



**Winchester City Sheriff's Office
Manual of General Orders**

**Administration
106**

Effective Date: May 1, 2014

Accreditation Standards:

ADM .05.01

ADM .05.02

ADM .05.03

ADM .05.04

ADM .06.01

Original Policy: May 1, 2014

Review Date: October 31, 2023

Next Review: October 31, 2024

By Authority of:

William E Sales, Sheriff

Subject: Use of Force

Effective /Review Date	Sections Changed	Changes	Reviewed by	Approved by
04-09-15	VI 3 C	1) Changed "It is highly recommended not to discharge OC Spray into a persons' eyes at a range of less than three feet."	EAS	LRT
05-14-15	II	1) Added," Electronic Control Device – (ECD) (Taser)- A weapon that uses electricity to override voluntary motor responses and/or applies pain in order to gain compliance or overcome resistance."	EAS	LRT
05-14-15	IV 3 B(4)	1) Changes "Intermediate force involves the use of an approved impact weapon, specifically, the ASP Baton or the use of less lethal weapons such as rubber pellets/beanbag rounds " to "Intermediate force involves the use of an approved impact weapon, specifically, the ASP Baton or the use of less lethal weapons such as rubber pellets/beanbag rounds or Electronic control devices."	EAS	LRT
05-14-15	VI 1 K	1) Added, "ELECTRONIC CONTROL DEVICES"	EAS	LRT
05-14-15	VI 5	1) Replaced Section 5, "Deadly Force" with "Electronic Control Devices"	EAS	LRT
05-14-15	VI 5&6	1) Moved Section 5, "Deadly Force" to new Section 6.	EAS	LRT
02-23-17	VII 1	Added: In all Use of Force incidents, footage from Body Worn Cameras will be retained for review by the Sheriff or his designee for an indefinite period of time. The reporting deputy will include in his/her report all police present at the incident and make special notation of those equipped with	EAS	LRT

		BWC's. This information will include law enforcement from other jurisdictions so that request can be made to their departments for the retention of BWC footage recorded by their officers, along with .and any video footage, (including body worn devices).		
06-26-20	V 6 A 2	Added, "The use of deadly force cannot be used solely to prevent the escape of an unarmed felon or suspected felon. Deadly force may be used to prevent escape when the officer has reasonable belief that the suspect poses a significant threat of death or serious physical injury to officers or others.	EAS	LRT
06-26-20	III A 5	Added "5) The use of "Choke Holds" is prohibited."	EAS	LRT
06-26-20	II	Added "Choke-hold-- A tight grip around a person's neck or any pressure applied to restrain them by restricting their breathing."	EAS	LRT
07-01-20	VI 6 B 5	Added, "5. Firing at a moving vehicle except where the officer reasonably believes that an occupant of the other vehicle is using or threatening to use deadly force by a means other than the vehicle, or a vehicle is operated in a manner deliberately intended to strike an officer or a citizen and all other reasonable means of defense have been exhausted or are not present, including moving out of the path of the vehicle, and the safety of innocent persons would not be unduly jeopardized by the officer's action"	EAS	LRT
7-25-22	II	Added "Application of choke hold or carotid control holds, except when the deputy reasonably believes such holds are the only means of protecting him/herself or another person from an imminent threat of serious physical injury or death"	BWD	LRT
9-7-22	III	Added "Duty to Intervene: All officers have an affirmative duty to intervene in any circumstance where another officer is clearly acting in	BWD	WES

		violation of Federal or State law, City or Department ordinances, orders and/or policies, or ethical conduct, and immediately notify an on-duty supervisor. Nonsworn employees are not required to directly intervene in a suspected use of excessive force by a sworn employee, however, they have an affirmative duty to report the suspected excessive use of force to an on-duty supervisor immediately. Officers who intervene against any suspected use of excessive force shall document the complete details of their intervention in an incident report in the current Records Management System (RMS). The alleged use of excessive force shall be documented by the investigating supervisor in an administrative investigation and sent for Sheriff or designee review. Retaliation against any department employee who reports or cooperates in a suspected use of excessive force investigations strictly prohibited.		
02-02-23	IV B 6	Added: On persons who are handcuffed unless deadly force would apply	BWD	WES
02-02-23	IV B (ECD) 9 and 10	Added: (9) May not be used on a leg restrained subject when other means of control are readily available Added: (10) May not be used on a handcuffed subject unless deadly/lethal force would apply.	BWD	WES
02-03-23	I	Added “and duty to intervene”	BWD	WES
02-03-23	III	Added “Sworn officers will receive refresher training each calendar year on duty to intervene”	BWD	WES
03-13-23	I	Added “initial training upon hiring and training every calendar year thereafter”	BWD	WES
02-08-24	III (5)	Added “, except when deadly force is justified.”	MRA	WES

I. PURPOSE

The purpose of this order is to establish basic policy guidelines regarding the use of force by sworn appointees of the Winchester City Sheriff's Office. Deputies will receive an initial training upon hiring and training every calendar year thereafter on the use of force and duty to intervene.

II. DEFINITIONS

ASP Baton -- an expandable, straight baton that locks in the extended position with a flicking motion and collapses when the tip is struck firmly against a solid object.

Less Lethal Weapons -- these weapons can pose a great risk of lethal injuries but do not measure up to the definition of "likely to cause death". Various specialty impact munitions meet this definition.

Deadly Force -- any force that is likely to cause death or serious injury.

Non-deadly force -- is any force that is neither likely to nor intended to cause death or serious injury.

Excessive Force -- Force is excessive when its application is inappropriate to the specific circumstances or involves the use of a higher level of force than was reasonably necessary to achieve the necessary ends, and results in serious injury or death to a person. Furthermore, the United States Supreme Court, in *Graham v. Connor*, 490 U.S.386, 104 L.Ed. 2d 443, 109 S.Ct 1865 (1989), set forth factors for consideration in determining if force has been applied excessively. The question is whether the officers' actions are "objectively reasonable" in the light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. Reasonableness is determined by balancing the nature and quality of the intrusion with the countervailing governmental interests. Reasonableness analysis contemplates careful consideration of the facts and circumstance of the incident, including:

1. The severity of the crime at issue,
2. Whether the suspect poses an immediate threat to the safety of officers and others,
3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight, reasonableness is judged from the prospective of a reasonable officer on the scene, rather than with 20/20 vision of hindsight. The reasonableness standard must make allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are; tense, uncertain, and rapidly evolving. In evaluating the reasonable application of force, officers should consider their own age, size, strength, and skill level with department weapons, state of health, and number of officers in relation to the age, size, strength, armament, health (if known) and number of suspects.

Intermediate Force -- any use of force involving impact weapons/less than lethal weapons.

Oleoresin Capsicum (OC) Spray -- commonly referred to as pepper or pepper spray, this is a personal chemical agent derived from cayenne pepper. OC Spray is a non-deadly agent that causes a burning sensation when applied to the skin, eyes or mucous membranes. Other effects include involuntary closing of the eyes, watering of the eyes, and overproduction and discharge of mucous from the sinus and nasal passages. The use OC Spray constitutes a use of physical force and is higher on the continuum than verbal force, but is lower on the continuum than intermediate force.

Physical Force -- any compliance method (defensive tactics/OC) wherein a deputy touches or engages in physical contact with a subject in order to modify the subject's behavior or actions.

Privileged Force -- courts have recognized that controlling an offender's behavior sometimes requires the use of force and that force is "privileged" or "legally permissible". Additionally, the same factors used to determine if force was excessive must be examined to determine if force was privileged. Force that is recognized as privileged must occur in the following situations:

- 1) Effecting an arrest (arrest control tactics);
- 2) Self-defense;
- 3) Defense of third persons;
- 4) To prevent escape;
- 5) To prevent the commission of a crime.

Progressive Force -- an application of force that begins with the minimum amount of force necessary and escalates to a maximum amount of force necessary to accomplish a lawful goal. The amount of force used by a deputy is determined by the suspect's actions. Further, the amount of force is de-escalated as the threat or need for force decreases.

