

Type of Directive GENERAL ORDER	Number 10.1.8	Page 1 - 24
Subject USE OF FORCE	Date 03/2014	
Amends	Rescinds SPECIAL ORDER 13-01, 10.1.7	
CALEA References 1.2.2, 1.3.1-1.3.13, 41.2.2, 41.2.3		
Authorized by:	 Howard B. Hall, Chief of Police	

This policy is for Department use only and shall not apply in any criminal or civil proceedings. The Department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will be the basis for Department administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

The purpose of this order is to establish basic policy guidelines regarding the use of force by members of the Department.

II. POLICY

The policy of the Department is to effectively manage all use of force matters so that policy, training, reporting and performance are in accordance with Constitutional mandates. Officers are granted the legal authority to carry and use weapons in the performance of their duties pursuant to the Constitution of Virginia, Article VII § 3 and COV § 15.2-1706. Performance of the law enforcement function places officers in situations that may require them to use force in accomplishing their duties. Officers of the Department will use only that force, which is reasonable to effect lawful objectives.

III. PROCEDURE

A. Definitions

The following definitions are provided to enhance operational consistency in the Department's management of use of force issues:

FORCE - physical effort on the part of a police employee that is designed to assist the employee in gaining control of the actions or behavior of a person or persons.

NON-DEADLY FORCE - force not intended to, or likely to, cause death or serious injury.

LESS-LETHAL FORCE - is force that is less likely to cause death or great bodily harm.

LESS-LETHAL WEAPON - Those weapons which, when used within their design limitations, and for their intended purpose, may not reasonably be expected to cause death or great bodily harm.

REASONABLE BELIEF - when facts or circumstances the officer knows, or should know, are such to cause an officer with like training and experience to act or think in a similar way under similar circumstances.

PROGRESSIVE FORCE - the escalation of force used by an officer in order to control a situation or the actions of persons, from cooperative controls to deadly force.

SERIOUS PHYSICAL INJURY - a bodily injury that:

1. creates a substantial risk of death, or
2. causes serious, permanent disfigurement, or
3. results in long-term loss or impairment of a body member or organ.

DEADLY FORCE - force which may cause death or serious physical injury or which creates some specified degrees of risk that a reasonable or prudent person would consider likely to cause death or grave injury.

QUALIFICATION - defined as successful completion of a Department of Criminal Justice Services or Department mandated course of fire.

APPROVED WEAPON/AMMUNITION - any weapon listed on the "Approved Weapons" list maintained by the Services Division Lieutenant or Lead Firearms Instructor.

PATROL RIFLE – shall be a gas-operated, semi-automatic, .223-caliber rifle of the type commonly known as AR-15, but with various designations depending upon manufacturer.

IV.

PROCEDURE – OPERATIONAL

A. Use of Force Guidelines

1. Deadly force may be used when an officer(s) reasonably believes that they or another person is in imminent danger of death or serious physical injury.
2. An officer may use deadly force to affect the capture or prevent escape of a person, when the officer has reasonable belief that the subject poses an imminent danger of serious physical injury to the officer(s) or others if permitted to escape.
3. No distinction will be made relative to the age of any suspect in regards to the use of force, including deadly force.

4. Before using deadly force officers will, when possible and practical, issue a verbal warning to the assailant. In this warning, officers will identify themselves as police officers and instruct the assailant to cease the threatening action(s).
5. Officers will not fire their weapons with the specific intent to kill, but rather to render an assailant incapable of completing a potentially deadly act. For maximum stopping effectiveness and minimal danger to innocent bystanders, if practical, officers should shoot at "center mass".
6. The Department realizes and acknowledges that in tense, uncertain, and/or rapidly evolving confrontations an officer may have to reasonably use techniques, weapons, and/or improvised weapons that:
 - a. are not a part of the Department's formal training program,
 - b. are not covered in this policy,
 - c. are not in conformity with training, and
 - d. have an unintentional effect on the officer's impact point or an outcome that is not part of the Department's training curriculum and which is a direct result of the suspect's actions
7. All officers' actions that are deemed reasonable in retrospect will be considered to be within policy, even if the specific action and/or operation is not specifically addressed within policy.
8. If a suspect's actions results in the use of force, officers will place the appropriate additional charges.
9. Any time an injury results from the application of force which warrants medical attention, the officer will seek medical attention for the injured person.
10. If the subject is in custody, the officer is responsible for:
 - a. ensuring the person is safely transported to a medical facility for evaluation and treatment or
 - b. transporting the individual to the docket for evaluation by jail medical staff if the injuries are minor in nature and/or the prisoner is refusing medical attention.
11. If the subject is not in custody, but an action by an employee results in an injury, the officer will attempt to obtain reasonable medical attention for the injured person as soon as possible.

