



RICHMOND POLICE DEPARTMENT GENERAL ORDER



Subject: USE OF FORCE	Chapter 1	Number 5	# Pages 18
CALEA Standards: 1.2.10, 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6, 4.1.7, 4.2.1a, 4.2.1b, 4.2.1c, 4.2.3, 4.2.4a, 4.2.4b, 4.2.4c, 4.2.4d, 4.2.4e, 4.2.5, 4.3.4, 11.3.4a, 11.3.4b, 11.3.4c, 11.3.4e, 11.3.4f, 33.5.1 VA Code: §19.2-83.3, 19.2-83.4, 19.2-83.5, 19.2-83.6	Related Orders: 1-6, 1-7, 1-8, 1-9, 1-20, 4-9, 6-22 EO 19-11, EO 20-18, EO 20-29	Effective Date: 07/18/2023 Revised By: PD-132 Prv. Rev. Date: 04/16/2021	

Chief of Police:

I. PURPOSE

The purpose of this directive is to provide sworn officers with basic and legal guidelines on the use of deadly and non-deadly force to protect the life of the officer and the public's safety.

II. SUMMARY OF CHANGE

This revision changes the name of the Officer Involved Incident Team (OIIT) back to the common name of the Force Investigation Team (FIT). CALEA standard 4.2.3 addresses any employee whose actions result in death, or serious injury be removed from operational assignment pending an administrative review. Recommendations from the Use of Force Review Board have been updated. All changes will be bold and italicized throughout the document.

III. POLICY

It is the policy of the Richmond Police Department to provide basic guidelines governing the use of force, so officers can be confident when exercising judgment as to the use of deadly and non-deadly force. Officers are routinely confronted with situations where force must be used to make an arrest and to protect the public's safety. To minimize the escalation of force by the suspect when an officer is making an arrest, the officer(s) should first attempt to achieve control through verbal commands and/or persuasion, when practical. Using reasonable force may become necessary in situations that cannot otherwise be controlled. When resistance to police action or a threat to human life is encountered, and reasonable alternatives have been exhausted, reasonable force may be employed. Based upon the situation's circumstances, only that force which is reasonable and necessary to accomplish lawful objectives, while preventing injury and protecting the life of the officer and/or others shall be applied. The force used to gain control of a

situation will be used with restraint and in proportion to the legitimate objective to be achieved. [CALEA 4.1.1]

Officers involved in a use of force incident will only review body worn camera video of the incident involving use of force after submitting all necessary use of force documentation and reports. Immediately after those reports are submitted, the officer will review the video of the incident with their supervisor. If there are any discrepancies between the officer's report and the video, the supervisor will explain in the supervisor's investigation report. In cases involving deadly force, only those directly involved in the *FIT* investigations will review any body-worn camera video.

IV. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this General Order. Responsibility rests with the Division Commander to ensure that any policy violations are investigated and appropriate training, counseling and/or disciplinary action is initiated.

This directive is for internal use only and does not enlarge an employee's civil liability in any way. It should not be construed as creating a higher standard of safety or care in an evidentiary sense concerning third-party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department and then only in a non-judicial administrative setting.

V. DEFINITIONS (Pursuant to Virginia Code §19.2-83.3)

- A. **DEADLY FORCE** – Any use of force that is likely to cause death or serious bodily injury, including but not limited to the use of a firearm or a strike to the head with a hard object.
- B. **EXCESSIVE FORCE** – Any force that is objectively unreasonable given the totality of the circumstances, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- C. **KINETIC IMPACT MUNITIONS** – Includes impact rounds, such as rubber batons, bean bag rounds, foam baton rounds, and plastic, wax, wood, or rubber-coated projectiles.
- D. **NECK RESTRAINT** – The use of any body part or object to attempt to control or disable a person by applying pressure against the neck, including the trachea or carotid artery, with the purpose, intent, or effect of controlling or restricting the person's movement or restricting the person's blood flow or breathing, including chokeholds, carotid restraints, and lateral vascular neck restraints. Virginia Code §19.2-83.4
- E. **NON-DEADLY FORCE** – Any use of force that is neither likely nor intended to cause death or serious bodily injury.

