


<b>YORK-POQUOSON SHERIFF'S OFFICE</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: Use of Force</b>	<b>NUMBER: GO 2-6</b>
<b>EFFECTIVE DATE: March 1, 2021</b>	<b>REVIEW DATE: November 3, 2020</b>
<b>AMENDS/SUPERSEDES: GO 2-6, March 6, 2020</b>	<b>APPROVED:</b>  Sheriff
<b>VLEPSC: ADM.05.01, ADM.05.02, ADM.05.03, OPR.01.10</b>	

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- 24   Warning shots

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26   **POLICY**

27

28   During the normal course of performing law enforcement duties, there are occasions that require

29   a deputy to use the lawful force necessary to execute his legal authority. Deputies are confronted

30   with situations in which control must be exercised to effect arrest. Control may be achieved

31   through verbal persuasion, or by physical force. All care will be taken by deputies to avoid

32   physical force when reasonable alternatives are available. The Sheriff expects deputies to

33   observe the following guidelines in all applications of force:

- 34       • Deputies shall use only the force necessary to affect lawful objectives or purposes.
- 35       • If a threat situation escalates, a deputy may resort to more severe methods of force that
- 36       are reasonable to overcome either an increasing threat or resistance.

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- Increasing levels of threat, perceived by the deputy, with corresponding, authorized modes of force to oppose the threat is known as “force continuum”. Normally the force continuum would include the following progressive steps:
    - Level I - Deputy Presence
    - Level II - Verbal Command or Control
    - Level III - Compliance Techniques, use of personal weapons (hands, feet, knees, elbows, etc.)
    - Level IV - Intermediate Weapons (pepper spray, expandable batons, TASER, Canine or less lethal munitions)
    - Level V – Deadly Force
  - Deputy Sheriffs must understand how to recognize increasing or decreasing levels of threat and respond appropriately. However, when a deputy is threatened with a high level of force, nothing in this policy requires the deputy to apply the force continuum in progressive order using each level, as long as the level applied by the deputy is reasonable.
  - The objective of the use of any force is to overcome the suspect's resistance to a deputy's lawful purpose.
  - Deputies should not unreasonably or unnecessarily endanger themselves or the public when applying this policy. However, Deputy Sheriffs shall avoid unnecessary or excessive applications of force, and such violations of the use of general orders herein may subject the deputy to administrative discipline, suits for damages, and criminal prosecution.
  - No deputy shall commence duty without having been issued a copy of this general order and without having read the order and having it explained by a Field Training Officer, who shall certify that the requirement was completed.
  - No lethal weapons shall be issued or authorized until this requirement shall have been satisfied, together with all other such requirements, which may be imposed.
  - No non-lethal weapons shall be issued or authorized until this requirement shall have been satisfied, together with all other such requirements, which may be imposed.

69 **PURPOSE**

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71 This order establishes guidelines and procedures governing the use of force, the procedures for reporting all uses of force, the procedures for the investigation of use of force incidents, and to establish guidelines prohibiting certain use of force activities.

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75 **DEFINITIONS**

- 76
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- Deadly force
    - Any force applied in any manner by any means that could reasonably be expected to cause death
  - Non-deadly force