12. Officers will not carry on-duty any weapon, or piece of equipment commonly used as a weapon, not issued by the Department or specifically approved by the Chief of Police.

B. Warning Shots

1. Are not authorized by the Roanoke County Police Department.

C. Use of Force

1. The use of non-deadly force will be reasonably balanced in response to the circumstances. This force may be in the form of advice, warning, persuasion, verbal encounters, physical contact, or the use of less-lethal weapons.
2. Officers are expected to use the tools, techniques, and timing established by the Department and found within the Integrated Force Management Reference Guide which is located on pages twenty-three (23) and twenty-four (24) of this General Order.
3. The tools which have been approved as less-lethal weapons for Department use include:
 - a. Oleoresin Capsicum (O.C. Spray),
 - b. PR-24 Side Handle Baton (Fixed or Expandable),
 - c. Expandable Baton,
 - d. Canines trained in suspect apprehension,
 - e. Bean Bag Shotgun
 - f. Pepperball Gun
 - g. Electronic Control Device (Taser)
4. Other less-lethal weapons may be authorized for specialized functions and/or units by the Chief of Police.
5. The deployment of Stop Sticks, in an effort to stop a motor vehicle, is considered forcible stopping. The deployment of Stop Sticks is a use of force. The appropriate use of Stop Sticks is governed by the General Order titled Emergency Vehicle Operations.

D. Use of Force Reporting and Review

1. A written Use of Force Report will be completed, by the officer applying force, for every case in which:
 - a. Personnel must use physical force to overcome a physical resistance to the officer's completion of a lawful act.

- b. Personnel must use a deadly or less lethal weapon to overcome resistance.
 - c. Personnel must use physical force to protect them from a physical assault.
 - d. A suspect, who has been handcuffed, complains of injury and/or pain from the use of the handcuffs. The use of a restraint such as handcuffs is not normally considered an application of force.
 - e. An officer deploys Stop Sticks whether or not any vehicle comes into contact with the Stop Sticks.
 - f. **An officer discharges a firearm, for other than training or recreational purposes.**
 - g. **An officer takes an action that results in, or is alleged to have resulted in, injury or death of another person.**
2. The Use of Force Report will be required even if the force applied does not result in the arrest of the party to whom the force is applied.
3. The Use of Force Report will contain information regarding the officer's assessment of risk, the officer's response to the threat, and the result of the action taken. Officers are expected to articulate the circumstances and behaviors which placed a subject **at** a certain threat level. Officers are expected to describe their interactions through the use of the terms and definitions contained in the Department's Integrated Force Management Guide which is located on pages twenty-three (23) and twenty-four (24) of this General Order.
4. The report form will be completed and submitted with the offense report by involved personnel by the end of their shift. An exclusion to this is the physical state of the involved personnel. In situations deemed to be critical use of force incidents, involved personnel, if physically able, must make a verbal report of the incident to a supervisor as soon as possible. This report will be made for informational purposes only and will not be a formal interview. A written report will be submitted as soon as practical thereafter. The written report may be developed from any taped interview or statement made by involved personnel during the criminal investigation.
5. The report will be promptly submitted through the Chain of Command to the Chief of Police. Supervisors are responsible for determining if the officer's actions may warrant an investigation pursuant to General Order Internal Investigations. Each supervisory level is responsible for:
 - a. reviewing the report to identify (if applicable) any policy, training, weapon or equipment deficiency,
 - b. determining if any disciplinary action or commendation is warranted,
 - c. returning an incorrect or incomplete report to the officer for correction,

- d. commenting whether the officer's action was or was not in compliance with this General Order,
- e. sign and date the report acknowledging the report is complete,
- f. forwarding a copy to the Uniform Office Support Specialist for entry into the computerized tracking system, to the Professional Standards Unit (PSU) for informational purposes, and
- g. submitting the report to the next level in the Chain of Command.

