	POLICY & PROCEDURE	SERIES # 533	PAGE 1 OF 45
	SUBJECT USE OF FORCE AND RELATED EQUIPMENT		EFFECTIVE DATE 01/20/2023
			OVERSIGHT Prof. Standards
DISTRIBUTION ALL MANUALS	AMENDS/SUPERSEDES/CANCELS P&P # 533 Dated 10/12/2021 .		

I. PURPOSE:

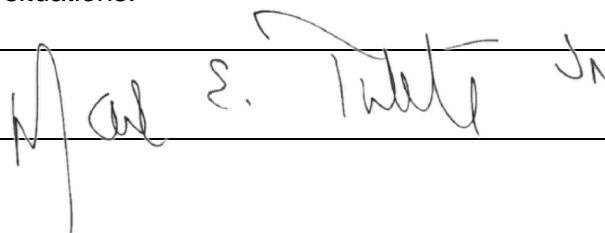
The purpose of this policy is to ensure that members of the Hampton Police Division use only the force reasonably necessary to accomplish lawful objectives and to explain Division issued equipment that may be used in response to physical threats.

II. POLICY:

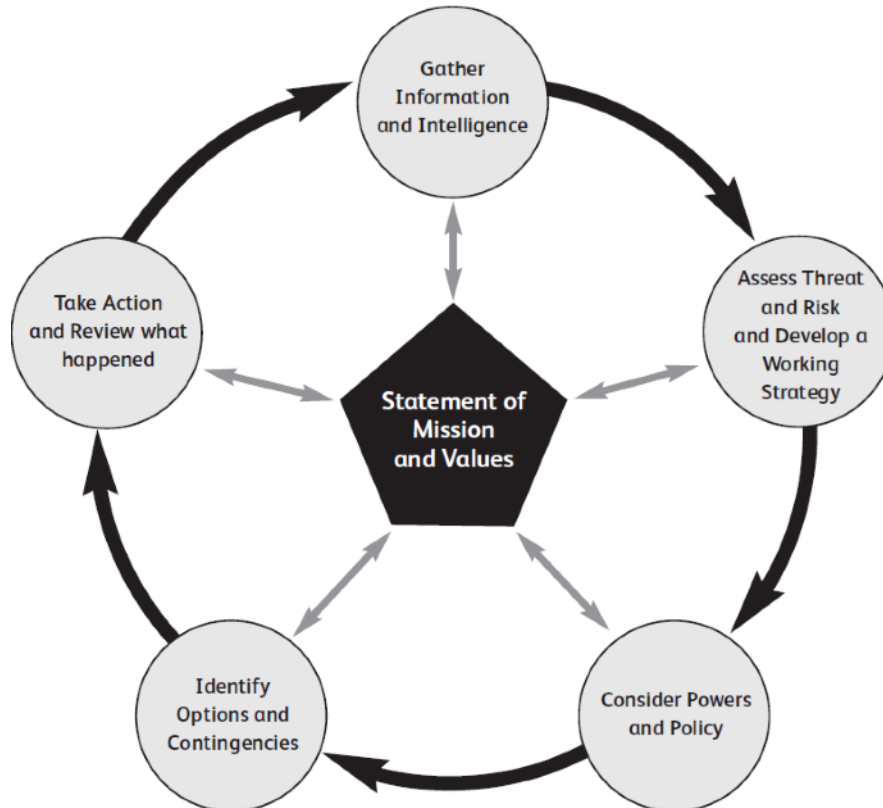
The Hampton Police Division is committed to protecting the public and their property while providing the highest quality public safety services. During the performance of public safety objectives, circumstances will arise that require the use of force by police personnel to protect the public and their property. It is the policy of the Hampton Police Division that:

- A. Members of the Hampton Police Division will hold the highest regard for the dignity and liberty of all persons. Only that amount of force reasonably necessary to effect lawful objectives will be used. Choice of a particular tactic must be objectively reasonable in light of the facts and circumstances confronting the Officer at the time.
- B. The Hampton Police Division respects the value of every human life and that the application of deadly force is a measure to be employed in the most extreme circumstances.
 - 1. Officers will carefully consider the use of many less-lethal options, against individuals who pose a danger only to themselves and not to other members of the public or to officers.
 - 2. Officers should be prepared to exercise considerable discretion to wait as long as practical so that the situation can be resolved peacefully.
- C. Any force applied by an officer shall be objectively reasonable and necessary to accomplish a lawful objective. Through case law, objective reasonableness is evaluated from the perspective of a reasonable officer possessing the same information and faced with the same circumstances. Graham v. Conner, 490 U.S. 386 (U.S. 1989). Objective reasonableness is not analyzed through hindsight, and will take into account, as appropriate, the fact that officers must make instantaneous decisions regarding the application and level of force to use in tense, uncertain, and rapidly evolving situations.

APPROVED:
CHIEF OF POLICE




- D. Only equipment issued by the Hampton Police Division or approved by the Chief of Police may be carried by officers.
- E. Police Officers, Animal Control Officers and Police Cadets will be properly trained in the lawful use of all force tactics and related equipment and in the maintenance of equipment they are authorized to carry. All officers and Cadets will receive training that meets state and Division minimum proficiency requirements prior to having weapons issued for use. The on and off duty carrying of weapons shall follow the standards set forth by the Training Unit. These standards will be enforced by all supervisors. Division officers shall qualify at least annually with all firearms and electronic weapons that they are authorized to carry.
- F. Whenever any employee, acting in an official capacity, uses force or takes action that results in (or is alleged to have resulted in) the death of another person, P&P 537 Police Action Death Investigations, P&P #538 Reporting Procedures for Discharge of Firearms (if applicable) and P&P # 539 Critical Incident & Stress Management shall be followed.
- G. If the action or use of force results in a death or serious injury, the employee involved shall be removed from line duties pending completion of an investigation and debriefing. The employee shall remain available for any necessary administrative investigation and debriefing, including a psychological debriefing.
- H. All Officers working in uniform (other than in administrative positions) will carry all authorized use of force related equipment.
- I. All officers working in uniform in an administrative position are encouraged to wear their issued body armor and carry all authorized use of force related equipment.
- J. All officers working in plain clothes will carry their issued / approved handgun in an approved holster and at a minimum carry handcuffs, spare magazine and one less lethal option (OC Spray, ASP Baton and/or Taser.)
- K. Personnel may use reasonable force:
- To protect themselves.
 - To protect others.
 - To affect a lawful detention.
 - To affect a lawful arrest.
 - To conduct a lawful search.
- L. Personnel will employ the Critical Decision-Making Model when confronted with critical incidents that require police intervention. Personnel will evaluate each incident, analyzing the following categories to determine the proportionality of law enforcement response. Ensuring the response is consistent with the ethics and values of the Hampton Police Division and with respect for the sanctity of life.



- M. If it is not already known by the subject to be detained, arrested, or searched officers will, if reasonable and safe, make clear their intention to detain, arrest, or search the subject. When practical, officers will identify themselves as a police officer before using force.
- N. Whenever possible, personnel will employ de-escalation techniques when confronted with situations that require use of force.
- O. The application of physical force to the head, neck, and spine of an individual, including but not limited to chokeholds and vascular neck restraints, **is prohibited** unless circumstances exist as described under extreme physical force standards.
- P. Hampton Police Division personnel have a duty to intervene in situations when they believe another officer is about to use excessive or unnecessary force, or when they witness colleagues using excessive or unnecessary force, or engaging in other misconduct. Any such intervention or failure to intervene will be reported to a supervisor and investigated by the Office of Professional Standards.
- Q. Personnel will respect the sanctity of life by promptly rendering first aid to subjects who have been injured as a result of police actions. Personnel will promptly request medical assistance.

III. DISCUSSION:

Police officers are regularly confronted with situations requiring use of varying levels of force to affect a lawful detention or arrest, ensure public safety, or protect themselves or others from harm. Because of their law enforcement and peacekeeping role, police officers are, at times, required to use physical force to fully carry out their responsibilities. Whether the degree of force used is reasonable depends upon the specific facts surrounding the situation. A reasonable use of force can only be intended to maintain or establish lawful control over a situation. Control is reached when a person either complies with an officer's lawful direction, or is restrained or apprehended and no longer presents a direct threat to the officer or another person. Once lawful control is established and maintained, the use of additional force is unlawful.