Reasonable Belief -- a belief is legally reasonable when facts or circumstances a deputy knows or should know are such that an ordinary and prudent person faced with the same facts or circumstances would reach a similar conclusion or react in a similar fashion.

Serious Injury -- a physical injury, which creates a substantial risk of death or serious bodily harm, and/or permanent or prolonged disfigurement or impairment of any bodily organ or limb.

Electronic Control Device – (ECD) (Taser)- A weapon that uses electricity to override voluntary motor responses and/or applies pain in order to gain compliance or overcome resistance.

Choke-hold-- A tight grip around a person's neck or any pressure applied to restrain them by restricting their breathing. Application of a choke hold or carotid control holds is prohibited, except when the deputy reasonably believes such holds are the only means of protecting him/herself or another person from an imminent threat of serious physical injury or death.

III. USE OF FORCE POLICY

- A. The duty and authority of a deputy sheriff to carry out peace keeping and law enforcement functions sometimes makes it necessary that he use force to accomplish these lawful objectives. While courts have recognized that the use of this type of force is privileged, nothing relieves the deputy from both civil and criminal liability when unreasonable force is used. Similarly, the Sheriff's Office may be held civilly liable for the unreasonable or unlawful actions of its members. Additionally, it should be remembered that the Code of Virginia permits a person to lawfully resist an unlawful arrest and/or unreasonable force. In such circumstances where force may escalate to the point where a deputy resorts to the use of serious or deadly force, subsequent judicial analysis may find that the unreasonable use of force by the deputy in the first instance caused the unlawful death or injury to the resistor. Here again, both the deputy and the Sheriff's Office may be held liable in this instance.
A deputy is accountable to the Sheriff's Office and subject to internal disciplinary measures for any violation of this policy. Such disciplinary measures up to and including dismissal from office, shall be commensurate with the seriousness of the violation.

The Sheriff's Office shall review the use of force by Sheriff's Office personnel, in all instances in order to determine the following:

- 1) If the use of force was justified;
- 2) If the amount of force used was reasonable;
- 3) If policy revisions are necessary, and
- 4) If action, either disciplinary, criminal or both, should be taken against a member for the use of unreasonable force. However, this policy shall in no way be deemed to have created a higher legal standard in an evidentiary sense with respect to third party claims. This order is for internal use only, and in no way should be construed as enlarging a deputy's civil or criminal liability. Violations of this directive, if proven, can only form the basis of a complaint by the Sheriff's Office, and then, only in a non-judicial, administrative setting, with these considerations in mind, it shall be the policy of the Sheriff's Office to use only the minimum amount of reasonable force necessary to affect its lawful goals. To this end, the Sheriff's Office shall observe a readily identifiable circle of force. This circle shall serve as a guide to deputies in the application or escalation of force. The use of the circle of force can be progressive in nature, moving from the minimum amount of force that may be used to the maximum. While a progressive escalation through the use of the circle of force should be observed whenever possible, nothing in this general order shall require a deputy to limit his initial response to the lowest level available within the circle in all cases. It shall be the responsibility of the deputy to choose the appropriate amount of response (from the circle) based on the nature and severity of the threat posed by the suspect or situation. However, in all cases, the minimum reasonable amount of force necessary to affect lawful objectives should be used and deputies should escalate or de-escalate their use of force in direct response to the suspect's actions or the situation.
- 5) The use of "Choke Holds" is prohibited, except when deadly force is justified.
- 6) **DUTY TO INTERVENE:** All officers have an affirmative duty to intervene in any circumstance where another officer is clearly acting in violation of Federal or State law, City or Department ordinances, orders and/or policies, or ethical conduct, and immediately notify an on-duty supervisor. Any officer who observes another officer using or attempting to use excessive force against another person shall, when in position to do so, safely intercede, render aid to any injured person, and immediately notify an on-duty supervisor. Nonsworn employees are not required to directly intervene in a suspected use of excessive force by a sworn employee, however, they have an affirmative duty to report the suspected excessive use of force to an on-duty supervisor immediately. Officers who intervene against any suspected use of excessive force shall document the complete details of their intervention in an incident report in the current Records Management System (RMS). The alleged use of excessive force shall be documented by the investigating supervisor in an administrative investigation and sent for Sheriff or designee review. Retaliation against any department employee who reports or cooperates in a suspected use of excessive force investigation is strictly prohibited.

IV. USE OF FORCE

1. **OFFICER PRESENCE** -- the Courts have recognized that, in some circumstances, the mere presence of an armed, uniformed law enforcement officer, displaying a badge of authority, may constitute a use of force, albeit de minimus. Therefore, it shall be the policy of the Sheriff's Office to recognize a deputy's mere presence as the use of force. This presence does, however,

represent a minimal use of force and as such does not require specific documentation as a use of force.

2. VERBAL FORCE –

- A. Dialogue -- Two-way, controlled communication between the deputy and subject. This would include conversation and persuasion.
- B. Verbal Directives -- Includes verbal direction, commands, or orders given to any subject by the deputy. Both verbal directives and dialogue are examples of a minimal use of force and as such, do not require specific documentation as a use of force.

3. PHYSICAL FORCE –

- A. Control Techniques – Techniques used to control and move a subject from one point to another. Provided no other resistance is encountered or escalation in force occurs, simple escorts and control techniques do not require specific documentation as a use of force.
- B. Pain Compliance Techniques / Takedowns / OC Spray –
 - 1. Pain Compliance Techniques / Takedowns – Techniques that gain compliance by inflicting pain to specific points on a person by applying various joint locks or accessing nerve pressure points or that redirect a person to the ground in a controlled manner in order to facilitate the application of handcuffs or other restraint devices. Utilization of these techniques is considered use of force and it does require documentation on the Sheriff's Office's Use of Force Report.
 - 2. O. C. Spray – Deputies may use the approved chemical agent, oleoresin capsicum, when faced with a subject who has become resistant, combative, or otherwise aggressive and lesser control techniques have proven ineffective. The use of OC Spray is considered use of force and it does require documentation on the Sheriff's Office's Use of Force Report.
OC Spray is classified the same as pain compliance techniques and takedowns. Deputies, in deciding whether to use hand-to-hand techniques or takedowns as opposed to OC Spray, should consider his/her skill in defensive tactics as well as his/her size, strength, health, and available backup in comparison to the apparent size, strength, and skill of the subject. In many instances, the use of OC Spray in lieu of hand-to-hand techniques decreases the likelihood that either the deputy or the subject will be injured. As such, OC Spray is considered a viable alternative to hand-to-hand skills in certain circumstances.
 - 3. Countermoves / Fighting Techniques – Techniques, such as blocking, striking, punching, kicking, distraction and avoidance, which impedes a person's movement toward or attack against a deputy or other person are also available from the circle of force. These methods may be employed when other methods have proven or are likely to prove ineffective. The use of these techniques is considered a use of force and they do require the appropriate documentation.
 - 4. Intermediate Force--Intermediate force involves the use of an approved impact weapon, specifically, the ASP Baton or the use of less lethal weapons such as rubber pellets/beanbag rounds or electronic control devices. This level of force should be undertaken when other less forceful methods have proven ineffective or whenever circumstances immediately require this level of force to protect the life and/or safety of deputies and / or other persons. A Use of Force Report must be completed when a deputy employs intermediate force.

5. DEADLY FORCE—

- A. Firearms-- The discharge of any firearm by Sheriff's Office personnel, other than in firearms training, destruction of injured animals, and annual qualifications, constitutes the use of deadly force. The use of a firearm is considered a use of force. Upon any discharge of a firearm, the deputy shall complete a departmental incident report, in addition to any other required documentation.
- B. Roadblocks / Forcible Stopping-- Courts have ruled that the use of roadblocks constitutes the potential use of deadly force. Additionally, intentionally striking a suspect vehicle with a police vehicle, also known as forcible stopping or "ramming", may be considered deadly force.