6. A computerized tracking system for Use of Force incidents will be maintained and updated by the Uniform Office Support Specialist.
7. The original Use of Force Report will be retained with the corresponding case file by the Records Unit.
8. Annually, PSU will cause an analysis of the Department's Use of Force and Emergency Vehicle Operations activities, policies and practices to be created. This analysis will be submitted to the Chief of Police.

E. Officer Involved Shooting/Fatal Department Vehicle Crash

- a. Upon being advised of an officer involved shooting (OIS) or a fatal vehicle crash involving a Department vehicle, the on-duty shift supervisor shall immediately respond to the scene.
- b. Once on scene, the supervisor will ensure that a crime scene perimeter is established and a crime scene log initiated.
- c. The on-scene supervisor will ensure that all required medical services are dispatched to the scene.
- d. The on-scene supervisor will ensure the immediate notification of the following personnel:
 - (1) Operations Assistant Chief of Police
 - (2) Criminal Investigations Division (CID) supervisor for OIS.
 - (3) On duty/on call fatality investigator(s) in the event of a fatal crash involving a Department vehicle.
- e. On-scene responsibilities will be as follows:

- (1) Uniform Supervisor – will be responsible for controlling the outer perimeter, crowd control, etc.
- (2) CID or Special Operations Supervisor – will be responsible for the crime/crash scene.
- (3) Assistant Chief of Police – once on-scene, will assume responsibility for control of the situation.

f. The Operations Assistant Chief of Police or their designee is responsible for the immediate notification of those personnel deemed necessary for the investigation. The Operations Assistant Chief of Police or their designee will request the Emergency Communications Center immediately notify:

- (1) Administrative Assistant Chief of Police and the Chief of Police.
- (2) Professional Standards Unit Lieutenant.
- (3) Commonwealth Attorney or their designee.
- (4) Roanoke County Attorney or their designee.
- (5) Roanoke County Administrator or their designee after sufficient information is available.

g. Immediately after containing an OIS crime scene, the on-scene supervisor will immediately retrieve the involved officer(s) weapon(s) and magazines, securing them until they can be released to the appropriate evidence technician assigned to the scene. A replacement weapon will be issued to the officer(s) upon retrieval of the involved weapon. Involved personnel shall not be required to be without a weapon at any time.

h. The designated supervisor will immediately accompany all personnel involved in the OIS or fatal Department vehicle crash to the Roanoke County Police Department and will stay with and ensure the comfort of those personnel. The supervisor will ensure that the involved personnel avoid any and all contact with the media.

i. Interviews of involved personnel will be scheduled by an Assistant Chief. Involved personnel should be kept separate from each other until interviews are completed and CID personnel determine that the separation is no longer necessary.

j. In accordance with the General Order Substance Abuse, an Assistant Chief of Police will determine an adequate time frame in which personnel from Safety and Compliance Services, Inc. will be contacted and requested to collect breath and

urine samples from involved personnel.

- k. In order to protect the involved personnel from potential legal jeopardy, no supervisor, officer, or other member of the Department shall secure, retain, give or offer any legal advice to any involved personnel.

