


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.0
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: PURPOSE AND POLICY		
RESPONSIBLE ENTITY: Planning and Research Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17	
ACCREDITATION STANDARDS:	CALEA 1.3.2, 1.3.4, 1.3.5, 1.3.6 VLEPSC ADM.05.01, 05.03		

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 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 light 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.

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	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: DEFINITIONS		
RESPONSIBLE ENTITY: Planning and Research Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17	
ACCREDITATION STANDARDS:	CALEA 1.3.2, 1.3.4, 1.3.5, 1.3.6 VLEPSC ADM.05.01, 05.03, 06.01		

I. DEFINITIONS

- A. Canine Handler: An officer who is trained and certified by the Fairfax County Criminal Justice Academy or another Department approved basic canine school who is assigned to work with a specific patrol dog.
- B. Deadly Force: Any level of force that is likely or intended to cause death or serious injury.
- C. Electronic Control Weapon: A device which disrupts the sensory and motor nervous system of an individual by deploying battery-powered electrical energy sufficient to cause sensory and neuromuscular incapacitation.
- D. Excessive Force: Any force that is objectively unreasonable given the totality of the circumstances, including the severity of the crime at issue, whether the subject poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- E. Felonies Involving Violence: Crimes under this definition are murder, manslaughter, mob-related felonies, malicious wounding, felony kidnapping or abduction, robbery, carjacking, felony criminal sexual offenses, escape with force, and any felonies involving the discharge of a firearm. ([Va. Code Ann. § 19.2-297.1](#))
- F. Firearm: Any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material. ([Va. Code Ann. § 18.2-308.2:2](#)) For the purpose of this definition, no Kinetic Energy Impact Systems constitutes a firearm.
- G. Force: Any physical strike or instrumental contact with an individual, or any significant physical contact that restricts an individual's movement. Force does not include escorting or handcuffing an individual who is exhibiting minimal or no resistance. Merely placing an individual in handcuffs as a restraint in arrest or transport activities, simple presence of officers or patrol dogs, or police issuance of tactical commands does not constitute a reportable action.

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H. Institutional Integrity: The condition whereby order is maintained in a detention facility. Force options 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.


I. Less-Lethal Force: Any level of force not designed to cause death or serious injuries.

J. Medical Treatment: Any action taken by Emergency Medical Services (EMS), personnel approved by the Fairfax County Police Department's Office of the Medical Director (OMD), or medical facility personnel to medically assess an individual or physically mend an injury (e.g., dress a wound, stitches, etc.) resulting from an accidental injury and/or a use of force. Access to medical treatment requires direct contact between the patient and one of the above defined competent medical authorities. Routine decontamination does not constitute medical treatment.

K. Modified Ready: A one or two-handed grip of a firearm held against the body with the muzzle pointed toward the ground, de-cocked, and the trigger finger straight along the frame. This position is used when maneuvering in close proximity to other officers or individuals, thereby preventing the inadvertent pointing of the firearm at a person while also maintaining a tactical advantage.


L. Neck Restraint: The use of any body part or object to attempt to control or disable a person by applying pressure against the neck, including the trachea or carotid artery, with the purpose, intent, or effect of controlling or restricting the person's movement or restricting the person's blood flow or breathing, including chokeholds, carotid restraints, and lateral vascular neck restraints.

M. Objectively Reasonable: The level of force that is appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same set of circumstances. Objective reasonableness is not analyzed with the benefit of hindsight, but rather takes into account the

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fact that officers must make rapid and necessary decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations.


- N. Patrol Dog: A dog trained to track, apprehend, bite and hold on command, and locate people, property, and evidence.
- O. PepperBall System: A high-pressure air launcher that delivers projectiles from a distance. Typically, the projectile contains PAVA powder which has similar characteristics to Oleoresin Capsicum.
- P. Probable Cause:
- Probable Cause to Arrest: Facts and circumstances which, taken together with rational inferences therefrom, would lead a prudent person to believe that a crime is being, has been, or is about to be committed and that a particular person committed it.
 - Probable Cause to Search: Facts and circumstances which, taken together with rational inferences therefrom, would lead a prudent person to believe that evidence of a crime or contraband is in the place to be searched.
- Q. Ready Gun: A firearm presented toward a threat area with the muzzle lowered from the officer's eye level sufficient to see the threat area clearly. If an officer is covering an individual, the firearm is lowered sufficiently to see an individual's hand and waist area. The officer's eyes are open with their trigger finger straight along the frame and the firearm is de-cocked. When an officer utilizes a shotgun or rifle, the safety is engaged. The ready-gun position is used to search a location or object or to cover a threat area (high or low), depending on the environment (e.g., up or down a stairwell).
- R. 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.
- S. Tactical (Tac) Ready: A firearm presented toward a threat area with a one or two-handed grip. The firearm is close to the officer's body at sternum level with the muzzle parallel to the terrain. If the firearm is fired, a round should strike the center mass of an average-sized threat. This position presents a compact profile and helps prevent telegraphing the officer's location when working around corners or making room entries.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.2
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: DE-ESCALATION		
RESPONSIBLE ENTITY: Planning and Research Bureau			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17
ACCREDITATION STANDARDS:	CALEA Not Applicable	VLEPSC Not Applicable	

I. DE-ESCALATION

- A. De-escalation is the result of a combination of communication, tact, empathy, instinct, and sound officer safety tactics. The ultimate goal is to help achieve a positive outcome by reducing the need for force.


- B. When possible, officers should seek to utilize de-escalation strategies to prevent situations from deteriorating to the point where they would need to use force. Officers should attempt to gain voluntary compliance and reduce the level of force required in a situation through verbal communication efforts. When force is applied, officers will adjust the amount of force used to overcome an individual's resistance and to gain control.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.3
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: DUTY TO INTERVENE		
RESPONSIBLE ENTITY: Planning and Research Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17	
ACCREDITATION STANDARDS:	CALEA Not Applicable VLEPSC Not Applicable		

I. DUTY TO INTERVENE

Any officer, while in the performance of their official duties, present and observing another officer using excessive force or attempting to use excessive force against another shall, when in a position to do so, safely intercede to end and prevent the further use or attempted use of excessive force. Officers shall also render aid, as circumstances reasonably permit, to any person injured as the result of the use of excessive force. (See [Va. Code Ann. § 19.2-83.6](#), Failure of a Law-Enforcement Officer to Intervene in Use of 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.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.4
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: RESISTANCE AND LEVELS OF CONTROL		
RESPONSIBLE ENTITY: Planning and Research Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17	
ACCREDITATION STANDARDS:	CALEA Not Applicable VLEPSC Not Applicable		

I. TYPES OF RESISTANCE


A. The following are three types of resistance offered by persons, which are discussed in this Order:

1. Passive Resistance: Where an 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.
2. Active Resistance: Where 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.
3. Aggressive Resistance: Where 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.

B. Officers should also be mindful that people they interact with may not understand their directions or commands due to underlying medical issues, mental health issues, disabilities, or language and/or cultural differences. This may not make the encounter any less dangerous. However, when limitations are known, officers should take appropriate steps to factor these limitations into their critical decision-making process, and when feasible, take the necessary steps consistent with their departmental training to accommodate the rights and needs of these individuals.


II. LEVELS OF CONTROL IN RESPONSE TO RESISTANCE

A. When force is necessary, officers will assess each incident, based on policy, training, and experience, to determine which force options are appropriate for the situation to safely bring a person under control in a safe manner.

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	TOPICS: RESISTANCE AND LEVELS OF CONTROL	

Officers must only use the amount of control that is objectively reasonable to overcome resistance in order to take lawful action. Levels of control include the following:


1. Low-Level Control: This level of control is not intended to cause injury and is typically used on individuals displaying passive and/or active resistance. This level of control includes, but is not limited to:
 - a. Officer Presence
 - b. Verbal Communication
 - c. Handcuffs or other Department-issued restraint devices
 2. Less-Lethal Force: Any level of force not designed to cause death or serious injury that is reasonably necessary to gain compliance by individuals offering resistance. Less-lethal force includes, but is not limited to:
 - a. Empty-hand tactics, such as strikes, kicks, or takedowns
 - b. Impact weapons
 - c. Oleoresin Capsicum spray (OC)
 - d. Electronic Control Weapons (ECW)
 - e. PepperBall System
 - f. Patrol Dog
 - g. Kinetic Energy Impact Systems
 3. Deadly Force: Any level of force likely or intended to cause death or serious injury that is reasonably necessary to cease an individual's aggressive resistance.
- B. Force incidents often require the officer to transition to different critical decision-making force options, including de-escalation or escalation techniques based on the person's actions and responses. Officers must modify their levels of control in relation to the amount of resistance offered by the individual.

