


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: USE OF FORCE		NUMBER: 540
	EFFECTIVE DATE: August 12, 2022	REVIEW: August 2025	
RESPONSIBLE ENTITY: CRIMINAL JUSTICE ACADEMY			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 03-1-21
ACCREDITATION STANDARDS:	CALEA 1.2.2, 1.2.10, 4.1.1, 4.1.3, 4.1.4, 4.1.5, 4.1.6, 4.2.2, 4.3.1, 4.3.2, 4.3.4, 41.2.4 VLEPSC ADM.05.01, ADM.05.02, ADM.05.03, ADM.05.04, ADM.06.01		

I. PURPOSE

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

II. POLICY

It is the policy of the Department that all members hold the highest regard for the sanctity of human life and respect the dignity and liberties of all individuals. The use of all force options by officers shall never be performed in a reckless manner and shall only be used to the extent it is objectively reasonable to defend oneself or another, maintain control over an individual during an investigative or mental health detention, or overcome resistance to a lawful detention or arrest. All officers shall refrain from the unwarranted infliction of pain and/or suffering to another and shall never engage in cruel, degrading, or inhumane treatment of any individual.

III. DEFINITIONS

1. Canine Handler: Sworn police officer who has successfully completed a basic canine school and is assigned to work with a specific police service dog.
2. Deadly Force: Any level of force that is likely or intended to cause death or serious injury.
3. Decontamination: The act of mitigation and/or removal of Oleoresin Capsicum from an individual's eyes by an officer or medical personnel. Decontamination procedures consists of pouring water over the bridge of the exposed individual's nose to immerse the eyes, giving careful attention to any individual wearing contact lenses.
4. De-Escalation: The combination of communication, tact, empathy, instinct, and sound officer safety tactics with the objective of achieving a positive outcome; ideally by reducing the need for force.

5. 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.
6. Excessive Force: Any force that is objectively unreasonable given the totality of the circumstances, which include 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.
7. Excited Delirium: A potentially fatal acute medical condition characterized 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.
8. Felonies Involving Violence: Includes murder, manslaughter, mob-related felonies, malicious wounding, felony kidnapping or abduction, robbery, carjacking, felony criminal sexual offenses, escape with force, and any felony involving the discharge of a firearm.
9. Firearm: Any handgun, shotgun, or rifle that will, is designed to, or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material. For purposes of this General Order, Kinetic Energy Impact Systems are not included within this definition.
10. Force: Any physical strike or instrumental contact with an individual, or any significant physical contact that restricts a person's movement. Reportable uses of force do 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 reportable uses of force.
11. Institutional Integrity: The condition whereby order is maintained in a detention facility, to prevent violations of law, threats of assault to others, attempted or threatened acts of suicide, and/or failure of a prisoner to respond to a lawful command to perform acts that are necessary for facility safety concerns.
12. Kinetic Energy Impact System: Less-lethal force instrument that utilizes flexible or non-flexible projectiles with reduced potential for death or serious injury in order to gain compliance or temporarily incapacitate an individual.
13. Less-Lethal Force: Any level of force not designed to cause death or serious injury. Less-lethal force includes the following Department-sanctioned options:
 - Empty-Hand Tactics, such as strikes, kicks, or takedowns.
 - Baton

- Oleoresin Capsicum Spray (OC)
 - Electronic Control Weapons (ECW)
 - Pepper-Ball System
 - Patrol Dog
 - Kinetic Energy Impact Systems
14. Low-Level Control: A level of control that is not likely to cause injury and is typically used on individuals displaying passive and/or active resistance. Includes, but is not limited to (1) Officer Presence, (2) Verbal Communication, and (3) Handcuffs or other Department-issued restraint devices.
 15. 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 physically mend an injury (e.g., dress a wound, stitches, etc.) resulting from an accident or a use of force. For purposes of this General Order routine decontamination, does not constitute medical treatment.
 16. 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 near other officers or individuals, thereby preventing the inadvertent pointing of the firearm at a person while also maintaining a tactical advantage.
 17. 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.
 18. Objectively Reasonable: A 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 accounts for the fact that officers must make rapid and necessary decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations.
 19. Oleoresin Capsicum: Less-lethal force instrument that contains a projectile lachrymatory agent spray designed to irritate an individual's eyes and temporarily take away their vision in order to effectuate lawful control.
 20. Patrol Dog: A dog trained to track, apprehend, bite and hold on command, and/or to locate people, property, and evidence.