F. CID and Special Operations Responsibilities in an OIS or Fatal Department Vehicle Crash

- a. The CID Lieutenant or their designee will assign CID personnel to investigate each OIS as well as assigning personnel to assist Traffic Enforcement Unit personnel with the investigation of a fatal Department vehicle crash.
- b. The first CID supervisor (OIS) or Special Operations supervisor (Fatal Department Vehicle Crash) on-scene will assume complete authority and responsibility for the scene until relieved by an Assistant Chief of Police. The relieving Assistant Chief of Police assumes complete authority and responsibility for the scene.
- c. The personnel assigned to conduct the criminal investigation of the OIS or fatal Department vehicle crash will do so in accordance with all relevant constitutional provisions. If it becomes necessary to provide Miranda warnings, they will be given both verbally and in writing.

G. Crime Scene Responsibilities

- a. To ensure scene integrity, no member of the Department may enter the scene without the specific approval of the designated Uniform, CID, or Special Operations supervisor.
- b. Any Department member entering the scene will complete, prior to the end of their tour of duty, a thorough and accurate supplement that details the reason for entering the scene, their actions and their observations while in the scene.
- c. Any Department member entering the scene will be listed on the master witness list submitted to the Commonwealth Attorney.

H. Information Flow

- a. No information relative to the OIS or fatal Department vehicle crash is to be relayed to any outside Department personnel without the express approval of the designated CID (OIS) or Special Operations (fatal Department vehicle crash) supervisor or . This does not prohibit the flow of officer safety information or other pertinent information such as suspect descriptors or suspect vehicle information.
- b. The designated CID (OIS) or Special Operations (fatal Department vehicle crash) supervisor will immediately apprise both Assistant Chiefs of Police and the Chief of Police of all information relevant to the OIS or fatal Department vehicle crash.

The designated CID (OIS) or Special Operations (fatal Department vehicle crash) supervisor will establish the means and timetable for constant updates of information with the Chief of Police.

- c. At the discretion of the CID (OIS) or Special Operations (fatal Department vehicle crash) supervisor, the Roanoke County Public Information Officer (PIO) will be contacted and requested to be present at the scene for any media contacts.
- d. Any investigation conducted by the Professional Standards Unit will be done pursuant to existing policy.
- e. An administrative investigation of each OIS or fatal Department vehicle crash incident will be conducted by the Professional Standards Unit, under the direction of the Administrative Assistant Chief of Police.

I. Mandatory Reassignment

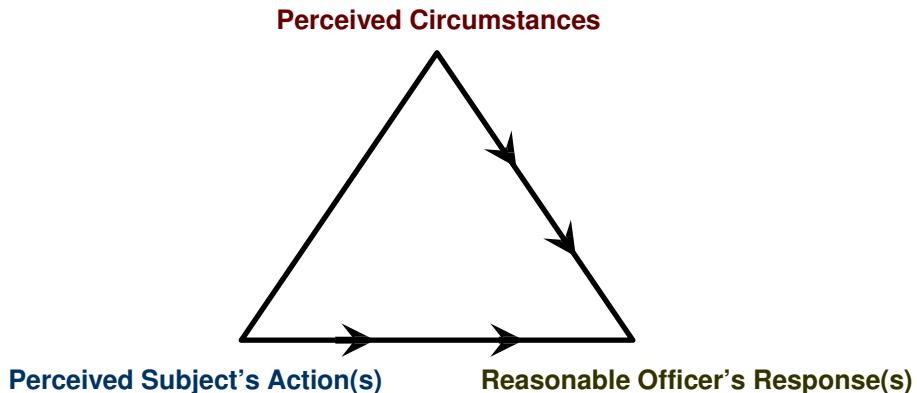
When any member of the Department is involved in an incident where the employee's action, rises to the level which, results in death or serious physical injury, they will be administratively reassigned during the preliminary investigation of the incident.

- 1. The nature of the reassignment will be left to the discretion of the Chief of Police. This reassignment will be without loss of pay or benefits pending the results of the investigation.
- 2. This removal from line duty will in no way indicate or imply that the officer has acted improperly.