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	<p>EFFECTIVE DATE: March 1, 2021</p>	<p>REVIEW: March 2023</p>	
	<p>TOPIC: OBJECTIVE REASONABLENESS</p>		
<p>RESPONSIBLE ENTITY: Planning and Research Bureau</p>			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17
<p>ACCREDITATION STANDARDS:</p>	<p>CALEA Not Applicable</p>	<p>VLEPSC Not Applicable</p>	

I. OBJECTIVE REASONABLENESS


In determining whether force is objectively reasonable, an officer must give careful attention to the totality of circumstances in each particular case including, but not limited to:

1. Whether the individual poses an immediate safety threat to the officer or others
2. The severity of the crime
3. Whether the individual is actively resisting or attempting to evade arrest
4. Weapon(s) involved
5. Presence of other officers or individuals
6. Training, age, size, and strength of the officer
7. Training, age, size, and perceived strength of the individual
8. Environmental conditions


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.6
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2024	
	TOPIC: LESS-LETHAL FORCE		
RESPONSIBLE ENTITY: Planning and Research Bureau			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17
ACCREDITATION STANDARDS:	CALEA Not Applicable	VLEPSC Not Applicable	

I. LESS-LETHAL FORCE

- A. Instances where less-lethal force may be effective include, but are not limited to:
1. Effecting an investigative stop or arrest
 2. Preventing escape from lawful custody
 3. Defending oneself or another individual from injury or assault
 4. Establishing custody for a temporary detention order
 5. Restoring institutional integrity in a detention facility
- B. Only the level of less-lethal force that is objectively reasonable shall be used to gain control and compliance.
- C. Less-lethal force may also be used against an animal that is attacking or threatening to attack a human or another animal. Instruments of less-lethal force 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.
- D. The following are Department issued and approved instruments or techniques that are intended to be less-lethal force options:
1. Empty-Hand Tactics, such as strikes, kicks, or takedowns
 2. Oleoresin Capsicum (OC)
 3. Baton
 4. Electronic Control Weapon (ECW)


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- 5. PepperBall System
- 6. Patrol Dog
- 7. Kinetic Energy Impact Systems

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.7
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: LESS-LETHAL FORCE NOTIFICATION AND INVESTIGATION		
RESPONSIBLE ENTITY: Planning and Research Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17	
ACCREDITATION STANDARDS:	CALEA 1.3.5, 1.3.7, 1.3.8, 41.2.4, 74.3.1 VLEPSC ADM.05.03		

I. LESS-LETHAL FORCE NOTIFICATION

- A. Officers who use less-lethal force shall promptly inform their on-duty supervisor. A supervisor shall respond to the scene of any force incident where an individual has an injury, complains of an injury, is transported to a medical facility for medical treatment, or is otherwise provided with access to medical treatment. The responding supervisor shall review the circumstances surrounding the less-lethal force incident and notify the Duty Officer or appropriate commander of the occurrence of:
1. Any less-lethal force options resulting in any injury or death.
 2. Any medical treatment provided by Emergency Medical Services (EMS), personnel approved by the Fairfax County Police Department's Office of the Medical Director (OMD), or a medical facility.
- B. 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 as serious.
- C. Once the Department of Public Safety Communications (DPSC) and the Police Liaison Commander (PLC) have been notified of a less-lethal force incident resulting in serious injury or death to any individual, DPSC, in coordination with the on-duty PLC, shall immediately notify the commanders of the following entities:
1. Major Crimes Bureau (MCB)
 2. Internal Affairs Bureau (IAB)
 3. Administrative Support Bureau (ASB)


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4. Director of the Public Affairs Bureau (PAB)
5. Cyber and Forensics Bureau (CFB)
6. Incident Support Services (ISS)
7. Affected Department Command Staff and authorized Administrative Staff members
8. Chief of Police, or designee.


II. LESS-LETHAL FORCE INVESTIGATION

A. The use of less-lethal force will be investigated and documented as follows:

1. Death or the potential loss of life to any individual resulting from the use of less-lethal force:
 - a. Investigative Authority: Major Crimes Bureau and the Internal Affairs Bureau
 - b. Investigative Format: Criminal investigation and Internal Affairs Bureau administrative investigation
 - c. Investigative Procedures: In accordance with [SOP 12-045](#), Investigation of Deadly Force Deployment and Police Affiliated Critical Incidents.
 - d. Documentation Review: The commander of the Internal Affairs Bureau shall review the administrative investigation and forward the investigation to the appropriate bureau commander.
 - e. Photographs shall be taken of all injuries by the investigative authority and maintained within the case file.
 - f. Any video and/or audio recordings of the incident shall be preserved by the investigative authority.
 - g. The force option used in a less-lethal force incident resulting in serious injury or death shall be left in the same condition as it was when it was utilized.

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- h. The collection of evidence, including the involved force option, shall be performed at the direction of the lead Major Crimes Bureau (MCB) detective or their designee.
 2. Medical treatment at a medical facility for any injury resulting from the use of less-lethal force:
 - a. Investigative Authority: The on-duty supervisor or above.
 - b. Investigative Format: Administrative investigation in the current Internal Affairs Records Management System describing the incident, the type of force used, extent of injuries, and type of medical treatment provided.
 - c. Documentation Review: The on-duty supervisor shall review and forward all investigative reports to their commander for appropriate review and dissemination. The completed administrative investigation shall be forwarded to their division commander for appropriate review and action.
 - d. Photographs will be taken of all injuries by the investigative authority and maintained within the case file.
 - e. Any video and/or audio recordings of the incident will be reviewed and preserved by the investigative authority.
 3. Medical treatment for non-serious injuries that are provided by EMS personnel, personnel approved by the Fairfax County Police Department's OMD, or the individual refuses medical treatment resulting from the use of less-lethal force:
 - a. Investigative Authority: The on-duty supervisor or above.
 - b. Investigative Format: Current Internal Affairs Records Management System documentation describing 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 individual.
 - c. Documentation Review: The on-duty supervisor shall review and forward all investigative reports to their commander for appropriate review and dissemination to division or bureau commanders.

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- d. Photographs shall be taken of all injuries by the investigative authority and maintained within the current Records Management System.
 - e. Any video and/or audio recordings of the incident shall be reviewed and preserved by the investigative authority.
4. All less-lethal force that does not involve the complaint of injury or medical treatment:
- a. Investigative Authority: The on-duty supervisor or above.
 - b. Investigative Format: Current Internal Affairs Records Management System documentation describing the incident, the type of force used, and that there were no injuries observed or any complaints of injuries.
 - c. Documentation Review: The on-duty supervisor shall review and forward all investigative reports to their commander for appropriate review and dissemination to division or bureau commanders.

III. POINTING A FIREARM INVESTIGATION


- A. Pointing a firearm at a person in response to their actions in order to gain control and compliance shall be investigated and documented as follows:
- 1. Investigative Authority: The on-duty supervisor or above.
 - 2. Investigative Format: Current Internal Affairs Records Management System documentation describing the incident.
 - 3. Documentation Review: The on-duty supervisor shall review and forward all investigative reports to their commander for appropriate review and dissemination to division and bureau commanders.

IV. PATROL DOG APPREHENSION INVESTIGATION

- A. All patrol dog apprehensions that result in visible evidence that the patrol dog bit an individual, such as swelling or redness of the skin, or any time an individual complains of injury as a result of an apprehension conducted with a patrol dog, shall be investigated and documented as follows:
- 1. Investigative Authority: Canine Section supervisor or as directed by the commander of the Special Operations Division (SOD) or the Duty Officer.