- 82           ○ Force employed which is neither likely nor intended to cause death or serious  
83           physical injury.  
84
- 85           ● Reasonableness or Reasonable belief
- 86           ○ When facts or circumstances the deputy knows, or should know, through his/her law  
87           enforcement training and experience, are such as to cause an ordinary and prudent  
88           trained and experienced person to act or think reasonably in a similar way under  
89           similar circumstances.
- 90           ○ In evaluating the reasonable application of force, deputies must consider the actual  
91           threat, their own age, size, strength, and skill-level with agency weapons, state of  
92           health, and the number of deputies opposing the number of suspects.  
93
- 94           ○ Section 19.2-83.5.A., Code of Virginia, prohibits the use of deadly force against a  
95           person unless:
- 96           ▪ The law enforcement officer reasonably believes that deadly force is immediately  
97           necessary to protect the law enforcement officer or another person, other than the  
98           subject of the use of deadly force, from threat of serious bodily injury or death;  
99           ▪ If feasible, the law enforcement officer has provided a warning to the subject of  
100           the deadly force that he will use deadly force;  
101           ▪ The law enforcement officer's actions are reasonable, given the totality of  
102           circumstances; and  
103           ▪ All other options have been exhausted or do not reasonably lend themselves to the  
104           circumstances.  
105
- 106           ○ Section 19.2-83.5.B., Code of Virginia, specifies the following factors to be  
107           considered in determining if a law enforcement officers use of deadly force is proper:
- 108           ▪ The reasonableness of the law enforcement officer's belief and actions from the  
109           perspective of a reasonable law enforcement officer on scene at the time of the  
110           incident; and
- 111           ❖ The totality of the circumstances including:
- 112           ➤ The amount of time available to the law enforcement officer to make a  
113           decision;
- 114           ➤ Whether the subject of the use of deadly force:
- 115           ✓ Possessed or appeared to possess a deadly weapon;
- 116           ✓ Refused to comply with the law enforcement officer's lawful order to  
117           surrender an object believed to be a deadly weapon prior to the law  
118           enforcement officer using deadly force;
- 119           ✓ Whether the law enforcement officer engaged in de-escalation  
120           measures prior to the use of deadly force, including:
- 121           ✱ Taking cover;
- 122           ✱ Waiting for backup,
- 123           ✱ Trying to calm the subject prior to the use of force;
- 124           ✱ Using non-deadly force prior to the use of deadly force.  
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- 126                   ➤ Whether any conduct by the law enforcement officer, prior to the use of  
127                   deadly force, increased the risk of a confrontation resulting in deadly force  
128                   being used; and  
129                   ➤ The seriousness of the crime.  
130
- 131     • Serious physical injury
    - 132       ○ A physical injury which creates a substantial risk of death, or which causes death or
    - 133       serious and permanent disfigurement, or impairment of the function of any bodily
    - 134       organ or limb.
  - 135
  - 136     • Inappropriate force
    - 137       ○ Force is inappropriate when its application is not justified based on the circumstances.
    - 138       ○ In determining whether force has been inappropriately applied, the primary factor is
    - 139       reasonableness in its application, based on what is known to the deputy at the time
    - 140       force is applied.
    - 141       ○ Reasonableness can be further defined by answering the question, was the application
    - 142       of force necessary and appropriate based on the circumstances?
  - 143
  - 144     • Excessive force
    - 145       ○ Section 19.2-83.3., Code of Virginia, defines excessive force as:
      - 146           ▪ Any force that is objectively unreasonable given the totality of the circumstances,
      - 147           including:
        - 148               ❖ The severity of the crime at issue,
        - 149               ❖ Whether the suspect poses an immediate threat to the safety of the officer or
        - 150               others, and
        - 151               ❖ Whether the suspect is actively resisting arrest or attempting to evade arrest
        - 152               by flight.

## 153

### 154 **NON-DEADLY FORCE**

- 155
- 156     • Use of force continuum
  - 157       ○ The Sheriff's Office trains and requires deputies to follow a use-of-force continuum,
  - 158       which emphasizes the recognition of and response to increasing levels of perceived
  - 159       threat.
  - 160       ○ Most instances in which force is applied are non-deadly.
  - 161       ○ Deputies shall assess the incident to determine which technique will best bring the
  - 162       situation under control.
  - 163       ○ Deputies are expected to use the minimum amount of force required to affect an
  - 164       arrest; however, deputies are not required to exhaust all levels of lesser force prior to
  - 165       resorting to the level of force necessary to counter an aggressive action by an
  - 166       offender.
- 167
- 168     • Verbal command/control (Level II)
  - 169       ○ Verbal control refers to the manner in which the deputy speaks to a person, which
  - 170       alone can manage a situation.
  - 171       ○ Verbal control includes directions, persuasion, admonitions, or orders.