Since officers will encounter a wide range of behaviors, they must be prepared to utilize a range of force options to establish, maintain, and/or reestablish control by overcoming resistance to the officers' lawful authority while minimizing injuries, bearing in mind that the use of force must be reasonably necessary in the circumstances.

Because an unlimited variety of circumstances could arise, no written policy can offer definitive direction for every situation in which a use of force might be appropriate. Rather, the goal of this policy is to set forth specific guidelines for the exercise of sound judgment, and reasonable, prudent decision-making.

IV. DEFINITIONS:

- A. **Deadly force** – force that is intended to cause death or grave injury or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.
- B. **De-escalation** – taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible and reduce or eliminate the necessity to use physical force, but not at the sacrifice of officer safety.
- C. **De-escalation Techniques** – Actions used by officers that seek to minimize the likelihood of the need to use force during an incident, and increase the likelihood of gaining voluntary compliance from the subject.

Distance + Cover = TIME

TIME – allows us to communicate with the suspect, plan tactics, and if necessary, call for additional resources. **MOST IMPORTANTLY IT ALLOWS THE SITUATION TO SLOW DOWN.**

- D. **Division Armorer** – Officer certified to service Division issued and approved firearms.
- E. **Exigent Circumstances** – Circumstances that would cause a reasonable person to believe that prompt and unusual action is necessary to prevent physical injury to self or others.
- F. **Force** - Tactics used by officers to gain control of a situation or subject
- G. **Force Transition** – The movement, escalation, or de-escalation from the application of one force type to another in conjunction with the “objectively reasonable” standard.
- H. **Imminent Threat** – refers to an impending violent act that an officer reasonably believes will occur based on the totality of the circumstances.
- I. **Objectively Reasonable** – In determining the necessity for force and the appropriate level of force, officers should evaluate each situation based on the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat, the level of resistance presented by the subject, and the subsequent danger to the community.
- J. **Medical Treatment** – When the suspect is transported to a medical facility for medical treatment due to a use of force incident, the expense of that medical treatment will be the responsibility of the suspect, or they can sign a waiver of medical treatment at the medical facility.
- K. **Positional Asphyxia** – Death that occurs when a subject’s body position interferes with breathing, either when the chest is restricted from expanding properly or when the position of the subject’s head obstructs the airway.
- L. **Reasonable Belief** – When facts or circumstances the officer knows are such to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- M. **Serious Bodily Injury** – Bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, USC 18.
- N. **Subject Resistance**
 - 1. **Compliant** – A subject contacted by Division personnel in the performance of their duties who acknowledges direction or lawful order and voluntarily complies, offering no resistance.

2. **Passive Resistance** – The subject fails to comply with an officer’s lawful commands and is uncooperative, but takes only minimal physical action to prevent an officer from taking control and placing the subject in custody. Examples include: standing stationary and not moving after being directed to do so, falling limp and refusing to use their own power to move, **bracing**, remaining attached to a fixed object, or locking arms to another during protest.
3. **Active Resistance** – The subject’s physical actions are intended to prevent an officer from taking control and placing the subject in custody but are not directed at harming the officer. Examples include: attempts to flee, pulling from an officer’s grasp, twisting and turning of the body.
4. **Active Aggression** – The subject displays the intent to harm the officer or another person and prevent an officer from placing the subject in custody and taking control. The aggression may manifest itself through a subject taking a fighting stance, punching, kicking, striking, attacks with weapons or other actions which present an imminent threat of physical harm to the officer or another.
5. **Aggravated Active Aggression** – The subject demonstrates actions that are likely to result in the serious bodily injury or death of the officer, themselves, or other persons. These actions may include a firearm, use of blunt or bladed weapons, and extreme physical force.

- O. **Weapons Range Officer** – Officer in charge of Division firearms range and all related Division firearms records.

V. PROCEDURE:

- A. **Authorized Force Techniques, Equipment, and Tools**

The following force techniques, equipment, and tools are issued and approved for use by the Division. Division personnel may use these items in the pursuit of their duties pending the completion of required training and certification. Force transition between techniques, equipment, or tools may be necessary to achieve the “objectively reasonable” application of force depending on changes in the subject’s resistant behavior.

1. **Chemical Force**

- a. **Oleo-resin Capsicum (O/C)**

- 1) O/C spray is a non-lethal agent that acts as an inflammatory.
- 2) All field operations personnel are required to carry O/C spray while on duty.

8) Approved Use

- a) O/C spray will be used in accordance with Division policy and training.
- b) O/C spray may be used when a subject engages or displays the intent to engage in active aggression toward themselves, the officer or others.
- c) O/C spray may be used if a subject demonstrates active resistance and the officer has reason to believe that the subject has committed a violent crime, is armed or has the ability to access a weapon.
- d) O/C spray may be used on vicious or aggressive animals when those animals interfere with the safety of the officers or public.
- e) O/C spray may only be used in a demonstration or protest incident when authorized by an incident commander in response to imminent threat of harm.

9) Disapproved Use

- a) O/C spray will not be used on passive resistant demonstrators / protestors unless in response to an imminent threat of serious bodily injury and approved by the incident commander.
- b) O/C spray will not be used on handcuffed subjects unless the handcuffed subject demonstrates active aggression and an imminent threat of serious bodily injury to the officer or others exists.
- c) O/C spray will not be used on subjects who are seated inside and in control of a motorized vehicle.

10) Supervisory Responsibility

- a) The Incident Commander may authorize the use of O/C spray to control subjects involved in a demonstration or protest in response to an imminent threat of serious bodily injury.
- b) The Unit Commander is responsible for ensuring compliance with Section F, "Reporting Procedures."

- 11) Post Use of Force Procedures
 - a) Personnel using O/C spray will:
 - (1) Transport the exposed subject to a hospital for treatment as soon as possible.
 - (2) Notify their supervisor of the O/C spray discharge as soon as possible.

- 12) Chemical Munitions
 - a) The Hampton Police Division's SWAT and MRT teams is authorized to deploy chemical munitions pursuant to P&P 516, "High Risk Situations and Critical Incidents."

- 13) Certification / Training
 - a) Officers approved to deploy chemical munitions receive initial training in the proper operation prior to utilization of the equipment.
 - b) Officers approved to deploy chemical munitions will receive re-certification training pursuant to SWAT team guidelines. Officers who have not completed re-certification training pursuant to SWAT team guidelines are not permitted to utilize the equipment.

- 14) Inspection

The SWAT and MRT Teams will maintain the Division's inventory of all chemical munitions, related equipment, and personnel certified to use the equipment. Inspections will be conducted quarterly.

- 15) Deployment Requirements
 - a) Chemical munitions will be used according to the manufacturer's instructions and Division Training.
 - b) The Chief of Police, or designee will approve the deployment and operation of chemical munitions pursuant to P&P 516, "High Risk Situations and Critical Incidents."

- 16) Supervisory Responsibility

The SWAT, MRT Commander, or designee is responsible for ensuring compliance with Section F, "Reporting Procedures."

- a) Post Use of Chemical Munitions Procedures
- b) Subjects exposed to chemical munitions will be transported to the hospital as soon as possible for treatment and medical clearance.