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2. Investigative Format: Current Internal Affairs Records Management System documentation describing 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.
3. Documentation Review: The investigative authority shall review and forward all investigative reports to the SOD commander for appropriate review and dissemination to division or bureau commanders. The completed administrative investigation shall be forwarded to the SOD commander for appropriate review and action.
4. Photographs shall be taken of all injuries by the investigative authority and maintained within the case file.
5. Any video and/or audio recordings of the incident shall be reviewed and preserved by the investigative authority.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.8
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: DEADLY FORCE		
RESPONSIBLE ENTITY: Planning and Research Bureau			
ACCREDITATION STANDARDS:	CALEA Not Applicable	<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17	
	VLEPSC Not Applicable		


I. DEADLY FORCE

- A. Deadly force shall not be used unless it is objectively reasonable. The officer must believe, based on the totality of the circumstances known at the time, that deadly force is immediately necessary to protect the officer or another person, other than the subject of the use of deadly force, from the threat of serious bodily injury or death and that all other force options to control the individual(s) are not feasible, or have already proven to be ineffective.
- B. If feasible, prior to the use of deadly force, officers shall provide a warning to the subject of deadly force. (See [Va. Code Ann. § 19.2-83.5](#), Use of Deadly Force by a Law-Enforcement Officer During an Arrest or Detention)
- C. Deadly force shall not be used to apprehend a fleeing misdemeanor.
- D. Deadly force may be used to apprehend a fleeing felon if:
1. The officer has probable cause to believe that the individual committed a felony involving violence,
 2. All other means to effect an arrest have been exhausted, and
 3. The felon's escape poses a significant threat of serious injury or death to the officer or to others.
- E. [Va. Code Ann. § 19.2-83.5](#) provides the parameters under which an officer's use of deadly force will be analyzed. The following factors will be considered in that analysis:
1. The reasonableness of the officer's belief and actions from the perspective of a reasonable officer on the scene at the time of the incident; and

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2. The totality of the circumstances, including:

- The amount of time available to the officer to make a decision;
- Whether the subject of the use of deadly force possessed or appeared to possess a deadly weapon and refused to comply with the officer's lawful order to surrender an object believed to be a deadly weapon prior to the officer using deadly force;
- Whether the officer engaged in de-escalation measures prior to the use of deadly force, including taking cover, waiting for backup, trying to calm the subject prior to the use of force, or using non-deadly force prior to the use of deadly force;
- Whether any conduct by the officer prior to the use of deadly force intentionally increased the risk of a confrontation resulting in deadly force being used; and
- The seriousness of the suspected crime.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.9
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: INTENTIONAL AND UNINTENTIONAL FIREARM DISCHARGE NOTIFICATION AND INVESTIGATION		
RESPONSIBLE ENTITY: Planning and Research Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17	
ACCREDITATION STANDARDS:	CALEA 1.2.2, 1.3.7, 41.2.4, 74.3.1		
	VLEPSC ADM.02.01, 05.01		

I. INTENTIONAL FIREARM DISCHARGE NOTIFICATION

- A. On-duty officers who use deadly force shall immediately notify the Department of Public Safety Communications (DPSC). The dispatcher will make the necessary notifications to an on-duty supervisor, Police Liaison Commander (PLC), and Duty Officer. An on-duty supervisor shall respond to the scene.
- B. Off-duty officers who use deadly force within or outside of Fairfax County shall contact DPSC as soon as practical. DPSC will make the necessary notifications to the Duty Officer and the PLC.
- C. Once the DPSC and the PLC have been notified of a deadly-force incident within Fairfax County, DPSC, in coordination with the PLC, shall immediately notify the commanders of the following entities:
 - 1. Major Crimes Bureau (MCB)
 - 2. Internal Affairs Bureau (IAB)
 - 3. Administrative Support Bureau (ASB)
 - 4. Public Affairs Bureau (PAB)
 - 5. Cyber and Forensics Bureau (CFB)
 - 6. Incident Support Services (ISS)
 - 7. Affected Department Command Staff and authorized Administrative Staff members,
 - 8. Chief of Police, or designee.

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D. When an officer's Department-issued firearm is discharged by any individual other than an FCPD officer, the officer shall immediately notify DPSC.


II. INTENTIONAL AND UNINTENTIONAL FIREARM DISCHARGE INVESTIGATIONS

A. Intentional Firearm Discharges


1. All intentional discharges (excluding training exercises) occurring within Fairfax County, while in the performance of an officer's duties, will be investigated by the Major Crimes Bureau in coordination with the Internal Affairs Bureau or, at the direction of the Chief of Police, by an agency outside the Department.
 - For guidance pertaining to the notification and investigation of deadly force against animals see General Order 540.11.
 - All intentional firearm discharges that occur during approved training exercises resulting in death or injury, will be investigated at the direction of the Chief of Police.
2. All intentional firearm discharges (excluding training and recreational purposes) occurring outside Fairfax County will be investigated by the Internal Affairs Bureau in cooperation with the appropriate jurisdiction.
3. Unless immediate action is necessary, any officer in a deadly force incident shall not be responsible for the arrest of the individual suspected in any associated crimes.

B. Unintentional Firearm Discharges

1. All unintentional firearm discharges occurring within the Department's jurisdiction, except those occurring during approved training exercises, will be investigated by the Major Crimes Bureau in coordination with the Internal Affairs Bureau or at the direction of the Chief of Police.
2. All unintentional firearm discharges that occur during approved training exercises, will be investigated at the direction of the Deputy Chief of the involved employee's assigned bureau.


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3. All unintentional firearm discharges that occur outside of Fairfax County that result in death or injury will be investigated by the Internal Affairs Bureau in cooperation with the appropriate jurisdiction.
 4. All unintentional firearm discharges that occur outside of Fairfax County involving a Department-issued firearm will be investigated by the Internal Affairs Bureau.
- C. Unintentional firearm discharges that do not result in death or injury occurring within Fairfax County require immediate notification to the Duty Officer or DPSC. The Duty Officer will notify the Major Crimes Bureau and Internal Affairs Bureau commanders who will coordinate the investigation per [General Order 301](#).
- D. Any directly involved officer in a deadly-force incident shall not be responsible for investigating any crime(s) associated with the incident. Any crime(s) associated with a deadly-force incident will be investigated by the Major Crimes Bureau unless otherwise directed by the Chief of Police.
- E. Further investigation of deadly-force deployment shall be governed by [SOP 12-045](#), Investigation of Deadly Force Deployment and Police Affiliated Critical Incidents.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.10
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: DEADLY FORCE AGAINST ANIMALS		
RESPONSIBLE ENTITY: Planning and Research Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17	
ACCREDITATION STANDARDS:	CALEA Not Applicable <hr/> VLEPSC Not Applicable		

I. DEADLY FORCE AGAINST ANIMALS

- A. 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 any individual or another domestic animal.
- B. When an animal is attacking, force should be used progressively by officers to protect a domestic animal, another individual, or themselves, from an attacking animal. Other less lethal options may include striking instruments, Oleoresin Capsicum (OC), Electronic Control Weapons (ECW), physical barriers, or catch poles. Less-lethal force strategies should be developed to establish control over domesticated animals when planning all operations.
- C. 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 manner where injury or death to any individual is foreseeable.
- D. Prior to destroying an injured domesticated animal, an Animal Protection Police Officer and a supervisor shall be notified. The Animal Protection Police Officer will determine the response and provide guidance for the care and transport of the animal. Arrangements should be made to transport the injured animal to a veterinary facility for treatment. Field euthanasia of a domesticated animal should be performed by an Animal Protection Police Officer or veterinarian when available. A reasonable effort to contact the animal's owner to obtain consent for field euthanasia should be made by the lead officer.
- E. When field euthanasia of a non-domesticated animal is necessary, the officer shall advise the supervisor of their intentions, unless circumstances dictate notification after the fact. The officer shall then clear the area of spectators and use the utmost caution to perform field euthanasia upon the animal.


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.11
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: DEADLY FORCE USED AGAINST ANIMALS NOTIFICATION AND INVESTIGATION		
RESPONSIBLE ENTITY: Planning and Research Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17	
ACCREDITATION STANDARDS:	CALEA Not Applicable <hr/> VLEPSC Not Applicable		

I. DEADLY FORCE USED AGAINST ANIMALS NOTIFICATION

- A. On-duty officers who use deadly force against an animal shall immediately notify a dispatcher at the Department of Public Safety Communications (DPSC).
- B. Off-duty officers within Fairfax County and in other Virginia localities who use deadly force against an animal (excluding hunting) shall contact the Police Liaison Commander (PLC) in a timely manner. The PLC shall make the necessary notifications to the Duty Officer.


