



CITY OF FAIRFAX POLICE DEPARTMENT

GENERAL ORDER

Subject USE OF FORCE		Number 4-11
Effective Date November 26, 2018	Rescinds General Order 4-11, dated 8-25-18	
Accreditation Standards Sixth Edition 4.2.1, 4.2.2, 4.2.4, 4.2.5, 4.3.4	Authority Major Kenneth C. Caldwell Acting Chief of Police	

PURPOSE:

The purpose of this directive is to provide police officers with guidelines on the use of deadly and less-lethal force.

POLICY:

This department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of the department that officers use only that force that is reasonably necessary to effect lawful objectives and to effectively bring an incident under control, while protecting the lives of the officer or another as provided by the U.S. Supreme Court in *Graham v. Conner* 1989 and *Garner v. Tennessee* (1984). The use of force should not be considered routine; it is permissible only in accordance with this General Order.

Members authorized to carry weapons are issued copies of this order and instructed in the policies and procedures related to the use of force prior to being authorized to carry any weapons. All officers are provided access to departmental General Orders in paper and electronic format. Members are authorized to carry weapons according to the standards set forth by the Department of Criminal Justice Services, State Code 9.1-102.

DISCUSSION:

The following definitions shall apply to this directive:

DEADLY FORCE: Any use of force that is likely to cause death or serious bodily harm.

DE-ESCALATION: De-escalation is an attempt to achieve a positive outcome, where neither the officer nor the subject is injured, through the utilization of communication, empathy, instinct, and sound officer safety tactics skills.

EXCITED DELIRIUM SYNDROME: A condition that manifests itself as a combination of delirium, psychomotor agitation, anxiety, hallucinations, speech disturbances, disorientation, violent and bizarre behavior, insensitivity to pain, elevated body temperature and superhuman strength.

IMMINENT THREAT: A physical threat where there is substantial, impending, and articulable danger.

LESS-LETHAL FORCE: Any use of force other than that which is considered deadly force.

REASONABLE BELIEF: A belief formed by a reasonable and prudent police officer or person after consideration of available facts, circumstances and general knowledge regarding a particular situation.

SERIOUS BODILY HARM: A serious permanent disfigurement or long term loss or impairment of the function of any bodily member or organ.

PROCEDURE:**I. USE OF FORCE GENERAL:**

- A. Officers are only authorized to use an objectively reasonable amount of force to overcome resistance when taking lawful action. Officers are expected to assess each incident, based on policy, training, and experience, when determining which use of force options may be appropriate in bringing the incident to a safe conclusion. In determining whether force is objectively reasonable, officers must pay careful attention to the totality of circumstances in each particular case including but not limited to:
1. Whether the individual poses an immediate threat to the officer or others
 2. The severity of the crime
 3. Whether the individual is actively resisting or attempting to evade arrest
 4. Weapons involved
 5. Presence of other officers or individuals
 6. Training, age, size and strength of the officer
 7. Training, age, size and perceived strength of the individual
 8. Environmental conditions
- B. Officers may use force to:
1. To protect themselves from physical harm;
 2. To protect others from physical harm;
 3. To affect a lawful detention;
 4. To affect a lawful arrest;
 5. To conduct a lawful search.
 6. To restrain or subdue a resistant individual.
 7. To bring an unlawful situation safely and effectively under control.
- C. If it is not already known by the subject to be detained, arrested, or searched, officers should, if reasonable make clear their intent to detain, arrest, or search the subject. When not in uniform or readily identifiable as police officer, officers should identify themselves as a police officer before using force.

II. PARAMETERS FOR USE OF DEADLY FORCE

- A. Police officers are authorized to fire their weapons/use deadly force in order to:
1. Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily harm.
 2. Prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose an imminent threat to human life should escape occur.