21. Pepper-Ball 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.
22. Positional Asphyxiation: A form of asphyxia that can occur when an individual's body positioning prevents them from breathing adequately.
23. Probable Cause: 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 or that evidence of a crime is in a particular place to be searched.
24. 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. 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).
25. Resistance: Verbal or physical exertions designed to thwart, obstruct, or defeat an officer's lawful attempt at control. Levels of resistance include:
- Passive Resistance: Where an individual poses no immediate threat to an officer and exhibits no resistive movements but is not complying with lawful orders and is taking minimal physical action to prevent an officer from taking lawful action. (Ex: Individuals who remain in sitting, standing, limp, or prone positions).
 - Active Resistance: Verbal and/or physical actions by an individual intended to prevent an officer from taking lawful action but not intended to harm the officer.
 - Aggressive Resistance: Actions displayed by an individual intended to cause injury, serious injury, or death to an officer, themselves, or another person, and to prevent the officer from taking lawful action.
26. Serious Injury: Any injury which creates a substantial risk of death, prolonged hospitalization, impairment of the functions of any bodily organ or limb, or any injury that medical personnel deem to be potentially life-threatening. Any other injury to a person not meeting this definition is to be deemed a non-serious injury.
27. Tactical (Tac) Ready: A firearm presented towards a threat area with a one or two-handed grip.

IV. GENERAL USE OF FORCE GUIDELINES

- A. **Force Options**: The use of all force options must be objectively reasonable based upon the totality of the circumstances known by the deploying officer at

the time force is applied. If force is required, officers should use only the amount of force reasonably necessary to overcome an individual's level(s) of resistance and to gain control. Force options allow for reasonable escalation and/or de-escalation of force in proportion to an individual's level of resistance.

1. Whenever possible, force options should only be used after discussion, negotiation, or persuasion have been found to be ineffective or inappropriate under the circumstances.
2. Only those force options authorized, trained, and certified by the Department may be used by officers, unless it becomes necessary for officers to protect themselves or another individual from imminent threat of death or serious injury and the officer's Department-approved force options and training have either not worked or are not available. In these instances, the officer may, as a last resort, turn to any available tool and/or empty-hand tactics to save themselves or another individual.

B. **Medical Treatment:** Access to medical treatment shall be provided as quickly as reasonably possible to any individual who complains of injury, has obvious injuries, requests medical attention, or who appears to be unconscious from an officer's use of force; however, officers may not compel any person, whether in custody or not, to receive medical treatment except in known life-threatening circumstances. Officers shall request an Emergency Medical Services (EMS) response whenever force is used against the following individuals:

1. Pregnant females.
2. Juveniles.
3. Elderly persons.
4. Physically frail persons.
5. Any person with known medical issues or who appears morbidly obese.

C. **Excited Delirium:** Officers who utilize force on a person who exhibits symptoms of a mental health crisis or drug intoxication should consider that these individuals may be experiencing, or are at an increased risk of, excited delirium, and shall immediately request an EMS response.

D. **Positional Asphyxiation:** All persons in custody shall be restrained and/or transported in a manner that does not constrict their body position in a manner that accentuates their potential risk of positional asphyxiation.

E. **De-Escalation:** Whenever possible, officers shall attempt to utilize de-escalation strategies and verbal communication skills to gain compliance and, ideally,

prevent situations from potentially deteriorating to the point where force may be necessary. When force is required, officers shall utilize only a proportional amount of force which is objectively reasonable to overcome varying levels of resistance and to gain control.

