


FLUVANNA COUNTY SHERIFF'S OFFICE  <b>GENERAL ORDER</b>	<b>NO. 506</b>	<b>SUBJECT: Use of Force</b>
<b>DATE OF ISSUE: 11-01-2019</b>	<b>REVIEW DATE: 11-01-2020</b>	
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <div style="text-align: center;">           _____            Signature on File            Sheriff         </div>	
<b>VLEPSC STANDARDS:</b>		
<b>CALEA STANDARDS:</b>		

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**LIST OF CONTENTS:**

- I. PURPOSE
  - II. POLICY
  - III. DEFINITIONS
  - IV. PROCEDURES
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**I. PURPOSE**

The purpose of this policy is to provide deputies with guidelines for the use of less-lethal and deadly force.

**II. POLICY**

It is the policy of this law enforcement agency to value and preserve human life. Deputies shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the deputy and others.

Deputies shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent deputy would use under the same or similar circumstances. Deputies should use “just enough” force to gain control.

The decision to use force “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the deputy or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.”

In addition, “the ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable deputy on the scene, rather than with the 20/20 vision of hindsight...the question is whether the deputies’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them.”

Deputies should recognize that the use of force is a seizure under the Fourth Amendment.

This policy is to be reviewed annually and any questions or concerns should be addressed to the immediate supervisor for clarification.

### III. DEFINITIONS

- A. **DEADLY FORCE:** Any use of force that creates a substantial risk of causing death or serious bodily injury.
- B. **LESS-LETHAL FORCE:** Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.
- C. **OBJECTIVELY REASONABLE:** The determination that the necessity for using force and the level of force used is based upon the deputy's evaluation of the situation in light of the totality of the circumstances known to the deputy at the time the force is used and upon what a reasonably prudent deputy would use under the same or similar situations.
- D. **SERIOUS BODILY INJURY:** Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.
- E. **DE-ESCALATION:** Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
- F. **EXIGENT CIRCUMSTANCES:** Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.
- G. **CHOKER HOLD:** A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.
- H. **EXCESSIVE FORCE:** Is generally defined as force greater than that a reasonable and prudent law enforcement officer would use under the same circumstances or any force that was applied in a punitive nature.
- I. **WARNING SHOT:** Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.

## IV. PROCEDURES

### A. General Provisions

1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the deputy, or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.
3. Once the scene is safe and as soon as practical, a deputy shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention.
  - a. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
4. A deputy has a duty to intervene to prevent or stop the use of excessive force by another deputy when it is safe and reasonable to do so.
5. All uses of force shall be documented and investigated pursuant to this agency's policies.

### B. De-escalation

1. A deputy shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training whenever possible and appropriate before resorting to force and to reduce the need for force.
2. Whenever possible and when such delay will not compromise the safety of the deputy or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, a deputy shall allow an individual time and opportunity to submit to verbal commands before force is used.

### C. Use of Less-Lethal Force

When de-escalation techniques are not effective or appropriate, a deputy may consider the use of less-lethal force to control a non-compliant or aggressively resistant individual they have a lawful right to seize.

1. A deputy is authorized and trained to use agency-approved, less-lethal force techniques and issued equipment to:

- a. protect the deputy or others from immediate physical harm,
  - b. restrain or subdue an individual who is aggressively resisting or evading arrest, or
  - c. bring an unlawful situation safely and effectively under control.
2. Court decisions have deemed the TASER “serious injurious force” and we shall consider impact weapons (baton and projectiles) as “serious injurious force” as well. These force options should only be used against an offender when there is an immediate threat of harm to the deputy or person(s) other than the offender and when the deputy has reasonable articulable belief that lesser means of control are or will be in effective in obtaining lawful control of the offender.
3. The TASER or impact weapon(s) shall not be used to execute ECO/TDO orders UNLESS the deputy has reasonable articulable belief that the person to be taken into civil custody is an immediate threat of harm to the deputy or person(s) other than the person to be taken into custody and when the deputy has reasonable articulable belief that lesser means of control are or will be ineffective in obtaining lawful control. If the subject is un-armed and non-assaultive lesser control methods should be utilized.
4. OC or Pepper Spray is generally considered a force option with lower probability of injurious force, however it should not be deployed during non-violent interactions for mere non-compliance of lawful orders as it is deemed “intermediate force” by the courts. Pepper spray may be utilized on a person the deputy has a lawful right to seize if the deputy can articulate that the person being seized is acting violently, they reasonably believe that the application of pepper spray was a reasonable alternative to escalating a physical struggle with the person being seized, and they belief that other means of control are or will be ineffective in obtaining lawful control.
5. General Order 304 LESS LETHAL PROJECTILE WEAPONS covers projectile impact weapons in greater detail.