- 172           ○ The volume and tone of the deputy's speech may also contribute to control without  
173           having to resort to another method of force.  
174           ○ The Sheriff's Office urges the use of verbal commands without the use of profanity or  
175           disrespectful or argumentative behavior.  
176  
177           ● Compliance techniques/Use of hands, feet knees, elbows, etc. (Level III)  
178           ○ At times, uncooperative people who refuse to be taken into custody may only respond  
179           to a combination of strength, leverage, takedowns, control holds, or come-a-longs  
180           with sufficient force to make the lawful arrest without aggravating a suspect's  
181           combativeness.  
182           ○ The object of this level of force is to gain control and enforce the suspect's  
183           compliance while minimizing the risk of injury to deputies, bystanders, or the person  
184           being placed in custody.  
185           ○ Where lesser levels of force are ineffective, deputies may employ approved  
186           compliance techniques sanctioned and taught through academy training. Where  
187           applicable, soft compliance techniques should precede hard compliance techniques.  
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#### 189 **Intermediate Weapons (Level IV)**

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- 191           ● Pepper Spray  
192           ○ The use of chemical agents is restricted to situations where higher levels of force are  
193           unnecessary and lesser levels are inappropriate or ineffective.  
194           ○ The only chemical weapon authorized for routine use is oleoresin capsicum (OC) or  
195           "pepper spray."  
196           ○ Pepper spray shall be used only to the extent necessary to overcome the resistance of  
197           the suspect within training standards.  
198           ○ Pepper spray shall not be used to threaten to elicit information or persuade people to  
199           comply with orders, nor shall they be used on people who are handcuffed, secured,  
200           and properly in custody.  
201           ○ The application of pepper spray shall be kept to the absolute minimum required to  
202           effectively control the subject.  
203           ○ Pepper spray shall not be used on persons who are visibly sick, injured, or who are  
204           having obvious respiratory problems.  
205           ▪ Applying pepper spray to such persons can result in a greatly intensified injury  
206           compared to the threat that they may present.  
207  
208           ○ See [RR 1-18, Weapons](#).  
209  
210           ● Expandable Baton  
211           ○ The expandable baton is an impact weapon and is the only authorized striking  
212           weapon for deputies.  
213           ○ The expandable baton may be used in quelling confrontations involving physical  
214           violence where higher levels of force are unnecessary or inappropriate and lesser  
215           levels are inappropriate or ineffective.  
216           ○ Deputies who carry the expandable baton shall be trained and certified in its use.  
217           ○ See [RR 1-18, Weapons](#).

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- **TASER**
  - The TASER is a less lethal alternative weapon used to gain suspect compliance by applying the TASER brand energy weapon on a subject, or firing the weapon at a subject from a safe distance through the use of compressed nitrogen, which shoots two small probes up to 25 feet.
  - The TASER may be used when necessary and appropriate to reduce the potential for death and serious injury to all persons where the suspect is displaying aggressive actions toward the deputy or others.
  - The TASER shall not be used in cases where the suspect is simply non-compliant unless reasonable and articulable circumstances exist to justify this level of force. This application of force requires detailed documentation.
  - The use of the TASER is restricted to situations where higher levels of force are unnecessary and lesser levels are inappropriate or ineffective.
  - Deputies who carry the TASER shall be trained and certified in its use.
  - See [RR 1-18, Weapons](#)).
  
- **Less Lethal Munitions**
  - Less lethal munitions are an alternative weapon used to gain suspect compliance by applying the less lethal weapon on a subject, or firing the weapon at a subject from a safe distance.
  - Less lethal munitions may be used when necessary and appropriate to reduce the potential for death and serious injury to all persons where the suspect is displaying aggressive actions toward the deputy or others.
  - The less lethal munitions shall not be used in cases where the suspect is simply non-compliant unless reasonable and articulable circumstances exist to justify this level of force. This application of force requires detailed documentation.
  - The use of less lethal munitions is restricted to situations where higher levels of force are unnecessary and lesser levels are inappropriate or ineffective.
  - Deputies who carry the less lethal munitions shall be trained and certified in its use.
  - See [RR 1-18, Weapons](#)).
  - Section 19.2-83.4., Code of Virginia, prohibits the use of kinetic impact munitions by a law enforcement officer unless the use of kinetic impact munitions is necessary to protect the law enforcement officer or another person from bodily injury.
    - Kinetic impact munitions are defined as:
      - ❖ Baton rounds such as rubber batons;
      - ❖ Bean bag rounds;
      - ❖ Foam baton rounds,
      - ❖ Plastic, wood or rubber coated projectiles.
  