- B. Before discharging a firearm, police officers should identify themselves and give a command to halt (such as: Police Don't Move / Police Get Down / Police Drop the Gun/ Police Drop the Knife / Police Put Your Hands Up), or other appropriate commands and state their intent to shoot, when feasible.
- C. A police officer may also discharge a weapon under the following circumstances:
1. During range practice, competitive events or training activities.
 2. To destroy an animal when:
 - a. The animal represents an imminent threat to public safety or officers.
 - b. Necessary as a humanitarian measure where the animal is injured to such an extent that its destruction becomes necessary to prevent further suffering and reasonable attempts to obtain assistance from an Animal Control Officer, humane society or animal hospitals have been exhausted.
 - c. In both cases the duty supervisor is to be notified of the situation and the officer is to seek permission prior to using the weapon if at all possible.
- D. In any case where deadly force is used the officer will summon immediate emergency medical personnel to the scene, as soon as it is safe to do so, for the treatment of any person injured. Officers should always render aid to all injured persons when safe to do so. Supervisors are to ensure that all medical aid requirements are met and documented.
- E. Police officers shall adhere to the following restrictions:
1. Except for maintenance or during training, police officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.
 2. Warning shots are prohibited.
 3. Police officers should not fire their weapons from a moving vehicle.
 4. Police officers may fire their weapons at moving vehicles only in circumstances where the use of deadly force is permitted under this General Order.
 5. Where feasible, officers should be conscious of their surrounding environment, especially that which is in the close vicinity of or beyond the imminent threat, prior to discharging their firearm(s). Such measures are prudent to decrease the likelihood of injury to an innocent person.
- F. Police officers are only authorized to carry/use the weapons listed in Attachment "A" of this General Order, provided that all individual training/qualification requirements have been met.
- G. Nothing in Section E or F above is meant to prohibit the carrying or use of a sporting firearm or individually owned rifle, shotgun or handgun used for sport, hunting, or non-police activity, while off duty.
- H. Members of the Emergency Services Team called to an incident are under the same parameters for the use of deadly force as described in this section unless instructed otherwise by the Police Incident Commander, Chief of Police, or their designee. If such directions are given, clear rules of engagement must accompany the order and such orders documented in writing in the resulting Case Report or Emergency Services Team After-Action Report.
- I. In accordance with VA State Code 52.28.2, any officer involved shooting resulting in the death or serious bodily injury of another, shall be denoted on an Officer-Involved Shooting Form (See Attachment B) and forwarded to the Virginia State Police within 30 days of the incident.

III. PARAMETERS FOR USE OF LESS LETHAL FORCE

- A. Where deadly force is not authorized, but force is required, officers must assess the incident in order to determine which less-lethal technique or weapon will best de-escalate the incident and bring it under control in the safest manner.
- B. Physical force control techniques are authorized uses of less-lethal force. Unless specifically prohibited by policy, members are authorized to use physical force control techniques taught in department sponsored training. Authorized control techniques include:
 - 1. Open hand control techniques.
 - 2. Closed hand control techniques.
 - 3. Pain compliance control techniques.
- C. Any physical restraint technique which may have a tendency to restrict the suspect's ability to breath or which may restrict the flow of blood to a suspect's brain, have a high potential for injury and are, therefore, not authorized as less-lethal force options.
- D. Officers are authorized to use department approved less-lethal force options and issued equipment for resolution of incidents, (when objectively reasonable) as follows:
 - 1. To protect themselves or another from physical harm.
 - 2. To restrain or subdue a resistant individual.
 - 3. To bring an unlawful situation safely and effectively under control.
 - 4. To affect a lawful arrest.
- E. In any case where less-lethal force is used and an injury results, the officer will summon immediate emergency medical personnel to the scene, as soon as it is safe to do so, for the treatment of any person injured. Supervisors are to ensure that all medical aid requirements are met and documented.
- F. Any time a suspect is struck with any less-lethal projectile or weapon, they are to be checked out by medical and/or Fire/Rescue personnel, even though an injury is not readily apparent.
- G. Members are only authorized to carry/use the less-lethal weapons listed in Attachment "A" of this General Order, provided that any training/qualification requirements have been met.

IV. DE-ESCALATION

- A. De-escalation is an attempt to achieve a positive outcome, where neither the officer nor the subject is injured, through the utilization of communication, empathy, instinct, and sound officer safety tactics skills. In keeping with *Graham v. Connor* 1989, officers must constantly weigh the proportionality of their actions against threats or resistance of others during an incident. It must be understood that officers are sometimes forced to intervene quickly to ensure the safety of others. However, officers must ensure that they utilize tactically sound techniques and actions in order to bring an incident to a safe conclusion. At times, it may be necessary for the officer to create distance and utilize cover to slow down situations in which there is not an immediate threat to others. This also allows time for other officers to respond to the scene to assist. As time allows, officers should collect information, assess the situation's threats and risks, consider legal matters, and reflect on agency policies. Additionally, options can be identified and a best course of action can be determined. As the situation unfolds officers should continue to review and reassess information, threats, legal matters, and policies and remain flexible should new information dictate a different course of action.