- F. **REASONABLE BELIEF** – When facts or circumstances the officer knows, or should know, are such as to cause a reasonable or prudent officer to act or think similarly under similar circumstances.
- G. **REASONABLY NECESSARY** – Those actions, based upon the known facts or circumstances, which would normally be taken by a reasonable or prudent officer under similar circumstances.
- H. **MINOR BODILY INJURY** – Any injury minor in nature that can be treated on scene by trained Emergency Medical Personnel. Example: Minor scrapes or abrasions.
- I. **SERIOUS BODILY INJURY** – Any injury that could result in disfigurement, disability, serious bodily harm, or death.
- J. **USE OF FORCE CONTINUUM** – A training model/philosophy that supports the progressive and reasonable escalation and de-escalation of member-applied force in proportional response to the actions and level of resistance a subject offers. The level of response is based on the situation encountered at the scene and the actions of the subject in response to the member’s command. Such a response may progress from the member’s actual bodily presence at the scene to the application of deadly force.
- K. ***FORCE INVESTIGATION TEAM (FIT)*** – A criminal investigative body under the direction of the commanding officer of the Major Crimes Division of the Richmond Police Department whose objective is to provide a standard, comprehensive and neutral investigative response to use of deadly force incidents. The ***FIT*** is comprised of members of the Major Crimes Division, including the Cold Case Homicide Team, the Forensics Unit, the on-call Homicide Team, and the Aggravated Assault/Sex Crimes Team working that day; and/or others as directed by the Chief of Police. The Use of Force Instructor from the training academy will serve as an advisory member. A prosecutor from the Commonwealth’s Attorney’s Office will serve as a liaison to the team and will report directly to the Commonwealth’s Attorney.

[CALEA 11.3.4a, 11.3.4c]

- 1. The underlying crime by a suspect who led to the police use of force will be investigated by the detectives who typically investigate such crimes (robbery, burglary, etc.), however, the FIT team can take the lead at any time.
- 2. The prosecutor liaison will not consult on the underlying crime; they will only assist in the investigation regarding the police use of force. [CALEA 11.3.4c]

VI. PROCEDURE

A. Parameters for the Use of Force:

- 1. The application of force includes a wide range of alternatives, some requiring using either lethal or less than lethal weapons. To this end, the Department issues weapons and ammunition that the individual officer may call upon if the occasion arises. The officer’s options include mere presence, verbal

control, approved compliance techniques, chemical agents and Oleoresin Capsicum; other issued defensive weapons, and finally deadly force. These weapons may be employed in response to the threat level recognized by the officer as deemed necessary to protect him or herself or another from bodily harm, to restrain or subdue a resistant individual, or to bring an unlawful situation safely and effectively under control. Officers shall modify their level of force in relation to the amount of resistance offered by the subject. As the subject offers less resistance, the officer shall lower the amount and/or type of force used. Conversely, if resistance escalates, officers are authorized to respond in kind with those techniques and/or weapons at their disposal to gain control of the subject. [CALEA 4.3.1]

2. All sworn officers who encounter a situation where the possibility of violence or resistance to a lawful arrest is present should, if possible, attempt to diffuse the situation through advice, warning and/or verbal persuasion. Officers will approach all situations in a manner consistent with Department policy and training, taking tactically sound positions, making appropriate use of available back-up, using cover effectively, and utilizing officer safety training and techniques to minimize the danger to themselves, the community, and the need to use force.
3. In the event that a situation escalates beyond the effective use of verbal diffusion techniques, officers are authorized to employ Department-approved compliance techniques, chemical agents (See G.O. 1-8, Oleoresin Capsicum (O.C.) Spray and Fogger) and other issued defensive weapons (See G.O. 1-7, Police Weapons). [CALEA 4.3.1]
4. All authorized personal defensive weapons shall be used following procedures detailed in General Orders 1-7 and 1-8 and in the manner prescribed during training. Additionally, no officer shall employ any such weapon before reviewing this order and completing such Department-approved training courses, as directed by the Virginia Department of Criminal Justice Services. [CALEA 4.2.2, 4.3.2, 4.3.4]
5. Under no circumstance shall an officer carry or use any unauthorized weapons or ammunition. [CALEA 4.3.1, 4.3.2]
6. Except where deadly force is justified, dangerous or potentially deadly techniques such as the following will not be deliberately used to gain control of a suspect:
 - a) Gouges to the eyes.
 - b) Hard strikes to the temple.
 - c) Hard strikes to the throat.
 - d) Hard strikes to the spine.
 - e) Upward strikes to the nose.

