) and the Internal Affairs Bureau (IAB) will conduct reviews of all CED deployments to consider issues related to the potential for secondary injury, coexisting medical or mental health illness or intoxication, and all potential health and safety concerns. OMD will coordinate these reviews with the Commander of IAB. Upon review of deployment cases, IAB will coordinate with the Criminal Justice Academy to ensure that relevant training is provided to all CED operators to ensure deployments are adhering to this policy.

V. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.

05.01

06.01

This SOP becomes effective June 8, 2009, and rescinds all previous rules and regulations pertaining to the subject.

Issued by:

Chief of Police

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- d) Procedures for probe removal should take place as outlined herein. Personnel will take reasonable measures to consider that the animal's welfare is provided for, in the event that probes impact a sensitive area, or it appears the animal's health is in jeopardy. It is generally understood that as long as personnel acted appropriately, the animal's owner will be responsible for any medical attention required for the animal.

D. E. CED Probe Removal

CED operators trained in the removal of probes may normally remove CED probes that are embedded in a subject's skin. When removing these probes, the officer should wear protective gloves. The officer should grab the probe and pull it directly away from the subject's skin, while simultaneously supporting this skin with their opposing hand. Once the probe is removed, it shall be stored in a sharps container or the expended cartridge for disposal. The officer shall clean the impact area on the suspect with an antiseptic wipe, and then cover the impact area with a bandage.

In most instances, there will be a small amount of blood visible around the probe impact area. In these instances, the officer's supervisor shall complete the appropriate paperwork to document this uncompromised bloodborne pathogen exposure if there is blood or body fluid transfer to the officer's intact skin. If a compromised bloodborne pathogen exposure should occur, the officer's supervisor shall complete the required compromised exposure paperwork. Officers shall not remove probes if the subject objects, or if the probe is embedded in a subject's face, genital area, buttocks, spine, or in a woman's breast. In these instances, the subject shall be transported to a medical facility for the removal of the probes.

E. F. CED Reporting Requirements

A CED (formerly known as "TASER") Report form shall be completed documenting the use of the CED and the removal of its probes. Copies of the PD42 and the CED Report ~~both reports~~ shall be forwarded to the Internal Affairs Bureau. When recording the deployment of the CED on the PD42, the final event classification should be "Use of Force."

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against them.

6. Officers should be particularly cognizant of the potential for secondary injury in pregnant women. Injury may occur to the unborn child due to a fall onto the abdomen. The use of a CED on persons known to be or thought to be pregnant should be limited to those situations where such risks are deemed necessary. **A pregnant woman who has been subjected to a CED application must be evaluated at a medical facility.**
7. There is no reason to suspect that children would be likely to suffer injury if exposed to a CED. However, the disapproving public opinion that could be triggered by such an application of the CED is a strong reason to dissuade the use of the device on children. Officers must therefore have an elevated level of justification prior to utilizing the CED on children.
8. Officers who use a CED on persons exhibiting symptoms of mental health crisis or drug abuse should give particular consideration that these persons may be experiencing or are at an increased risk of developing excited delirium. Excited delirium is a potentially fatal acute medical illness. Subjects who are exhibiting signs or symptoms of excited delirium shall be evaluated at a medical facility. Excited delirium should be strongly suspected in a subject who exhibits unbelievable strength, little or no reaction to pain, ability to resist multiple officers, excessive sweating, bizarre or violent behavior, aggression, extreme paranoia, incoherent shouting, and destruction of property - particularly glass.
9. Using a CED against an attacking animal may reduce the need for greater, more injurious force against the animal. The use of a CED on an animal should be based on the intent to provide a safer, more humane and less traumatic conclusion to the incident.
 - a) A CED may be deployed on an animal when the animal is threatening or is attacking a person, officer, another animal, or property.
 - b) The animal has attacked or is an active threat to a person, officer, another animal, or has caused a continuing public nuisance, and the animal needs to be captured for reason of public peace or safety, preservation of property, or other legitimate purpose.
 - c) Center mass of the animal should be targeted. Care should be taken to avoid the head and other sensitive areas on the animal. It is understood that deployments against animals may be very dynamic in nature and the probes may impact unintended areas.

- (a) The likelihood of physical injury resulting from a CED is similar to OC spray with the exception of accidental probe contact to a vital area or a secondary injury to the subject from falling.
 - (b) Persons exposed to CEDs recover rapidly as compared to far longer recovery periods for OC spray.
 - (c) A CED is more likely than OC spray to incapacitate persons under the influence of alcohol, controlled substances, or those suffering from mental instability.
3. **Use of Force Continuum (Drive Stun Mode)** – The CED drive stun delivery method is considered non-deadly force, and the drive stun method is analogous to Control Modes without Weapons (Stunning) on the Use of Force Continuum. The CED drive stun is used against a person to cause diffused pressure and pain.