II. DEADLY FORCE USED AGAINST ANIMALS INVESTIGATION

- A. The use of deadly force against any domesticated animal that results in an animal's death or injury shall be investigated by the Internal Affairs Bureau (IAB).
- B. The use of deadly force against any domesticated animal that does not result in the animal's death or injury shall be administratively investigated by a first line supervisor. A copy of the administrative investigation shall be forwarded to the IAB through the appropriate commander for review.
- C. Unless otherwise directed by a commander, the use of deadly force against a non-domesticated animal shall be reviewed by a first line supervisor and the incident report shall be forwarded to the IAB through the appropriate commander for review.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.12
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: FORCE OPTIONS		
RESPONSIBLE ENTITY: Planning and Research Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17	
ACCREDITATION STANDARDS:	CALEA Not Applicable <hr/> VLEPSC Not Applicable		

I. FORCE OPTIONS


- A. The Fairfax County Police Department trains officers and provides direction on the objectively reasonable amount of force to be used to effect a lawful purpose. Force options allow for the reasonable escalation and/or de-escalation of force proportional to the responses of an individual's actions and/or levels of resistance.
- B. When prudently possible, force options should be considered after discussion, negotiation, or persuasion have been found to be ineffective or inappropriate in light of the situation. Clearly, there are events which can unfold rapidly, and force options will be based upon objective reasonableness.
- C. Every officer shall refrain from unwarranted infliction of pain or suffering and shall never engage in cruel, degrading, or inhumane physical or verbal treatment of any individual.
- D. Only those force options authorized by the Department shall be used by officers, unless it is necessary for officers to protect themselves or others from imminent threat of death or serious bodily injury, and the officer's most appropriate tools and training have not worked or are not available. In these instances, the officer may, as a last resort, turn to other tools and empty-hand tactics to save themselves or another.
- E. Only officers who are trained or certified by the Fairfax County Criminal Justice Academy in the following force options shall be permitted to carry and/or use them:
 - 1. Empty-Hand Tactics, such as strikes, kicks, or takedowns
 - 2. Oleoresin Capsicum (OC)
 - 3. Baton

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE	NUMBER: 540.12
	TOPICS: FORCE OPTIONS	

4. Electronic Control Weapon (ECW)
 5. PepperBall System
 6. Patrol Dog
 7. Kinetic Energy Impact Systems
 8. Firearms.
- F. Handcuffed persons who resist arrest or assault officers present unique force-option decisions. Officers may use only that amount of force objectively reasonable to ensure safe custody of the person or to overcome the person's resistance to a lawful arrest. Striking instruments, OC spray, and the ECW shall not be used on a handcuffed person unless the person continues to pose a threat to the officer, to others, to themselves, and/or other force options have become ineffective or are unacceptable for the situation.

II. EXCITED DELIRIUM

Officers who utilize any force option upon a person exhibiting symptoms of a mental health crisis or drug intoxication should give particular consideration that these people may be experiencing an episode of excited delirium or are at an increased risk of suffering an episode of excited delirium. Excited delirium should be strongly suspected in persons who exhibit extreme paranoia, physical symptoms (e.g., profuse sweating, foaming at the mouth, seizures, shaking, inability to breathe, etc.), violent resistance to arrest, little or no reaction to pain, unusual strength, and/or extreme aggression toward objects. Excited delirium is a potentially fatal acute medical condition. Officers shall request Emergency Medical Services for persons who are exhibiting signs and/or symptoms of excited delirium.


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.13
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: EMPTY-HAND TACTICS		
RESPONSIBLE ENTITY: Planning and Research Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17	
ACCREDITATION STANDARDS:	CALEA 1.3.4, 1.3.5 VLEPSC ADM.05.03, 06.01		

I. EMPTY-HAND TACTICS

- A. Empty-hand tactics, such as strikes, kicks, or takedowns, are considered less-lethal force.
- B. Officers may use empty-hand tactics to reduce the likelihood of injury to oneself or to another person. Instances where empty-hand tactics may be effective include, but are not limited to:
 - 1. When it is objectively reasonable to overcome a passive resisting person to effect a lawful arrest.
 - 2. Preventing escape from lawful custody.
 - 3. Defending oneself or another individual from injury or assault.
 - 4. Establishing custody for a temporary detention order.
 - 5. Restoring institutional integrity in a detention facility.
- C. The use of a neck restraint by an officer is prohibited unless the use of a neck restraint is immediately necessary to protect the officer or another person from death or serious bodily injury. (See [Va. Code Ann. § 19.2-83.4](#))


II. MEDICAL TREATMENT

- A. Access to medical treatment shall be provided to any person who complains of injury, who has obvious injuries, or who requests medical attention.
- B. Access to medical treatment shall be provided whenever empty-hand tactics are utilized against the following individuals:

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	TOPICS: EMPTY-HAND TACTICS	


1. Pregnant females
2. Juveniles 13 years of age and younger
3. Elderly persons
4. Physically frail persons
5. Any person with known serious medical issues.

NOTE: Officers may not compel any person, whether in custody or not, to receive medical treatment.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.14
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: OLEORESIN CAPSICUM		
RESPONSIBLE ENTITY: Planning and Research Bureau			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17
ACCREDITATION STANDARDS:	CALEA 1.3.4, 1.3.5	VLEPSC ADM.05.03, 06.01	

I. OLEORESIN CAPSICUM

- A. Oleoresin Capsicum (OC) is considered less-lethal force.
- B. OC should be directed at the person'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 individuals. Instances where OC may be effective would include, but are not limited to:
 - 1. When it is objectively reasonable to accomplish or overcome resistance to a lawful arrest.
 - 2. Preventing escape from lawful custody.
 - 3. Defending oneself or an individual from injury or assault.
 - 4. Establishing custody for a temporary detention order.
 - 5. Restoring institutional integrity in a detention facility.
- D. Prior to utilizing OC, officers should consider the totality of circumstances and give particular consideration to its use on a person who is at risk for an adverse reaction to OC to include:
 - 1. Persons who appear to be morbidly obese.
 - 2. Those who are known to have respiratory ailments.
 - 3. Individuals who are in an enclosed area without ventilation.
 - 4. An individual's location in relation to others.

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	TOPICS: OLEORESIN CAPSICUM	

E. Persons in custody who have been exposed to OC shall be restrained or transported in a manner which does not constrict their body position because these individuals have a greater risk for positional asphyxiation.

II. MEDICAL TREATMENT AND DECONTAMINATION

A. Officers shall offer decontamination options to all persons in custody who have been exposed to OC. Options for decontamination include treatment by officers or Emergency Medical Services (EMS) personnel. The decontamination procedure is to pour water over the bridge of the nose so that it floods both eyes. Particular care should be given to persons wearing contact lenses.


B. Individuals not in custody who are inadvertently exposed to OC and who request decontamination or medical attention shall be provided either by officers. Options for decontamination include treatment by officers or EMS personnel. Decontamination should be administered by pouring water over the bridge of the nose so that it floods both eyes. Particular care should be given to persons wearing contact lenses.

C. Access to medical treatment shall be provided to any person who complains of injury, who has obvious injuries, or who requests medical attention.

D. Access to medical treatment shall be provided whenever OC is utilized against the following persons:


1. Pregnant females
2. Juveniles
3. Elderly persons
4. Physically frail persons
5. Any person with known serious medical issues
6. Persons who appear morbidly obese
7. Persons with known respiratory ailments (e.g., bronchitis, asthma, emphysema, etc.).