J. Counseling

- 1. An officer or civilian employee, who is directly involved in an incident where death or serious physical injury occurs, shall be required to report for counseling to a mental health professional selected by the Department prior to returning to full duty.
 - a. Such counseling is intended to assist in the prevention of any adverse emotional effect resulting from the employee's experience.
 - b. Such counseling shall be made mandatory to ensure that the employee receives some form of timely assistance.
- 2. The number of any mandatory sessions attended by an employee will be decided by the Chief of Police, in conjunction with the recommendation of the assigned mental health professional.
 - a. mandatory session(s) will be scheduled during the employee's duty time, if possible; otherwise the Department will grant overtime or compensatory leave.

- b. payment for all mandatory sessions will be made by the Department.
3. The affected employee's Assistant Chief of Police will be responsible for:
 - a. selecting a mental health professional qualified to meet the perceived need and recommending him to the Chief of Police for approval,
 - b. scheduling a timely appointment with the approved mental health professional, and
 - c. notifying the employee of the scheduled appointment and mental health professional selected.
4. Any non-mandatory sessions arranged by an employee will be the financial responsibility of that employee.

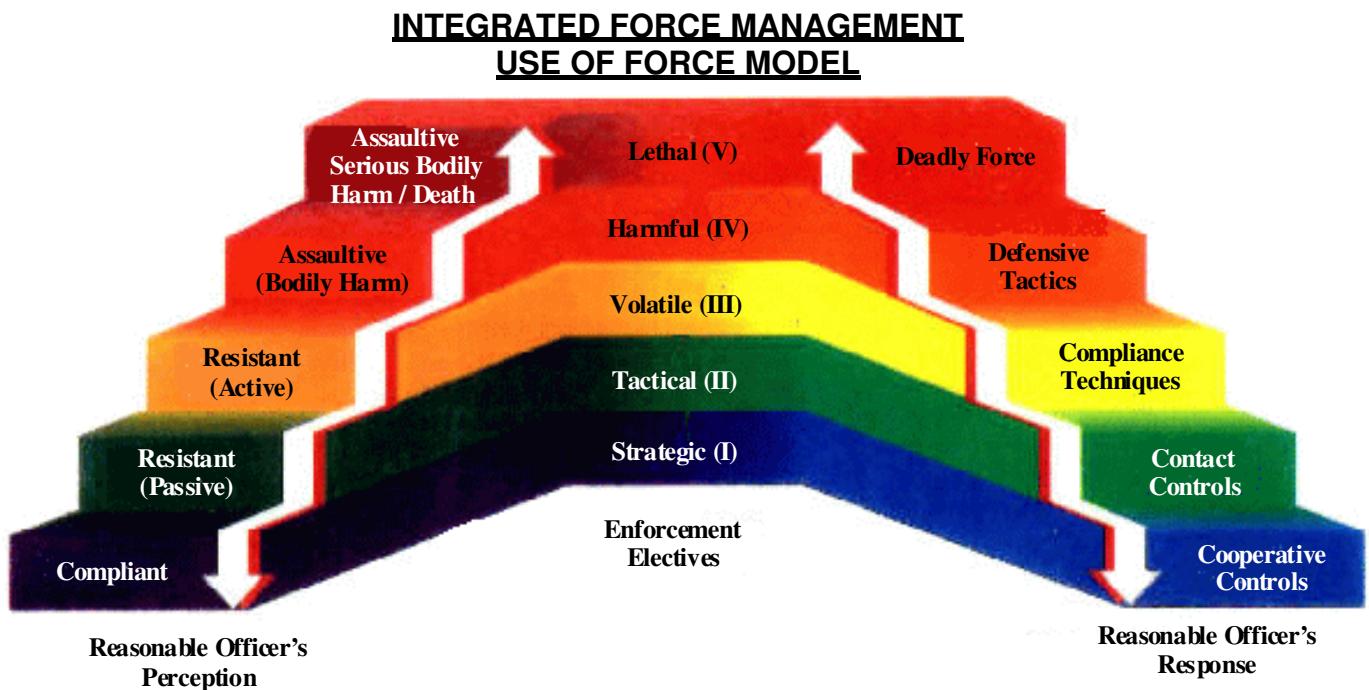


The Totality Triangle® depicts the three elements which must be considered in determining whether an application of force was objectively reasonable.