V. CIRCLE OF FORCE

1. The Circle of Force represents the various options available to a Law Enforcement Officer when it becomes necessary to use force to affect a lawful goal. While Law Enforcement Officers should endeavor to use force in a progressive nature, the Circle of Force is designed to demonstrate that a Law Enforcement Office may pick whichever force option is appropriate to the situation and then move progressively from that point without having to always begin with the lowest possible level of force, a common misconception associated with the typical use of force continuum. Under this model, a suspect's actions or the situational factors determine the reasonable level from which a Law Enforcement Officer may initially respond. From this point, the Law Enforcement Officer must escalate or de-escalate his/her use of force in direct correlation to the suspect's actions. As always, the objective reasonableness standard is the test in determining if the use of force was appropriate to their relationships with the public. The manner in which a deputy speaks can be an effective means of exerting verbal force in order to control a situation. Verbal force may begin in the form of conversation, advice or persuasion. Verbal force may escalate into warnings, directives, or orders. Volume and tone may be used in a progressive nature if the circumstances warrant. By using reasonable and necessary verbal force, deputies may not have to resort to the use of other forms of force.

2. OFFICER:

- a. PRESENCE
- b. VERBAL
- c. ESCORTS
- d. PAIN COMPLIANCE
- e. OC SPRAY
- f. TAKEDOWNS/
- g. ASP BATON/ LESS LETHAL
- h. ELECTRONIC CONTROL DEVICES
- I. FIREARM

Note: A Deputy does not need to follow each and every step starting with a to get to i. That is the entire purpose behind the "Circle of Force" Continuum.

VI. PROCEDURES FOR APPLICATION OF FORCE

1. Use of Verbal Force-- In dealing with people, each deputy must attempt to inspire respect and generate cooperation and approval of the public. Deputies shall be courteous and civil in their relationships with the public. The manner in which a deputy speaks can be an effective means of exerting verbal force in order to control a situation. Verbal force may begin in the form of conversation, advice or persuasion. Verbal force may escalate into warnings, directives, or orders. Volume and tone may be used in a progressive nature if the circumstances warrant. By using reasonable and necessary verbal force, deputies may not have to resort to the use of other forms of force.
2. Use of Physical Force-- Physical force involves actual hands-on body contact with a person with the purpose of forcibly overcoming resistance and subduing the subject. Physical force may be utilized in the following circumstances:
 - A. To restrain or control a subject;
 - B. To subdue a subject who is resisting arrest;
 - C. In self-defense or in defense of a third party;
 - D. To move, remove, or arrest any person who is obstructing lawful acts of duly authorized law enforcement officials.

Note: The use of physical force is not authorized for the following purposes:

- A. As a threat to make a person comply with a deputy's verbal warning when no physical violence is imminent;
- B. To elicit information from a person;
- C. As retaliation against verbal or physical abuse.

Note: When using force more severe than simple escorts, handcuffing non-resistant subjects, or verbal force, or in instances where the use of force results in injury or property damage, the deputy will notify his/her supervisor, and request medical assistance as needed. If physical force is used against a subject, the appropriate charges shall be placed against the individual as a matter of policy.

3. Use of Oleoresin Capsicum Spray-- The Sheriff's Office classifies OC Spray as a weapon and regards its use as an application of physical force in the circle of force. As such, the use of OC Spray is considered above verbal force and control techniques, but less than intermediate force. Under the level of physical force in the circle of force, use of OC Spray is regarded as a level of force equal to pain compliance techniques and takedowns.
 - A. Authorized Use of OC Spray-- A deputy may use OC Spray under the following circumstances:
 - 1) As self-defense for the deputy or in defense of another person when lesser methods have failed or if the circumstances warrant the immediate use of OC Spray;
 - 2) In any situation where it becomes necessary for the deputy, in the course of performing his duties as a deputy, to subdue or bring under physical restraint any person and lesser methods have failed;
 - 3) When a dangerous animal threatens a deputy.
 - B. Unauthorized Use of OC Spray-- Deputies are prohibited from using OC Spray in the following circumstances:

- 1) As a threat to make a person comply with a deputy's verbal order when no physical resistance or violence is imminent;
- 2) In retaliation for physical or verbal abuse directed at the deputy;
- 3) As a threat to elicit information;
- 4) On persons who are restrained and complying with arrest procedures;
- 5) On persons engaged in passive resistance (sit-ins, non-violent demonstrations, etc.)

Note: Any use of OC Spray that is contrary to the direction of this General Order may subject the deputy to disciplinary action.

C. Procedures for the Use of OC Spray--When the use of OC Spray is authorized, the following regulations shall be followed:

- 1) OC Spray should be directed into the face of the subject against whom it will be utilized.
- 2) OC Spray / Stream should be discharged in a 1-2 second burst in a motion from ear to ear on the subject's face.
- 3) It is highly recommended not to discharge OC Spray into a persons' eyes at a range of less than three feet.
- 4) In all instances where OC Spray is used against a person, the appropriate charges shall be placed against the person.
- 5) Deputies are authorized to carry and use only the brand name and formulation of OC Spray issued by the Sheriff's Office.
- 6) It is recommended that deputies discharge their OC Spray at least once every 3 months to ensure that the valve has not become clogged and that the canister functions properly. This should be done in a well-ventilated area, preferably outdoors, out of public view and well away from any bystanders. Deputies are responsible for ensuring that any test discharge is done safely. To limit waste, this burst should be limited to 1 second or less.

D. Decontamination Procedures-- After the use of OC Spray, deputies are responsible for the decontamination of the subject they have sprayed. Deputies should begin decontamination procedures as soon as it is feasible to do so.

- 1) In most instances, it will be more practical to transport the subject to the Northwestern Regional Jail (sally port) for thorough decontamination prior to taking the person before the magistrate.
- 2) However, if due to distance or other variables, the deputy determines that it is necessary to decontaminate the subject in the field, he may do so, provided that the person is under control and it is otherwise safe to do so. If necessary, the deputy may request the assistance of the rescue squad to aid in the decontamination process. If prolonged symptoms persist, unusual symptoms develop, or other injuries are present, the subject should be transported to the

hospital by rescue personnel. The arresting deputy should accompany the arrestee to the hospital.

- 3) Specific procedures for decontamination are as follows:
 - a) Dab a dry paper towel over the contaminated area.
 - b) Dab a wet paper towel over the contaminated area.
 - c) Repeat steps 1 and 2 until the spray is gone.
 - d) Rinse with cold water until subject is decontaminated.

E. OC Spray Training Requirements

- 1) All personnel who carry OC Spray will be required to complete an approved training course taught by a certified OC instructor. No personnel shall be issued nor carry OC Spray until they have been trained in its use.
- 2) Initial training shall consist of a four-hour program consisting of both classroom / academic training and practical (hands-on) training. The opportunity to experience exposure to OC Spray shall be made available to all students, though exposure is not mandatory.
- 3) Deputies shall undergo a refresher-training course in the use of OC Spray biennially.

F. Reporting Requirements for Use of OC Spray

- 1) Each time OC Spray is used against a person an Incident Report shall be completed.
- 2) A Use of Force Report shall also be completed with a copy forwarded to the involved deputy's immediate supervisor and a copy attached to the incident report.
4. USE OF INTERMEDIATE FORCE – ASP BATON and Less Lethal Weapons-- The ASP Baton and Less Lethal Weapons are classified as defensive weapons. As such, the use of the ASP Baton/Less Lethal Weapons is regarded by the Sheriff's Office as an escalation in force to a point above physical force but lower than deadly force. The ASP Baton/Less Lethal Weapons should be used only in instances where lesser means of restraint or control have proven ineffective or are clearly inappropriate due to the nature of the posed threat; yet deadly force is unnecessary or inappropriate.

A. Authorized Use of the ASP Baton/Less Lethal Weapons-- Deputies may use the ASP Baton/Less Lethal Weapons in the following circumstances:

- 1) To subdue a violently resisting subject, or in self-defense;
- 2) In defense of a third party if lesser methods have failed, or if circumstances warrant the immediate use of the baton;
- 3) As a barricade or repelling device in crowd control situations, or to ward off blows from an assailant;
- 4) To disarm a subject with a weapon other than a firearm.

