



Use of Force and Body Worn Camera Program

Colonel Edwin C. Roessler Jr.
Chief of Police

Public Safety Committee Meeting
June 16, 2020

Use of Force Policy Development

- Use-of-Force Policy and Practice Review of the Fairfax County Police Department, Final Report June 2015-Police Executive Research Forum (PERF)
- Revisions of all Use of Force Policies adopting the pillars of the White House's Task Force on 21st Century & PERF's Use of Force Guiding Principles - March 2016
- Ad Hoc Police Practices Review Commission Final Report – October 2015
- Co-production of Policing Model

Use of Force Policy Statement, General Order 540

- It is the policy of the Fairfax County Police Department that officers hold the highest regard for the **sanctity of human life**, dignity and liberty of all individuals. Force is to be used only to the extent it is objectively reasonable to defend oneself or another, to control an individual during an investigative or mental detention, or to lawfully effect an arrest. Force should be based upon the totality of the circumstances known by the officer at the time force is applied, without regard to the officer's underlying intent or motivation, and weighs the actions of the officer against their responsibility to protect public safety as well as the individual's civil liberties. Force shall not be used unless it is reasonably necessary in view of the circumstances confronting the officer. The application of deadly force should only be used in the most extreme circumstances where all lesser means of force have failed or could not reasonably be utilized.
- Access to medical treatment shall be provided to any individual who complains of injury, has obvious injuries, or who requests medical attention.
- In all situations, officers are expected to act within their training and exercise sound judgment. Any force used shall be reviewed on a case-by-case basis. The involved officer must be able to clearly articulate the reasons for using force.

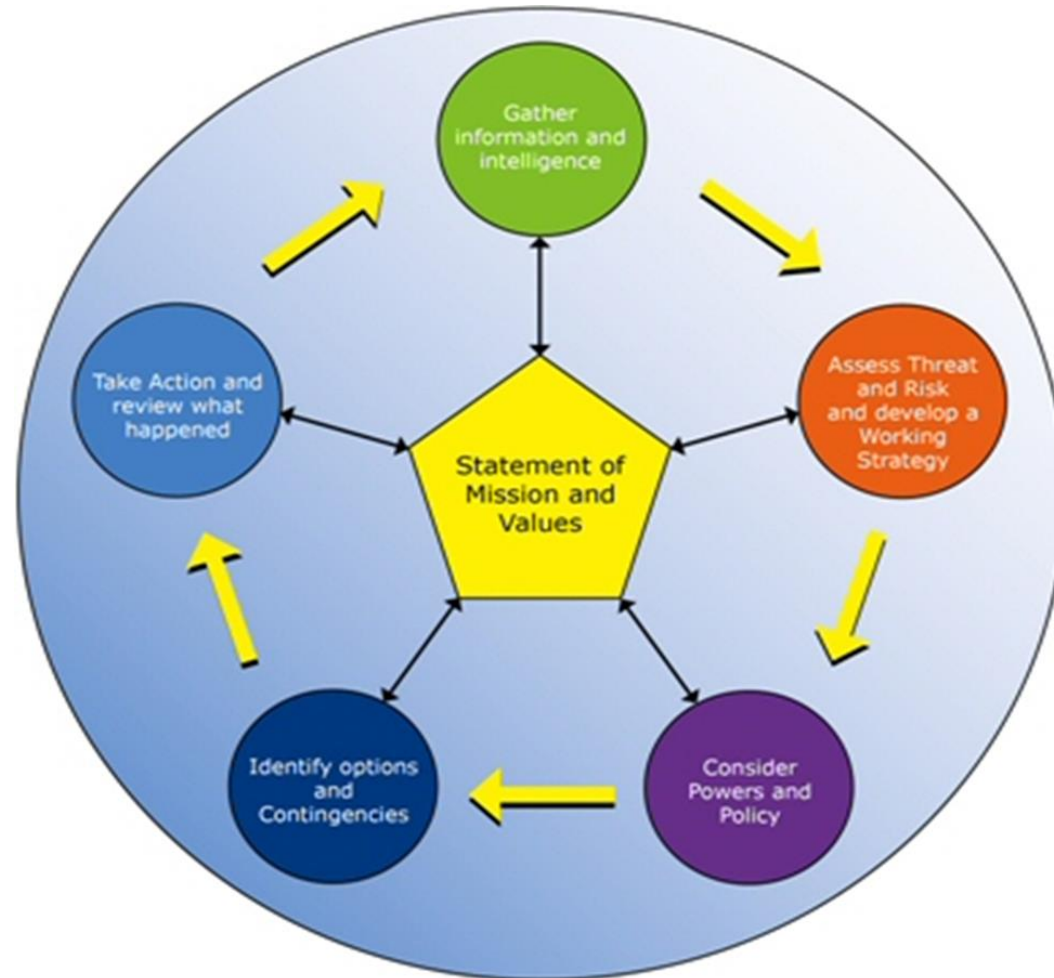
Duty To Intervene

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, safely intercede to end and prevent the further use of such excessive force. Additionally, officers have the duty to intervene in all other situations where an officer is acting in violation of laws, orders, policies, or ethical conduct and immediately notify an on-duty supervisor or commander.

Other Current Policies Already Adopted

- Carotid artery restraints and chokeholds are not sanctioned force options
- Requiring de-escalation, when possible
- Use of force continuum/training
- Requiring verbal warning before using deadly force, when possible
- Prohibiting shooting at moving vehicles, unless threat of death or serious injury to officer or other person and no other option exists
- Requiring officers to exhaust other reasonable alternatives, when possible
- Requiring comprehensive reporting
- Diversion First / Crisis Intervention Training

National Decision-Making Model



Use of Force

- The purpose for the use of force is to establish, and maintain, lawful control to protect from harm, and/or overcome resistance to lawful duties.
- Control is the ability to command, or direct, with or without, voluntary compliance.
- Our goal is to gain voluntary compliance.