- F. **Duty to Intervene:** All officers have an affirmative duty to intervene in any circumstance where another officer is clearly acting in violation of Federal or State law, County or Department ordinances, orders and/or policies, or ethical conduct, and immediately notify an on-duty supervisor or commander. Any officer who observes another officer using or attempting to use excessive force against another person shall, when in position to do so, safely intercede, render aid to any injured person, and immediately notify an on-duty supervisor. **Non-sworn** employees are not required to directly intervene in a suspected use of excessive force by a sworn employee, however, they have an affirmative duty to report the suspected excessive use of force to an on-duty supervisor immediately. Officers who intervene against any suspected use of excessive force shall document the complete details of their intervention in an incident report in the current Records Management System (RMS). The alleged use of excessive force shall be documented by the investigating supervisor in an administrative investigation in the current Internal Affairs Bureau RMS and sent for commander review. Retaliation against any Department employee who reports or cooperates in a suspected use of excessive force investigation is strictly prohibited.
- G. **Handcuffed Persons:** Less lethal and deadly force options should never be used against a handcuffed individual unless they pose an active threat to an officer, others, or themselves. Objectively reasonable empty-hand tactics may be utilized to maintain control over a non-compliant, handcuffed individual.
- H. **Levels of Resistance:** Officers who encounter individuals displaying varying degrees of resistance to their efforts to take lawful police action should consider that the individual may not understand their directions or commands due to underlying medical or mental health issues, disabilities, substance abuse concerns, or language and/or cultural differences. Department-sanctioned levels of control in these cases include (1) Low-Level Control Tactics, (2) Less-Lethal Force, or in the most extreme circumstances, (3) Deadly Force. Officers should consider and transition to different force options in these cases, to include escalation or de-escalation techniques, based upon the varying degrees of a resisting individual's actions.

V. **USE OF LESS-LETHAL FORCE**

- A. Less-lethal force may be used to overcome resistance to a lawful investigative stop or arrest, prevent escape from lawful custody, defend oneself or another individual from injury or assault, establish custody for a temporary detention order, and/or restore institutional integrity in a detention facility.

- B. Less-Lethal Force options may also be used against animals that are attacking or threatening to attack a person or another animal.

VI. LESS-LETHAL FORCE OPTIONS

- A. **Empty-Hand Tactics:** Officers may use empty-hand tactics, including but not limited to, strikes, kicks, pressure points, or takedowns in an objectively reasonable manner to overcome resistance in accordance with their training to reduce the likelihood of injury to themselves or other individuals.
 - 1. **Neck Restraints:** The use of neck restraints by an officer is strictly prohibited unless immediately necessary to protect the officer or another person from death or serious bodily injury.
 - 2. Simple escorts or guidance of resisting subjects, to include securing them in a cruiser for transport, does not constitute a documentable use of force.
- B. **Oleoresin Capsicum (OC):** Officers may use OC in an objectively reasonable manner to overcome resistance in accordance with their training to reduce the likelihood of injury to themselves or other individuals.
 - 1. Prior to OC deployment, officers should give special consideration to its use upon the following individuals who may be at risk of adverse reaction to OC exposure:
 - a. Morbidly obese individuals or those with known respiratory ailments.
 - b. Individuals who are in enclosed areas without ventilation.
 - c. Other individuals near the target individual's location.
 - 2. **Decontamination:** Officers shall offer decontamination by either EMS personnel or themselves to any individual exposed to OC.
- C. **Baton:** Officers may use batons in an objectively reasonable manner to overcome resistance in accordance with their training to reduce the likelihood of injury to themselves or other individuals.
 - 1. Intentional baton strikes to an individual's head, kidneys, and/or groin area shall be avoided except in situations where deadly force would be justified.
 - 2. Officers should give special consideration to the objective reasonableness of its use on any individual who appears elderly, frail, or pregnant.

3. Batons may be utilized by officers to induce sufficient pressure upon an individual to cease exhibited resistance; however, batons may not be used in a manner that constitutes a neck restraint unless immediately necessary to protect the officer or another individual from death or serious injury.

D. **Electronic Control Weapons (ECW):** Officers may use ECWs in an objectively reasonable manner when confronted with an exigency that creates an immediate safety risk likely to be cured by using the ECW. ECWs shall never be used on a passive resister.

1. All officers working in an operational capacity in uniform at the rank of Second Lieutenant and below shall carry an ECW. The ECW shall be brightly colored unless otherwise exempted by the appropriate bureau or division commander. Officers shall carry their ECW at all times on their support/weak side in a cross or straight draw position in Department approved holsters. Exceptions may be made by commanders based upon safety factors relative to mission objectives or where a sufficient number of functional ECWs are not currently available to equip all operational officers within their purview.
2. Prior to utilizing an ECW, officers should consider the totality of the circumstances, to include environmental conditions (e.g., persons standing in or near water) and the likelihood of enhanced injury when incapacitated by the ECW (e.g., persons on elevated ledges, near open windows, buildings, and bridges, etc.).
3. Officers must have an elevated level of justification prior to deploying an ECW on pregnant females, juveniles, elderly persons, physically frail persons, and any person with a known serious medical issue.
4. Whenever practical, officers should provide an audible warning (e.g., “Taser, Taser, Taser”) prior to deployment of the ECW against an individual.
5. Upon deploying the ECW on an individual, officers should re-assess the circumstances to determine if subsequent cycles are objectively reasonable and necessary, as weighed against transitioning to other force options.
6. **Prohibited Uses:** The use of an ECW should be avoided on (1) fleeing individuals where flight constitutes the sole component of resistance and the individual is believed to have committed a non-violent offense, (2) individuals in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATVs, bicycles, scooters), and/or (3) any individuals exposed to combustible vapors or flammable liquids.
7. **Probe Removal:** Only those officers trained in probe removal may remove ECW probes embedded in an individual’s skin in accordance with their training. All probes shall be disposed of, and any noticeable wounds shall be