#### D. Use of Deadly Force

1. A deputy is authorized to use deadly force when it is objectively reasonable under the totality of the circumstances. Use of deadly force is justified when one or both of the following apply:
  - a. to protect the deputy or others from what is reasonably believed to be an immediate threat of death or serious bodily injury

- b. to prevent the escape of a fleeing subject when the deputy has probable cause to believe that the person has committed, or intends to commit a felony involving serious bodily injury or death, and the deputy reasonably believes that there is an imminent threat of serious bodily injury or death to the deputy or another if the subject is not immediately apprehended
- 2. Where feasible, the deputy shall identify himself or herself as a deputy and warn of his or her intent to use deadly force.
- 3. Deadly Force Restrictions
  - a. Deadly force should not be used against persons whose actions are a threat only to themselves or property.
  - b. Warning shots are inherently dangerous. Therefore, a warning shot must have a defined target and shall not be fired unless
    - (1) the use of deadly force is justified;
    - (2) the warning shot will not pose a substantial risk of injury or death to the deputy or others; and
    - (3) the deputy reasonably believes that the warning shot will reduce the possibility that deadly force will have to be used.
  - c. Firearms shall not be discharged at a moving vehicle unless
    - (1) a person in the vehicle is threatening the deputy or another person with deadly force by means other than the vehicle; or
    - (2) the vehicle is operated in a manner deliberately intended to strike an deputy or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
  - d. Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, a deputy must have an articulable reason for this use of deadly force.
  - e. Choke holds are prohibited unless deadly force is authorized.
- 4. Deputies may use blunt objects or other non-issued items as weapons under exigent circumstances when:
  - a. deadly force would be justified
  - b. or if the deputy or another person is under assault and subject to the imminent possibility of death or severe bodily injury,
  - c. and; if their issued devices are non-operable or not accessible.

#### E. Weapons

1. No appointee will be authorized to use or carry any weapon until that appointee has received training and passed the appropriate testing and/or certification in the weapons use.
2. Only issued or approved weapons are to be carried while on duty. The Sheriff may approve the use of personally owned weapons while one duty.
3. No internal or mechanical modifications may be made to any weapon carried on duty.
4. All issued or authorized less-lethal and lethal devices are to be maintained in accordance with manufactures recommendations.
5. All issued or authorized less-lethal and lethal devices are to are to be inspected annually in ensure they are in proper working order.
6. All issued or authorized less-lethal and lethal devices are to be carried and utilized in a manner consistent with training.

#### F. Medical Treatment

1. Any person who has been impacted by an impact weapon, shot, or otherwise complains of injury shall be examined by the rescue squad.
2. Any person who has been sprayed by OC spray or been subject to TASER deployment who complains of injury shall be offered examination by the rescue squad.

#### G. Training

1. Deputies shall only use agency issued or approved weapons and devices in accordance with current training guidelines as documented by their most recent training records. Firearms qualification will be done in accordance with VA DCJS mandates and General Order 303.
2. All deputies shall receive training on this agency's use of force policy and related legal updates.
3. In addition, training shall be provided on a regular and periodic basis and designed to
  - a. provide techniques for the use of and reinforce the importance of de-escalation;

- b. simulate actual shooting situations and conditions; and
  - c. enhance deputies' discretion and judgment in using less-lethal and deadly force in accordance with this policy.
  - d. as mandated by the manufacturer (If so mandated)
4. All weapons/use of force training records shall be maintained by the in-house training coordinator as well as being report to the academy/DCJS if required.

#### H. Documentation

- 1. All uses of force beyond mere presence shall be documented in an IBR report with the proper circumstance code utilized.
- 2. Any use of force which results in an injury or complaint of an injury shall be documented in an IBR report and a Use of Force Supplemental report shall be completed by the deputy's supervisor.
- 3. All uses of OC spray, TASER, impact weapons, or discharge of firearms against a human shall be documented in an IBR report and a Use of Force Supplemental report shall be completed by the deputy's supervisor.
- 4. Photograph subject injuries if scene allows

#### I. Notification

- 1. In any use of force which results in a minor injury or complaint of an injury, the division commander should be notified via text or email.
- 2. If the injury is significant or requires admittance into a hospital, confirmed voice contact shall be made with the division commander.
- 3. In cases where a deputy's use of force results in the shooting of a human, death of a human, or serious human bodily injury, follow General Order NEW, OFFICER-INVOLVED SHOOTINGS, IN-CUSTODY DEATHS, AND SERIOUS USES OF FORCE