NOTE: Officers may not compel any person, whether in custody or not, to receive medical treatment.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.15
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: BATON		
RESPONSIBLE ENTITY: Planning and Research Bureau			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17
ACCREDITATION STANDARDS:	CALEA 1.3.4, 1.3.5 <hr/> VLEPSC ADM.05.03, 06.01		

I. BATON


- A. The use of a baton is considered less-lethal force.
- B. The baton may be used to strike a person in designated target areas of the body (e.g., torso, legs, and arms).
- C. Intentional strikes to a person’s head, kidneys, or groin shall be avoided except in situations when deadly force is justified.
- D. Officers may use the baton to resolve potentially violent situations thereby reducing the likelihood of injury to oneself or to other persons. Instances where the baton may be effective would include, but are not limited to:
 - 1. When it is objectively reasonable to overcome resistance to a lawful arrest.
 - 2. Preventing escape from lawful custody.
 - 3. Defending oneself or others from injury or assault.
 - 4. Establishing custody for a temporary detention order.
 - 5. Restoring institutional integrity in a detention facility.
- E. Prior to utilizing the baton, officers should consider the totality of the circumstances and give particular consideration to its use on any person who is at risk for an adverse reaction to baton strikes, specifically the elderly, frail, and/or pregnant females.
- F. The baton may be used as a lever to induce sufficient pressure to cause a person to stop their level of resistance.
- G. Utilizing the baton in a manner constituting a neck restraint is prohibited unless the use of a neck restraint is immediately necessary to protect the officer or another person from death or serious bodily injury. (See [Va. Code Ann. § 19.2-83.4](#))

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE	NUMBER: 540.15
	TOPICS: BATON	

II. MEDICAL TREATMENT

- A. Access to medical treatment shall be provided to any person who complains of injury, who has obvious injuries, or who requests medical attention.
- B. Access to medical treatment shall be provided whenever a baton is utilized against the following persons:
 - 1. Pregnant females
 - 2. Juveniles
 - 3. Elderly persons
 - 4. Physically frail persons
 - 5. Any person with known serious medical issues.

NOTE: Officers may not compel any person, whether in custody or not, to receive medical treatment.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.16
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: ELECTRONIC CONTROL WEAPON		
RESPONSIBLE ENTITY: Planning and Research Bureau			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17
ACCREDITATION STANDARDS:	CALEA 1.3.4, 1.3.5 VLEPSC ADM.05.03, 06.01		

I. **ELECTRONIC CONTROL WEAPON**


- A. The Electronic Control Weapon (ECW) is considered less-lethal force.
- B. The ECW provides police officers certified to use the weapon an alternative to physical force in many situations. However, use of an ECW is not always appropriate and should not be considered if not readily available and if delay in taking lawful action could be detrimental to the situation. ECWs should be used as a weapon of need, not a tool of convenience, and officers should not rely on the ECW in situations where more effective or appropriate force alternatives are available.

II. **ELECTRONIC CONTROL WEAPON – UNIFORMED OFFICERS**

- A. Subject to equipment availability, all ECW certified uniformed officers shall carry an ECW on their support/weak side in the cross draw or straight draw position.
- B. Uniformed officers will, when available, carry a brightly colored (e.g., yellow) ECW to reduce the risk of unintentional escalation in an event. Brightly colored ECWs are plainly visible and will decrease the possibility that another officer might mistake the ECW for a firearm.
- C. Exceptions to carrying a brightly colored ECW are subject to supervisory approval based upon safety factors relative to mission objectives.


III. **ELECTRONIC CONTROL WEAPON – NON-UNIFORMED OFFICERS**

- A. Non-uniformed officers certified to use ECW, when feasible, should carry a brightly colored (e.g., yellow) ECW. Exceptions to carrying a brightly colored ECW are subject to supervisory approval based upon safety factors relative to mission objectives.

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	TOPICS: ELECTRONIC CONTROL WEAPON	

IV. USE OF ELECTRONIC CONTROL WEAPON ON HUMANS


- A. An ECW should be used only in situations where a reasonable officer would perceive an immediate danger that could be mitigated through use of the ECW. Resistance that is non-violent in nature does not necessarily constitute immediate danger, thus ECWs should never be used against a person displaying passive resistance.
- A passive resister is an individual who exhibits no resistive movements in response to verbal commands or other direction by the officer. For example, a person who remains in a sitting, standing, limp, or prone position with no physical contact (e.g., locked arms) against the officer.
- B. If otherwise legally permitted, instances where the use of or presence of an ECW (with the probes or in drive-stun mode) may be effective would include, but are not limited to:
1. Persons who have made active movements to avoid physical control.
 2. Service of Mental Detention Orders on an individual believed to be violent.
 3. Apprehension of individuals armed with weapons other than firearms.
 4. Preplanned warrant service with potentially violent persons.
 5. Apprehension of violent individuals under the influence of drugs/alcohol.
 6. Detention of persons threatening suicide or injury to themselves.
- C. Prior to utilizing the ECW, officers should consider the totality of the circumstances and the surrounding environment (e.g., persons standing in water) or the likelihood of injury when incapacitated by the ECW (e.g., persons on a ledge, building, or bridge).
- D. Officers must have an elevated level of justification and articulable facts prior to using the ECW on:
1. Pregnant females
 2. Juveniles/Children
 3. Elderly persons

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4. Physically frail persons
5. Any person with known serious medical issues.

NOTE: Officers may not compel any person, whether in custody or not, to receive medical treatment.

- E. Officers should use an ECW for one standard cycle (five seconds) and then evaluate the situation to determine if subsequent cycles are independently justifiable. The risks of exposure to multiple cycles should be weighed against other force options and any potential adverse medical effects.
- F. Absent exigent circumstances, officers should request supervisor approval prior to ECW use on a person in excess of three (3) cycles, if the request may be made without compromising officer safety or the safety of others.
- G. Fleeing should not be the sole justification for using an ECW against a person. Officers should consider the severity of the offense, the person's threat level to others, and the risk of serious injury to the person before deciding to use an ECW.
- H. An ECW should not be used on handcuffed persons unless it is necessary to prevent them from causing serious bodily harm to themselves or others, or if lesser attempts of control have been ineffective.
- I. An ECW should not be used against persons in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATVs, bicycles, scooters).
- J. An ECW should not be used where individuals have been exposed to combustible vapors or flammable liquids.
- K. An ECW in drive-stun mode should not be used as a pain compliance technique, unless it is to supplement the probe mode in completing the neuromuscular incapacitation circuit, or as a countermeasure to gain separation from the person so that officers can consider another force option.
- L. When practical, a warning should be given to the person prior to activating the ECW unless doing so would compromise any individual's safety. Warnings may be in the form of verbalization, display, laser painting, arcing, or a combination of these tactics.

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	TOPICS: ELECTRONIC CONTROL WEAPON	

M. Based on operational needs, when practical, an announcement should be made to other officers on the scene that an ECW is going to be activated. This can reduce the risk of multiple officers activating ECWs simultaneously against one person.

N. When practical, Emergency Medical Service (EMS) personnel should be notified when officers respond to calls for service in which they anticipate an ECW application may be used against an individual.

O. An ECW in drive-stun mode should be pressed firmly in the following suggested areas:

1. Forearm (radial)
2. Outside of thigh (common peroneal nerve)
3. Calf muscle (tibia).

P. If possible, an officer should avoid applying the ECW in drive-stun mode to the:


1. Side of neck (carotid)
2. Pelvic triangle

These areas are sensitive to mechanical injury and should only be targeted when officers are defending themselves from violent attacks.

Q. Officers shall notify the receiving personnel at the Adult Detention Center, or any other detention facility, that the person in custody was exposed to an ECW application.

V. PROBE REMOVAL ON PERSONS

A. Only ECW-certified officers who have been trained in the removal of probes may remove ECW probes embedded in a person's skin. When removing these probes, the officer shall wear protective gloves. The officer should grab the probe and pull it directly away from the person's skin, while simultaneously supporting the skin surrounding the probe with their opposing hand. Once the probe is removed, it shall be visually inspected to ensure the barb is still attached to the probe. The probe shall then be inserted into the expended cartridge for disposal. The expended cartridge should be encapsulated within the officer's protective glove, then double wrapped with the second glove, and

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disposed of. The officer shall clean the wound on the person with an antiseptic wipe and then cover the impact area with a bandage.


- B. If an officer finds that a barb is not attached to the probe, the officer shall request that the person be transported by EMS to a medical facility for barb removal, subject to the person's consent.
- C. Officers shall not remove any probe if the individual objects or if any probe is embedded in the face, genital area, buttocks, spine, neck, pre-existing injury area, or in a woman's breast. In these events, the officer shall request that the person be transported by EMS to a medical facility for barb removal, subject to the person's consent.