- B. Officers trained in crisis intervention may be beneficial during critical incidents. Creating more time through the utilization of communication, empathy, instinct, and sound officer safety tactics affords supervisors the opportunity to respond and provide guidance over the situation. Whenever possible, officers should seek to utilize de-escalation strategies to prevent situations from deteriorating to the point where they would need to use force. Officers should attempt to gain voluntary compliance and reduce the level of force required in a situation through verbal communication efforts. When force is applied, officers will adjust the amount of force used to overcome an individual's resistance and to gain control.
- C. De-escalation techniques should be included in all departmental use of force training and documented appropriately in all submitted lesson plans.

V. TRAINING AND QUALIFICATIONS

- A. All proficiency training sessions for lethal and less-lethal force options shall be monitored by certified weapons or tactics instructors who will document the training and the proficiency of each member being trained. Members must receive all use of force policies and related instructional material prior to receiving authorization to carry lethal and less lethal weapons. Upon receiving all rules and regulations regarding the use of force, and after demonstrating proficiency with the weapon, members will sign a Lethal/Less-Lethal Weapon Policy and Curriculum Receipt (PD-7). The PD-7 will then be signed by the instructor and forwarded to the Professional Standards Division.
- B. Deadly weapons:
 - 1. While on and off duty, police officers shall carry only weapons and ammunition authorized by and registered with the department for police purposes. EXCEPTION: Sporting firearms used for sport, hunting, or non-police activity while off duty (as listed in Section I.G. of this order).
 - 2. Authorized weapons are those with which the police officer has qualified and received departmental training on proper and safe usage, and that are registered and comply with departmental specifications.
 - 3. Officers issued firearms after December 20, 1996 sign a Firearm & Responsibility Receipt (PD-4) when being issued any personally assigned firearm. This receipt acknowledges the officer's responsibilities concerning the control, security and condition of the firearm while in their custody.
 - 4. The department shall schedule regular training and qualification sessions for duty, off-duty and specialized weapons, which will be graded on a pass/fail basis or other minimum proficiency level established by the department, Department of Criminal Justice Services, or by law.
 - 5. All members authorized to utilize deadly or less-lethal force must attend an annual training review on the department's use of force policy.
 - 6. Sworn members may receive this review during the regular scheduled firearms qualifications or during special roll call training periods. The training is documented via the lesson plan and Firearms Qualification Card if done during qualification or by use of a PD-161 Training Documentation Form if done by a supervisor or during roll call training. In either case the documentation forms are forwarded to the Professional Standards Lieutenant upon completion of the training.
 - 7. Other members receive training from their immediate supervisor, with the training being documented by use of the PD-161 Training Documentation Form and forwarded to the Professional Standards Lieutenant.
 - 8. Officers who fail to receive a passing score with their duty weapon(s) in accordance with department testing procedures shall be required to follow the retesting procedures in General Order 5-7 and may be relieved of their police powers and immediately reassigned to non-enforcement duties should they not be able to meet re-qualification mandates. In this circumstance, the police officer shall not be permitted to carry any weapon with which they have not been able to qualify.

9. An officer who has taken extended leave (30 days or more) or suffered an illness or injury that could affect their ability in the use of firearms may be required to re-qualify before returning to enforcement duties if a regularly scheduled qualification date was missed. (See General Order 5-7.)