The CED should only be deployed in the drive stun mode in exigent circumstances. In this mode of delivery, the cartridge is removed and the unit is pressed firmly into the following approved areas:

- Brachial plexus tie-in (upper chest)
- Radial (forearm)
- Common peroneal (outside of thigh)
- Tibial (calf muscle)
- Carotid (sides of neck - see warning below)
- Pelvic Triangle (see warning below)

WARNING: *If possible, avoid applying drive stun to neck or groin. These areas are sensitive to mechanical injury (i.e., crushing to the trachea or testicles when applied forcefully). These sensitive areas should only be targeted when officers are defending themselves from violent attacks.*

4. The CED operator must be familiar with the surrounding environment prior to deploying the system. Officers should be cognizant that a suspect's elevated position may result in secondary injuries due to a fall after application of the CED. The operator must weigh the need for incapacitation against the need to prevent serious bodily injury to the subject, civilians, and other officers.
5. Officers should be particularly cognizant of the potential for secondary injuries in elderly persons who are incapacitated by a CED system. Coexisting medical diseases and/or increased possibility of bone fractures in the elderly require an elevated level of justification prior to deploying the CED system

B. Authorized Equipment

Only Conducted Energy Devices approved by the Director of the Fairfax County Criminal Justice Academy shall be carried by authorized users. All bureaus and divisions requiring specialized CED equipment shall coordinate with the Academy Director for testing, evaluation and final approval by the Chief of Police. The Academy shall be responsible for developing a training regime for the authorized equipment as well as maintaining a list of authorized and distributed equipment.

B. C. Device Readiness

The CED will be carried by authorized officers in an approved holster. This holster shall be worn on the officers' "weak side carry" position on their Sam-brown belt. Specialty Units that carry CEDs may seek a written variance to this weak side carry standard from the Director of the Criminal Justice Academy. The Academy Director may provide this variance after consultation with the Academy's range staff supervisor. Only certified CED Instructors shall have the authorization to make alterations or repairs to the CED systems. No other individual shall perform any repairs or make any alterations to a police department issued CED system.

C. D. Deployment

1. The CED is designed to disrupt the motor nervous system of a suspect by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses. Officers shall only utilize one CED system against a suspect, unless the first system fails to achieve the desired result. Additionally, officers should only use the number of CED applications necessary to bring the suspect into custody compliance with lawful commands.
2. **Use of Force Continuum (CED Probes)** - The CED probe delivery method is equivalent to OC spray on the Use of Force Continuum; it is therefore considered non-deadly force. The decision to deploy a CED should require the same justification as any other non-deadly use of force device. However, when determining whether to use OC spray or a CED, the totality of the circumstances and the surrounding environment should be considered in conjunction with the following factors specific to these two devices:

TITLE: Conducted Energy Device

SOP NUMBER: 06-025

EFFECTIVE DATE: 06-08-09

REPLACES/RESCINDS:

fcpd sop

I. PURPOSE

The purpose of this Standard Operating Procedure is to provide officers with guidance and direction on the use of Conducted Energy Devices.

II. POLICY

It is the policy of this agency to use only that level of force reasonably necessary to control or otherwise subdue violent or potentially violent individuals. Conducted Energy Devices have been proven effective in furtherance of this policy and are authorized for use in appropriate circumstances by trained personnel.

III. DEFINITION

Conducted Energy Device (CED): A general class of device that is designed to disrupt a subject's motor nervous system by means of deploying battery powered electrical energy which is sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

Drive Stun: A CED delivery method used to diffuse pressure and cause pain.

IV. PROCEDURES

A. Authorized Users

Only officers who have satisfactorily completed this agency's training course and CED instructors who have completed the manufacturer's certification course shall be authorized to carry CED systems. All personnel authorized to carry these devices shall complete annual in-service refresher training. This training will cover the physical capabilities of the CED device, device retention, changes in agency policy, technology changes, and a review of local and national trends in CED use. This training will also give an overview of CED deployment strategies, probe removal, and prisoner care.





County of Fairfax, Virginia 090034

MEMORANDUM

DATE: June 8, 2009
TO: Command Staff
FROM: David M. Rohrer, Colonel *DMR*
Chief of Police
FILE: 09-142
SUBJECT: Revision to SOP 06-025 – Conducted Energy Device

The Law Enforcement Training Unit and the Internal Affairs Bureau have concluded a review of SOP 06-025, Conducted Energy Device (CED), for compliance with national best practices and current internal business modes. The changes to the SOP are attached in their entirety. These revisions are effective immediately. Commanders shall ensure that all officers under their command are informed of these revisions.

The changes to SOP 06-025 will be reflected in the next revision cycle of the Manual of SOPs and General Orders. Should you have any questions, please do not hesitate to contact Major Edwin C. Roessler Jr., Director of the Criminal Justice Academy, at 703-449-7272.

DMR/ecr

Attachment

Fairfax County Police Department
4100 Chain Bridge Road
Fairfax, Virginia 22030