2. Handcuffs

- a. Officers will only use Division issued or approved handcuffs.
- b. Certification / Training
Division personnel receive entry level training pursuant to Division requirements before being issued and approved to carry handcuffs.
- c. Inspection
Supervisors and Division training unit personnel will inspect handcuffs for serviceability pursuant to Division inspection standards.
- d. Approved Use
 - 1) Handcuffs will be used in accordance with Division policy and training.
 - 2) In an attempt to minimize the risk of injury during arrest situations, all arrested persons will be handcuffed as soon as possible.
 - 3) Subjects will be handcuffed with their hands behind their back unless physical ailment or extraordinary circumstances prohibit such action.
 - 4) Officers will ensure proper fit of handcuffs and engage the double lock mechanism to limit the risk of injury.
 - 5) When transporting prisoners. Refer to P&P 1147, "Custody and Transportation of Detainees."
 - 6) Subjects may be handcuffed during investigative detention when one or more of the following factors exist:
 - a) Articulable facts that the subject is physically uncooperative;

- b) Articulate facts that a subject's actions at the scene may present a danger to themselves, the officer or others if not restrained;
 - c) Reasonable possibility of flight based on the subject's actions;
 - d) Reasonable suspicion that the subject may be armed;
 - e) The stop closely follows a violent crime and the subject matches specific parts of a description;
 - f) Articulate facts that a violent crime is about to occur and the individual detained may be involved;
 - g) The authority to handcuff during investigative detention continues as long as the circumstances described above exist. Detainees must be released from handcuffs once an investigation has refuted the subject's involvement and reasonable suspicion no longer exists for detention.
 - h) Discretion must be used when handcuffing detainees of extreme age.
- 7) Civil Process – ECO / TDO
- a) Subjects in custody pursuant to ECO / TDO requirements may be handcuffed when there is specific information regarding potential behavior by the subject that could result in serious bodily injury, or;
 - b) The subject is known to have or is demonstrating behavior that may result in risk of serious bodily injury, or;
 - c) To prevent the escape during custody if it is reasonably necessary.
- 8) Search Warrant Execution
- Subjects present during the execution of a search warrant may be handcuffed for safety pursuant to legal considerations.
- 9) Disapproved Use
- a) Subjects will not be handcuffed to fixed objects unless exigent circumstances exist. If a subject is handcuffed to a fixed object, they will be continuously monitored.

- b) Subjects will not be handcuffed when medical circumstances exist that make handcuffing unreasonable.
- c) When responding to calls for service where subjects are detained in handcuffs by third parties, Hampton Police Division personnel will verify the existence of criteria set forth in this policy prior to the placement of HPD issued or approved handcuffs.

10) Considerations

- a) Discretion must be used when handcuffing detainees of extreme age.
- b) When arrestees / detainees complain of tightness or pain associated with handcuffs, Division personnel responsible for the custody of the subject will check the handcuffs as soon as it is safe to do so. Adjustments will be made if the handcuffs (per training) are too tight or appear to be causing injury.

11) Supervisory Responsibility

The Unit Commander is responsible for ensuring compliance with Section F, "Reporting Procedures" if there is an allegation or sustainment of injury related to handcuffing.

3. Plastic Handcuffs (Flex-cuffs)

Plastic handcuffs are not standard issue for the Division; however, in civil disorders, mass arrest situations, and SWAT operations, these handcuffs may be available. Officers will follow normal procedures for handcuffing prisoners, ensuring the handcuffs have been secured appropriately.

4. Leg Irons

Officers are authorized to use leg irons for situations when the arrested person behaves in such a manner that normal restraining devices will not protect the prisoner or the officer from injury. Leg irons may also be used to prevent prisoner escape.

5. Kickstop Restraints

- a. Personnel trained and currently certified in the use of the Kickstop restraint device may carry the device. The application of the Kickstop restraint must be supervised by a member trained and currently certified in the use of the Kickstop restraint.

- b. The Kickstop restraint may be used as necessary to prevent escape or to restrain prisoners that exhibit violent behavior by kicking and struggling during arrest or transportation.
- c. Personnel assigned the Kickstop restraint shall receive initial training before carrying the device.
- d. Subjects restrained through the use of the Kickstop shall be monitored continuously to ensure their safety and wellbeing throughout the custody process. Once secured in the Kickstop, the subject shall be rolled onto their side to minimize the pressure placed on the subject’s chest. When transported in a police vehicle while secured in Level 2 or 3 of the restraint, subjects shall be placed on their side and secured with both seat belts to ensure they remain on their side while being transported.

6. Conducted Electronic Weapon (CEW)

- a. The Hampton Police Division issues the Taser to all sworn personnel and animal control officers who are trained and currently certified.
- b. The Taser is a neuro-muscular incapacitation device that disrupts the body’s ability to communicate messages from the brain to the muscles.

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- d. A Taser 7 cartridge is a replaceable cartridge for the Taser that uses compressed nitrogen to discharge two barbed probes connected to the cartridge by wire that sends a high voltage / low current signal into the subject upon positive contact.

- e. Probe mode is the discharge of the Taser 7 cartridge, firing the two probes at an intended target.
- f. Plain clothes personnel are required to carry O/C spray, an CEW, or an expandable straight baton while on duty.
- g. Certification / Training
 - 1) All officers approved and assigned to carry the Taser shall successfully complete initial training prior to assignment and use of the equipment and receive re-certification training on an annual basis. Officers who do not complete re-certification training within 12 months of the previous certification or re-certification date shall not carry or use the Taser. Only officers currently certified shall use a Taser.
 - 2) Initial and Re-certification Training shall comply with the manufacturer's recommended training standards, the incorporation of Division use of force standards, and the integration of the Department of Justice "Electronic Control Weapon" Guidelines.
 - 3) The Taser shall be carried in a Division issued holster or in one that has been approved by the Commander of the Training Unit, or his designee. The Taser shall be carried in the holster, on the officer's duty belt, mounted on the support (off) side, requiring a "cross draw" method with the officer's weapon hand.
- h. Inspection
 - 1) The Training Unit will maintain the Division's inventory of all Tasers, a master list of all personnel certified to use the Taser, and will conduct an annual inspection and data download.
 - 2) Supervisors will inspect Tasers for serviceability pursuant to Division inspection standards. Inoperable Tasers will be returned to the Training Unit as soon as possible and will not be used in the field of operations prior to evaluation and repair.
- i. Deployment Requirements
 - 1) Prior to field deployment of an assigned Taser, officers shall complete a one-second spark test to ensure proper operation of the equipment. Upon inspection and spark testing, any Taser with a rechargeable battery pack level of 25% or less

will be immediately swapped for a fully charged rechargeable battery pack. Officers should also swap their rechargeable battery pack for a fully charged rechargeable battery pack every thirty (30) calendar days, whichever may come first.

- 2) When displaying the Taser, an officer will, communicate to all officers on scene of their intention to use the Taser. This will allow officers on scene to be prepared for the deployment of the device. If practical, announce a warning advising the subject and other persons in the area of the intent to deploy the Taser should failure to comply with lawful commands continue.
- 3) The officer will give the subject a reasonable opportunity to voluntarily comply if it safe to do so.

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j. Approved Use

- 1) Tasers will only be used when:
 - a) A subject demonstrates active aggression and there is an exigent circumstance that creates an immediate safety risk to any person other than the subject, and the immediate safety risk is likely to be cured by using the taser, or;
 - b) **A subject demonstrates active resistance and the officer has reason to believe that the subject has committed a violent crime, is armed or has the ability to access a weapon, thus demonstrating an immediate safety risk to the officer or any person other than the subject, and the immediate safety risk is likely to be cured using the taser; or,**
 - c) A subject creates an immediate safety risk by exhibiting active aggression toward themselves and they are armed with the means to place themselves at risk of imminent serious bodily injury.

- 2) Active resistance, erratic behavior, mental illness, and the potential for self-harm do not, by themselves meet the standard for exigent circumstances that create an immediate safety risk.
 - 3) However, those factors in combination with a deadly weapon and the threat to use such weapon on oneself may create an immediate threat that is likely to be cured by using the Taser.
 - 4) Upon deployment of the Taser, officers will use it for one standard cycle and stop to evaluate the situation (a standard cycle is five seconds). If necessary, no more than three (3) cycles of Taser utilization will be used before transitioning to an alternative method of force.
 - 5) Only one Taser will be activated on a subject at a given time, avoiding multiple Taser deployment / activations unless exigent circumstances exist. During deployment, the subject's head, neck, and genitalia will be avoided.
 - 6) Once the Taser is properly deployed, assisting officers will **make reasonable attempts to** safeguard the suspects head from striking the ground.
 - 7) The Taser may be used on vicious or aggressive animals when those animals interfere with the safety of the officers or public.
- k. Disapproved Use
- 1) Officers are not authorized to draw or display Tasers except for training or inspection, unless the circumstances create a reasonable belief that use may be necessary.
 - 2) The Taser will be handled in the same manner as a firearm and will be secured prior to entering any detention facility.
 - 3) The Taser will not be used:
 - a) On a fleeing subject unless **the** exigent circumstances **described in the Approved Use section exist.**
 - b) The necessity to apprehend the subject for the circumstances described **in the Approved Use section** must outweigh the risk of serious injury to the subject as a result of falling after being tased.