B. Unauthorized Use of the ASP Baton/Less Lethal Weapons-- Under no circumstances shall the ASP Baton/Less Lethal Weapons be used for the following purposes:

- 1) As a threat to make a person comply with a verbal order when no physical violence is imminent;

- 2) In retaliation for non-physical abuse towards a deputy;
 - 3) As a threat to elicit information from any person;
 - 4) On persons who are compliant and in restraints;
 - 5) To affect a stop of a person for a field interrogation.
 - 6) On persons who area handcuffed unless deadly force would apply.
- C. Procedures for Use of the ASP Baton/Less Lethal Weapons-- When use of the ASP Baton/Less Lethal Weapon is authorized, the following regulations shall be followed.
- 1) Blows/Shots capable of inflicting fatal or permanent injuries must be avoided. Strikes/Shots delivered on or about the head, neck, spine, throat, sternum or groin should be avoided. Baton blows/Shots to these areas are considered deadly force and are authorized only as a last resort when necessary to protect the life of a deputy or third party.
 - 2) All baton strikes/shots should be delivered in a manner consistent with training and should be delivered only to parts of the body designated as acceptable target areas in the required ASP Baton certification course/Less Lethal certification course. Strikes/Shots to acceptable areas are intended to temporarily incapacitate the opponent without causing permanent or severe bodily harm.
 - 3) The ASP Baton is neither intended to be, nor should be used as a bludgeon. It should not be raised above the head to strike a blow to any person. All blows should be delivered from shoulder level downward at a 45-degree angle.
 - 4) The Sheriff's Office authorizes the carrying and use of the ASP Baton/Less Lethal Weapon as an impact weapon. Each deputy must successfully complete a certification course taught by a recognized ASP Baton Instructor before he/she will be issued or allowed to carry the ASP Baton. Deputies authorized to use Less Lethal Weapons must complete a certification course taught by a recognized instructor. The Sheriff's Office issues the ASP expandable baton manufactured by Armament Systems and Procedures (ASP), Inc. This is the only baton authorized for carry and use by the Sheriff's Office. No modifications shall be made to this equipment without an ASP instructor's approval. Less Lethal weapons may be issued to trained personnel. The stocks on these weapons will be painted the color orange.
 - 5) All other forms of striking or impact weapons are prohibited from use. This prohibition includes, but is not limited to, saps, blackjacks, slapjacks, nun chucks and similar sticks, side-handle batons, and brass knuckles.
 - 6) The ASP Baton/Less Lethal munitions are weapons and should be treated as such. Public displays or demonstrations of the baton/less lethal weapons for reasons other than authorized use are strictly forbidden. Batons/Less lethal equipment should not be displayed inside the Sheriff's Office unless it becomes necessary to do so in the performance of one's duties, i.e., training, maintenance, inspection, etc.
- D. Other Considerations-- Before using the ASP Baton/Less Lethal Weapons, deputies may consider the following:
- 1) Whether sufficient physical force is available from assisting deputies to subdue the subject without the use of the baton/less lethal weapons;
 - 2) The feasibility of summoning back up and waiting for the arrival of it.

E. ASP Baton/Less Lethal Weapons Training Requirements

- 1) Deputies must successfully complete an approved ASP training course/Less Lethal training course before they will be issued or authorized to carry and use the weapons.
- 2) Deputies will undergo refresher / re-certification training as recommended by the manufacturer. Refresher training shall be conducted at least biennially, regardless of manufacturer recommendations.

5. USE OF INTERMEDIATE FORCE- ELECTRONIC CONTROL DEVICE- The ECD and other Less Lethal Weapons are classified as defensive weapons. As such, the use of \an ECD/Less Lethal Weapons is regarded by the Sheriff's Office as an escalation in force to a point above physical force but lower than deadly force. The ECD/Less Lethal Weapons should be used only in instances where lesser means of restraint or control have proven ineffective or are clearly inappropriate due to the nature of the posed threat; yet deadly force is unnecessary or inappropriate.

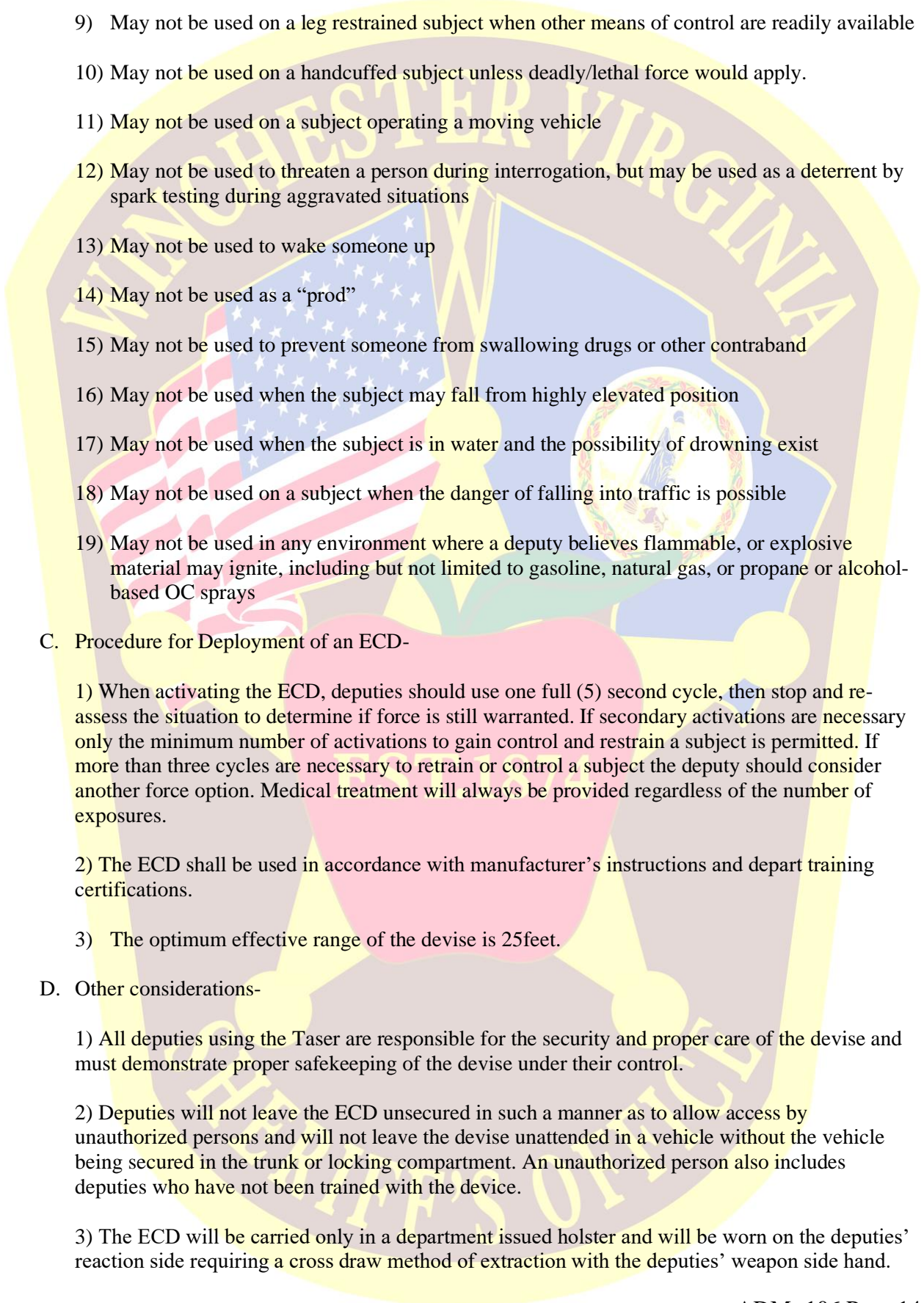
6.