- f) Shunting of blood or breath.
- g) Upward strike or kick to the groin.
- h) Violent twisting of the head or neck.
- i) Knee to the head or neck. [CALEA 4.1.6]
- j) Continued pressure to the head or neck by any means (e.g., foot, elbow, asp baton, etc.) [CALEA 4.1.7]
- k) Neck restraint [Virginia Code §19.2-83.4]

- 7. Officers shall not employ as a means of force flashlights, radios, or any other item(s) not explicitly issued as defensive weapons as a means of force except when there is reason to believe that the imminent threat of death or serious bodily injury exists and no other reasonable option is available.
- 8. Force will not be used to extract drugs or evidence from a suspect's mouth. Suspects who have ingested drugs or evidence will be provided medical treatment using the guidelines outlined in G.O. 1-6, Search and Seizure.
- 9. The use of kinetic impact munitions by an officer is prohibited unless the use of kinetic impact munitions is necessary to protect the officer or another person from bodily injury.
- 10. Duty to Intervene (Pursuant to Virginia Code §19.3-83.6) [CALEA 1.2.10]
 - 1. Any officer who, while in the performance of their official duties, witnesses another officer engaging or attempting to engage in the use of excessive force against another person shall intervene, when such intervention is feasible, to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force. Additionally, the officer shall render aid, as circumstances reasonably permit, to any person injured due to excessive force.
 - 2. Any officer who intervenes or witnesses an officer engaged in such behavior shall report the incident to their supervisor.

NOTE: No employing agency shall retaliate, threaten to retaliate, or take or threaten to take any disciplinary action against an officer who intervenes or reports any of the above.

B. Parameters for the Use of Deadly Force: [CALEA 4.1.2]

- 1. Deadly force may only be used to:
 - a) Protect the officer or others from what is reasonably believed by the officer to be an imminent threat of death or serious bodily injury (Tennessee v. Garner);

- b) Prevent the escape of a fleeing subject when the officer has probable cause to believe the subject has committed a felony involving the infliction or threatened infliction of serious bodily injury or death;

AND,

Escape of the subject would pose an imminent danger of death or serious bodily-injury to the officer or another person.

- c) Dispatch an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured.

2. Factors to determine if the Use of Deadly Force is Reasonable (Virginia Code §19.2-83.5)

- a) The reasonableness of the officer's belief and actions from the perspective of a reasonable officer on the scene at the time of the incident; and

- b) The totality of the circumstances, including

- i. The amount of time available to the officer to make a decision

- ii. Whether the subject of the use of deadly force

- 1. Possessed or appeared to have a deadly weapon and

- 2. Refused to comply with the officer's lawful order to surrender an object believed to be a deadly weapon prior to the officer using deadly force;

- iii. Whether the officer engaged in de-escalation measures prior to the use of deadly force, including taking cover, waiting for back-up, trying to calm the subject prior to the use of force, or using non-deadly force prior to the use of deadly force; [CALEA 4.1.1]

- iv. Whether any conduct by the officer prior to the use of deadly force intentionally increased the risk of a confrontation resulting in deadly force being used; and

- v. The seriousness of the suspected crime.

- 3. When feasible, before using a firearm, officers shall identify themselves to the suspect and state their intent to shoot.

- 4. Warning shots are prohibited. [CALEA 4.1.3]

- 5. Shooting into a crowd is prohibited.