- c) On handcuffed persons unless exigent circumstances exist where the subject exhibits active aggression to the extent of causing an imminent threat of serious bodily injury or death **to the officers or persons other than the suspect.**
 - d) When a subject is in an elevated location where a fall may cause serious injury or death unless deadly force is warranted.
 - e) On pregnant women, elderly persons, young children, and visibly frail persons unless exigent circumstances exist that create an immediate safety risk to others and the Taser is likely to stop the threat. Officers will evaluate whether the use of the Taser is reasonable, based upon all circumstances, including the subject's age and physical condition. In some cases, other control techniques may be more appropriate as determined by the subject's threat level to others.
 - f) On persons in physical control of motorized vehicles while they are operating such vehicle, unless exigent circumstances exist where the subject exhibits active aggression to the extent of causing an imminent threat of serious bodily injury or death to others.
 - g) On persons in the known presence of combustible vapors and liquids or other flammable substances.
- 4) Considerations

There are three (3) types of reportable Taser incidents:

- a) Display:
 - Non-Activation Display – the taser is un-holstered and displayed upon a citizen with the intention of gaining voluntary compliance without activation.
 - Laser Display
 - A non-contact, non-discharge of the Taser. Occurs when the officer draws and activates the Taser, placing the laser sight on an intended target.

- Spark Display

A non-contact demonstration of the Taser's ability to discharge electricity.

Display of the Taser may be used when use of the Taser is reasonable and the officer attempts to gain voluntary compliance without discharge.

b) Drive Stun:

- A secondary function of the Taser intended to make contact with the subject after the Taser 7 cartridge has been discharged or removed.

The use of the drive stun with the Taser 7 cartridge removed is discouraged.

c) Probe Mode

- The Taser discharges the Taser 7 cartridge and both probes are fired at an intended target.

5) Supervisory Responsibility

- a) A supervisor will respond to all scenes where the Taser was actively deployed upon a subject.
- b) The Unit Commander is responsible for ensuring compliance with Section B, "Reporting Procedures."

6) Post Use of Force Procedures for Personnel using the Taser:

- a) Transport the exposed subject to a hospital for treatment as soon as possible after the exposure. Once the subject is secured and as soon as possible after exposure, officers shall closely monitor the status of the subject to detect any complications. Officers shall not remove probes unless extraordinary circumstances dictate otherwise.
- b) If emergency medical personnel are on scene they may remove the Taser probes and provide medical attention in lieu of transporting the subject to the hospital.

- c) Notify their supervisor of the Taser discharge as soon as possible.

7. **ASP Expandable Baton (Impact Force)**

- a. The Hampton Police Division issues the ASP expandable baton to all sworn personnel, animal control officers, and police cadets.
- b. All field operations personnel are required to carry the ASP expandable baton while on duty.
- c. All personnel are authorized to carry the ASP expandable baton off duty.
- d. Plain clothes personnel are required to carry O/C spray, an ECD, or an expandable straight baton while on duty.
- e. Certification / Training
Division personnel receive training pursuant to manufacturer and Division requirements before being issued and approved to carry the ASP expandable baton.
- f. Inspections
An ASP Tactical Baton instructor will inspect ASP Batons prior to issuance to ensure operability. Supervisors and Division training unit personnel will inspect ASP expandable batons for serviceability pursuant to Division inspection standards.
- g. Deployment Requirements
 - 1) The ASP expandable baton is a defensive impact weapon. Personnel trained and equipped with the ASP expandable baton will deploy the tool pursuant to manufacturer and training requirements.
Open and closed mode strikes are intended to strike the center mass of the arms, legs, and torso.
 - 2) Only non-lethal areas may be struck with the ASP expandable baton unless lethal force is justified.
Blows to the head, neck, sternum, spine, groin or kidneys are considered deadly force.
- h. Approved Use
 - 1) The ASP expandable baton will be used in accordance with Division policy and training.

- 2) The ASP expandable baton will only be used on a subject who demonstrates active aggression and an imminent threat of serious bodily injury exists.
- 3) The ASP expandable baton may be used on vicious or aggressive animals when those animals interfere with the safety of the officers or public.

i. Disapproved Use

The ASP expandable baton will not be used on subjects who pose no imminent threat of serious bodily injury.

j. Supervisory Responsibility

The Unit Commander is responsible for ensuring compliance with Section B, "Reporting Procedures."

k. Post Use of Force Procedures

- 1) Personnel using the ASP expandable baton will:
 - a) All persons struck by the ASP Expandable baton will be taken to the hospital for medical evaluation as soon as possible.
 - b) Notify their supervisor of the use of the ASP expandable baton as soon as possible.

8. Police Mountain Bicycle

a. The police mountain bicycle is issued to officers trained and currently certified to operate as police mountain bicycle officers.

b. Certification / Training

Division personnel approved to operate as police mountain bicycle officers will complete an approved mountain bicycle officer's course prior to utilization of the equipment (See P&P 1508 "Bicycle Patrol" for certification criteria.)

c. Inspection

Supervisors will inspect police mountain bicycles for serviceability pursuant to Division inspection standards.

d. Deployment Requirements

The police mountain bicycle may be used as a secondary impact weapon pursuant to Division policy and training.

e. Approved Use

- 1) The police mountain bicycle will be used in accordance with Division policy and training.
- 2) The police mountain bicycle will only be used as an impact weapon on a subject who demonstrates active aggression and an imminent threat of serious bodily injury exists, and other intermediate weapons are not readily available or practical.
- 3) The police mountain bicycle may be used on vicious or aggressive animals when those animals interfere with the safety of the officers or public.

f. Disapproved Use

The police mountain bicycle will not be used on subjects who pose no imminent threat of serious bodily injury.

g. Supervisory Responsibility

The Unit Commander is responsible for ensuring compliance with Section F, "Reporting Procedures."

h. Post Use of Force Procedures

- 1) Personnel using the police mountain bicycle as an impact weapon will:
 - a) Transport the subject to a hospital for treatment as soon as possible.
 - b) Notify their supervisor of the use of the police mountain bicycle as an impact weapon as soon as possible.

9. **FN 303 Extended Range Impact Weapon**

- a. The FN 303 Less Lethal Weapons System is designed for situations requiring less lethal response. It is a secondary extended range impact weapon and should be utilized only by trained personnel to protect themselves or others from potential or actual bodily harm.

The FN 303 may also be used in situations where the baton or other control techniques are either impractical or unsafe.

b. Certification / Training

- 1) Division personnel approved to carry the FN303 will receive initial training in the proper operation of the device prior to utilization of the equipment.
- 2) Division personnel approved to carry and previously trained in the operation of the FN303 will receive re-certification on an annual basis. Officers who have not completed a re-certification training session are not permitted to utilize the equipment.

c. Inspection

- 1) The Training Unit will maintain the Division's inventory of all FN 303's, a master list of all personnel certified to use the FN 303, and will conduct an annual inspection and inventory of all FN 303's.
- 2) Supervisors and Division training unit personnel will inspect FN 303's for serviceability pursuant to Division inspection standards.

d. Deployment Requirements

- 1) The FN 303 will be used according to the manufacturer's instructions and Division Training.
- 2) When using the FN 303, officers will only target the portions of the body that may be struck without causing permanent or fatal injuries, unless the area is targeted in response to deadly force resistance.
- 3) When practical, every effort will be made by personnel deploying the FN 303 to inform other Division personnel prior to its deployment.

Important element so that others on scene do not mistake the FN 303 for actual gunfire.

e. Approved Use

- 1) The FN 303 will be used in accordance with Division policy and training.

- 2) The FN 303 will only be used on a subject who demonstrates active aggression and an imminent threat of serious bodily injury exists.
 - 3) The FN 303 may be used on vicious or aggressive animals when those animals interfere with the safety of the officers or public.
- f. Disapproved Use
- The FN 303 will not be used on subjects who pose no imminent threat of serious bodily injury.
- g. Supervisory Responsibility
- The Unit Commander is responsible for ensuring compliance with Section B, "Reporting Procedures."
- h. Post Use of Force Procedures
- 1) Personnel using the FN 303 will:
 - a) Transport the subject to a hospital for treatment as soon as possible.