VI. USE OF ELECTRONIC CONTROL WEAPONS ON ANIMALS

- A. The use of an ECW on an attacking animal may reduce the need for greater force against the animal and should be based on the officer's intent to provide a safer conclusion to the incident.
- B. The use of an ECW on an animal is appropriate if the animal is an active threat to any human or other animal.
- C. An officer should target the length of the animal's body. Officers may need to hold the ECW in a horizontally angled (canted) position to achieve this target area. 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.

VII. PROBE REMOVAL ON ANIMALS

- A. Officers 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. In these cases, the animal shall be transported to a veterinarian by an Animal Protection Police Officer (APPO) for probe removal and treatment. If the assistance of an APPO is needed after hours, the on-call APPO may be requested through the Duty Officer and Police Liaison Commander.
- B. Safety is paramount when removing probes from a potentially dangerous animal. In these situations, the assistance of an APPO or an on-duty officer who has been trained by the FCPD Animal Services Division in animal control or protection, shall be requested for assistance. If the assistance of an APPO

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	TOPICS: ELECTRONIC CONTROL WEAPON	


is needed after hours and no cross-trained officer is available, the on-call APPO may be requested through the Duty Officer and Police Liaison Commander.

VIII. MEDICAL TREATMENT

- A. Access to medical treatment shall be provided whenever an ECW is utilized against any person.
 - 1. Due to the possibility of adverse medical effects to persons who have had a prolonged ECW application (3 or more 5-second cycles, or 15 or more seconds of total exposure), officers shall request that the person be transported by EMS to a medical facility for medical treatment or obtain medical treatment at a medical facility, subject to the person’s consent.
 - 2. Officers shall notify the medical personnel providing medical treatment that the individual has been exposed to a prolonged application.
- B. Officers observing or otherwise aware of any of the following symptoms or conditions by persons who had an ECW utilized against them, shall promptly inform medical personnel of their observations:
 - 1. Symptoms of excited delirium.
 - 2. Admitted or known serious, medical condition.
 - 3. Prolonged physical exertion, such as actively resisting or fighting.


IX. ELECTRONIC CONTROL WEAPON REVIEW

The Fairfax County Police Department’s Office of the Medical Director (OMD) and the Internal Affairs Bureau (IAB) conduct reviews of all ECW 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. The OMD coordinates these reviews with the IAB commander. Upon review of deployment cases, IAB coordinates with the Criminal Justice Academy to ensure that relevant training is provided to all ECW certified officers to ensure deployments adhere to this policy.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.17
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: PEPPERBALL SYSTEM		
RESPONSIBLE ENTITY: Planning and Research Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17	
ACCREDITATION STANDARDS:	CALEA 1.3.4, 1.3.5 VLEPSC ADM.05.03, 06.01		

I. PEPPERBALL SYSTEM


- A. The PepperBall System is considered less-lethal force.
- B. 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 safety of the situation.
- C. Requests for the PepperBall System may be made by any police officer or supervisor via the police radio. The use of the PepperBall System will be at the discretion of the system operator once on the scene.
- D. The PepperBall System can target persons accurately at distances up to 60 feet and can be safely deployed from point blank range. As with deployment of any chemical agent, wind, temperature, and humidity conditions should be considered when using the PepperBall System.
- E. When targeting an individual, operators should aim at the individual's torso or center of mass when deploying the PepperBall System. Officers should avoid intentional impact to the head, neck, spine, groin, and breast area of females.
- F. Instances where the use or availability of the PepperBall System may be effective would include, but are not limited to:
 - 1. Persons who have made active movements to avoid physical control.
 - 2. Service of a mental detention order on a person believed to be violent.
 - 3. Apprehension of persons armed with weapons other than firearms.
 - 4. Preplanned warrant service with potentially violent persons.
 - 5. Apprehension of violent persons under the influence of drugs/alcohol.

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	TOPICS: PEPPERBALL SYSTEM	

6. Detention of persons threatening suicide or injury to themselves.
 7. Riot control or an unlawful assembly.
 8. Restoring institutional integrity in a detention facility.
- G. Persons in custody who have been exposed to the PepperBall System shall be restrained or transported in a manner which does not constrict their body position because these persons have a greater risk for positional asphyxiation.


II. MEDICAL TREATMENT AND DECONTAMINATION

- A. Officers shall offer decontamination options to all persons in custody who have been exposed to the PepperBall System. Options for decontamination include treatment by officers or by Emergency Medical Services (EMS) personnel. The decontamination procedure is to pour water over the bridge of the nose so that it floods both eyes. Particular care should be given to persons wearing contact lenses.
- B. Individuals not in custody who are inadvertently exposed to the PepperBall System and who request decontamination or medical attention shall be provided either by officers. Options for decontamination include treatment by officers or by EMS personnel. Decontamination should be administered by pouring water over the bridge of the nose so that it floods both eyes. Particular care should be given to persons wearing contact lenses.
- C. Access to medical treatment shall be provided to any person who complains of injury, who has obvious injuries, or who requests medical attention.
- D. Access to medical treatment shall be provided whenever OC is utilized against the following persons:
 1. Pregnant females
 2. Juveniles
 3. Elderly persons
 4. Physically frail persons
 5. Any person with known serious medical issues

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	TOPICS: PEPPERBALL SYSTEM	


6. Persons who appear morbidly obese
7. Persons with known respiratory ailments (e.g., bronchitis, asthma, emphysema, etc.).

NOTE: Officers may not compel any person, whether in custody or not, to receive medical treatment.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.18
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: PATROL DOG		
RESPONSIBLE ENTITY: Planning and Research Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17	
ACCREDITATION STANDARDS:	CALEA 1.3.4, 1.3.5 VLEPSC ADM.05.03, 06.01		

I. PATROL DOG

- A. The utilization of a patrol dog for apprehension is considered less-lethal force.
- B. The canine handler is responsible for the proper use and control of their assigned patrol dog as prescribed by training policies and Standard Operating Procedures (SOPs). Patrol dogs may be utilized for apprehension or bite and hold whenever it is objectively reasonable to:
 - 1. Effect an investigative stop or arrest.
 - 2. Prevent escape from lawful custody.
 - 3. Defend oneself or another person from injury or assault.
 - 4. Restore institutional integrity in a detention facility.
- C. Prior to utilizing a patrol dog for apprehension or bite and hold, canine handlers should consider the totality of circumstances, including:
 - 1. The severity of the alleged crime.
 - 2. Whether the individual poses an immediate threat to the safety of the officers or others.
 - 3. The degree to which the individual resists arrest or detention.
 - 4. Any attempt by an individual to evade arrest by flight or concealment.
- D. The decision to utilize the patrol dog for apprehension or bite and hold rests with the canine handler, and all such decisions shall be reviewed by the commander of the Special Operations Division.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE	NUMBER: 540.18
	TOPICS: PATROL DOG	


- E. Before a patrol dog may be deployed during the investigation of any serial criminal offenses, its anticipated use must be noted within the operational plans. Review and approval of the operational plan by the commander of the Special Operations Division, or designee, is further required prior to the use of a patrol dog for any serial criminal offense.
- F. In the event that a patrol dog apprehends a person by biting and holding, the canine handler shall give commands to the dog to reduce the amount of force, as appropriate, in response to the person's compliance with the canine handler's commands.
- G. Patrol dogs shall not be used for crowd control purposes unless directed by the Chief of Police or designee.

II. MEDICAL TREATMENT

- A. Access to medical treatment shall be provided to any person who complains of injury, who has obvious injuries, or who requests medical attention.
- B. Access to medical treatment shall be provided whenever the Patrol Dog bites the following individuals:
 - 1. Pregnant females
 - 2. Juveniles
 - 3. Elderly person
 - 4. Physically frail person
 - 5. Any person with known serious medical issues.


NOTE: Officers may not compel any person, whether in custody or not, to receive medical treatment.