cleaned with antiseptic wipes and covered with a bandage or brought to the attention of EMS personnel. Where an officer finds that a barb is not attached to a removed probe, they shall request that the person be transported by EMS to a medical facility subject to the individual's consent. Officers shall not remove any probes where an individual objects, or if the probe is embedded in a person's face, genital or buttocks area, spine, neck, area of pre-existing injury, or in a woman's breast. In these cases, officers shall request that the individual be transported by EMS to a medical facility for barb removal subject to that individual's consent.

8. **Probe Removal on Animals:** Where a probe impacts a sensitive area of an animal or the animal's health appears to be in jeopardy, officers shall request the response of an Animal Protection Police Officer (APPO) for the animal's transportation to a local veterinarian for probe removal and treatment.
 9. **ECW Medical Notifications:** Officers shall notify receiving personnel at any receiving detention or medical facility that the individual in custody was exposed to an ECW application. Any individual exposed to a prolonged ECW application (3 or more 5-second cycles) shall be referred to EMS and requested to be transported to a medical facility for evaluation and any necessary treatment. Officers are responsible for notifying all attending medical personnel of any noticeable signs or symptoms of excited delirium, any known medical conditions, and/or any bouts of prolonged physical exertion, to include active resistance and/or fighting.
 10. All ECW deployment cases are reviewed by the Department's Office of the Medical Director and Internal Affairs Bureau (IAB). Upon review, IAB shall coordinate with the Criminal Justice Academy to ensure that ECW training is updated as needed.
- E. **Pepper-Ball System:** Officers may use the Pepper-Ball System in an objectively reasonable manner to overcome resistance in accordance with their training to reduce the likelihood of injury to themselves or other individuals.
1. Officers should account for wind, temperature, humidity, and individuals near the target individual prior to using the Pepper-Ball System. Deploying officers should aim for an individual's torso or center mass area and avoid intentional impact to an individual's head, neck, spine, groin, and breast area of females.
 2. **Decontamination:** Officers shall offer decontamination by either EMS personnel or themselves to any individual exposed to the Pepper-Ball System.
- F. **Patrol Dog:** Department canine handlers are responsible for the proper use, control, and deployment of their assigned patrol dog.

1. Patrol dogs may be utilized for bite and holds whenever it is objectively reasonable under the circumstances. Each instance shall be reviewed by the Commander of the Special Operations Division (SOD). When bite and holds occur, the canine handler shall issue commands to the dog to adjust the amount of exerted force in proportionality to the individual's levels of resistance and compliance with the canine handler's commands.
2. In all instances where an individual is bitten by a patrol dog, EMS shall be summoned, and that individual shall be recommended for transport to a medical facility subject to their consent.
3. For serial criminal offenses, the anticipated use of a patrol dog shall be noted within the operational plan and reviewed by the SOD Commander.
4. Patrol dogs shall never be used for crowd control purposes unless otherwise directed by the Chief of Police or their designee.

G. **Kinetic Energy Impact Systems:** The use of Kinetic Impact Munitions, to include impact rounds and baton rounds, (Ex: rubber batons, bean bag rounds, foam baton rounds, and plastic, wax, wood, or rubber-coated projectiles), is prohibited unless necessary to protect the officer or another from bodily injury.

1. Operating officers are responsible for visually and physically inspecting systems and munitions to ensure that only appropriate projectiles are used in deployment. Whenever possible, a second officer should conduct a secondary inspection prior to deployment.
2. All perimeter units shall be advised, via police radio, that a Kinetic Energy Impact System is present on scene, and a warning command should be verbally announced whenever possible by the operating officer prior to deployment to alert other officers.
3. Intentional impacts to the head, neck, or chest of an individual shall be avoided unless deadly force is authorized.
4. In all instances where an individual is struck by a Kinetic Energy Impact System, EMS shall be requested, and that individual shall be recommended for transport to a medical facility for evaluation subject to their consent.