Suspect(s) who are struck with less lethal projectiles must be appropriately restrained and transported to the hospital for examination and treatment. Police personnel shall notify the medical personnel of the weight, speed, and distance at which the impact projectiles were fired.
 - b) Notify their supervisor of the use of the FN 303 as soon as possible.

10. **Pepperball Impact/OC Launcher**

- a. Pepperball Impact/OC Launcher is a non-lethal chemical agent delivery system that uses high pressure air and CO2 to deliver PAVA powder (Oleoresin Capsicum) projectiles. It has a secondary function as a kinetic impact weapon. Pepperball Launchers are only to be utilized by personnel trained in the functions and applications of the system to protect themselves and/or others from potential or actual bodily harm. The Pepperball launcher may be used in situations where a baton, OC spray, or other control techniques are either impractical or unsafe.

- b. The Pepperball Launcher is assigned to the Mobile Response Team (MRT).
- c. Certification and Training
 - 1) Division Personnel approved to operate the Pepperball Launcher will receive initial training in the proper operation and application of the device prior to utilization and deployment.
 - 2) Division personnel certified to use the Pepperball Launcher will train annually on the functions and applications of the launcher. Those who have not recertified annually on the launcher, will not be authorized to utilize the equipment.
- d. Inspection

The MRT Team will maintain a listing of personnel certified to use the weapon as well as, the Division's inventory of all Pepperball Launchers, associated equipment and description of its functions. The MRT Commander or their designee, will provide the HPD Range Master the list of qualified personnel for records maintenance annually.
- e. Deployment
 - 1) The Pepperball Launcher will be utilized and operated in accordance with manufacturer's instructions and Division training.
 - 2) The MRT Commander, or their designee, will approve the deployment and operation of the Pepperball Launcher. Division personnel operating the Pepperball Launcher will target only the portions of the body that will not cause permanent or fatal injuries, unless the area targeted is in response to lethal force resistance.
 - 3) When practical, every effort shall be made by personnel deploying the Pepperball Launcher to inform other Division members of its deployment. (**Important Element:** so that others on scene do not mistake the Pepperball Launcher as actual gunfire.)
- f. Approved Use
 - 1) The Pepperball Launcher will be used in accordance with Division Policy and training.
 - 2) The Pepperball Launcher will only be used when a subject is demonstrating active aggression and the use of the Pepperball launcher is necessary to protect any law

enforcement officer or other person from serious bodily injury.

- 3) The Pepperball Launcher may be used on vicious or aggressive animals when those animals interfere with the safety of the officer(s) or public.

g. Disapproved Use

The Pepperball Launcher will not be used on subjects who pose no imminent threat of serious bodily injury.

h. Supervisory Responsibility

The MRT Commander, or their designee, is responsible for ensuring compliance with Section B, "Reporting Procedures."

i. Post Pepperball Launcher Use Procedures

Suspect(s) struck with the Pepperball Launcher must be appropriately restrained and transported to the hospital for examination and treatment. Police personnel will provide medical personnel information concerning the size, speed, quantity, and distance of the projectile(s) utilized.

11. **40mm Impact Weapon**

- a. The 40mm Impact Weapon is a specialized weapon system designed for situations requiring less lethal response. It is a secondary extended range impact weapon and should be utilized only by trained personnel to protect themselves or others from potential or actual bodily harm. The 40mm Impact Weapon may also be used in situations where the baton or other control techniques are either impractical or unsafe.
- b. The 40mm Impact Weapon is assigned to the SWAT team.
- c. Certification / Training
 - 1) Division personnel approved to operate the 40mm Impact Weapon will receive initial training in the proper operation of the device prior to utilization of the equipment.
 - 2) Division personnel approved to operate and previously trained in the operation of the 40mm Impact Weapon will receive re-certification on an annual basis. Division

personnel who have not completed a re-certification training session are not permitted to utilize the equipment.

d. Inspection

The SWAT Team will maintain the Division's inventory of all 40mm Impact Weapons, related equipment, and personnel certified to use the weapon.

e. Deployment Requirements

- 1) The 40mm Impact Weapon will be used according to the manufacturer's instructions and Division Training.
- 2) The SWAT Team Commander, or designee will approve the deployment and operation of the 40mm Impact Weapon. Division personnel utilizing the equipment will only target the portions of the body that may be struck without causing permanent or fatal injuries, unless the area is targeted in response to deadly force resistance.
- 3) When practical, every effort shall be made by personnel deploying the 40mm Impact Weapon to inform other Division personnel prior to its deployment.

Important element so that others on scene do not mistake the 40mm for actual gunfire.

f. Approved Use

- 1) The 40mm Impact Weapon will be used in accordance with Division policy and training.
- 2) The 40mm Impact Weapon will only be used on a subject who demonstrates active aggression and an imminent threat of serious bodily injury exists.
- 3) The 40mm Impact Weapon may be used on vicious or aggressive animals when those animals interfere with the safety of the officers or public.

g. Disapproved Use

The 40mm Impact Weapon will not be used on subjects who pose no imminent threat of serious bodily injury.

h. Supervisory Responsibility

The SWAT Commander, or designee is responsible for ensuring compliance with Section B, “Reporting Procedures.”

i. Post Use of Force Procedures

Personnel using the 40mm Impact Weapon will:

- 1) Transport the subject to a hospital for treatment as soon as possible.
- 2) Suspect(s) who are struck with less lethal projectiles must be appropriately restrained and transported to the hospital for examination and treatment. Police personnel shall notify the medical personnel of the weight, speed, and distance at which the impact projectiles were fired.

12. **Gauge Less Lethal Shotgun**

a. The **12 Gauge Less Lethal Shotgun** is designed for situations requiring less than lethal response. It is a secondary extended range impact weapon and should be utilized only by trained personnel to protect themselves or others from potential or actual bodily harm. It may also be used in situations where the baton or other control techniques are either impractical or unsafe.

The **12 Gauge Less Lethal Shotgun** is readily identifiable by the florescent orange stock and slide as well as the identifiable marking on the stock “**LESS LETHAL**”.

b. Certification / Training

- 1) Division personnel approved to carry the **12 Gauge Less Lethal Shotgun** will receive initial training in the proper operation prior to utilization.
- 2) Division personnel approved to carry and previously trained in the operation of the **12 Gauge Less Lethal Shotgun** will receive re-certification on an annual basis. Officers who have not completed a re-certification training session are not permitted to utilize the equipment.

c. Inspection

- 1) The Training Unit will maintain the Division’s inventory of all **12 Gauge Less Lethal Shotguns**, a master list of all personnel certified to use the **12 Gauge Less Lethal**

Shotgun, and will conduct an annual inspection and inventory of all **12 Gauge Less Lethal Shotguns**.

- 2) Supervisors and the Division's training unit personnel will inspect **12 Gauge Less Lethal Shotguns** for serviceability pursuant to Division inspection standards.
 - 3) All **12 Gauge Less Lethal Shotguns** will be inspected prior to their work assignment and the user will verify all rounds contained in the shotgun are less than lethal rounds.
 - 4) No officer will be issued or carry any shotgun ammunition if they are assigned to carry a **12 Gauge Less Lethal Shotgun**.
- d. Deployment Requirements
- 1) The **12 Gauge Less Lethal Shotgun** will be used according Division policy and training.
 - 2) When using the **12 Gauge Less Lethal Shotgun**, officers will only target the portions of the body that may be struck without causing permanent or fatal injuries, unless the area is targeted in response to deadly force resistance. All personnel, prior to deployment, will verify both the color and markings of the **12 Gauge Less Lethal Shotgun**.
 - 3) When practical, every effort will be made by personnel deploying the **12 Gauge Less Lethal Shotgun** to inform other Division personnel prior to its deployment.

