



HRCJTA TB 2021-8

DATE: June 10, 2021
TO: Hampton Roads Criminal Justice Training Academy Member Agencies
FROM: Scott Barlow, Executive Director
SUBJECT: HRCJTA Training Bulletin 2021-8 (Intervention in Excessive Force 19.2-83.6)

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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.

Intervention in Excessive Force 19.2-83.6

- "Excessive Force": "Excessive force" means any force that is objectively unreasonable given the totality of the circumstances, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- § 19.2-83.6(A): Any law-enforcement officer who, while in the performance of his official duties, witnesses another law-enforcement officer engaging or attempting to engage in the use of excessive force against another person shall intervene, when such intervention is feasible, to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force.

- A law-enforcement officer shall also render aid, as circumstances objectively permit, to any person injured as the result of the use of excessive force.
- § 19.2-83.6 (B) - Any law-enforcement officer who intervenes pursuant to subsection A or who witnesses another law-enforcement officer engaging or attempting to engage in the use of excessive force against another person shall report such intervention or use of excessive force in accordance with the law-enforcement officer's employing agency's policies and procedures for reporting misconduct committed by a law-enforcement officer.
- No employing agency shall retaliate, threaten to retaliate, or take or threaten to take any disciplinary action against a law-enforcement officer who intervenes pursuant to subsection A or makes a report pursuant to this subsection.

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.