6. Firing at or from vehicles:

[CALEA 4.1.1]

- a) Firearms shall not be discharged into or at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. For the purposes of this section, the moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants.
 - b) Firearms shall not be discharged from a moving vehicle except in exigent circumstances and the immediate defense of life.
 - c) It is understood that this policy may only cover some situations that arise. In all cases, officers are expected to act with intelligence and exercise sound judgment, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case-by-case basis. Any officer who deviates from this policy must be able to articulate clearly the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there were no reasonable or apparent means of escape. This policy exists for the following reasons:
 - (1) Bullets fired at a moving vehicle are unlikely to stop or disable the vehicle.
 - (2) Bullets may ricochet off glass or metal and cause injury to officers or other innocent persons.
 - (3) The vehicle may crash and cause injury to officers or other innocent persons if the bullets disable the driver.
 - (4) [REDACTED]
[REDACTED]
maximizes officer and public safety and minimizes the necessity for using deadly force.
 - (5) Shooting accurately from a moving vehicle is extremely difficult and therefore, unlikely to successfully stop or prevent a threat to the officer or other innocent persons.
7. Firearms should not be discharged if it appears that an innocent person may be injured.

C. Additional Restrictions on the Use of Firearms:

- 1. An officer shall only draw or display their Department-approved firearm when circumstances cause the officer to reasonably believe that it may be necessary to use the weapon.

2. The only weapons authorized for use by an officer are the officer's issued weapon(s) and approved off-duty or secondary firearms, in whose use the officer has been certified and which has been approved for safety by the Academy Range Master or the OIC of the Training Academy, as detailed in General Order 1-7. [CALEA 4.3.4]

D. Departmental Response to the Use of Deadly Force and/or *Critical or Traumatic* Situations Resulting in Serious Bodily Injury:

[CALEA 4.2.3]

1. When a use of force situation results in serious bodily injury, death or when a person dies in police custody:
 - a) The involved officer's police powers will be withdrawn or restricted immediately, in accordance with General Order 4-9, Withdrawal or Restriction of Police Powers. The Change in Duty Status and/or Status of Police Powers, PD-79 will be completed by IAD Personnel.
 - b) The Chief of Police will decide on the nature of the officer(s)' assignment and may place the officer(s) in a "non-enforcement" position until such time that, in the judgment of the Chief of Police, the officer(s) is/are able to return to regular duty.
 - c) At the conclusion of a 48-hour recovery period, the Chief of Police will review the incident and determine if the involved officer(s) will be reissued a Departmental Firearm.
2. In all deadly force cases, the Department will conduct an administrative and criminal investigation of the incident(s). The *FIT* will conduct a purely criminal investigation, which will be forwarded to the Commonwealth's Attorney's Office for a criminal review. At the conclusion of the criminal investigation or as determined by the Chief of Police, IAD will conduct an administrative investigation to determine if there are Department policy or procedure violations. Any employee who is a direct witness to the incident but does not have their police powers revoked may be granted up to five days of administrative leave. This leave must be used consecutively after the deadly force incident. [CALEA 11.3.4a-c]
3. Any employee who is a witness to and/or involved in using deadly force involving department personnel while on-duty or performing their duties, will be mandated to attend up to four (4) sessions with one of the Department's behavioral health services providers. At least one of these sessions must occur before returning to work. The Deputy Chief of Support Services or designee will contact the behavioral health services provider.
 - a) Upon being recalled to duty claiming an inability to return to work due to psychological trauma that resulted from the deadly force incident *and/or critical or traumatic situation, any employee*, shall be required to attend a fitness for duty examination with one of the Department's behavioral health services providers. The Deputy Chief of Support Services or

designee will contact the behavioral health services provider to schedule this examination. The *employee's* immediate supervisor shall also complete an Injury to *Employee* Packet detailing the claim.

4. ***Any employee involved in a critical or traumatic incident will be removed from operational assignment pending an administrative review. During that time, services will be offered to the employee and the employee's family if needed. Please review GO 07-29 Peer Support Team for more details.***

E. Mandatory Use of Force Training: [CALEA 33.5.1, 4.3.3]

Department members shall receive Use of Force training at least twice a year as specified by the Police Training Division. The officer's police powers will be withdrawn if the officer fails to complete Use of Force training within the allotted time frame until they can complete training. The OIC of the Training Division or designee will arrange for the affected officer to return to the Training Academy to complete Use of Force training.