PLANE Principle:

Proportionate – Legal – Accountable – Necessary - Ethical

Definitions of Resistance & Force

RESISTANCE

- Passive Resistance: Individual poses no immediate threat to an officer, but is not complying with lawful orders and is taking minimal physical action to prevent an officer from taking lawful action.
- Active Resistance: An individual's verbal and/or physical actions are intended to prevent an officer from taking lawful action, but are not intended to harm the officer.
- Aggressive Resistance: An individual displays the intent to cause injury, serious injury, or death to others, an officer, or themselves and prevents the officer from taking lawful action.

TYPES OF FORCE

- Less-Lethal Force: Any level of force not designed to cause death or serious injuries.
- Deadly Force: Any level of force that is likely to cause death or serious injury.
- Excessive Force: Any force which is determined not to be objectively reasonable.

DE-ESCALATION

7 Core Pillars

1. *Be Balanced*
 2. *Be Real*
 3. *Self Control*
 4. *Be Smooth*
 5. *Be Empathetic*
 6. *Create Lasting Positive Effects*
 7. *Never Humiliate*
- Use of Force & De-Escalation Training is Mandated Twice a Year

Body Worn Camera Phase-in Schedule

Accelerate Phase II & Phase III for FY 2021 Implementation



<u>Phase I</u>	<u>Phase II</u>	<u>Phase III</u>
<p data-bbox="104 582 805 636">Completed - April 28, 2020</p> <ul data-bbox="78 682 805 1272" style="list-style-type: none"> • Mason Station • Mount Vernon Station • Reston Station • Motor Officers • K9 Officers • DWI Squad Officers 	<p data-bbox="1123 582 1365 636">FY 2022</p> <ul data-bbox="868 689 1416 1039" style="list-style-type: none"> • Sully Station • McLean Station • West Springfield Station 	<p data-bbox="1918 572 2160 626">FY 2023</p> <ul data-bbox="1663 694 2397 1260" style="list-style-type: none"> • Fair Oaks Station • Animal Protection Police • Franconia Station • CIT/Diversion First • Parking Enforcement Officers • Lorton Station • Special Operations Division <p data-bbox="1663 1282 1913 1325">* SRO - TBD</p>

Accelerated Implementation Schedule

BWC Accelerated Implementation

Equipment/Staffing/Funding	Program Implementation April 28, 2020	FY 2021 Adopted Budget	FY 2022	FY 2023
			<i>Accelerate FY21 - Total \$4.5 M</i>	
Cameras	416	No additional cameras or positions, baseline funding required for 416 cameras/ 13 positions	338	456
Positions	13		13	8
<i>Police Department</i>	3		2	0
<i>Office of the Commonwealth's Attorney¹</i>	8		9	6
<i>Department of Information Technology</i>	2		2	2
<i>Available Funding Reserve for Ad-Hoc Police Practices Review Commission</i>	\$4,312,614		\$0	\$0
Baseline Funding Required	\$0	\$1,770,179	\$3,314,500	\$1,147,705

¹ Includes a combination of Attorney and support positions.

² Full implementation by FY 2023 - 1,210 cameras, 34 personnel, \$6.23 million baseline funding. Remaining \$1.3 million in Reserve of Ad-Hoc Police Practices Review Commission to be used for one-time needs or other initiatives.

BWC Policy

- Framework – Virginia Department of Criminal Justice Services Model Policy
- Co-production Model – Key Stakeholders and Community Members Summer 2014
- Presented to Public Safety Committee June 2015 and Pilot Approved Fall 2017
- Pilot 6-months 2018 Results Presented
- Co-production Team met – March 9, 2020 prior to Phase I go-live
- Next Co-production Stakeholder Meeting TBD - September 2020

Co-production Stakeholders 2020

- NAACP
- INOVA Health Systems
- Civilian Review Panel
- Independent Police Auditor
- Communities of Trust
- HIPAA Compliance
- Merrifield Center
- Mobile Crisis
- Diversity Council
- Autism Awareness
- Fairfax County Public Schools
- Tahirih Justice Center
- Victim Services
- Legal Services of Northern Virginia
- Community Advisory Counsel
- Office of Commonwealth's Attorney
- Internal Affairs Bureau
- Information Technology Bureau
- FOIA Compliance
- FCPD Employee Groups
- American University

BWC Policy - SOP 18-056

Policy mandated activation/deactivation

“All BWC equipped officers shall activate their BWC during their response to a scene or as soon as it is practical and safe to do so and leave it on for the duration of the incident.”

- Emerging Technology – automatic activation with duty weapon and ECW un-holstering.
 - Pilot project to test & evaluate equipment

Privacy and Restricted Use

- Medical/Mental Facilities
- Courthouses
- School grounds
- Reasonable expectation of privacy – service call at a home
- Detailed victim statements
- Community member reporting a crime

Transparency & Release of Footage

- All FOIA requests will be released in accordance with [General Order 402](#); Release of Information, Records and Documents.
- At the direction of the Chief of Police or his designee, the Public Affairs Bureau FOIA Compliance Section shall coordinate all release and/or redaction of BWC recordings.
- Sharing capabilities with Office Of Commonwealth's Attorney/defense attorneys through [Evidence.com](#).

Questions and Discussion