- **Canine**
  - A Canine may be employed to:
    - Affect the arrest of a person(s) whom the deputy has reasonable grounds to believe committed a felony or misdemeanor, and is attempting to escape or avoid capture.

- 263           ▪ Apprehend a person who is suspected to have committed a felony or misdemeanor
- 264           and is armed with a weapon.
- 265           ▪ Apprehend a person acting aggressively toward officers.
- 266           ▪ Search a building and apprehend a criminal offender secreting him/herself within
- 267           the building.
- 268               ❖ Prior to releasing the Canine, the handler shall, if circumstances permit,
- 269               announce the Canine is being released.
- 270               ❖ Prior to releasing the Canine in a building search, the Canine handler shall
- 271               loudly and clearly announce the presence of the Canine and provide specific
- 272               instructions to the offender.
- 273
- 274           ○ The Canine shall not be used:
- 275               ▪ To apprehend juveniles believed to have only committed status offenses.
- 276               ▪ In cases where the suspect is simply non-compliant unless:
- 277                   ❖ The suspect poses an immediate threat of injury or use of deadly force toward
- 278                   others, or
- 279                   ❖ Is armed and threatening the use of a weapon, or
- 280                   ❖ In the process of committing a felony or misdemeanor, and or
- 281                   ❖ Attempting to avoid capture.
- 282

## 283 **DEADLY FORCE**

- 285           ● Use of force continuum (Level V)
- 286               ○ Deadly force is any use of force likely to cause death, regardless of the weapon used.
- 287               ○ When applying deadly force, the deputy's objective shall be to stop the threat.
- 288               Deputies may use deadly force:
- 289                   ▪ Only under a reasonable belief that the action is in defense of human life,
- 290                   including the deputy's or in defense of any person in imminent danger of serious
- 291                   physical injury.
- 292                   ▪ Against a fleeing felon only under a reasonable belief that the action is in defense
- 293                   of human life, including the deputy's or in defense of any person in imminent
- 294                   danger of serious physical injury. No other reasonable means of capture must be
- 295                   available to the deputy in this case without endangering the deputy's life or the
- 296                   life of another person.
- 297                   ▪ Imminent danger does not mean "immediate" or "instantaneous", but that an
- 298                   action is pending. In evaluating "imminent danger" the deputy must reasonably
- 299                   believe that the person:
- 300                       ❖ Possesses a weapon or is attempting to gain access to a weapon.
- 301                       ❖ Is armed and running to gain tactical advantage or cover.
- 302                       ❖ Has the capacity of inflicting death or serious physical injury and is
- 303                       demonstrating an intention to do so.
- 304                       ❖ Is attempting to escape from the vicinity of a violent confrontation in which
- 305                       he inflicted or attempted to inflict death or serious physical injury and if the
- 306                       suspect escapes, the life of the deputy or the life of another person will be in
- 307                       imminent danger of death or serious physical injury.
- 308