VII. USE OF DEADLY FORCE

- A. The use of deadly force is only permissible where an officer reasonably believes, based upon the totality of the circumstances known at the time, that deadly force is immediately necessary in order 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 options have been exhausted, do not

reasonably lend themselves to the circumstances, are not feasible, or have already proven to be ineffective. If feasible, officers shall provide a verbal warning to the subject of deadly force that they will use deadly force.

- B. **Fleeing Offenders:** If feasible, officers shall provide a warning to the subject of deadly force a verbal warning that deadly force is about to be deployed against them. Deadly force shall never be used to apprehend a fleeing misdemeanor (unless they pose an imminent threat of serious physical harm or death to the officer or others), and may only be used to apprehend a fleeing felon where:
1. The officer has probable cause to believe that the individual committed a felony involving violence, **and**
 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 others.
- C. Pursuant to the [Code of Virginia](#), an officer's use of deadly force will be assessed under the following factors and conditions:
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**
 2. The totality of the circumstances, to include:
 - a. The amount of time available to the officer to make a decision.
 - b. 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 deploying deadly force.
 - c. Whether the officer engaged in de-escalation measures prior to the deployment of deadly force, to include taking cover, waiting for backup, trying to calm the subject prior to the use of force, or using less-lethal force prior to the use of deadly force.
 - d. 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
 - e. The seriousness of the suspected crime.
- D. Any officer involved in a deadly force incident shall not be responsible for the arrest of any individuals suspected of involvement in an associated crime unless

immediate action is necessary. All associated crimes shall be investigated by the Major Crimes Bureau unless otherwise directed by the Chief of Police.

- E. **Use of Deadly Force Against Animals:** Officers may use deadly force to incapacitate a non-domesticated animal that is attacking or threatening to attack any human or domesticated animal, or that appears to be rabid.
1. If feasible, officers should use other less-lethal force and restraint options, to include physical barriers and/or catch poles prior to deploying deadly force.
 2. **Destruction of Domesticated Animals:** Prior to the destruction of an injured domesticated animal, an APPO shall respond, and an on-duty supervisor shall be notified. Field euthanasia should be performed by an APPO or veterinarian whenever possible and reasonable efforts should be made to notify the animal owner to obtain euthanasia consent. The responding APPO should coordinate care of the animal and transport the animal to a veterinary facility for treatment when appropriate.
 3. **Destruction of Non-Domesticated Animals:** Where field euthanasia of a non-domesticated animal becomes necessary, officers shall notify an on-duty supervisor in a timely manner, exercise caution, and attempt to clear the area of spectators before conducting field euthanasia on the animal.
- F. **Firearms:** When representing the Department in either an on or off-duty capacity, only those firearms and ammunition authorized under [SOP 04-002](#) shall be used or carried.
1. Officers shall exercise due care whenever handling or displaying firearms.
 2. Firearms may be deployed by officers in ready gun, tactical (tac) ready, or modified ready position.
 3. Whenever feasible, officers should provide a verbal warning of “**Police, don’t move or I’ll shoot!**” and, provide audible, clear directions to the individual.
 4. Officers may not fire warning shots under any circumstances.
 5. Firearms shall never be pointed in the direction of any individual unless objectively reasonable under the circumstances.
 6. Officers shall not leave their firearms unsecured either on or off-duty.
 7. Officers shall not use their firearms as a striking instrument unless there is threat of death or serious injury to them or another individual.

- G. **Shooting Into or From a Moving Vehicle:** Officers are prohibited from discharging a firearm at, into, or from a moving vehicle unless there is an immediate threat of death or serious injury to the officer or another person. Officers have an affirmative obligation, based upon the totality of the circumstances, to move out of the path of an oncoming vehicle whenever possible, and to never intentionally place themselves in the path of an oncoming vehicle where the use of deadly force would be a likely outcome.
- H. **Pointing of a Firearm:** The pointing of a firearm at a person to gain control and compliance is considered a reportable action only and not a use of force. Investigation of this action shall be documented by an on-duty supervisor in the current IAB RMS and forwarded for command review and dissemination.
- I. **Medical Treatment:** Officers shall immediately request an EMS response for purposes of providing medical treatment to any individual injured from the discharge of a firearm. Officers shall personally render aid if safe and practical to do so until EMS can arrive on scene and relieve them.