A. Authorized Uses of an ECD- The Sheriff has authorized the use of the Taser ECD to control individual(s) that are displaying active resistance to arrest, restraint and control during detention, arrest or use of force situations. An ECD may be deployed by authorized and trained operators to control a subject who is demonstrating active resistance to control to wit:

- 1) To subdue a violently resisting subject, or in self-defense;
- 2) In defense of a third party if lesser methods have failed, or if circumstances warrant the immediate use of the baton;
- 3) To prevent individuals from harming themselves or others.
- 4) To disarm a subject with a weapon other than a firearm.
- 5) ECD's may be used to control a dangerous or aggressive animal.

B. Unauthorized Uses of an ECD-

- 1) The ECD should not be used against a passive subject,
- 2) The ECD should not be used against Children under the age of 12.
- 3) The ECD should not be used against Elderly persons
- 4) The ECD should not be used against the medically infirm.
- 5) The ECD should not be used against women that are known to be pregnant.
- 6) The ECD should not be used against known users of cardiac pacemakers.
- 7) ECD's may not be used as punishment
- 8) Two devices may not be used on the same subject

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- 9) May not be used on a leg restrained subject when other means of control are readily available
 - 10) May not be used on a handcuffed subject unless deadly/lethal force would apply.
 - 11) May not be used on a subject operating a moving vehicle
 - 12) May not be used to threaten a person during interrogation, but may be used as a deterrent by spark testing during aggravated situations
 - 13) May not be used to wake someone up
 - 14) May not be used as a “prod”
 - 15) May not be used to prevent someone from swallowing drugs or other contraband
 - 16) May not be used when the subject may fall from highly elevated position
 - 17) May not be used when the subject is in water and the possibility of drowning exist
 - 18) May not be used on a subject when the danger of falling into traffic is possible
 - 19) May not be used in any environment where a deputy believes flammable, or explosive material may ignite, including but not limited to gasoline, natural gas, or propane or alcohol-based OC sprays

C. Procedure for Deployment of an ECD-

- 1) When activating the ECD, deputies should use one full (5) second cycle, then stop and reassess the situation to determine if force is still warranted. If secondary activations are necessary only the minimum number of activations to gain control and restrain a subject is permitted. If more than three cycles are necessary to restrain or control a subject the deputy should consider another force option. Medical treatment will always be provided regardless of the number of exposures.
- 2) The ECD shall be used in accordance with manufacturer’s instructions and depart training certifications.
- 3) The optimum effective range of the devise is 25feet.

D. Other considerations-

- 1) All deputies using the Taser are responsible for the security and proper care of the devise and must demonstrate proper safekeeping of the devise under their control.
- 2) Deputies will not leave the ECD unsecured in such a manner as to allow access by unauthorized persons and will not leave the devise unattended in a vehicle without the vehicle being secured in the trunk or locking compartment. An unauthorized person also includes deputies who have not been trained with the device.
- 3) The ECD will be carried only in a department issued holster and will be worn on the deputies’ reaction side requiring a cross draw method of extraction with the deputies’ weapon side hand.

4) A (1) second spark test will be completed prior to start of duty for each person carrying the ECD to ensure proper working condition and readiness.\

5) The digital power magazine (DPM) should not be removed from the ECD until replacement is required due to depletion or fault.

6) Deputies will carry the device fully armed in the holster with the safety on in preparation for its use.

7) Deputies are not to try to repair defective ECD's, but return them to the Director of Court Services for repairs.

8) Deputies must give a verbal warning of the deployment prior to using the device unless doing so would place another person or themselves in danger.

9) Deputies must realize that an energized subject will not be able to respond to commands and should exercise discretion when determining additional uses of the ECD.

10) To minimize injuries, deputies will use caution when deploying the device on subjects in elevated areas, in water, and when running to prevent serious injuries.

11) Deputies will avoid intentionally targeting sensitive areas such as the head, neck, eyes, throat, chest/breast, or any known pre-existing injured areas without justification. Deputies will only target areas designated during training

12) A supervisor should respond to the location of any scene if the device is being considered to be used as a compliance tool on a known mental subject.

13) All cartridges, wires, and darts will be collected and saved as evidence for each incident. All data recordings from the device will be downloaded, printed and attached to the *Incident Report*. When darts penetrate the skin, a photo should be taken of the contact area after they are removed.

14) Deputies may remove darts from non-sensitive areas not listed above in accordance with training procedures. Darts located in sensitive areas as listed above will only be removed by medical personnel. Subjects will be transported to the hospital if necessary to have the darts removed.

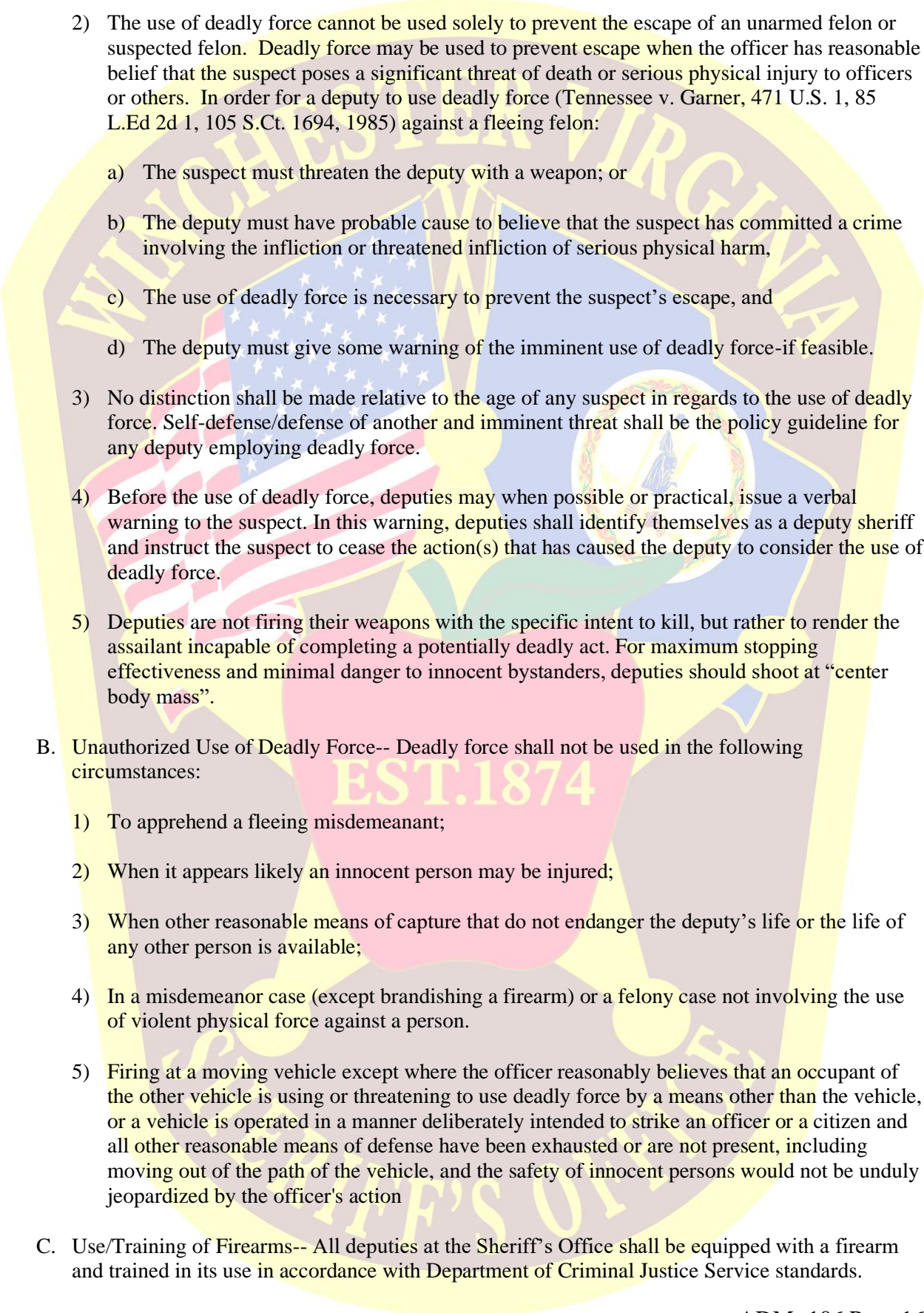
E. ECD Training Requirements-

1) All deputies authorized to carry the Taser ECD shall receive initial training in the proper operation and receive annual re-certification each year.