- 309 ○ No other safe alternative is available.
- 310     ▪ A deputy is not required to use or consider alternatives that increase danger to
- 311       themselves or others, but if a safe alternative to the use of deadly force is likely to
- 312       achieve the purpose of averting the imminent danger, deadly force is not
- 313       necessary.
- 314
- 315 ○ Verbal warning. If feasible, and if to do so would not increase the danger to the
- 316     deputy or others, a verbal warning to submit to the authority of the deputy shall be
- 317     given prior to the use of deadly force.
- 318 ○ If possible or applicable, less-lethal munition weapons should be used in lieu of
- 319     deadly force.
- 320 ○ In some escalating deadly force situations, less-lethal munitions may be justified to be
- 321     used as deadly force.
- 322 ○ If possible or applicable, the use of a Canine may be used in lieu of deadly force.
- 323 ○ Firearms may be used to kill seriously injured or dangerous animals when no other
- 324     disposition is reasonably practical. Prior to discharging a firearm for this purpose, a
- 325     supervisor's approval shall be obtained.
- 326
- 327 ● Roadblocks
- 328     ○ Deputies may set up a roadblock only in the case of a fleeing felon, and only under a
- 329       reasonable belief that the action is in defense of human life, including the deputy's or
- 330       in defense of any person in imminent danger of serious physical injury.
- 331     ○ Given the liability and constitutional considerations, roadblocks must be reasonable.
- 332       Only the Sheriff, a command officer, or in their absence, the on-duty supervisor can
- 333       order the formation of a stationary roadblock. The decision to do so shall be guided
- 334       by reasonableness. Reasonableness in this context involves several characteristics:
- 335       ▪ The nature and seriousness of the offense.
- 336       ▪ The probability of the roadblock's success.
- 337       ▪ Availability of alternatives to the use of a roadblock.
- 338       ▪ The location of the roadblock and the environmental conditions.
- 339       ▪ The existence of an adequate warning to the suspect and other drivers.
- 340       ▪ The danger posed by the suspect to the public.
- 341       ▪ The opportunity for the suspect to stop before colliding with the roadblock.
- 342       ▪ The safety of deputies establishing the roadblock.
- 343       ▪ The risk of physical injury to the occupants of the pursued vehicle.
- 344
- 345     ○ See [GO 2-9 Vehicle Operations](#), regarding the conduct of Roadblocks.
- 346     ○ A Use of Force Report shall be initiated by the supervisor in the Sheriff's Office
- 347       Records Management System, Internal Affairs, Use of Force Module prior to the end
- 348       of the shift.
- 349

## 350 **LIMITATIONS ON FORCE**

- 351
- 352 ● Section 19.2-83.4, Code of Virginia, requires law enforcement officers, while in the
- 353     performance of their official duties and witnesses another law enforcement officer



- 354 engaging in or attempting to engage in the use of excessive force against another person,  
355 if feasible, to:
- 356 ○ Intervene to end the use of force or prevent further excessive use of force;
  - 357 ○ Render aid, as circumstances objectively permit, to any person injured as a result of  
358 the use of excessive force, and
  - 359 ○ Report the excessive use of force in accordance with Sheriff's Office policies and  
360 procedures.
- 361
- 362 ● The following acts associated with the use of force are prohibited.
    - 363 ○ The use of any force considered to be inappropriate or excessive based on the  
364 circumstances;
    - 365 ○ Firing into crowds;
    - 366 ○ Firing of warning shots;
    - 367 ○ Firing from a moving vehicle;
    - 368 ○ Discharging a firearm into or at a moving vehicle is prohibited, unless the discharge  
369 of a firearm is immediately necessary to protect the law enforcement officer or  
370 another person from death or serious injury.
    - 371 ○ Firing into a building or through doors when the person fired at is not clearly visible  
372 unless deputies are being fired upon from such building or through such door.
    - 373 ○ Firing at a suspect when lesser force could be used and the deputy believes that the  
374 suspect can be apprehended reasonably soon thereafter without the use of deadly  
375 force, or when there is any substantial danger to innocent bystanders.
    - 376 ○ Application of chokehold or carotid control holds.
      - 377 ■ In accordance with Section 19.2-83.3, Code of Virginia, it is illegal to utilize any  
378 form of neck restraint with the purpose, intent or effect of controlling or  
379 restricting a person's movement or restricting a person's blood flow or breathing,  
380 unless the use of a neck restraint is immediately necessary to protect the life of the  
381 officer or another person from bodily harm.
      - 382 ■ These neck restraint techniques include:
        - 383 ❖ Choke holds;
        - 384 ❖ Carotid restraints;
        - 385 ❖ Lateral vascular neck restraints.
    - 386 ○ The continued use of force once the suspected offender is restrained or submits to law  
387 enforcement orders and is no longer a threat to the law enforcement officer or others.  
388
    - 389 ○ Use of any flashlight as batons.
      - 390 ■ A deputy may use a flashlight or other object designed for a use other than as a  
391 weapon only to defend themselves or another from imminent serious physical  
392 injury or death and then only if agency sanctioned methods are not available or  
393 are impractical.
      - 394 ■ The use of a flashlight under such circumstances may be deemed an application of  
395 deadly force.
    - 396
    - 397 ○ The carrying or use of saps, blackjacks, slapjacks.
    - 398 ○ Use of deadly force against unarmed, non-dangerous fleeing felons, fleeing  
399 misdemeanants, or traffic offenders.