Perceived Circumstances – the officer's perception of the severity of a crime, the existence of an immediate safety threat to the officer, or others, and the degree of compliance/non-compliance from the subject; culminating in its identification on the Use of Force Model.

Perceived Subject's Action(s) – the subject action(s) as perceived by the reasonable officer that designate the subject at one or more of the Use of Force Model's compliant/non-compliant categories.

Reasonable Officer's Response(s) – the "balanced" response(s) appropriate for the reasonable officer's selection from the Use of Force Model's identified response categories, in order to maintain or gain subject compliance and control.



The Use of Force Model was developed in 1991 by Dr. Franklin Graves, FLETC and Professor Gregory J. Connor. 1991, G. Connor. All rights reserved.

Threat perception Color Code – the tactically applied and color adapted correlation of the Threat Perception Categories on the Use of Force Model.

Control Superiority Principle® - the understanding and visualization method utilized to reinforce the inherent principle of officer force superiority over the subject's degree of compliance/non-compliance.

Assessment/Selection Arrows – the mechanism utilized to indicate the dynamic nature of an officer's decision making process of Tactical Transition® during the enforcement encounter.

Threat Perception Categories

Strategic – the first level of the Use of Force Model, establishing a broad “mind set” for the officer, represented by the blue baseline on the Threat Perception Color Code. The contemporary officer must maintain this functional foundation, centered upon patterns and principles designed to enhance the overall and ongoing status of safety.

Tactical – the second level on the Use of Force Model, depicted by the color green. Here the officer perceives an increase in threat perception within the confrontational environment, evolving into procedural and deployment of tactics.

Volatile – the third level on the Use of Force Model utilizing the color yellow to indicate an active level of alertness and threat potential. Here the officer is confronted with the presence or potential of increased threat intensity, severity, etc.

Harmful – at this level on the Use of Force Model the color orange denotes an accelerated perception of threat directed toward the officer or others. In this regard the officer must initially deploy defensive force toward the effort of eventual subject compliance and control.

Lethal – the highest level on the Use of Force Model correlates to the most intense color of the Threat Perception Color Code, red. Although this potentially lethal degree of threat is most infrequent, it remains most crucial for the continuation of officer safety and societal security.

Perceived Citizen Action(s) Categories

Compliant – represents the vast majority of officer/citizen confrontations in the form of cooperation and control. Such cooperation is generally established and maintained via cultural acceptance, verbalization skills, etc.

Resistant (Passive) – the preliminary level of citizen non-compliance. Here, the citizen, although non-compliant offers no physical or mechanical energy enhancement toward the resistant effort.

Resistant (Active) – the subject's non-compliance is increased in scope and/or intensity. The subject's non-compliance now includes energy enhanced physical or mechanical defiance.

Assaultive (Bodily Harm) – the officer's attempt to gain lawful compliance has culminated in a perceived or actual attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject would not result in the officer's or other's death or serious bodily harm.

Assaultive (Serious Bodily Harm/Death) - the officer's attempt to gain lawful compliance has culminated in the perception of an attack or the potential for such an attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject could result in serious bodily harm or death to the officer or others.

Officer Response(s) Categories

Cooperative Controls – include contemporary controls developed to preserve officer safety and security, including: Communication skills, restraint applications, etc.

Contact Controls – includes restraint countermeasures designed to guide or direct the non-compliance subject. These “hands-on” tactics would include the elbow/wrist grasp, Hand Rotation Position, etc.

Compliance Techniques – includes resistant countermeasures designed to counter the subject's enhanced degree of resistance. These tactics could include the Hand Rotation Technique, OC Spray, etc.

Defensive Tactics – include assaultive countermeasures designed to cease the subject's non-lethal assault on the officer or others, regain control and assure continued compliance. These tactics include baton strikes, kicking/punching techniques, etc.

Deadly Force – includes assaultive countermeasures designed to cease as assault which is lethal or could cause great bodily harm to the officer or others. These tactics could include the use of a firearm, lethal strikes, etc.

Revised: 3-21-2004 (mac)