7. USE OF DEADLY FORCE

A. Authorized Uses of Deadly Force

1) Deadly force is legally justified and may be used when a deputy reasonably believes that he/she or another person is in imminent danger of death or serious injury.

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- 2) The use of deadly force cannot be used solely to prevent the escape of an unarmed felon or suspected felon. Deadly force may be used to prevent escape when the officer has reasonable belief that the suspect poses a significant threat of death or serious physical injury to officers or others. In order for a deputy to use deadly force (*Tennessee v. Garner*, 471 U.S. 1, 85 L.Ed 2d 1, 105 S.Ct. 1694, 1985) against a fleeing felon:
 - a) The suspect must threaten the deputy with a weapon; or
 - b) The deputy must have probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm,
 - c) The use of deadly force is necessary to prevent the suspect's escape, and
 - d) The deputy must give some warning of the imminent use of deadly force-if feasible.
 - 3) No distinction shall be made relative to the age of any suspect in regards to the use of deadly force. Self-defense/defense of another and imminent threat shall be the policy guideline for any deputy employing deadly force.
 - 4) Before the use of deadly force, deputies may when possible or practical, issue a verbal warning to the suspect. In this warning, deputies shall identify themselves as a deputy sheriff and instruct the suspect to cease the action(s) that has caused the deputy to consider the use of deadly force.
 - 5) Deputies are not firing their weapons with the specific intent to kill, but rather to render the assailant incapable of completing a potentially deadly act. For maximum stopping effectiveness and minimal danger to innocent bystanders, deputies should shoot at "center body mass".
- B. Unauthorized Use of Deadly Force-- Deadly force shall not be used in the following circumstances:
- 1) To apprehend a fleeing misdemeanor;
 - 2) When it appears likely an innocent person may be injured;
 - 3) When other reasonable means of capture that do not endanger the deputy's life or the life of any other person is available;
 - 4) In a misdemeanor case (except brandishing a firearm) or a felony case not involving the use of violent physical force against a person.
 - 5) Firing at a moving vehicle except where the officer reasonably believes that an occupant of the other vehicle is using or threatening to use deadly force by a means other than the vehicle, or a vehicle is operated in a manner deliberately intended to strike an officer or a citizen and all other reasonable means of defense have been exhausted or are not present, including moving out of the path of the vehicle, and the safety of innocent persons would not be unduly jeopardized by the officer's action
- C. Use/Training of Firearms-- All deputies at the Sheriff's Office shall be equipped with a firearm and trained in its use in accordance with Department of Criminal Justice Service standards.

Deputies shall be trained in the Sheriff's Office policy regarding the use of force and the use of firearms, prior to being qualified with firearms. The Sheriff's Office will qualify twice a year with the sidearm and yearly with the shotgun or rifle. When a deputy uses a firearm, it must be with the realization that the death of some person may occur, even though this may not be the deputy's intent at the time of the discharge of the weapon. Therefore, the Sheriff's Office views the discharge of a firearm, in any circumstance other than training, as the use of deadly force. However, as a matter of policy, deputies do not shoot to kill, rather, they shoot to stop a suspect from continuing a course of criminal activity that is likely to lead to the death or serious injury of the deputy, other law enforcement officers, or other third parties. And while the deputy's intent is not to kill the offender, but to stop the criminal activity as quickly as possible, he/she must do so in a manner that poses the least possible risk to bystanders.

- 1) Authorized Discharge of Firearms-- By both law and this policy, a deputy is authorized and has the duty to prevent an attack with a deadly weapon on himself / herself, a fellow deputy or a member of the public by utilizing whatever force is reasonably necessary. This includes, but is not limited to, the use of firearms. A deputy may discharge a firearm for any of the following reasons:
 - a) To defend himself/herself or other parties from death, serious bodily harm, forcible rape, or kidnapping / hostage-taking.
 - b) To effect an arrest where the deputy reasonably believes the use of deadly force is the only available method to effect the arrest, the use of deadly force would not create a substantial risk of injury to innocent persons, and he/she has probable cause to believe that the person to be arrested:
 - i) Has committed or attempted to commit a felony involving the use of violent physical force against a person, and
 - ii) Poses an immediate threat to other persons if not arrested immediately.
 - c) To kill a dangerous animal.
 - d) To kill an animal that is so badly injured that it should be destroyed to prevent further suffering.
 - e) For target practice, competition, or qualification at an approved range under supervision.
3. Unauthorized Discharge of Firearms-- A deputy acting unlawfully, who provokes an attack upon himself / herself with the intent of inflicting serious bodily harm or death upon an individual, has no authority to use his/her position as member of the Sheriff's Office to justify his/her use of deadly force on that person. Additionally, deputies are prohibited from discharging firearms in the following instances:
 - a) When any other means of capture without seriously endangering the deputy or innocent person is available;
 - b) When it appears likely that an innocent person shall be hit and there are no immediate threats of death or serious bodily harm to the deputy or other persons;

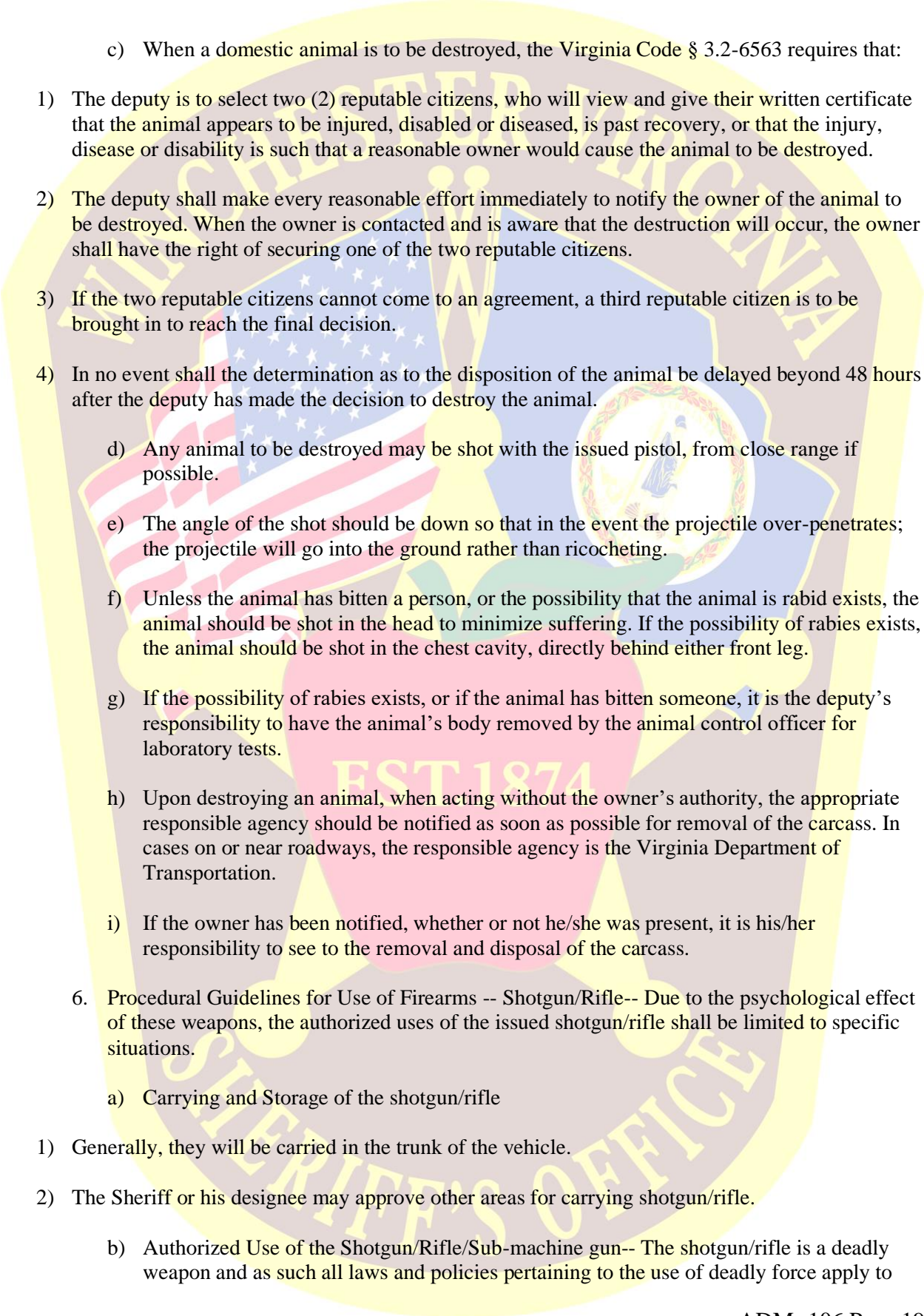
- c) At a moving automobile or from a moving automobile is prohibited unless the occupants of the automobile or a suspect(s) represents a direct threat to the life and/or safety of the deputy or other innocent persons;
 - d) Into a crowd;
 - e) Warning shots are prohibited;
 - f) Discharge of firearms resulting from horseplay or carelessness.
- By Virginia law, an individual does have the right to resist an unlawful arrest by implementing the equal degree of force as that used against him.
- Deputies of the Sheriff's Office shall not at any time display, draw, or brandish their firearms in any public place or facility except for proper inspection or for official use.
- Deputies, at all times, must be cognizant of the fact that their weapon is not a tool to be employed as a threat. Deputies shall point a weapon at a suspect(s) only if the deputy possesses the justification, the deliberate intent, and is prepared to discharge the weapon.