C. Less Lethal force weapons:

1. Members authorized to carry/use less-lethal weapons are not authorized to carry/use said weapon unless they have been trained in its use, have demonstrated proficiency, completed annual use of force training and demonstrated continued proficiency during biennial training. Members who are authorized to carry a Conducted Electrical Weapon (C.E.W.) shall receive training on its use and demonstrate proficiency annually.
2. Members of the Emergency Services Team are authorized by the Chief of Police to carry certain other less-lethal weapons after demonstrating levels of proficiency established by the Emergency Services Team (E.S.T.) Commander. Documentation of proficiency is sent to the Professional Standards Lieutenant. A list of all currently authorized less-lethal weapons is posted by confidential memorandum inside the E.S.T. Armory. The E.S.T. Commander is responsible to ensure that only qualified officers use less-lethal weapons from this list. This training shall be conducted on an annual basis.
3. Members shall not be permitted to carry any less-lethal weapons with which they have not been able to qualify during the most recent qualification period.
 - a. Members who fail to qualify with less-lethal weapons shall receive immediate instruction from the appropriate instructor and take the proficiency test a second time.
 - b. The proficiency tests shall be documented and a copy sent to the Professional Standards Lieutenant and kept on file.
 - c. If the member does not qualify after the second attempt, the instructor shall immediately notify the appropriate Division Commander who shall immediately notify the employee that they are not authorized to use the device and must turn it in to the Property and Evidence Officer until re-qualified. Additionally, instructors are to complete a departmental memorandum documenting an officer's failure to qualify and submit this document to the Training Lieutenant.
 - d. Any member failing to qualify will be scheduled for an additional individual training period within seven additional workdays and must pass the proficiency test twice, passing each time prior to being re-issued and authorized to carry the less-lethal weapon.
 - e. Any member failing to qualify on the third attempt is subject to administrative action with appropriate procedural guarantees. Probationary members may be dismissed from duty at this stage, without further cause and without procedural guarantees.
 - f. Any non-probationary members suspended by administrative action for failure to qualify are allowed an additional 20 calendar days from the date of effective suspension to qualify.
 - g. Failure to qualify after this additional 20 calendar day time period could result in administrative action resulting in discipline.
 - h. Instructors ensure that any remedial training and requalification attempts are documented and forwarded to the Professional Standards Lieutenant to be placed in the member's training file.

VI. LESS-LETHAL DEPLOYMENT PROCEDURES

A. Less-lethal shotgun and approved impact projectile.

1. Only Remington 870 shotguns marked "Less-Lethal" and approved impact projectiles issued by the department shall be used by department employees. Less-lethal shotguns are dedicated-use weapons

- and are strictly reserved to only fire impact projectiles. Less-lethal shotguns will be stored unloaded in their approved cases when they are not located in a police vehicle's weapon locking system. Proper care shall be taken to ensure that only approved impact projectiles are stored in the less-lethal shotgun case. Officers should check their assigned weapon and ammunition regularly.
2. The less-lethal impact projectile is designed to offer officers an alternative to deadly force. The use of the less-lethal impact projectile is not appropriate in every situation and other options should be considered if it is not readily available and a delay in action would be detrimental to resolving an incident.
 3. The less-lethal impact projectile may be used to resolve potentially violent situations thereby reducing the likelihood of serious physical injury or death to all persons. The less-lethal impact projectile should only be used when a C.E.W. is not readily available at the scene and immediate police action becomes necessary, or when there is a reasonable belief that it is unsafe for officers to approach within physical contact range or C.E.W. range and the subject has an immediate ability to utilize force likely to cause death or serious physical injury to himself or others.
 4. Instances where the use or availability of a less-lethal impact projectile may be effective would include but not be limited to:
 - a. Suspects who are armed with weapons other than firearms.
 - b. Suspects who are actively resistant and/or under the influence of drugs or alcohol where there is also a reasonable belief that it would be unsafe to approach within physical contact range or C.E.W. range.
 - c. Persons threatening to injure themselves or commit suicide in the presence of the officer and who are armed with a weapon or are otherwise capable of carrying out their intent while holding officers at bay.
 5. It shall be the responsibility of the operator to visually and physically inspect the less-lethal shotgun and ammunition to ensure that prior to loading, the weapon is unloaded, and only the appropriate impact projectiles are used for deployment. Whenever practical, a second officer will inspect the less-lethal shotgun and impact projectiles prior to loading.
 6. All units shall be advised by radio when the less-lethal shotgun is deployed during any police incident. Prior to each discharge of less-lethal shotgun ammunition, the officer intending to discharge the weapon shall give verbal notification to area units by announcing "LESS-LETHAL" in a loud clear tone. As with any impact weapon, the officer responsible for delivering the projectile must assess the effectiveness of each impact as well as the level of suspect compliance prior to any subsequent use of force.
 7. Less-lethal impact projectiles should be deployed and discharged from behind cover or at a safe distance. At all times, a cover officer shall be in position to engage the subject with deadly force if necessary.
 8. Intentional impact to the head, neck, throat or groin is not authorized unless deadly force is intended. Deployment of impact projectiles should occur at ranges between 10-20 yards.
- B. Conducted Electrical Weapon (C.E.W.)
1. Officers have access to a variety of weapons and related tactical devices intended to control violent persons and/or neutralize deadly and non-deadly threats. Among these weapons and devices is the department issued C.E.W. Qualified officers who are confronted by dangerous and/or violent persons are authorized to use the C.E.W. in accordance with the provisions of this order. This policy does not create a duty to use the C.E.W. in lieu of other weapons or devices.
 2. There are three ways in which the C.E.W. may be used:

- a. Spark Display - A non-contact demonstration of the C.E.W.'s ability to discharge electricity. This is accomplished only when the cartridge has been removed from the C.E.W. unit. The purpose of this display is to convince the subject to comply with a lawful order and avoid the C.E.W. being deployed in the "Direct Contact" or "Cartridge Discharge" mode.
 - b. Drive Stun - Contact is made by pressing the front of the C.E.W. (cartridge removed or after cartridge has been fired) into the body of a subject actively resisting lawful orders and posing a threat to the officers or others, and activating the C.E.W. The drive stun causes significant localized pain to the area touched by the C.E.W. but does not have a significant effect on the central nervous system. The drive stun does not incapacitate a subject but may assist in taking a subject into custody or controlling a combative prisoner. If the C.E.W. is fired using the cartridge at a distance of less than three feet, the effect will be very similar to a drive stun.
 - c. Cartridge Discharge - The C.E.W. is most effective when the cartridge is fired and the probes/darts make direct contact with the subject. Proper application will result in temporary immobilization of the subject and provide the officer a "window of opportunity" in which to take the subject safely into custody. Optimum range for probe deployment is 7-15 feet with a maximum effective distance of 21 feet. Deployment of the C.E.W. cartridge at distances of less than three feet will not result in temporary immobilization or central nervous system disruption; rather the effect will be similar to a drive stun.
3. In order for the weapon to be effective, both probes need to make contact with the target. Thick or loose clothing interferes with the transference of energy and may cause the C.E.W. to be less effective. C.E.W. operators should aim the weapon at an area of the body containing a large amount of muscle mass where the suspect's clothing fits the tightest. Primary targets include the center mass of the back, abdomen (i.e., lower center-of-mass of front torso below the chest) and the suspect's legs.
 4. The C.E.W., like other less-lethal devices and use of force control techniques, may not be effective in every situation. Officers must continually assess the effectiveness of each individual application of the C.E.W. in order to determine if further applications are warranted or if a different tactic or weapon should be employed. The officer deploying the C.E.W. is responsible for determining the necessity of the initial and each subsequent application and will be required to articulate his or her actions. The decision to use multiple applications of the C.E.W. on a subject is dependent upon the actions of the individual, compliance to verbal commands, the continued threat of bodily harm, and the totality of the circumstances surrounding the incident. In general, no more than three C.E.W. applications are permitted on the same subject. A rare exception to this rule would be if the subject continues to be a significant and immediate risk to the safety of the officers attempting to make the arrest. Officers deploying the C.E.W. are responsible for ensuring that the C.E.W. is not deployed in a punitive manner.
 5. The C.E.W. *may* be deployed if any one of the following conditions exists:
 - a. To control or affect the lawful arrest of a threatening, dangerous, or violent suspect when there is a threat or risk of injury to the officer or the public
 - b. When there is a reasonable expectation that it will be unsafe for officers to approach within physical contact range of a suspect.
 - c. To defend the officer or others from assaults and other threats.
 6. The C.E.W. *shall not* be deployed:
 - a. On any person passively resisting, or exhibiting nonviolent resistance, unless the suspect presents a risk or threat of injury to the public or the officer. This shall apply to both unrestrained and restrained persons.
 - b. In tandem with secondary C.E.W.s on a single target.