F. In all firearm discharge incidents: [CALEA 4.2.1a]

1. Any officer (while on or off-duty) who discharges either the employee's Department-issued firearm or any firearm while the employee is acting in the performance of official duty shall:

- a) Immediately take all measures to render the situation safe and provide/summon adequate medical assistance for anyone who might be injured; [CALEA 4.1.5]

- b) Notify the Department of Emergency Communications (DEC) of the situation;

- c) Request additional units to assist in protecting the scene and identifying witnesses;

- d) Contact their immediate supervisor to respond to the scene. If the immediate supervisor is off-duty, the first available supervisor should be contacted;

- e) Surrender the entire equipment belt, including the involved firearm, all magazines, ammunition, and body-worn camera, to a member of the Forensic Unit;

- f) Complete a Firearm Discharge/Firearm Assault Report (PD-10) and, if applicable, a Use of Force Report (PD-35) and/or Assault on Law Enforcement Officer (PD-85) before marking [REDACTED] from duty; and [CALEA 4.2.2a]

- g) In all cases of deadly force: [CALEA 4.2.1b]

- 1) The officer involved must provide an in-depth interview or a written statement on a PD-35. The officer involved will also be

allowed a recovery period of 48 hours before either is completed. Only in this type of incident will the PD-10 and PD-35 be completed after recovery. [CALEA 4.2.2b]

- 2) All witnessing officers must provide an in-depth interview or written statement (PD-118) before marking [REDACTED].
 - h) If the firearm discharge occurred in a location other than the City of Richmond, ensure that discharge is notified to the law enforcement agency of that jurisdiction.
2. First Responding Supervisor shall:
- a) The first Responding Supervisor shall:
 - 1) Identify the officer(s) involved in the incident and obtain a Public Safety Statement. The statement should be a brief overview of what transpired, to include;
 - a) Location of the incident, any injured person(s), suspect(s), witness(es) and/or evidence.
 - b) If there are any suspects still at large, along with a description.
 - c) Once the information is provided by the officer(s), advise them to turn off their BWC.
- NOTE: If any involved officer's equipment, including their firearm, is part of the crime scene, it shall be left to be documented and collected by forensic personnel.
- b) Ensure that all officers who were on the scene (not actually involved in the use of force) at the time of the use of force shall be accounted for and held at a secure location to have their firearms, magazines, and ammunition inspected by a Forensics Detective/Technician and monitored by IAD Personnel;
 - c) Confirm that appropriate medical assistance has been summoned/provided, if necessary; [CALEA 4.1.5]
 - d) Ensure that DEC has notified the **FIT** to respond and has made the proper notifications to all supervisory personnel;
 - e) Ensure that the scene has been protected and witnesses identified, separated, and detained;
 - f) Coordinate the activities of responding back-up units;

- g) Separate all involved officers and assign a Support Supervisor to each involved officer (when possible, the Support Supervisor shall be at least one rank above the involved officer);
- h) Ensure that a Firearm Discharge/Assault Report Form (PD-10) is completed prior to marking [REDACTED] from duty (if the discharge is accidental and no injury or property damage resulted, the PD-10 Form is the only form that needs to be completed);
- i) Ensure an Incident Based Report (IBR) is completed in those cases where an injury or death occurs;
- j) Complete a Critical Incident Checklist (PD-111) and forward the original through channels to the Chief of Police and one copy to the OIC of *FIT*/IAD;
- k) Ensure that the provisions of General Order 6-22, Police Damage to Private Property, are followed, if applicable; and,
- l) Submit all reports, as required by the Department, through channels, to the Chief of Police, before marking [REDACTED] from duty. If an officer returning to duty reports they are unable to fulfill their assigned job requirements due to psychological trauma relating to the incident, their immediate supervisor shall be notified and they shall fill out an Injury to Officer Packet immediately. An officer reporting themselves unable to perform their duty shall not be returned to duty until a fitness for duty examination has been administered by a Departmental behavioral health services provider.