***Important element so that others on scene do not mistake the 12 Gauge Less Lethal Shotgun for actual gunfire.**
 - 4) If discharge of the **12 Gauge Less Lethal Shotgun** is necessary, the following will apply:
 - (a) **12 Gauge Less Lethal Shotgun** should be discharged at a distance of no less than fifteen (15) to sixty (60) feet from the intended subject
 - (b) The target areas should be the extremities arms or legs.
 - (c) Only non-lethal areas may be struck with the **12 Gauge Less Lethal Shotgun** unless lethal force is justified.
 - (d) Targeting the head, neck, sternum, spine, groin, or kidneys are considered deadly force.

e. Approved Use

- 1) The **12 Gauge Less Lethal Shotgun** will be used in accordance with Division policy and training.
- 2) The **12 Gauge Less Lethal Shotgun** will only be used on a subject who demonstrates active aggression and an imminent threat of serious bodily injury exists.
- 3) The **12 Gauge Less Lethal Shotgun** may be used on vicious or aggressive animals when those animals interfere with the safety of the officers or public.

f. Disapproved Use

The **12 Gauge Less Lethal Shotgun** will not be used on subjects who pose no imminent threat of serious bodily injury.

g. Supervisory Responsibility

The Unit Commander is responsible for ensuring compliance with Section B, "Reporting Procedures."

h. Post Use of Force Procedures

- 1) Personnel using the **12 Gauge Less Lethal Shotgun** will:
 - a) Transport the subject to a hospital for treatment as soon as possible.

Suspect(s) who are struck with less lethal projectiles must be appropriately restrained and transported to the hospital for examination and treatment. Police personnel shall notify the medical personnel of the weight, speed, and distance at which the impact projectiles were fired.
 - b) Notify their supervisor of the use of the **12 Gauge Less Lethal Shotgun** as soon as possible.

13. **Lethal Force Equipment**

- a. The Weapons Range Officer will be responsible for the inventory and issuance of all Division firearms and ammunition to authorized personnel. Only ammunition authorized and issued by the Division will be used / carried in Division issued weapons.
- b. All Division-issued firearms assigned to individual officers must be returned to the Weapons Range Officer whenever the officer is reassigned, promoted, resigns or retires. The Weapons Range

Officer shall inspect the firearm, issue new ammunition and reassign the firearm after the officer has met qualification requirements. Firearms are not to be reassigned from one officer to another officer except by the Weapons Range Officer.

- c. The Weapons Range Officer is responsible for the maintenance of all required firearms training records to include lists of personnel approved and certified to use each specific firearm type.
- d. Handguns
 - 1) The Hampton Police Division issues the Glock 21 .45 caliber, double action only semi-automatic handgun as the standard duty weapon to all operational personnel. The Glock 30 .45 caliber, double action only semi-automatic handgun is issued to sworn personnel approved by the Chief of Police. Officers will carry the Division issued handgun when in uniform.
 - 2) Plain clothes officers will carry the Division issued handgun or personally purchased weapons specifically approved for on-duty carry by the Chief of Police while in an on-duty status.
 - a) The Glock 30 and Glock 30S Gen 4 models are approved for on-duty carry. All models, both issued and personally owned, will not be altered in any manner that deviate from manufacturers specifications.
 - 3) Personally purchased weapons shall be submitted to the Division Armorer for inspection prior to being carried in an on-duty status. Personally submitted weapons must be factory standard to include installed night sights. Once the weapon is inspected, the Authorization Form will be completed and presented to the Chief of Police by the requesting officer. If approved by the Chief of Police, the Authorization Form will be forwarded to the Supervisor of the Training Unit for record keeping purposes.
 - 4) The following handguns are approved for off duty carry pursuant to successful completion of required qualification courses:

9mm, 10mm, .357, .40 or .45 caliber semi-automatic, double action only pistols manufactured by Sig Sauer, Smith & Wesson, Ruger, F N Herstal and Glock; or .357 or .38 caliber double action revolvers manufactured by Colt, Smith & Wesson or Ruger. (NOTE: These lists do not apply to use

for personal recreational purposes, i.e. hunting or competition shooting.)

e. Certification / Training

1) The Division's Training Unit will maintain all records related to initial, re-certification, and re-training handgun qualifications. All sworn personnel are required to maintain the following certification:

a) All officers shall maintain certification with the primary firearm, off-duty firearm, and any other Division issued firearm. Qualification courses for handguns are as follows (other firearms are equipment / course specific):

b) Officers must qualify annually with any on-duty weapon approved by the Chief of Police. The DCJS Tactical Qualification Course will be the primary course of fire for Division issued handguns. Other issued weapons not regulated by DCJS such as; Patrol Rifles, undercover handguns, and SWAT weapons will be qualified on a Division approved course of fire.

c) Officers will be given up to three (3) opportunities to score a 70% on the annual (Key Training) firearms event. Those who are not able to score a 70% qualification will be scheduled for specialized enhancement. This effort will be coordinated through the Training Unit and the Officer's chain of command. The purpose is to evaluate and remediate the officer to qualify under the DCJS standard. Officers who reach 70% but not 80% will be placed on the enhancement program to increase their proficiency.

d) Off Duty weapons with barrel lengths of 3.5 inches and larger will qualify on the standard DCJS Tactical Qualification Course. Qualifying score is 70%.

Off Duty weapons with barrel lengths of 3.49 inches and less will qualify on the Division's modified Tactical Qualification Course. Qualifying score is 70%.

e) Certification includes training regarding legal aspects of deadly force, firearms safety and minimum firearms qualification standards mandated by the Virginia Department of Criminal Justice Standards and the Police Division. All officers must meet or exceed the minimum standards required for certification.

- f) Officers who fail to qualify shall surrender the assigned firearm(s) and take home vehicle (if applicable) to the range instructor prior to leaving the range. Transportation will be provided to officers who surrender take home vehicles.
- g) Officers who fail to meet certification standards shall be granted a ten (10) day grace period during which they will report to the Training Unit for remedial training and qualification efforts.
- h) If an officer fails to qualify during the ten (10) day grace period, the situation shall be referred to the Chief of Police for disposition.
- i) Certain medical conditions or procedures shall require that officers re-qualify with firearms prior to returning to duty.
 - (1) Officers undergoing vision correction surgery are required to re-qualify prior to a return to full duty.
 - (a) Officers obtaining the first corrective lens prescription or who have significant changes in existing prescriptions, such as bifocals, are required to contact the Training Unit to schedule a qualification session before returning to duty.
 - (b) Officers who have injuries to the arm or hand that result in lost duty time will be required to re-qualify upon their medical release and before reporting to full duty.
 - (c) It is the responsibility of the individual officer to contact the immediate supervisor and advise the supervisor of the situation. The supervisor is responsible for contacting the Training Unit to schedule any required qualification sessions and assuring the officer's attendance.
- j) Personnel who fail to re-qualify with electronic weapons will not be authorized to carry such weapons until they have re-qualified.

- k) Only agency personnel demonstrating proficiency in the use of agency-authorized weapons will be approved to carry such weapons.
 - l) All weapons training will be under the supervision of instructors certified to train that weapon by the Va. Department of Criminal Justice Services.
- f. Deployment Requirements
- 1) Division issued / approved handguns will be used according to Division rules, policy and training.
 - 2) Holsters
 - a) No horizontal carry holsters are approved.
 - b) The following types of holsters are approved for administrative duty, plain clothes, and off duty carry:
 - (1) Vertical holsters that affix to the waist band area of the officer's person such as paddle or belt loop style holster.
 - (2) Vertical carry shoulder holsters that secure to the belt and have a tie down on the opposite side. Holsters must fit snugly and provide clear access for weapon removal. **NO HORIZONTAL SHOULDER HOLSTERS ARE AUTHORIZED.**
 - (3) The trigger guard of the weapon must be covered by the holster.
 - (4) A safety strap or internal locking device must secure weapon to holster.
 - (5) Designed to accommodate additional ammunition, for either magazine or speed loader or the officer must have the ability to carry additional ammunition in a separate but secure device.
 - (6) Holster design must allow for proper grip of the weapon prior to removal.

(7) Officers must qualify with the holster and weapon prior to use. The Training Unit will maintain records regarding the type of holster and the qualification score. The following qualification courses will be used:

(a) Any on-duty weapon approved by the Chief of Police will qualify on the standard DCJS Tactical Qualification Course. Qualifying score is 70%, however the Division's firearms enhancement program will be initiated until the officer achieves an 80% or better on two (2) consecutive months as required by program standards.

(b) Off Duty weapons with barrel lengths of 3.5 inches and larger will qualify on the standard DCJS Tactical Qualification Course. Qualifying score is 70%.

(c) Off Duty weapons with barrel lengths of 3.49 inches and less will qualify on the Division's modified Tactical Qualification Course. Qualifying score is 70%.