- c. When the officer knows a subject has come in contact with flammable liquids (including alcohol based OC/CS) or is in a flammable atmosphere.
 - d. When the subject is in a position where a fall from an elevated position may cause serious injury or death.
 - e. When the subject is visibly pregnant, unless deadly force is the only other option.
 - f. On any person known or believed to be suffering from a heart condition unless deadly force is the only other option.
 - g. When the subject is operating a motor vehicle and the vehicle is in any gear other than park.
 - h. When the subject is holding a firearm.
 - i. On individuals that are physically immature or frail (under five (5) feet tall and weighing less than 100 pounds).
 - j. In a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force.
7. Officers shall not intentionally target sensitive areas such as the head, neck, groin, upper chest/breast area, or any area of known, pre-existing injury, without legal justification. The preferred target area for a discharge targeted to the front of a suspect's body is lower center mass (below upper chest) and below the neck area for a discharge targeted to the back of a suspect's body.
 8. Multiple C.E.W.s should not be discharged simultaneously on a single suspect. However, if the initial device is deemed ineffective, a deployed back-up unit may be discharged immediately thereafter.
 9. When practical, all units will be advised by radio when the C.E.W. is deployed during any police incident. When practical, officers deploying a C.E.W. are to precede their firing, spark displays, and/or aiming of the C.E.W.'s laser sight with verbal commands, in an attempt to gain compliance from the suspect. The following procedures apply to incidents requiring the discharge of the C.E.W.
 - a. When practical, the officer discharging a C.E.W. cartridge will shout the word "Taser" immediately prior to discharging the device, in order to alert other officers on the scene that a discharge is imminent.
 - b. As soon as practical, after the suspect's arrest, the duty supervisor shall be notified of the use of the C.E.W. and Rescue personnel shall be summoned so that the suspect's medical condition can be assessed. This requirement applies in ALL cases where a C.E.W. has been used to apply force, regardless of whether there is an actual, perceived, or alleged injury.
 - c. During the medical assessment, an effort will be made to determine whether the C.E.W. probes penetrated the suspect's skin. If they did, the C.E.W. officer is to remove any imbedded probes after the arrival of Rescue personnel, when practical. The removal of any imbedded probe shall be treated as a potential biohazard situation and any officer responsible for removing probes must wear protective gloves and perform decontamination procedures as appropriate. Only qualified medical personnel are to remove probes coming into contact with the suspect's face, head, neck, breast, groin, and/or probes determined to be deeply imbedded in the suspect's skin. After the probe(s) are removed from the suspect's skin, the area must be cleaned and bandaged by qualified Rescue/Medical personnel.
 - d. In most cases, transport of the suspect to a medical facility will not be necessary. However, transport becomes mandatory in any case where:
 - The suspect requests transport, or qualified Rescue/Medical personnel recommend it, OR

- The suspect was struck by the C.E.W. in the head, neck, or groin, OR
 - The suspect is discovered to be pregnant or suffering from a heart condition, OR
 - The suspect complains of (or appears to be suffering from) chest pains, irregular heartbeat, difficulty breathing, and/or diminished consciousness, OR
 - Displaying signs of Excited Delirium Syndrome, OR
 - Any probe or portion thereof was not removed from the suspect by the C.E.W. officer, OR
 - The suspect has sustained a secondary injury that cannot be adequately treated by paramedics at the scene.
- e. If the suspect is transported to a hospital or other medical facility, the officer who maintains custody at that facility shall obtain a written medical release upon the suspect's discharge.
- f. Following any tactical use of a C.E.W. in the cartridge discharge mode, the duty supervisor shall ensure the following tasks are completed.
- Collect expended cartridges, probes, and a limited number of Anti-Felon Identification (AFID) microdots and submit these items to the Property and Evidence Officer in accordance with standard evidence submission procedures. The probes shall be inserted into the spent cartridge ports and taped in place. Evidence packaging shall be consistent with any potential biohazard and marked accordingly.
 - If a TaserCam unit is deployed, collect the unit and place it into evidence in a separate envelope for the purpose of downloading the video/audio footage. The download will be completed as soon as practical and the TaserCam unit will be returned to the officer unless circumstances dictate otherwise.
 - If possible, take photographs of the areas of the suspect's body that were impacted by the C.E.W. probes, to include:
 - (a) Photos of probes still embedded in the suspect's skin prior to their removal, if such photographs can be taken without delaying the removal, AND
 - (b) Photos of the same areas of the suspect's body after successful removal of the probes, OR
 - (c) if probes did not penetrate the suspect's skin, photos of the areas believed to have been struck by the probes, showing that no penetration occurred, OR
 - (d) if a direct contact stun was executed or attempted with the C.E.W., photographs of the area where the direct contact stun impacted the suspect's body, or was intended to strike the suspect's body.