3. Support Supervisor shall:

- a) Ensure that no one discusses the incident with the officer before the arrival of the *FIT*;
- b) Remove the involved officer(s) from the scene as soon as reasonable and shall have the involved officer(s) transported to the third floor of headquarters, unless directed to do otherwise by a member of the Major Crimes Division. Do not remove their equipment belt or allow anyone to manipulate their firearm or magazines. As is always the case, firearms shall be handled with extreme care to ensure safety;
- c) Do nothing to the firearm other than render it safe and snap it into the holster if it is not already snapped in. If the officer used the Department's issued shotgun or any other firearm, take possession of and secure the shotgun or other firearm and all magazines and ammunition unless the firearm and/or magazines and ammunition are part of the crime scene. No one other than the Support Supervisor will handle or take possession of the firearm; and,

- d) Surrender the involved firearm and entire equipment belt to the assigned Forensics Detective/Technician and advise them if any action was taken to render the firearm safe and whether they snapped it in the holster.
 - e) The Support Supervisor shall contact the Department of Emergency Communications when the **Peer Support** Team is needed. (Please refer to G.O. 07-29 Critical Incident Stress Management – Peer Support Team for further information)
4. **FIT** Lead Detective shall:
- a) Coordinate evidence collection with the Forensics Detective/Technician;
 - b) Coordinate activities with supervisors to arrange transportation of the involved officers to the Police Headquarters for interviews.
5. Forensics Detective/Technician shall:
- a) Photograph the whole body, front and back, of the involved officer(s), close up of palm and back of hands, any injury or other area noted by the involved officer(s).
 - b) Take possession of and inspect the firearm, magazines, and ammunition of the involved officer(s). Count the remaining rounds in the weapon and magazine;
 - c) Inspect the firearms, magazines and ammunition of all officers who were on the scene at the time that the use of force occurred; and,
 - d) Place the weapon and associated magazines and ammunition in the Police Property Section or retain or forward for analysis as appropriate.
6. **FIT** Commander shall:
- a) Coordinate all activities at the scene and at Headquarters;
 - b) Ensure that all procedures are followed following the **FIT** operating manual;
 - c) Conduct a criminal investigation of the incident as a discharge of firearm or death investigation; and,
 - d) Review and update the Critical Incident Checklist (PD-111), completed by the first responding supervisor, if a firearm discharge results in a death or serious injury.
7. IAD Personnel shall issue a Change in Duty Status and/or Status of Police Powers (PD-79) to withdraw or restrict the police powers of the involved officer(s) and place the officer(s) on Administrative Leave when a use of force results in serious bodily injury or death.

G. All Other Uses of Force:

1. Whenever any Department-issued less than lethal weapon is used, whether the contact is intentional or unintentional, officers shall complete a PD-35. While not limited to this situation, this requirement must be followed whenever the O.C. Fogger is used to disperse large or unruly crowds (refer to General Order 1-8, Oleoresin Capsicum (O.C.) Spray and Fogger). [CALEA 4.1.4, 4.2.2c, 4.2.1c]
2. In incidents where non-deadly force was employed, the Department may either institute an administrative investigation, a criminal investigation, or both. If a criminal investigation is conducted, it will be forwarded to the Commonwealth's Attorney's Office for a criminal review. After the criminal investigation, or as determined by the Chief of Police, IAD will conduct an administrative investigation to determine if there are Department policy or procedure violations.
3. If an employee is involved in or a witness to a traumatic incident (other than an incident where the employee is a witness to and/or involved in the use of deadly force), such as the drowning of a child or a traffic fatality, while on-duty or in the performance of their duties, a Commander or civilian equivalent may recommend that the employee be mandated to attend a session with one of the Department's behavioral health services providers before returning to work.
4. Officers shall immediately notify a supervisor in all situations where a Use of Force Form (PD-35) is required and shall complete the PD-35 before the officer's EOT when any force is used, other than handcuffing or normal restraint, regardless of whether there is an injury or a complaint of injury. The use of Department-approved compliance techniques that do not involve a strike to the subject (control holds, grounding control techniques, takedown techniques, and non-striking distraction techniques) are considered normal restraints and do not require a Use of Force Report unless (a) there is an injury, appearance of injury or complaint of injury that results from the action; or, (b) a complaint of excessive force is made.
 - a) The involved officer's supervisor shall:
 - (1) Ensure that the involved officer(s) accurately and adequately prepares the PD-35;
 - (2) Maintain photographs of any alleged injuries taken at the scene;
 - (3) Send a draft copy of all photographs and reports to IAD;
 - (4) Forward the original copy of all reports and photographs, through channels, to the affected Major;
 - (5) Prepare the PD-35 if the involved officer is unable to fill out the PD-35 due to injury;