(8) Officers wishing to utilize a personally purchased holster must have the holster approved prior to purchase since these holsters are not Division-issued items. Officers will not be permitted to use holsters that accommodate additional equipment, such as light systems, unless required by duty position and approved by the Commander of the Training Unit or his designee.

g. Handgun Mounted Flashlight

1) The Division has approved the personal purchase of the Streamlight TRL-1 flashlight to be mounted on the Division handgun for Division use along with the related holster.

Safari land holster #7360/#6360 STX with Tactical finish are required to be personally purchased to accommodate the mounted flashlight.

2) Officers who decide to purchase this equipment will need to make arrangements with the Training Unit for equipment

inspection and approval, and will be required to complete a Tactical Qualification Course for approved use.

h. Off Duty Procedures

- 1) Officers are encouraged to carry a handgun when off duty. An officer who does not carry a firearm off duty shall not be subject to discipline if the officer fails to take police action because the officer was not armed.
 - a) Any off duty officer operating a Division vehicle shall be armed with a Division-issued firearm or an approved personal firearm and holster.
 - b) Officers shall not carry firearms when consuming intoxicants or undergoing medical or dental treatment that requires anesthesia or narcotics, or any substance, including prescription drugs, that may impair function or judgment.

i. Long Guns

- 1) Select personnel, including SWAT and MRT members, may have long guns issued for use upon qualification with the weapon.
- 2) The following long guns are approved for use by approved Division personnel:

Colt SMG 9mm subgun, Colt, Smith & Wesson M&P AR-15 5.56/0.223 caliber rifle, Sig Sauer 5.56 caliber rifle, Remington 870 shotgun, Mossberg 590 shotgun, Remington .308 caliber rifle, and the M14 7.62x51 caliber rifle, Larue 18" OBR 7.62 .308 caliber rifle, Barrett .50 caliber rifle. (NOTE: These lists do not apply to use for personal recreational purposes, i.e. hunting or competition shooting)
- 3) Certification / Training
 - a) Officers approved to carry long guns will successfully complete initial training and qualification standards prior to the issuance of the specific firearm.
 - b) Officers approved to carry long guns that previously successfully completed required training and qualifications will complete re-qualification requirements on an annual basis. Officers who have

not successfully completed requalification are not permitted to utilize the firearm.

- c) Officers must qualify with long guns on the required Division approved course. Qualifying score is 80%. The Division’s firearms enhancement program will be initiated when qualifying scores are less than 80%. The officer will be removed from firearms enhancement when they participate in two consecutive months of enhancement training and qualify with an 80% each time on Division approved course of fire.

4) Deployment Requirements

- a) Division issued / approved long guns will be used according to Division rules, policy and training.
- b) When carried in any environment other than field deployment, long guns will be unloaded, with the action open, and safety on.
- c) Long guns will be carried with the muzzle pointing upward or at the ground, unless it is being carried in a case or when firing the weapon.
- d) Placement of long guns in vehicles:

TACTICAL PLANS

TACTICAL PLANS Long guns shall have the action closed, safety on, with no round in the chamber.

- (2) Long guns will not be left in vehicles while the vehicle is being serviced, repaired, or parked for an extended period of time.
- (3) Patrol rifles will be carried when on duty in the passenger compartment of the vehicle in the approved rifle mount. This mount is located between the drivers and passengers front seat. If the vehicle doesn’t have this mount then the rifle will be carried in the installed mount in the trunk. Rifles will be carried in a car ready position.
- (4) When off duty the patrol rifle will be moved to the approved rifle mount in the trunk.

- e) If a vehicle doesn't have a rifle mount then the rifle/or other issued long gun must not be stored in the vehicle. The long gun may be stored in Division safes in either Field Office or Investigative Services. Officers may also use a secure storage area in the officer's home.
- f) Officers will not leave their vehicle engine running unattended with long guns stored in the trunk.
- g) Long guns may be deployed under the following conditions:
 - (1) On calls where firearms have been displayed or fired.
 - (2) Robbery alarms, robbery in progress or burglaries in progress and searches for armed suspects.
 - (3) Stakeout and search warrant executions where firearms or violent suspects are anticipated.
 - (4) When officers have been fired upon.
 - (5) Supervisors are responsible for ensuring that only the necessary number of long guns are used for any particular incident.
 - (6) When the long gun is no longer needed, it shall be returned to the vehicle interior mount or soft case / trunk mount.
 - (7) The long gun should not be removed for routine calls, a show of force, domestic calls except when a weapon has been fired or is known to be present, or civil disorders except by approval of the Chief of Police or his designee.
- j. Security and Maintenance of Firearms
 - 1) Security
 - a) Division personnel are responsible for the security of Division issued firearms in their possession. Whenever firearms are not under a Division member's direct physical control, additional measures should be taken to safeguard the firearm.

Firearms should not be left in unattended vehicles without a Division approved security device installed and utilized.

NO FIREARM IS TO BE LEFT UNATTENDED IN THE PASSENGER COMPARTMENT OF A VEHICLE AT ANYTIME.

- b) A firearm may be placed in the trunk of a vehicle for a brief period of time, if there are no other alternatives, to accommodate an on-duty function.
- c) When off duty, all Division authorized firearms will be unloaded and secured in a safe place with a Division approved / issued locking device, (trigger lock, cable lock, handcuffs, etc.) The locking device must be installed on the firearm so it prevents the firearm from being fired. In addition to the locking device, the firearm should be stored in a secure storage area (gun safe, locked cabinet /closet, gun box, etc.) Ammunition and firearms should be stored in separate locations.

2) Weapons Maintenance

- a) All Division-issued and approved firearms shall be maintained in an operational state of readiness.
- b) Supervisors and Division training unit personnel will inspect issued handguns for serviceability pursuant to Division inspection standards.
- c) Firearms shall be cleaned on a regular basis and immediately after firing.
- d) Division issued firearms that become unserviceable or are no longer needed shall be returned to the Weapons Range Officer immediately.
- e) The Division armorer shall remove firearms determined to be unsafe or malfunctioning and issue the officer another weapon of the same type/model.
- f) The officer will forthwith fire a qualification course of fire for that weapon prior to being authorized to carry said weapon.

- g) If it is determined that the officer was negligent or responsible for the damage to the weapon, P&P 1433 will be followed.
 - h) All personally acquired firearms that are carried in an on-duty capacity will be submitted annually to the Training Unit for inspection and cleaning.
 - i) If a personally owned weapon is found to be in disrepair it will be up to the owner of that weapon to order the parts that were identified as needing to be replaced or request the Division Armorer to replace the parts. Regardless of where the repair is made the weapon must be re-inspected by the Training Unit prior to being carried in an on-duty status.
- k. Knives

Knives are not issued by the Division. However, officers are authorized to carry a folding knife in a pocket or in a sheath on the belt for utility purposes only.

14. **Use of Deadly Force**

The use of deadly force is justified only when it is used:

- a. In defense of the officer against death or serious physical injury; or
- b. In defense of another against death or serious physical injury; or
- c. To apprehend or prevent the escape of a fleeing felon, only when and if all the following conditions are met:
 - 1) The officer has probable cause to believe that a serious violent felony has been committed and the fleeing suspect had committed the felony as well as the suspect had previously demonstrated a threat to, or wanton disregard for human life and meets the requirements in "a" and "b" above; and
 - 2) the officer has identified himself as a police officer, and given notice of the intention to arrest, and some verbal warning given time and circumstances permitting; and
 - 3) the officer reasonably believes that the person whose arrest is sought will cause death or serious physical injury to the officer or others if apprehension is delayed; and
 - 4) the officer has taken all reasonable precaution to ensure that

innocent persons will not be endangered by the use of deadly force.

- d. The destruction of vicious animals should be guided by the same rules set forth for self-defense and the defense and safety of others. The killing of an animal is justified when one of the following conditions exist:

- 1) for self-defense; or
- 2) to prevent physical harm to the officer or another person.

If anyone sustained a bite from the vicious animal, the carcass will be the responsibility of the Hampton Health Department. The health department is responsible for ensuring that it is tested for rabies and distemper.

NOTE: See P&P 554 “Animal Control” for euthanizing injured animals.