C. ASP TACTICAL BATON

1. Officers are authorized to use the ASP baton or other authorized baton as a less-lethal weapon against any violent or potentially violent suspect. When feasible, baton strikes shall be preceded by verbal commands. Officers must continually assess the level of suspect compliance to commands prior to each strike administered. Strikes to areas of the head, neck, and groin are considered deadly force and are only authorized under those circumstances.
2. As soon as practical after the suspect's arrest, Rescue/Medical personnel shall be summoned so that the suspect's medical condition can be assessed. This requirement applies in ALL cases where a baton has been used to apply force, regardless whether there is an actual, perceived, or alleged injury.
3. All suspect or prisoner injuries or complaint of injury shall be investigated and documented in accordance with the policy listed below.
4. Any use of force involving the ASP baton will be reported according to this order.
5. Officers who deploy and expand the baton shall close the baton out of the sight of non-police personnel unless tactics or officer safety issues require an immediate closure of the baton. This procedure is to minimize negative images of the baton to non-trained observers.

D. CHEMICAL AGENTS

1. Only authorized chemical agents and dispensers issued by the department are authorized for use.
2. Authorized chemical agents may be used when it is reasonably necessary to overcome resistance to a lawful arrest or mental custody situation, to defend an officer or other person from assault, to prevent the escape from lawful custody, or to restore order given an unlawful assembly or riotous condition.
3. Direct application dispensers should be deployed at the subject's face.
4. Any subject in custody that is exposed to a chemical irritant shall undergo decontamination procedures and shall be examined by Rescue/Medical personnel. Refusal to undergo decontamination procedures shall be documented in the Case Report and the In-Custody Report (PD-120).
5. Officers transporting individuals to a detention facility that have been exposed to chemical irritants shall position them in such a manner that their body position does not restrict their ability to breath. Additional care shall be taken with overweight or obese individuals as they are at greater risk of experiencing respiratory problems.
6. Any use of force incident involving the use of a chemical irritant shall be reviewed by a supervisor and documented via a Case Report and In-Custody Report (PD-120).
7. Approved members will receive biennial training in the use of chemical irritants. The instructor will document the successful completion of the training on a City of Fairfax Training Documentation Form (PD-161) and forward it to the Professional Standards Lieutenant.

E. UNAUTHORIZED WEAPONS

1. The carrying or use of black jacks, saps, lead lined gloves, or other unauthorized weapons by any member is prohibited.
2. Officers may however carry a folding pocket knife for utility purposes only.

VII. CASE REPORTING REQUIREMENTS

- A. A written report prepared according to departmental procedures is required in the following situations:
 1. When a firearm is discharged outside of the firing range, training, or sporting activity (see G.O. 4-12).
 2. When a use of force results in actual death or actual or claimed injury (Case Report and PD-120 In-Custody Report).
 3. When a lethal or less-lethal weapon is used on a person (Case Report and In-Custody Report PD-120).
 4. Whenever physical control or weaponless physical force is exerted over a person (PD-120 In-Custody Report).
 5. When a firearm is pointed at a person by an off-duty officer (See G.O. 4-12).
- B. A supervisor will be immediately summoned to the scene and will comply with investigative and reporting procedures as required by the department in the following situations.
 1. When a firearm is discharged outside of the firing range, training, or sporting activity.
 2. When a use of force results in death, injury or actual or claimed injury per below listed policy.
 3. When any lethal or less-lethal weapon system is used as a means of force.

4. When force is used by an off-duty officer (See G.O. 4-12).
- C. All police incidents involving the intentional or unintentional discharge(s) of a C.E.W. or less-lethal shotgun shall be reported to a supervisor, who in turn shall ensure the incident is properly documented (See also G.O. 3-16, Employee Accident/Injury and G.O. 4-9, Prisoner Transport). Where the discharge involved a use of force, a PD-120 In-Custody Report will be attached to the Case Report and shall be forwarded to the Chief of Police through the chain of command. A copy of the Case Report will also be retained by the PSD Commander for review.
- D. A spark display conducted during a tactical incident is considered a display of force and each instance shall be documented in a Case Report. Reports involving a C.E.W. shall identify the C.E.W. and any expended cartridges by their unique serial numbers. Case Reports should also include the specific number of weapon discharges and the location on the suspect's body where impact occurred. The serial number and number of discharged rounds shall be included in cases involving the discharge of a less-lethal shotgun.
- E. All suspect or prisoner injuries or complaint of injury shall be investigated and documented by a supervisor in accordance with the below listed policy.
- F. The Professional Standards Division (PSD) Commander shall conduct a basic use of force review, as well as assess whether any related policy, training, or equipment issues should be addressed. In cases involving the discharge of a C.E.W., the PSD Commander shall download all pertinent information from the C.E.W.'s internal data system.
- G. In addition to each use of force review by the PSD Commander, each Division Commander with officers under his/her authority assigned a C.E.W. shall conduct biannual inspections of these C.E.W.s. The inspection shall consist of an overall condition check of the C.E.W. and a download of all pertinent information from the C.E.W.'s internal data system. These inspections are considered line inspections and should be pre-announced in accordance with G.O. 1-8 (C). At the conclusion of the inspection, Division Commanders shall submit a memorandum through their chain of command to the Chief of Police for review and inclusion in the department's inspection master files. These inspection reports will document findings and any corrective action taken, if any. Any suspected misuse of an issued C.E.W. may trigger an administrative investigation.