VIII. USE OF FORCE NOTIFICATIONS

- A. **Officer Notifications:** Any officer who uses force against another person shall promptly notify DPSC who will then notify an on-duty supervisor, the Police Liaison Commander, and Duty Officer.
- B. Notified supervisor(s) shall respond to the scene of all use of force incidents.
 - 1. Supervisors shall immediately notify the Duty Officer of the occurrence of:
 - a. Any use of force incident that results in injury or death, or
 - b. Any use of force incident that results in medical treatment being provided.
- C. The Duty Officer shall, in conjunction with medical personnel, determine if an injury is to be designated as serious and notify appropriate Bureau Commanders.
- D. **Use of Deadly Force Notifications:** The PLC and DPSC shall coordinate and notify the commanders of the following entities of any deadly force or less-lethal force incident in Fairfax County that results in death or serious injury:
 - 1. Major Crimes Bureau (MCB)
 - 2. Internal Affairs Bureau (IAB)
 - 3. Administrative Support Bureau (ASB)
 - 4. Public Affairs Bureau (PAB)

5. Cyber and Forensics Division (CFD)
 6. Incident Support Services (ISS)
 7. Affected Department Command and Administrative Staff members,
 8. Criminal Justice Academy (CJA)
 9. Chief of Police or their designee.
- E. Any off-duty officer who uses deadly force outside of Fairfax County, or where their firearm is unlawfully discharged by another individual, shall promptly notify DPSC who will make necessary notifications to the PLC and Duty Officer.

IX. USE OF FORCE INVESTIGATIONS

- A. **Less-Lethal Force Investigations:** The use of less-lethal force shall be investigated and documented as follows:
1. Death or Serious Injury
 - a. **Investigative Authority:** MCB and IAB in accordance with [SOP 12-045](#).
 - b. **Investigative Format:** Criminal investigation and IAB administrative investigation in accordance with [SOP 12-045](#).
 - c. **Documentation Review:** The IAB Commander shall review the administrative case and forward it to the appropriate commander.
 - d. Any force option used in a force incident that results in serious injury or death shall be left in the same condition it was in when utilized.
 - e. The collection of all evidence, to include any force option(s) used, shall be conducted at the direction of the lead MCB detective or their designee.
 2. Non-Serious Injuries or No Complaint of Injuries
 - a. **Investigative Authority:** On-duty supervisor.
 - b. **Investigative Format:** Where injuries occur, and medical treatment is rendered to any complaining party, an administrative investigation in the current IAB RMS that specifically notes the incident, type of force used, extent of injuries, and any medical treatment provided. Where there is no complaint of or noticeable injury, the use of force shall be documented in the current IAB RMS, and no administrative investigation is required.

- c. **Documentation Review:** The investigating supervisor shall forward all investigative reports to their commander for review and dissemination.
- 3. **Patrol Dog Apprehensions:** All apprehensions by a Patrol Dog that involve the bite of an individual that results in visible evidence (e.g. swelling/redness of the skin) or wherever an individual complains of injury resulting from a Patrol Dog apprehension shall be investigated and documented as follows:
 - a. **Investigative Authority:** Canine supervisor or as otherwise directed by the Special Operations Division (SOD) Commander or Duty Officer.
 - b. **Investigative Format:** Administrative investigation in the current IAB RMS that specifically notes the incident, any type of force used, extent of any injuries, and any medical treatment provided.
 - c. **Documentation Review:** The investigating supervisor shall forward all investigative reports to the SOD commander for review and dissemination.
- B. **Intentional Firearm Discharges:** All intentional firearm discharges (excluding approved training exercises) shall be investigated and documented as follows:
 - 1. **Investigative Authority:** MCB and IAB in accordance with [SOP 12-045](#), or, at the direction of the Chief of Police, an agency outside of the Department.
 - a. Any intentional firearm discharge that occurs during an approved training exercise shall be investigated at the direction of the Chief of Police.
 - b. All intentional firearm discharges that occur outside of Fairfax County shall be investigated by IAB in conjunction with the appropriate jurisdiction.
 - 2. **Investigative Format:** MCB criminal and IAB administrative investigations. The administrative investigation shall be documented in the current IAB RMS that specifically notes the incident, any type of force used, extent of any injuries, and any medical treatment provided.
 - 3. **Documentation Review:** The investigating supervisor shall forward all administrative investigative reports to the appropriate commander for review and dissemination.
- C. **Unintentional Firearm Discharges:** Investigated in accordance with FCPD [Regulation 201.10](#).
- D. **Deadly Force Against Animals Notifications and Investigations:** Any on-duty officer who utilizes deadly force against an animal shall immediately notify DPSC. Off-duty officers who utilize deadly force against an animal (excluding for

recreational hunting purposes) shall contact the PLC in a timely manner who will subsequently notify the Duty Officer.