- (6) Not act as a reviewing supervisor for the PD-35's if they were involved in the same incident; and,
- (7) Conduct a preliminary or final investigation of the Use of Force and forward the investigation through channels to the Chief of Police. All preliminary investigations are due within 24 hours of the incident.

b) Major shall:

- (1) Review PD-35 reports for accuracy and completeness and distribute them as follows (except in cases of deadly force):
 - (a) The original PD-35 to IAD.
 - (b) A copy of the PD-35 to the Use of Force Review Board Chairperson.
- (2) The Major who serves as Chairperson of the Use of Force Review Board shall ensure that, as set forth in GO 01-18, Use of Force Review Board, a copy of the PD-35 is forwarded as part of the Board's report, through channels, to the Chief of Police for review and approval of recommendation(s) once the Use of Force Review Board reviews the incident; [CALEA 4.2.2]
- (3) Ensure that any approved recommended action is carried out;
- (4) Ensure that preliminary reports are forwarded to the Chief of Police within 24 hours; and,
- (5) Have the authority to recommend that an employee be mandated to attend up to four (4) sessions with one of the Department's behavioral health services providers before returning to work if an employee is involved in or a witness to a traumatic incident (other than an incident where the employee is a witness to and/or involved in the use of deadly force) while in the performance of their duties. [CALEA 11.3.4f]

c) Chief of Police shall:

- (1) Determine whether a criminal investigation/review is warranted regarding excessive force complaints; and,
- (2) Instruct IAD to conduct administrative investigations after criminal investigations of deadly force incidents to determine if there are Department policy or procedure violations.

H. Uses of Force Resulting in Injury:

1. As a result of the use of force, if an arrestee sustains any Serious Bodily Injury and requires medical attention (even if they refuse treatment on the

scene), the arresting officer or transporting officer shall ensure that the individual is transported to the hospital for treatment, preferably at the Virginia Commonwealth University Medical Center.

2. As a result of the use of force, if an arrestee sustains or complains of any minor bodily injury or requires medical attention, a supervisor shall be contacted and may authorize treatment on scene by paramedics or Fire personnel. The Supervisor shall complete the Medical Services Rendered Report (PD-35A) at the time of treatment and forward with the Use of Force report. If the citizen/suspect refuses treatment, the refusal shall be noted on the Medical Services Rendered Report (PD-35A). If the arrestee requests further medical treatment, the officer shall ensure that the individual is transported to the hospital for treatment, preferably at the Virginia Commonwealth University Medical Center.

Note: If, after the investigation has been completed, the officer has determined that they have no probable cause to make an arrest, even after force has been used, the officer shall release the suspect after all injuries have been documented and proper paperwork completed.

Note: If Sheriff Department personnel still require medical treatment before accepting the prisoner, the arresting officer or transporting officer shall ensure that the individual is transported to the hospital for treatment, preferably at the Virginia Commonwealth University Medical Center.

I. Injury to Citizens or Prisoners:

1. If a prisoner/arrestee sustains or complains of any minor bodily injury prior to, or during police contact where NO USE OF FORCE was used, the arresting officer shall immediately summon medical treatment for the prisoner and a supervisor may authorize treatment on scene by paramedics or Fire personnel and document the treatment on the Medical Services Rendered Report (PD-35A). The supervisor shall then complete a Prisoner/ Citizen injury Supervisors Investigation (PD-33A) and document it with photographs. If the prisoner/arrestee refuses treatment, the refusal shall be noted on the Medical Services Rendered Report (PD-35A). If the prisoner/arrestee requests further medical treatment, the officer shall ensure that the individual is transported to the hospital for treatment, preferably at the Virginia Commonwealth University Medical Center.
2. If a citizen sustains or complains of any minor bodily injury during police contact where NO USE OF FORCE was used, the officer shall immediately summon medical treatment for the citizen and a supervisor may authorize treatment on scene by paramedics or Fire personnel and document it on the Medical Services Rendered Report (PD-35A). The supervisor shall then complete a Prisoner/Citizen injury Supervisors Investigation (PD-33A) and document it with photographs. If the citizen refuses treatment, the refusal shall be noted on the Medical Services Rendered Report (PD-35A).