4. Procedural Guidelines for the Use of Firearms – Handgun

- a) The discharge of a firearm is an irreversible action and if possible, a deputy should, prior to firing, evaluate the following:
 - 1) Other methods of effecting the arrest and / or apprehension;
 - 2) The nature of the offense committed,
 - 3) The direction in which the firearm is to be discharged;
 - 4) Whether the suspect is in plain view. Extreme caution must be used at night due to reduced vision;
 - 5) The danger of discharging the firearm while running or jumping due to the possibility that other persons or property may be hit by rounds that do not hit the intended target.
- b) If time and conditions permit, a deputy should make every reasonable attempt to make known his/her official capacity and his/her intention to arrest or recapture.
- c) The deputy should resolve any doubt in his/her mind against the use of firearms prior to shooting. In summary, every possible consideration should be taken prior to the use of firearms. If any deputy believes that under existing conditions, he/she should not use a firearm to apprehend a felon, he/she will not be criticized or disciplined for the decision to employ every other means of the arrest.

5. Procedural Guidelines for the Destruction of Animals

- a) Time permitting, the deputy should take steps to ensure the safety of all citizens, property, and other animals by moving the animal to be destroyed to an area of relative safety and, if possible, out of public view. The primary concern is that the animal should be placed on soft ground rather than pavement in order to minimize the risk of ricochets.
- b) Virginia Code § 3.2-6567 gives all law enforcement officers the authority to enforce Chapter 27.4.

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- c) When a domestic animal is to be destroyed, the Virginia Code § 3.2-6563 requires that:
- 1) The deputy is to select two (2) reputable citizens, who will view and give their written certificate that the animal appears to be injured, disabled or diseased, is past recovery, or that the injury, disease or disability is such that a reasonable owner would cause the animal to be destroyed.
 - 2) The deputy shall make every reasonable effort immediately to notify the owner of the animal to be destroyed. When the owner is contacted and is aware that the destruction will occur, the owner shall have the right of securing one of the two reputable citizens.
 - 3) If the two reputable citizens cannot come to an agreement, a third reputable citizen is to be brought in to reach the final decision.
 - 4) In no event shall the determination as to the disposition of the animal be delayed beyond 48 hours after the deputy has made the decision to destroy the animal.
 - d) Any animal to be destroyed may be shot with the issued pistol, from close range if possible.
 - e) The angle of the shot should be down so that in the event the projectile over-penetrates; the projectile will go into the ground rather than ricocheting.
 - f) Unless the animal has bitten a person, or the possibility that the animal is rabid exists, the animal should be shot in the head to minimize suffering. If the possibility of rabies exists, the animal should be shot in the chest cavity, directly behind either front leg.
 - g) If the possibility of rabies exists, or if the animal has bitten someone, it is the deputy's responsibility to have the animal's body removed by the animal control officer for laboratory tests.
 - h) Upon destroying an animal, when acting without the owner's authority, the appropriate responsible agency should be notified as soon as possible for removal of the carcass. In cases on or near roadways, the responsible agency is the Virginia Department of Transportation.
 - i) If the owner has been notified, whether or not he/she was present, it is his/her responsibility to see to the removal and disposal of the carcass.
6. Procedural Guidelines for Use of Firearms -- Shotgun/Rifle-- Due to the psychological effect of these weapons, the authorized uses of the issued shotgun/rifle shall be limited to specific situations.
- a) Carrying and Storage of the shotgun/rifle
 - 1) Generally, they will be carried in the trunk of the vehicle.
 - 2) The Sheriff or his designee may approve other areas for carrying shotgun/rifle.
 - b) Authorized Use of the Shotgun/Rifle/Sub-machine gun-- The shotgun/rifle is a deadly weapon and as such all laws and policies pertaining to the use of deadly force apply to

the use of the shotgun/rifle. It shall be the responsibility of the on-scene supervisor to ensure that the minimum numbers of shotguns/rifle necessary are used in a given incident. With those considerations in mind, the shotgun/rifle may be removed from the vehicle or safe in the following circumstances:

- 1) In response to holdup alarms, robberies in progress, or burglaries where the suspect(s) is believed to be armed;
- 2) In response to incidents where the caller has reported that a firearm is being used or has been used in the commission of a crime;
- 3) When searching for suspect(s) reasonably believed to be armed;
- 4) During stakeouts or raid details where there is probable cause to believe a threat to life exists;
- 5) Active shooter situations;
- 6) For cleaning, repairs, training and range qualification.

c) **Unauthorized Use of Shotguns/Rifle**-- The use of the shotgun/rifle is forbidden in the following circumstances:

- 1) To control civil disorders, except with the approval of the Sheriff or his designee after deputies at the scene have been fired upon;
- 2) Routine calls;
- 3) Family disturbance calls (domestic disputes), unless the caller reports that a weapon is present and being used in the disturbance;
- 4) As a show of force in situations where the use of lethal force is not justified.

d) **Shotgun/Rifle Safety Considerations**-- It is imperative that all deputies exercise extreme caution when handling the shotgun/rifle. All personnel shall be alert to and report any careless handling of this weapon. The following safety precautions shall be observed with regard to shotguns/rifles:

- 1) When carried into the JJC, the shotgun/rifle shall be unloaded, chamber open with the safety on;
- 2) Except when actually firing or aiming the weapon, the weapon shall be carried with the muzzle pointed upward;
- 3) No shells shall be chambered until the weapon is to be used.

e) **Weapon Maintenance**-- Each deputy shall be responsible for cleaning and routine maintenance of his/her shotgun/rifle. If the weapon requires maintenance or repairs beyond routine care, the weapon along with a description of the problem, should be taken to one of the Sheriff's Office armorers for repairs. The Sheriff or his designee will initiate occasional spot checks to ensure that these weapons are clean and operational.