1. The use of deadly force against a domesticated animal that results in the animal's death or injury shall be investigated by IAB. Where deadly force is utilized and no death or injury to the animal occurs, the administrative investigation shall be conducted by an on-duty supervisor and forwarded to IAB through the appropriate commander for review.
 2. 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.
- E. Photographs shall be taken of all injuries by the investigative authority and maintained within the administrative case file.
- F. Any video and/or audio recordings pertaining to the incident shall be preserved by the investigative authority within the administrative case file.
- G. All further investigations of deadly force deployment shall be conducted in accordance with [SOP 12-045](#).

X. USE OF FORCE DOCUMENTATION

- A. Any officer who uses force or points a firearm at another individual shall document the circumstances of the event in an incident report or supplement accordingly in the current RMS, unless rendered incapable, in which case responsibility shall be determined by either an on-duty supervisor or commander.
- B. All medical treatment provided to an individual as the result of an officer's use of force shall be documented on an incident report. Officers shall note whether any injuries incurred were the result of the use of force or were pre-existing.
- C. **Officer Documentation:** Use of the following force or reportable action options shall be documented by the deploying and witnessing officer(s) in a clearly worded incident report or supplement in the current RMS:
1. Any less-lethal force option.
 - a. **Note:** ECW deployments and/or removal of probes require a completed ECW report form. All copies of the incident report and administrative documentation shall be forwarded directly to IAB.
 2. The pointing of a firearm, to include Kinetic Energy Impact Systems, at another individual to gain control and/or compliance.

- a. **Note:** Does not apply to pre-planned, tactical operations, simple unholstering of a weapon, utilization of firearms for room clearing purposes during a building search, or any other use of a weapon (that does not specifically involve pointing at another individual) that officers may take for safety reasons, such as to control a devolving situation or where an officer believes a dangerous individual is near their location.
- 3. Any use of deadly force against a person or animal.
 - a. **Note:** Does not apply to directly involved officers whose actions result in death or serious injury. In those instances, documentation shall be done by the entity conducting the criminal investigation in accordance with FCPD [SOP 12-045](#).
- 4. Documenting officers shall avoid drawing conclusions without providing supporting facts and refrain from the use of “boilerplate” language in their reports. Reviewing supervisors and commanders should question officers if they discover inconsistent or generic statements in their narratives.
- D. All use(s) of force or reportable action(s) documentation shall ensure (1) the officer(s) using force or a reportable action is clearly identified, and (2) the incident report includes the force or reportable action used, the reason for its use, and the supervisor who was notified.
- E. **Supervisor Documentation:** On-duty supervisors shall ensure any use of force or reportable action is properly documented by an officer in either an incident report or supplement in the current RMS.
 - 1. Supervisor documentation shall be completed in a timely manner. Where a supervisor believes the deployment of force was excessive or not in compliance with FCPD policy, they shall immediately notify their commander.
 - 2. Copies of all incident reports involving deployments of force or reportable actions shall be forwarded to appropriate commanders and IAB.

XI. TRAINING

- A. All sworn officers shall receive training on various techniques and instruments that constitute less-lethal or deadly force in accordance with the provisions of [SOP 13-050](#), Mandatory and Specialized Training.
 - 1. **Annual Training:** Officers shall qualify with all of their issued and/or approved firearms (including off-duty firearms) and ECW on an annual basis to comply with the mandates established by the Virginia Department of Criminal Justice Services (DCJS) and/or accreditation standards. Officers

shall also be required to undergo annual refresher training on FCPD General Order 540, Use of Force, and the duty to intervene.

2. Officer refresher training shall take place every two (2) years for all other less-lethal authorized force options and kept documented by the Fairfax County Criminal Justice Academy.

XII. 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](#) Illegal use of tear gas, phosgene and other gases.
- 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](#) Transportation of person in the temporary detention process.
- 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.
- 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.”]

General Order 540 becomes effective on the above date and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:



Chief of Police

APPROVED BY:



County Executive