- 400           ○ Any use of force not reasonably necessary in the light of the circumstances  
401           confronting the deputy.  
402           ○ Forcible enforcement action when off-duty is discouraged except when in the  
403           discretion of the deputy, circumstances are present which seriously threaten life,  
404           valuable property, or public order.  
405

## 406 **REPORTING USE OF FORCE**

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- 408           • The following uses of force shall be documented by deputy sheriffs and supervisors:  
409           ○ Any application of force using level IV level V weapons.  
410           ○ Anytime a deputy discharges a firearm either intentionally or unintentionally at or in  
411           the direction of another person.  
412           ○ Any use of force involving use of personal weapons (hands, feet, knees, elbows, etc.)  
413           involving strikes or blows to the suspect.  
414           ○ Any time a suspect must be physically taken to the ground to be detained or to affect  
415           an arrest.  
416           ○ Any time a suspect complains of or suffers any injury during or following a deputy's  
417           hands on interaction with the suspect when the injury or complaint of injury occurs  
418           prior to the suspect being released from the deputy's custody.  
419           ▪ This shall include injuries sustained or complaints of injuries received by and  
420           following the application of restraint devices.  
421  
422           ○ Any use of force utilizing a Canine, when the suspect or any other person is bitten  
423           regardless if medical attention is required.  
424
- 425           • The following actions shall require a Show of Force report be completed in the use of  
426           force module in the Sheriff's RMS:  
427           ○ Anytime a deputy points or displays a firearm at or towards another person with the  
428           intent to achieve compliance by that person.  
429           ○ Anytime a deputy points a TASER or other similar device at another person with the  
430           intent to achieve compliance by that person.  
431           ○ Anytime a deputy displays a chemical agent container at or towards another person  
432           with the intent to achieve compliance by that person.  
433           ○ Anytime a deputy displays an impact weapon at or towards another person with the  
434           intent to achieve compliance by that person.  
435           ○ Anytime a deputy discharges a firearm at an animal aggressively approaching the  
436           deputy.  
437           ▪ A Show of Force shall not be statistically reported as a use of force.  
438
- 439           • The following uses of force are not required to be documented by deputy sheriffs:  
440           ○ The simple act of grabbing a suspect attempting to leave the scene of a lawful  
441           detention or arrest.  
442           ○ Routine application of common restraining devices such as handcuffs or leg shackles  
443           during a lawful detention or arrest, when no injury is sustained or complained of.  
444           ○ Escort holds while escorting a suspect following a lawful detention or arrest.

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- When physically removing a demonstrator or clearing demonstrators from the scene of a protest or civil disturbance or riot if no injury is sustained or complained of.
  - When deputy sheriff's points or displays a firearm while conducting a search warrant or other justified search of a residence, building or vehicle during the clearing portion of the search.
  - When a deputy sheriff discharges a firearm to euthanize a suffering animal; however, an officer report shall be completed.
  - The mere act of un-holstering a firearm, TASER, chemical weapon container, or impact weapon unless such act or display is used to gain compliance.
  - Deputy Sheriffs shall:
    - Render appropriate first aid and summon EMS personnel if applicable.
    - Immediately notify the on-duty supervisor of the use of force.
    - Document the Use of Force in the incident report associated with the call that resulted in the use of force prior to the end of their shift documenting the following:
      - A specific description of level of force applied;
      - The specific actions of the suspect, prior to and during the application of force, that required the use of force utilized;
      - If any lesser level of force was attempted and the specific force attempted to include verbal commands;
      - The number of and names of other deputies present during the application of the force;
      - Description of the injury received or complained of by the suspect;
      - Any medical treatment sought and who rendered medical treatment or injury evaluation.
    - All deputy sheriffs present on scene at the time reportable use of force was applied shall write a supplemental report regarding their actions and observations to include the above information if known.
  - The supervisor shall:
    - Initiate a Use of Force entry in the Sheriff's Office Records Management System, Internal Affairs, Use Force module prior to the end of their shift.
  - Injuries sustained by Sheriff's Office personnel during training or demonstrations are not required to be documented under this policy.
  - Following a TASER deployment:
    - Always use care and proper personal protective equipment when handling TASER probes that have been removed from an individual.
    - TASER probes are designed to break the skin and they should be treated as a biohazard (see [GO 2-34 Communicable Disease](#)).
    - The TASER cartridge, including the wire bundles, blast doors, probes, and AFID tags, should be collected.