f) **Training Requirements**

- 1) Deputies who have not been trained in the use of the shotgun/rifle will neither be issued, nor carry, or fire these weapons.
- 2) Deputies will be required to demonstrate proficiency with the shotgun/rifle annually during firearms qualifications.
- D. Roadblocks and Forcible Stopping-- The United States Supreme Court has ruled that the uses of roadblocks and/or forcible stopping are examples of potential uses of deadly force. Roadblocks shall be used only where the suspect(s) are wanted for a violent felony and their continuing freedom constitutes a serious hazard to the public or deputies. Deliberate contact, forcible stopping or ramming of a suspect's vehicle shall be done only in violent felony cases where the suspect, either through his/her current actions or continuing freedom poses a grave and immediate threat to other motorists or the deputy. Roadblocks and / or forcible stopping shall:
 - 1) Be used only by authorization of a supervisor, and
 - 2) Only be authorized for cases involving violent felonies.
- A. Procedural Guidelines for the Use of Roadblocks-- In the event that a roadblock is authorized, the following guidelines should be observed:
 - 1) The roadblock should be in an area of sufficient visibility to ensure that the pursued vehicle has time to stop, upon seeing the roadblock.
 - 2) The roadblock should allow a non-involved motorist ample room to maneuver his/her vehicle safely.
 - 3) The roadblock should be established with ample emergency lights, flares or other illumination so that all motorists and the pursued driver are fully aware of the roadblock.
 - 4) Deputies shall be absolutely certain that other responding units from all jurisdictions are aware of the roadblock location.
 - 5) Deputies manning a roadblock will position themselves outside their vehicles and at a safe distance to ensure maximum safety in the event the suspect tries to evade capture.
 - 6) The supervisor shall position at least one unit well past the blockade to continue pursuit should the suspect(s) evade or crash through the blockade point.
- E. Procedural Guidelines for Forcible Stopping-- In violent felony cases, forcible stopping may be used with supervisor's approval, if the following conditions are met:
 - 1) Ramming does not pose a danger to the public, and at least one of the following is true;
 - 2) The suspect(s) pose a continued serious threat to the safety of the public if they're not apprehended,
 - 3) The suspect(s) have attempted to cause serious bodily harm to citizens by using the vehicle as a weapon,
 - 4) The suspect(s) are displaying deliberate, aggressive acts toward the pursuing deputy. An aggressive act for this purpose is any act calculated to bring bodily harm to the deputy.

VII. REPORTING REQUIREMENTS FOR USE OF FORCE

1. In order for the Sheriff to have all necessary information in a timely manner, all line of duty incidents involving the use of force by deputies shall be thoroughly documented. If a greater level of force than mere restraint or escorts is used, but the force does not involve the use of a firearm, the Use of Force Report shall be completed as a supplement to the required Incident Report. In the event that a deputy uses a firearm in the line of duty an incident report shall be completed, as well as any other required paperwork.

In all Use of Force incidents, footage from Body Worn Cameras will be retained for review by the Sheriff or his designee for an indefinite period of time. The reporting deputy will include in his/her report all police present at the incident and make special notation of those equipped with BWC's. This information will include law enforcement from other jurisdictions so that request can be made to their departments for the retention of BWC footage recorded by their officers.

If the force used was limited to no more than simple restraint or escorts, the deputy should note the force used in his incident report. However, no additional documentation is necessary. For any incident involving the use of force, all documentation must be completed and submitted for review no later than the end of the shift in which the incident occurred. Furthermore, in any incident wherein a citizen complains about the use of force or complains of an injury resulting from the use of force, the involved deputy shall submit a report as soon as possible after the complaint is received.

In all cases, the supervisor shall review the use of force report, incident report and any video footage, (including body worn devices) to determine if the use of force was justified. In cases not involving the use of firearms or other deadly force, the supervisor shall make a recommendation as to whether additional information or further investigation is needed. The procedure for the investigation of shooting incidents and incidents involving serious injuries is detailed in a following section.

VIII. ADMINISTRATION OF MEDICAL CARE

1. After force has been used against an individual, and the threat to the safety of the deputy and any third parties has been removed, it is essential that all appropriate steps be taken to minimize the likelihood of death or permanent injury to any person against whom force was applied.

In the event that the suspect has sustained an injury or complains of injury, the deputy should administer the appropriate first aid treatment necessary to prevent death and minimize further injury. If serious injury has occurred, the deputy should immediately request emergency medical assistance and notify the on-duty supervisor. The on-duty supervisor shall notify all administrative team members of any serious injury, or the death of any suspects, or innocent persons.

All injuries sustained, as well as any first aid administered or medical assistance required should be thoroughly documented on the Use of Force Report.

In the event that the on-scene deputy is incapacitated, responding deputies shall assume the responsibility for administering first aid and summoning any necessary medical assistance and completing any required documentation. If a deputy is seriously injured, or death occurs, all administrative team members shall be notified immediately.

IX. OFFICE RESPONSE TO USE OF FORCE

1. Review-- The Sheriff or his designee shall review all uses of force to determine whether:

- a) Sheriff's Office orders were violated;
- b) Relevant policy was clearly understandable and effective to cover the situation;
- c) Sheriff's Office training was adequate;
- d) Policy revisions are necessary.

Note: The Sheriff or his designee may convene a board of inquiry to examine an incident in which force was applied. The board of inquiry will also ascertain training and policy needs.

B. Internal Investigations-- The Sheriff will appoint a designee(s) to conduct an internal investigation of applications of force that cause serious bodily injury to determine:

- 1) Whether Sheriff's Office policy was followed;
- 2) If changes are needed in current policy;
- 3) If changes are needed in current training;

C. Criminal Investigation-- Subsequent to the use of force with a firearm or other weapon, in which serious bodily injury or death occurs, the Sheriff will designate the appropriate agency to investigate the incident. Whenever the Winchester City Sheriff's Office is designated to conduct the criminal investigation, a written report shall be submitted to the Commonwealth's Attorney for their recommendation, at the conclusion of the investigation. The Sheriff shall be advised of the results of the investigation and the Commonwealth's Attorney's recommendation.

After the use of force with a firearm or other weapon has occurred, the threat to the deputy's safety and the safety of third persons has been removed, and emergency medical treatment accomplished, the on-duty supervisor shall immediately notify the Sheriff's Office's administrative team of the incident. The supervisor shall be responsible for having the scene protected and having witnesses identified and sequestered until arrival of the investigators. All deputies who witnessed the shooting are to remain at the scene unless injured.

The deputy shall not discuss the investigation of the case with anyone except the Investigating Agency/Commonwealth's Attorney after being advised of his/her legal rights, their spouse, their priest/pastor, the internal investigator (after being advised of their Garrity rights), or the deputy's attorney if he/she chooses to seek legal counsel.

D. Re-Assignment-- Pending administrative review, any deputy who has taken the life of another person or who has caused serious physical injury to another person will be removed from line-duty assignment until the situation is resolved. This action protects the interests of both the deputy and the community.

Administrative reassignment shall not imply any wrongdoing on the part of the deputy. If suspended pending the outcome of the investigation, the deputy shall be available for official interviews and statements regarding the case, and shall be subject to recall at any time. He/she shall notify the Sheriff prior to leaving the area.

A complete written formal report of the findings of the internal investigation shall be delivered promptly to the Sheriff. When the Commonwealth's Attorney or Grand Jury makes a decision regarding the incident, the Sheriff or Chief Deputy will:

- 1) Return the deputy to active duty if the incident is ruled justifiable;
- 2) Suspend the deputy without pay if criminal charges are filed. The deputy may remain in this status until all court proceedings are complete and a final ruling by the court has been made.

- E. Psychological Services-- The Sheriff will normally direct psychological follow-up for post-incident trauma. During an internal investigation, the department will do everything within its power to avoid stigmatizing the deputy who takes the life/injures someone in the performance of his/her duty. Following an incident resulting in a death, the deputy may not return to duty until a psychological evaluation has been conducted, and the deputy has received any necessary or desired counseling.
- F. Information Release--The Sheriff or Chief Deputy shall provide the information released to the media and/or public.