- e. Disapproved Use

- 1) Officers are not authorized to draw or display their firearms, except for training at an approved firearms range, unless the circumstances create a reasonable belief that it may be necessary to use the firearm in the performance of their duty.
- 2) Officers are not authorized to discharge their firearm:
 - a) As warning shots.
 - b) If it appears likely that an innocent person may be injured by the discharge.
 - c) Either at or from a moving vehicle, unless it is absolutely necessary to do so to protect the life of the officer or others from deadly force. The imminent lethal threat must be by means other than the vehicle itself.
 - d) Officers will attempt to move out of the path of an oncoming vehicle and seek cover, if possible rather than stand in the path of travel and discharge their firearm;
 - e) Officers will not intentionally place themselves in the path of an oncoming vehicle and attempt to disable the vehicle by discharging their firearms;

- f) Officers will only shoot at a moving vehicle if the action does not present an unreasonable risk to officers or others, when failure to take such action would likely result in death or serious bodily harm, and only when due consideration has been given to the safety of innocent bystanders.
 - f. Involved Employees
Employees involved in use of deadly force incidents will make notifications and follow procedures pursuant to P&P 537 “Police Action Death Investigations”.
 - g. Supervisory Responsibility
 - 1) The Unit or Watch Commander is responsible for ensuring compliance with Section B, “Reporting Procedures.”
 - 2) The Unit or Watch Commander is responsible for facilitating the procedures in P&P 537 “Police Action Death Investigations” and P&P 538 “Reporting Procedures for Discharge of Firearms”.
 - h. Post Use of Force Procedures
 - 1) Personnel using deadly force upon a person will:
 - Summon emergency medical assistance as soon as safe and possible to do so, and
 - Provide first aid to the person until emergency medical assistance arrives.
15. **Physical Force**
 - a. The use of personal weapons such as hands, elbows, fists, and feet to impact a subject and gain control.
 - b. Certification / Training
 - 1) Personnel receive entry level training regarding physical force options before release to field operations.
 - 2) Re-certification and remedial training is prescribed by the training unit pursuant to use of force incident evaluations and trends in law enforcement.
 - c. Approved Use
 - 1) Physical force may be used upon a subject when the officer encounters active resistance.

- 2) Physical force may be used upon a subject who demonstrates passive resistance only after verbal commands and soft hand techniques were proven to be ineffective. The level of physical force applied must be reasonable given the totality of the circumstances.
- d. Disapproved Use
- 1) Physical force will not be used on subjects who are compliant or demonstrate passive resistance unless the criteria established above is met.
 - 2) The application of physical force to the head, neck, and spine of an individual, such as chokeholds and vascular neck restraints is prohibited unless circumstances exist as described under extreme physical force standards.
- e. Extreme Physical Force
- 1) The use of extreme physical force may be reasonable when an individual demonstrates actions that are likely to result in the serious bodily injury or death of the officer, themselves, or other persons. Extreme physical force is defined as any force applied to an individual's head, neck, spine, and / or groin. Examples of extreme physical force includes but is not limited to choke holds and physical force applied to or intended to strike the individual's head, neck, spine, and / or groin.
- f. Supervisory Responsibility
- 1) The Unit Commander is responsible for ensuring compliance with Section B, "Reporting Procedures."
- g. Post Use of Force Procedures
- 1) Personnel using physical force upon a subject will:
 - a) Transport the subject to a hospital for treatment as soon as possible when:
 - The application of physical force resulted in an obvious injury to the subject, or;
 - The subject complains of injury that resulted from the application of physical force.
 - 2) Notify their supervisor of the use of force incident as soon as possible.

16. Police Canine (K-9)**a. Description and Deployment**

- 1) The Hampton Police Division's Canine program, to include deployment as a use of force is administered pursuant to P&P 1105, "Operating Procedure for Canine Corps."
- 2) A police K-9 may be used to effect the arrest of a person(s) whom the officer has reasonable grounds to believe has committed a felony or serious misdemeanor, or to prevent the escape of a convicted felon.
- 3) K-9's shall not be used for crowd control unless specifically approved by the Chief of Police.
- 4) Medical treatment:

Any subject who has been injured or claims to have been injured by the K-9 shall be transported to the hospital for medical treatment.
- 5) Supervisory Responsibility

The Unit Commander is responsible for ensuring compliance with Section B, "Reporting Procedures".

17. Presence / Verbal Command

Officers will, when and to the extent reasonably possible, attempt to use verbal communication skills to control subjects before resorting to other force techniques, equipment, or tools.

18. Soft Hand Technique

- a. Placement of hands on a subject to ensure compliance
- b. Escort holds and handcuffing techniques (i.e. basic grasp and key lock)
- c. Application of touch pressure points to generate compliance and gain control.

B. Reporting Procedures

1. Any time an employee uses force beyond soft hand technique or is involved in a resisting arrest or assault on police officer incident, a BlueTeam "Use of Force" incident report will be completed. This includes the use of force by an on-duty Hampton Police Officer performing approved law enforcement functions in another jurisdiction.

The only exception is Firearm and Taser Display events which will be reported via the Firearm and Taser Display Report.

2. The following procedures will apply to all reportable assault on officer, resisting arrest, and use of force incidents:
 - a. Unit commanders (or designee) will provide a summary of all incidents that meet the reporting criteria established in this policy.
 - b. Daily recap email to the Chief of Police and Division staff.
 - c. The reporting officer's supervisor shall forward all use of force related reports through the chain of command for review and forwarding.
 - d. The reporting unit's chain of command will notify the Chief of Police and the Office of Professional Standards as soon as possible regarding critical issues identified in use of force, assault on police officer, and resisting arrest events.
 - e. All employees involved or witnesses to the incident will submit written reports (Use of Force report format) to their chain of command.
 - f. Supervisors investigating the incident will complete a BlueTeam incident report. The following procedures will apply:
 - 1) All related information required by BlueTeam will be entered.
 - 2) Officer's written reports will be scanned and attached to the corresponding BlueTeam incident report.
 - 3) Additional documentation related to the incident, such as hard copies of Taser and OC reports, and witness statements will be scanned and attached to the corresponding BlueTeam report.

Accident Loss reports and medical documentation should be forwarded separately as required by P&P 601 "Injury Procedures."
 - g. Photographs and video footage
 - 1) Photographs of all citizens affected by the use of force will be taken, to include identified / suspected injuries and areas impacted by the use of force will be taken.

- 2) BWC video information should be noted in the supervisor's summary of the BlueTeam incident report.
 - 3) All digital evidence shall be submitted via BlueTeam or forwarded physically through the chain of command for review.
- h. Completed BlueTeam incident reports will be forwarded through the chain of command via the BlueTeam email notification and review process.
- 1) Unit supervisors will review all involved officer's written reports for format, grammar and content prior to attachment in BlueTeam.
 - 2) BlueTeam incident reports will not be printed until approved through the chain of command.
- i. BlueTeam incident reports will be forwarded to the Office of Professional Standards (IAPro) upon approval by the originating unit's chain of command.
- j. All BlueTeam incident reports, related documentation, and evidence records are required to be on file with the Office of Professional Standards within 30 days of the event.
- 1) The Office of Professional Standards will review each use of force incident regarding the application of law, rules and regulations, and policy and procedure.
- k. The Use of Force review committee will examine each incident once the completed BlueTeam incident report and all related evidence is received by the Office of Professional Standards.
- l. Additional action may be taken if further investigation or application of remedial training is necessary.
- m. Upon review and approval by the Office of Professional Standards, completed use of force reports will be maintained pursuant to records retention requirements.

C. Extreme Circumstances

This Policy and Procedure is not intended to prohibit the use of any weapon, object, or means available to defend life when necessary to do so as a last resort.

Redaction Log

Total Number of Redactions in Document: 7

Redaction Reasons by Page

Page	Reason	Description	Occurrences
7	TACTICAL PLANS	Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public has been redacted pursuant to Va. Code §2.2-3706(B)(5).	2
13	TACTICAL PLANS	Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public has been redacted pursuant to Va. Code §2.2-3706(B)(5).	2
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15			1
36	TACTICAL PLANS	Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public has been redacted pursuant to Va. Code §2.2-3706(B)(5).	1

Redaction Log

Redaction Reasons by Exemption

Reason	Description	Pages (Count)
		15(1)
TACTICAL PLANS	Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public has been redacted pursuant to Va. Code §2.2-3706(B)(5).	7(2) 13(2) 15(1) 36(1)