- 490 ○ AFID tags and blast doors scatter upon firing the TASER and may not be able to be
- 491 located. A reasonable effort should be made to collect these items.
- 492 ○ The probes should be inserted, point side down, into the expended cartridge.
- 493 ○ Tape should be used to secure the probes inside of the expended cartridge.
- 494 ○ The cartridge, including the probes, wire bundles, and any blast doors and AFID tags
- 495 located, should be packaged in accordance with [GO 2-15 Evidence Procedures](#).
- 496 ○ The sealed evidence bag shall be marked as a biohazard with an orange and black
- 497 “Biohazard” sticker and submitted into property and evidence in accordance with [GO](#)
- 498 [2-15 Evidence Procedures](#).

## 500 **INVESTIGATION AND DEPARTMENTAL RESPONSE**

- 501
- 502 ● In accordance with 19.2-83.5, Code of Virginia, law enforcement officers shall be
- 503 disciplined for the following:
- 504 ○ Applying or participating in the application of inappropriate or excessive use of force;
- 505 ○ Failure to intervene, if feasible, in the application of inappropriate or excessive force,
- 506 if present, during the application of such force;
- 507 ○ Failure to report known or suspected inappropriate or excessive use of force.
- 508 ○ Failure to render aid as circumstances objectively permit, to any person injured as a
- 509 result of the use of excessive force.
- 510
- 511 ● Discipline for violation of Section 19.2-83.4 may include any of the following:
- 512 ○ Dismissal/Termination;
- 513 ○ Demotion;
- 514 ○ Suspension;
- 515 ○ Transfer;
- 516 ○ Decertification as law enforcement officer.
- 517
- 518 ● Removal from duty
- 519 ○ Pending internal administrative review, any deputy whose actions or applications of
- 520 force results in death or serious physical injury of another shall, at the Sheriff’s
- 521 discretion, be removed from line-duty assignment.
- 522 ○ This action protects both the deputy's and the community's interest until the situation
- 523 is investigated and resolved.
- 524
- 525 ● Internal review
- 526 ○ A deputy’s first line supervisor, sergeant or lieutenant, shall review all Show of Force
- 527 incidents involving the pointing of a firearm or TASER, or display of a chemical
- 528 weapon device or impact weapon at or toward any person or the discharge of a
- 529 weapon at or towards an aggressive animal.
- 530 ■ The first line supervisor shall review the body camera, in car camera, TASER
- 531 cam footage of the incident if applicable;
- 532 ■ The first line supervisor shall review the deputy’s incident report;
- 533 ■ The first line supervisor shall determine if such use of force was proper and
- 534 justified and within Sheriff’s Office policy;