J. Use of Force on Law Enforcement Officers:

1. If a law enforcement officer notates that they were assaulted on their PD-35, a PD-85, Assault on Law Enforcement Officer, shall be completed and turned in with their packet. [CALEA 4.2.5]

K. Allegations of Excessive Force:

Whenever a complaint of excessive force is made, regardless of whether the officer actually used force, a PD-35 must be completed. If the officer did not use any force in an incident, the officer will fill in the "Other" block in item 6, Type of Force on the PD-35, and explain that no force was used but that the complainant alleged force was used. The PD-35 will serve to document the incident and all the circumstances.

1. Involved Officer's Supervisor, upon observing or receiving any complaint of excessive force, shall:
 - a) Conduct a preliminary investigation;
 - b) Contact IAD during weekday duty hours; and,
 - c) Contact the Night Supervisor during nights and weekends.
2. Watch Commander shall:
 - a) Determine the appropriate level of response and guide the investigating supervisor;
 - b) Notify the on-call IAD investigator to respond if appropriate; and,
 - c) Ensure supervisors complete all reports before marking [REDACTED] from duty.
3. IAD Commanding Officer shall:
 - a) Review case(s) involving allegations of excessive force and make a recommendation to the Chief of Police as to whether a criminal investigation/review is warranted;
 - b) In the absence of the *FIT* Commander, review and update the Critical Incident Checklist (PD-111) if a firearm discharge results in a death or serious injury.
 - c) Conduct an administrative investigation to determine if there were any violations of Department policy after the criminal investigation.

L. Administrative Review of Use of Force Incidents: [CALEA 4.2.2, 4.2.3]

1. The Use of Force Review Board shall:
 - a) Review all use of force incidents to determine whether they were in or out of policy; and,

- b) Forward all “in policy” recommendations to the Chief of Police or designee; or,
- c) Forward “out of policy” *recommendations to the Office of the Chief of Police for final determination. See General Order 01-18 Use of Force Review Board – specifically Section V(C) – for information regarding the appropriate review chain for Board recommendations.*

2. IAD shall:

- a) Review “Excessive” use of force incidents and determine:
 - (1) If departmental policies were followed;
 - (2) If the relevant directive(s) was understandable and germane to the encountered situation; and,
 - (3) If departmental training is currently adequate.
 - (a) Recommend policy or training changes based on findings;
 - (b) Retain all case files, following state law and,
 - (c) Produce data and analysis reports on the use of force annually or as directed by the Chief of Police. Reports should include the following data:
 - 1. Date and time of incidents; [CALEA 4.2.4a]
 - 2. Types of encounters resulting in the use of force; [CALEA 4.2.4b]
 - 3. Trends or patterns related to race, age and gender of subjects involved; [CALEA 4.2.4c]
 - 4. Trends or patterns resulting in injury to any person, including employees; and [CALEA 4.2.4d]
 - 5. Impact of findings on policies, practices, equipment, and training. [CALEA 4.2.4e]
- b) Annually, Internal Affairs will conduct a review of all assaults on Law Enforcement Officers and address any trends or patterns along with recommendations to enhance officer safety, revision of policy, and or any training issues. Submit the annual report to the Planning Division upon approval from the Chief of Police. [CALEA 4.2.5]
 - (1) The review should include evaluating misdemeanor, felony, or other related charges.
 - (2) Other criteria shall include:

- (a) Time of day
- (b) Type of initial call
- (c) Presence of multiple officers
- (d) Prior history of the arrestee(s)

VII. FORMS

- A. PD-10, Firearm Discharge/Assault Report Form
- B. PD-33A, Prisoner/Citizen Injury Investigation
- C. PD-35, Use of Force Report
- D. PD-35A, Medical Services Rendered Report
- E. PD-41, Damage to Private Property Form
- F. PD-79, Change in Duty Status and/or Status of Police Powers
- G. PD-111, Critical Incident Checklist
- H. Incident Based Report (IBR)
- I. PD-85, Assault on Law Enforcement Officer