- C. In all instances where a person is bitten by the patrol dog, and where skin is broken or other obvious signs of injury is detected, the canine officer or first line supervisor shall request that the person be transported by EMS to a medical facility for medical treatment, subject to the person's consent.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.19
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: KINETIC ENERGY IMPACT SYSTEMS		
RESPONSIBLE ENTITY: Planning and Research Bureau			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17
ACCREDITATION STANDARDS:	CALEA 1.3.4, 1.3.5 VLEPSC ADM.05.03, 06.01		

I. **KINETIC ENERGY IMPACT SYSTEMS**

- A. Kinetic Energy Impact Systems are designed to provide a less-lethal force alternative when the use of deadly force is not immediately necessary.
- B. Kinetic Impact Munitions include impact rounds and baton rounds, such as rubber batons, bean bag rounds, foam baton rounds, and plastic, wax, wood, or rubber-coated projectiles. The use of Kinetic Energy Impact Munitions by an officer is prohibited unless its use is necessary to protect the officer or another person from bodily injury. (See [Va. Code Ann. § 19.2-83.4](#))
- C. Only officers certified in the use and deployment of these weapon systems shall deploy them.
- D. Requests for Kinetic Energy Impact Systems may be made by any police officer or supervisor via the police radio. The use of Kinetic Energy Impact Systems will be at the discretion of the certified operator.
- E. It shall be the responsibility of the Kinetic Energy Impact Systems operator to visually and physically inspect the system and munitions to ensure that only the appropriate projectiles are used for deployment. Whenever practical, a second officer will inspect the system to ensure only the appropriate projectiles are used for deployment.
- F. All perimeter units shall be advised, via the police radio, that a Kinetic Energy Impact System is present at the scene. The warning command of “impact low” should be verbally announced whenever possible by the operator to alert other officers in the vicinity to a Kinetic Energy Impact Systems deployment.
- G. When the totality of circumstances permit, officers should aim for large muscle groups below the waist of the person. Intentional impact to the head, neck, or chest shall be avoided unless deadly force is intended.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE	NUMBER: 540.19
	TOPICS: KINETIC ENERGY IMPACT SYSTEMS	

H. The Kinetic Energy Impact System should be used from behind cover or at a safe distance from the person. A cover officer should be in a position to engage and deploy deadly force if necessary.


I. The pointing of a Kinetic Energy Impact System at a person to gain control and compliance is considered a reportable action and shall be documented in a police report.

II. MEDICAL TREATMENT

A. Access to medical treatment shall be provided whenever a Kinetic Energy Impact System is utilized against any person.


1. Due to the possibility of adverse medical effects to persons who have been struck with a Kinetic Energy Impact System, officers shall request that the person be transported by EMS to a medical facility for medical treatment, subject to the person's consent.

2. Officers shall notify the medical personnel providing medical treatment that the person has been struck with a Kinetic Energy Impact System.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.20
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: FIREARMS		
RESPONSIBLE ENTITY: Planning and Research Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17	
ACCREDITATION STANDARDS:	CALEA 1.2.2, 1.3.3, 1.3.5 VLEPSC ADM.02.01, 05.01, 05.03		

I. FIREARMS


- A. The act of discharging a firearm (excluding training and recreational purposes) shall be investigated as a use of deadly force.
- B. While representing the Fairfax County Police Department in an on-duty or off-duty capacity, only that ammunition and firearms authorized by the Department under [SOP 04-002](#) shall be used or carried.
- C. The cardinal rules of gun safety are:
 - 1. Always treat every weapon as if it were loaded,
 - 2. Never point a firearm at anyone unless you are ready and willing to shoot that person,
 - 3. Keep your finger off the trigger until you are ready to fire, and
 - 4. Be sure of your target and what is beyond.
- D. The three approved firearm deployment positions include:
 - 1. Ready gun
 - 2. Tactical (Tac) ready
 - 3. Modified ready
- E. If feasible, when using a firearm for the purpose of deadly force or attaining a ready gun position, officers should give the verbal warning, "Police, don't move!" When possible and depending upon the person's level of resistance, officers should provide simple, specific, and clear directions to the person.
- F. Officers shall not fire warning shots under any circumstances.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE	NUMBER: 540.20
	TOPICS: FIREARMS	

- G. Officers shall exercise caution at all times and in any place when handling or displaying firearms.
- H. Except for official purposes (e.g., training, securing, cleaning, etc.), Department-issued firearms shall not be handled or displayed.
- I. Firearms (loaded or unloaded) shall not be aimed at any person except as necessary in the line of duty.
- J. Officers shall not leave (on-duty or off-duty) any Department-issued or authorized firearms unsecured.
- K. When an officer discharges their firearm, the officer shall not do so recklessly or in such a manner that injury or death to a bystander is likely.
- L. Due to the dangers associated with an unintentional discharge, using a firearm as a striking instrument shall be avoided unless there is a threat of death or serious injury against the officer or another person.

II. DISCHARGE OF A FIREARM AT OR FROM A MOVING VEHICLE

- A. Officers shall not discharge their firearm at, into, or from a moving vehicle unless there is a threat of death or serious injury against the officer or another person.
 - 1. Officers have an affirmative obligation, based on the totality of circumstances, to move out of the path of an oncoming vehicle when possible.
 - 2. Officers on foot shall not intentionally place themselves in the path of an oncoming vehicle where the use of deadly force would be the likely outcome.
 - 3. Factors to be considered when using deadly force against a moving vehicle include:
 - a. Whether the officer's life or the lives of others are in peril of immediate and severe physical harm.
 - b. There are no objectively reasonable or apparent means of escape.


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE	NUMBER: 540.20
	TOPICS: FIREARMS	

III. POINTING OF A FIREARM

- A. The pointing of a firearm at a human to gain control and compliance is considered a reportable action, not a use of force.
- B. The notification and investigation of the pointing of a firearm will be conducted in accordance with General Order 540.7, Less-Lethal Force Notification and Investigation.

IV. MEDICAL TREATMENT

- A. When safe to do so, officers shall immediately and without delay:
 - 1. Request Emergency Medical Services personnel respond for any person injured from the discharge of a firearm for possible medical treatment.
 - 2. Personally render medical aid to any person injured from the discharge of a firearm.


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.21
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: DOCUMENTING ACTIONS		
RESPONSIBLE ENTITY: Planning and Research Bureau			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17
ACCREDITATION STANDARDS:	CALEA 1.3.6, 1.3.7 <hr/> VLEPSC ADM.05.03		

I. DOCUMENTING ACTIONS

- A. An officer who uses any force or reportable action shall document the circumstances in an incident report or supplement in the current Records Management System. The responsibility for documenting a force incident or reportable action primarily rests with the officer who deployed that force or reportable action. If the deploying officer is rendered incapable of documenting the circumstances of the event, the responsibility of documentation shall be coordinated by either an on-duty supervisor or commander. The need for additional documentation and investigation will be determined by the force or reportable action utilized. If the force used by an officer results in death, potential loss of life, or serious injury to a person, the actions of directly involved officers will be documented in the current Records Management System (RMS) in accordance with [SOP 12-045](#).
- B. Any medical treatment performed on a person as a result of a force option or reportable action shall be documented on an incident report in the current RMS. Officers shall note whether the injuries incurred were a result of the incident or were pre-existing.
- C. The documentation of force incidents or reportable actions requiring a criminal investigation shall be coordinated between the commanders of the Internal Affairs Bureau (IAB) and the Major Crimes Bureau in accordance with [SOP 12-045](#).

II. DOCUMENTATION – OFFICER RESPONSIBILITIES

- A. Officers shall articulate the basis for using any force option or reportable action.
- B. Officers shall document the use of the following force options or reportable actions in a clearly worded incident report or supplement in the current RMS:

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE	NUMBER: 540.21
	TOPICS: DOCUMENTING ACTIONS	

1. Empty-Hand Tactics
2. Oleoresin Capsicum (OC)
3. Baton, or any other instrument used to strike an individual
4. Electronic Control Weapon (ECW)

NOTE: The use of ECW and/or the removal of its probes require a completed ECW report form. Copies of the incident report and current Internal Affairs Records Management System documentation shall be forwarded to the IAB.


5. PepperBall System
6. Patrol Dog incidents where a bite is inflicted upon an individual
7. Kinetic Energy Impact Systems
8. The pointing of a firearm, to include Kinetic Energy Impact Systems, at an individual in order to gain control and/or compliance.

NOTE: This does not apply to any planned, tactical operations. Furthermore, the un-holstering of a weapon, utilizing a firearm for room clearing purposes during a building search, or the pointing of a weapon downward towards the ground with finger on the frame of the weapon are not to be reportable actions within the context of this policy because officers may take this action for their safety, to control a situation, or when they reasonably believe or know that wanted or dangerous individuals are nearby, (e.g., entering a dark building, alley, other location of concern).