VIII. DEPARTMENTAL INVESTIGATION AND RESPONSE

- A. All use of force investigations involving an injury, complaint of an injury or death will be handled in the following manner:
 1. Incidents involving **minor injury, possible head injury, complaint of injury** and/or **medical treatment is refused**. EXCEPTION: The mere complaint of pain or discomfort caused by routine and proper handcuffing techniques is an exception to this specific reporting requirement and will not necessitate an administrative investigation provided that there is no alleged or clearly apparent injury.
 - a. Investigation Authority: First Line Supervisor.
 - b. Documentation: A.I. Short Form.
 2. Incidents involving injury requiring treatment provided by the hospital or rescue personnel requires consultation with the Division Commander to determine level of investigation.
 - a. Investigating Authority: First line supervisor or higher after consultation with the Division Commander.
 - b. Documentation: A.I. format or A.I. Short Form with Division Commander's approval.
 3. All deadly force incidents or injuries to prisoners or others resulting in serious bodily injury will be investigated in accordance with G.O. 4-12 of this manual. Serious bodily injury is determined by the

- Division Commander after consulting with the on-duty supervisor and medical personnel and includes any injury requiring admittance to the hospital.
4. Use of force cases involving attacking animals resulting in death or injury to the animal are to be investigated by a Division Commander designated by the PSD Commander.
 - a. Investigating Authority: Division Commander designated by the PSD Commander.
 - b. Documentation: A.I. format.
 - B. In all cases the documentation is in addition to the Case Report completed by the officer. The report should include details of the reason for the use of force as well as the In-Custody Report (PD-120).
 - C. If at any time the investigating authority determines there is reasonable suspicion that a crime was committed by a department member, the Chief of Police and PSD Commander are informed and the Criminal Investigations Division is included in the investigation.
 - D. Administrative review of critical incidents:
 1. All reported uses of force will be reviewed by the Chief of Police or his designee to determine whether:
 - a. Departmental rules, policy or procedures were violated.
 - b. The relevant policy was clearly understandable and effective to cover the situation.
 - c. Department training is currently adequate.
 2. Any official action or use of force resulting in a death or serious physical injury shall cause the removal of the involved member(s) from line-duty assignments pending a report of findings to the Chief of Police.
 3. All reports shall be retained as required by state law.
 4. All In-Custody Reports are reviewed by the officer's immediate supervisor and forwarded to the Professional Standards Division for inclusion in the department's use of force database.
 5. The Professional Standards Division Commander conducts an annual analysis of all use of force incidents and PD-120 In-Custody Reports, focusing on date and time of incidents, types of encounters resulting in use of force, trends or patterns related to race, age and gender of subjects involved, trends or patterns resulting in injury to any person including employees, and the impact of these findings on policies, practices, equipment, training and officer safety issues. Once completed the report is forwarded to the Chief of Police for review and implementation of recommendations for changes in policy, procedure, or training if deemed necessary.
 6. The PSD Commander conducts an annual review of all assaults on law enforcement officers to determine trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues.

Major Kenneth C. Caldwell / Acting Chief of Police

Attachment A: [Approved Use of Force Weapons](#)

Attachment B: [SP-323](#)

Index as: Authorized Weapons/Qualification
C.E.W.

Conducted Electrical Weapon
Deadly Force
Force, Use of
Less-Lethal Force
Less-Lethal Shotgun
Less-Lethal Weapons/Qualification
Prohibited Weapons
Use of Force
Use of Force Review
Weapons