



HRCJTA TB 2021-7

DATE: June 10, 2021
TO: Hampton Roads Criminal Justice Training Academy Member Agencies
FROM: Scott Barlow, Executive Director
SUBJECT: HRCJTA Training Bulletin 2021-7 (Prohibited Acts 19.2-83.4/Prohibitions on Neck Restraint 19.2-83.4)

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The HRCJTA is a regional police academy, servicing many different jurisdictions. Each jurisdiction must provide training, and procedures on how the individual jurisdiction expects their officers/deputies to procedurally handle these **significant changes** to Virginia code.

This Training Bulletin only highlights certain new statutes of note. Please see CASC's "2020 Legislative Update - Special Session Fall 2020 Master List" outline for a more complete listing of bills, along with hyperlinks to the text of the legislation. For the most complete information, please read the full text of the new legislation.

Prohibited Acts 19.2-83.4

- The willful discharge of a firearm by a law-enforcement officer into or at a moving vehicle is prohibited unless the discharge of a firearm is immediately necessary to protect the law-enforcement officer or another person from death or serious bodily injury.
- The use of kinetic impact munitions by a law-enforcement officer is prohibited unless the use of kinetic impact munitions is necessary to protect the law-enforcement officer or another person from bodily injury.

Prohibition on Neck Restraints 19.2-83.4

- "Neck restraint" means the use of any body part or object to attempt to control or disable a person by applying pressure against the neck, including the trachea or carotid artery, with the purpose, intent, or effect of controlling or restricting the person's movement or restricting the person's blood flow or breathing, including chokeholds, carotid restraints, and lateral vascular neck restraints.
- RULE: The use of a neck restraint by a law-enforcement officer is prohibited unless the use of a neck restraint is immediately necessary to protect the law-enforcement officer or another person *from death or serious bodily injury*

These changes begin July 1, 2021 and represent some of the most significant changes to how policing is done in the Commonwealth of Virginia. It is critical that law enforcement officers seek guidance from their respective Commonwealth Attorney on the correct interpretation of these new laws.