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- The first line supervisor shall report their findings through the Use of Force module to the respective Division Commander;
  - The Division Commander shall review the first line supervisor's use of force report and either concur with the findings or direct necessary corrective actions.
    - ❖ In the event the review determines the pointing of the firearm or TASER or display of a chemical weapon device or impact weapon was inappropriate, the finding shall be referred to the Chief Deputy through the use of force module for review and any necessary internal affairs investigation.
  - The Chief Deputy shall initiate an internal affairs investigation or review the following reported uses of force and shall report the findings and actions taken, if any, to the Sheriff:
    - Citizen complaints of inappropriate, unjustified or excessive force used by a deputy;
    - When an offender is injured following the application of any level of force;
    - The discharge of a firearm, either intentionally or unintentionally at or in the direction of another person or structure ;
    - When a deputy uses any impact or chemical weapon on an offender.
    - The use or display of any non-agency issued weapon in the line of duty.
  - The Investigations Division Commander shall initiate a criminal investigation any time a reported use of force involves the discharge of a firearm where another person is injured or killed.
  - The Investigations Division Commander shall initiate a criminal investigation, if directed to do so by the Chief Deputy or Sheriff in cases where the internal affairs investigation determines any use of force to be inappropriate.
  - Board of Inquiry
    - The Sheriff or Chief Deputy may, at their discretion, convene a Board of Inquiry to examine those cases when a deputy has taken the life of or seriously injured another person. The Board of Inquiry shall determine whether:
      - Sheriff's Office policy was violated.
      - Relevant Sheriff's Office policy was clearly understandable and effective to cover the situation.
      - Training and policy needs were adequate.
    - If a Board of Inquiry is convened, the Chief Deputy shall appoint at least four members to the board of inquiry to include:
      - A command officer holding the rank of Captain or higher, who shall serve as the board leader.
      - A certified firearms instructor, if a firearm or less lethal firearm was used by the deputy, and
      - A Sheriff's Office Armorer, if a firearm or less lethal firearm was used by the deputy, or
      - A certified instructor in the use of the Taser, if a Taser was used, or
      - A certified instructor in the use of impact weapons, if an impact weapon was used, or

- 581 ○ A certified defensive tactic instructor, if personal weapons were used, or  
582 ○ A certified driving instructor, if a Sheriff's Office vehicle was used.  
583 ○ At least Two (2) rank and file employees (one chosen by the employee under  
584 investigation).
- 585  
586 ○ The board will meet as needed until the specific incident has been fully examined.  
587 However, the board should report as expeditiously as possible to prevent delaying the  
588 conclusion for both the employee and the Sheriff.
- 589 ○ The board may call witnesses including:  
590 ○ The internal affairs investigating officer.  
591 ○ The employee under investigation.  
592 ○ Other Sheriff's Office employees.  
593 ○ Other witness from the general public.  
594
- 595 ● Disposition  
596 ○ The board will present its majority finding to the Chief Deputy in writing within five  
597 (5) working days after completion.  
598 ○ The Chief Deputy will forward the completed internal affairs investigation report,  
599 including the finding of the Board of Inquiry to the Sheriff within ten (10) working  
600 days after receipt.  
601
- 602 ● Internal investigations  
603 ○ Serious applications of force shall require two types of investigations, an  
604 administrative investigation to determine whether Sheriff's Office policies were  
605 violated and a criminal investigation to determine if criminal laws were violated.  
606 ○ The criminal investigation shall be discontinued whenever the Sheriff determines that  
607 no illegal misconduct occurred. [See RR 1-9, Complaints/Internal Affairs](#)  
608 [Investigations.](#)  
609
- 610 ● Drug/ alcohol testing  
611 ○ Immediately following the use of deadly force, or as soon as practical thereafter, any  
612 Deputy Sheriff involved in the delivery of deadly force shall submit to drug and  
613 alcohol testing to determine if he/she was impaired by drugs or alcohol at the time of  
614 the use of force incident.  
615 ○ The on-duty supervisor or employee's supervisor, or internal affairs investigator shall  
616 accompany the deputy to an approved medical facility for testing.  
617 ○ Testing shall be conducted in accordance with [GO 2-35, Alcohol/Drug Testing.](#)  
618
- 619 ● Psychological services  
620 ○ A post-shooting psychological follow-up shall be instituted by the Sheriff, whenever  
621 he deems appropriate.  
622 ○ During an internal investigation, the Sheriff's Office shall do all within its power to  
623 avoid placement of a stigma on the deputy who discharges a firearm in performance  
624 of duty.

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- Following a shooting that results in death, the deputy shall not return to duty until a psychological evaluation has been conducted, and identified counseling has been received.