9. The use of deadly force against an animal.
10. The use of deadly force against a human.

NOTE: This does not apply to directly involved officers whose actions result in death, potential loss of life, or serious injury to a person, as the actions of those officers will be documented in the current RMS by the entity conducting the criminal investigation, in accordance with [SOP 12-045](#).

- C. The documenting officers and/or investigators shall avoid drawing conclusions without providing supporting facts. Officers should avoid using

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE	NUMBER: 540.21
	TOPICS: DOCUMENTING ACTIONS	


“boilerplate” language in their reports that merely cite, for example, a general fear for their safety or fear of injury as a result of an individual’s level of resistance. Furthermore, supervisors and commanders must not only read and review these reports, but also question officers when they discover inconsistent or generic statements in their narratives.

D. When articulating the circumstances that led to a force incident or reportable action, officers should consider including information regarding the following:

1. The number of persons compared to the number of officers involved.
2. A person’s actions and statements.
3. Size, age, and physical condition of the person and officer.
4. Known or perceived physical abilities of the person.
5. Violent or mental health history of the person known to the officer.
6. Perception of the use of alcohol or drugs by the person.
7. Perception of the individual’s mental or psychiatric history based on specific actions.
8. The availability and proximity to weapons or items that might be used as weapons.
9. Environmental factors.
10. Injury to the officer or prolonged duration of the incident.
11. Officer on the ground or other unfavorable position.
12. Characteristics of being armed.

E. Any report (including supplements) documenting a force incident or reportable action shall ensure that,


1. The officer using force or reportable action is clearly identified in the incident report, and
2. The incident report includes:

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE	NUMBER: 540.21
	TOPICS: DOCUMENTING ACTIONS	

- a. The force option(s) or reportable action used,
- b. The reason for the use of force or reportable action, and
- c. The supervisor who was notified of the use of force or reportable action.

III. DOCUMENTATION – SUPERVISOR RESPONSIBILITIES

- A. The on-duty supervisor shall ensure that any force incident or reportable action is properly documented by an officer on an incident report or supplement in the current RMS.
- B. Current Internal Affairs Records Management System documentation describing the force incident or reportable action in detail shall be completed by the supervisor in a timely manner. Where a supervisor believes that a force incident or reportable action was excessive or not within policy, the supervisor shall promptly notify their commander of their findings.
- C. Copies of all incident reports involving force or reportable actions shall be sent to IAB and appropriate commanders.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.22
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: TRAINING		
RESPONSIBLE ENTITY: Planning and Research Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17	
ACCREDITATION STANDARDS:	CALEA 1.3.4, 1.3.10 VLEPSC ADM.06.01, 06.02		

I. TRAINING


All sworn officers shall receive training in accordance with the provisions of [General Order 201.17](#), Mandatory and Specialized Training.

Officers shall qualify with all of their issued and/or approved firearms (including off-duty firearms) on an annual basis to comply with the mandates established by the Virginia Department of Criminal Justice Services and accreditation standards.

Officers who are Electronic Control Weapon (ECW) certified shall recertify in the use of ECW on an annual basis to comply with accreditation standards.


Officers shall undergo refresher training and qualification or certification (where applicable) at least every two years for any authorized force options, other than firearms and ECW.

<u>FORCE OPTION</u>	<u>TRAINING DUE</u>
1. Firearm	Yearly
2. ECW	Yearly
3. Empty Hand Tactics	Every Two Years
4. Oleoresin Capsicum (OC)	Every Two Years
5. Baton	Every Two Years
6. PepperBall System	Every Two Years
7. Patrol Dog	Every Two Years
8. Kinetic Energy Impact Systems	Every Two Years


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540.23
	EFFECTIVE DATE: March 1, 2021	REVIEW: March 2023	
	TOPIC: LEGAL REFERENCES		
RESPONSIBLE ENTITY: Planning and Research Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03/31/17	
ACCREDITATION STANDARDS:	CALEA Not Applicable <hr/> VLEPSC Not Applicable		

I. LEGAL REFERENCES

- A. [Va. Code Ann. § 18.2-308.2:2](#), Criminal history record information check required for the transfer of certain firearms
- B. [Va. Code Ann. § 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 person in the protection of person, life, or property.
- C. [Va. Code Ann. § 19.2-83.4](#), Prohibited Practices for Law-Enforcement Officers During an Arrest or Detention
- D. [Va. Code Ann. § 19.2-83.5](#), Use of Deadly Force by a Law-Enforcement Officer During an Arrest or Detention
- E. [Va. Code Ann. § 19.2-83.6](#), Failure of a Law-Enforcement Officer to Intervene in Use of Excessive Force
- F. [Va. Code Ann. § 19.2-297.1](#), Sentence of Person Twice Previously Convicted of Certain Violent Felonies
- G. [Va. Code Ann. § 37.2-810](#) permits officers to lawfully go to or be sent beyond the territorial limits of the county, city, or town in which they served to any point in the Commonwealth for the purpose of executing any order for temporary detention.
- H. In 1985, the U.S. Supreme Court stated in [Tennessee v. Garner](#), 471 U.S. 1 (1985), that the use of deadly force solely to prevent the escape of a felony suspect, is constitutionally unreasonable where the suspect poses no immediate threat to the officer or general public because the harm resulting from failing to apprehend the suspect does not justify the use of deadly force to do so. Where an officer has probable cause to believe that a suspect poses a significant threat of serious physical harm, either to the officer or others, it is not constitutionally unreasonable to prevent escape by using deadly force.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE	NUMBER: 540.23
	TOPICS: LEGAL REFERENCES	

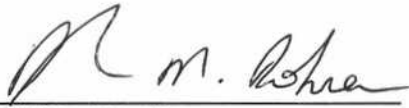
- I. In 1988, the United States Court of Appeals for the Fourth Circuit in [United States v. Taylor](#), 857 F.2d 210, 213 (4th Cir. 1988), stated that the pointing of a firearm at a person under circumstances where an officer’s safety is at risk is an appropriate show of authority performed in order to properly effect a safe seizure, and does not rise to a level of force. The Court stated that “[a]lthough approaching a suspect with drawn weapons is an extraordinary measure, such police procedures have been justified in this circuit as a reasonable means of neutralizing potential danger to police and innocent bystanders.” See also [Harris v. Commonwealth](#), 27 Va. App. 554, 563 (1998), which classifies the pointing of a firearm by an officer as a “show of authority” that may be a reasonable method of restraint under certain circumstances.
- J. In 1989, the U.S. Supreme Court in the case of [Graham v. Connor](#), 490 U.S. 386 (1989), 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.
- K. In 2016, the U.S. Court of Appeals for the Fourth Circuit in [Armstrong v. Village of Pinehurst](#), 810 F.3d 892 (4th Cir. 2016) defined Tasers (also known as Electronic Control Weapons) as being proportional force “only when deployed in response to a situation in which a reasonable officer would perceive some immediate danger that could be mitigated by using the Taser.” The Court found that the use of a Taser in drive-stun mode to obtain pain compliance from a stationary and non-violent individual resisting handcuffing was excessive force, and officers who utilize the Taser in this manner are not entitled to qualified immunity.
- L. In 2015, the Supreme Court of the United States in [Mullenix v. Luna](#), 136 S. Ct. 305 (2015), recognized that where an officer uses deadly force on a motor vehicle coming towards him, his actions will likely be entitled to qualified immunity based upon a “threat of immediate and severe physical harm.” In its opinion, the Court also upheld its previous rulings in [Brosseau v. Haugen](#), 543 U.S. 194 (2004) [“Where an officer has probable cause to believe that a use of force poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force”] and [Scott v. Harris](#), 550 U.S. 372 (2007) [“An officer’s attempt to terminate a dangerous high-speed car chase that threatens the lives of innocent bystanders does not violate the Fourth Amendment, even when it places the fleeing motorist at risk of serious injury or death.”]

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE	NUMBER: 540.23
	TOPICS: LEGAL REFERENCES	

General Orders 540.0 through 540.23 become effective on March 1, 2021, and rescind all previous rules and regulations pertaining to the subjects.

ISSUED BY:

APPROVED BY:



Chief of Police



County Executive