

Piedmont Virginia Community
Section XII – Safety and Security Policies
XII-200.0 Use of Force Policy

Policy #:	XII – 200.0
Effective:	February 23, 2015
Revised:	May 17, 2021
Responsible:	Department of Finance and Administrative Services/Public Safety

1. Purpose

The purpose of this policy is to provide law enforcement officers of Piedmont Virginia Community College with basic and legal guidelines on the use of deadly and non-deadly force to protect the life of the officer and the public's safety.

2. Policy Statement

It is the policy of the Piedmont Virginia Community College Police Department to provide basic guidelines governing the use of force so police officers can be confident when exercising judgment as to the use of deadly and non-deadly force. When resistance to police action or a threat to human life is encountered, and reasonable alternatives have been exhausted, reasonable force may be employed. Based upon the circumstances of the situation, only that force that is reasonable and necessary to accomplish lawful objectives, while preventing injury and protecting the life of the officer and/or others, shall be applied. Force used to gain control of a situation will be used with restraint and in proportion to the legitimate objective to be achieved. The use of any force by department personnel that exceeds that which IS (reasonably necessary) will be considered excessive and not tolerated.

3. Definitions

Force - Any physical effort that is used to seize, control, or repel another individual.

Reasonable Belief - A belief, based on specific and articulable facts which taken together with the rational inferences from those facts, reasonably warrant an officer's actions.

Objective Reasonable Force - The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 vision of hindsight. The force must be reasonable under the circumstances known to the officer at the time the force was used."

Serious Bodily Injury - Maiming, disfiguring, or disabling.

Deadly Force - Any use of force that is reasonably likely to cause death.

4. Procedures for Implementation

- A. The application of force includes a wide range of alternatives, requiring the use of either lethal or less than lethal weapons. Attempts should be made to achieve the necessary control to effect arrests and ensure both officer and public safety, through advice, persuasion, and then warnings. However, in situations where physical resistance or a threat of harm is encountered, and reasonable alternatives have been exhausted or would be ineffective, physical force may be used. The officer's options include mere presence, verbal control, approved compliance techniques, chemical agents, other issued defensive weapons, and finally, deadly force. These weapons may be employed in response to the threat level recognized by the officer as deemed necessary to protect him or herself or another from physical harm, to restrain or subdue a resistant individual, or bring an unlawful situation safely and effectively under control. Officers shall modify their level of force in relation to the amount of resistance offered by the subject. As the subject offers less resistance, the officer shall lower the amount and/or type of force used.
- B. Officers will approach all situations in a manner consistent with department policy and training, take tactically sound positions, make appropriate use of available back-up, use cover effectively, and utilize officer safety training and techniques to minimize the danger to themselves, the community, and the need to use force.
- C. If a situation escalates beyond the effective use of verbal diffusion techniques, officers shall use any reasonable force necessary to gain compliance.
- D. Under no circumstance shall an officer carry or use any unauthorized weapons or ammunition.
- E. Deadly force may only be used to:
1. Protect the officer or others from what is reasonably believed by the officer to be an imminent threat of death or serious bodily injury. OR
 2. Used to prevent escape when the officer has a reasonable belief that the suspect poses a significant threat of death or serious bodily injury to the officer or other. AND
 3. The officer reasonable believes that the person to be arrested has used deadly force in the commission of a felony, and the person to be arrested is endangering human life or inflicting serious bodily injury.
- F. Except where deadly force is justified, dangerous or potentially deadly techniques such as the following are prohibited to gain control of a suspect:
- Gouges to the eyes.
 - Hard strikes to the temple.
 - Hard strikes to the throat.
 - Hard strikes to the spine.
 - Upward strikes to the nose.
 - Shunting of blood or breath.
 - Upward strike or kick to the groin.
 - Violent twisting of the head or neck.

- Choke Hold
- Direct pressure to either the front of the throat, back or side of the neck or head area through compounded body weight, or direct pressure from a knee or arm in an effort to gain or maintain physical control of a person. The application of such pressure can cause unintended serious bodily injury or even death.

G. Allegations of Excessive Force:

1. Any PVCC Officer who witnesses inappropriate, unnecessary, unreasonable, or excessive use of force by another PVCC Officer or any other officer assisting from another jurisdiction, shall intervene and report that incident immediately using the Maxient Reporting System and to the Chief of Police. If a supervisor commits excessive force, that officer who witnessed the incident is obligated to report it using the Maxient Reporting System and to the next highest-ranking supervisor. Officers who respond to the scene, or who assist in any way, shall submit individual statements detailing their duties and observations of the incident using the Maxient Reporting System.
2. Excessive force means physical force that exceeds the degree of force permitted. The use of excessive force shall be presumed when a police officer continues to apply physical strength in excess of the force permitted to a person who has been rendered incapable of resisting arrest.

H. Administrative Review of Use of Force Incidents

1. A Use of Force Review Board (UFRB) will be convened to review all use of force incidents on the PVCC campus and determine whether the use of force was in accordance with policy and if departmental training is adequate. The members of the UFRB will be appointed at the beginning of each school year and will consist of a faculty representative (selected by the Faculty Senate), a staff representative (selected by Professional Association of Support Staff), a workforce services representative (selected by the Dean), a student representative (selected by SGA) and the HR administrator. A law enforcement officer from a local jurisdiction will serve as a non-voting member of the UFRB and serve as a consultant and subject matter expert on law enforcement policies, procedures, and training.
2. The UFRB will be convened within 24-48 hours in the event that a report about use of force incident has been filed to review the incident. The UFRB findings and recommendations for retraining, professional development, disciplinary action and/or other actions, will be submitted to the President of the College, Vice President of Finance and Administrative Services and Chief of Police. If a person involved in reported use of force incident is asked to speak with the UFRB, they may bring a witness or guest.
3. All use of force cases shall be retained in the Office of the Chief of Police and in accordance with state law. Department members shall receive Use of Force training at least once a year or as specified by the department.

I. Review of use of force reports

1. The Chief of Police will review and analyze all use of force reports:

- a. The report will examine items such as:
 - i. If there was a violation of department policy.
 - ii. The accuracy of the policy and the ability for officers to follow and understand the policy.
 - iii. If department training was adequate concerning the use of force and policy.