

GENERAL ORDER



DISTRICT OF COLUMBIA

Title Use of Force		
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I. PURPOSE

Members of the Metropolitan Police Department (MPD) shall value and preserve the sanctity of human life at all times, especially when lawfully exercising the use of force. In situations where the use of force is justified, the utmost restraint should be exercised. Members shall minimize the force that is used while protecting the lives of members and other persons, and continuously reassess the perceived threat in order to select the reasonable use of force response that is proportional to the threat faced by him, her, or others.

Regulations pertaining to the use of force by law enforcement officers are outlined in chapter six of the District of Columbia Municipal Regulations (DCMR), the Fourth Amendment of the United States Constitution, and various sections of District of Columbia (DC) Official Code. DCMR provides guidance regarding a law enforcement officer's use of force including, but not limited to, outlining the circumstances permitting appropriate levels of force and imposing restrictions on firearm discharges. The Fourth Amendment of the U.S. Constitution guarantees people "the right to be secure in their persons" and provides a framework in which the courts can evaluate the use of force by law enforcement officers, including the "objective reasonableness" standard established in *Graham v. Connor* 490 U.S. 386 (1989). The "objective reasonableness" standard

acknowledges the difficult decisions that members are forced to make under rapidly evolving and unpredictable circumstances.

This general order applies to all sworn and civilian department members and establishes procedures for members who use of force, whether on or off duty. The MPD use of force framework is the core of the department's use of force training and provides members with an organized way of making decisions about how they shall act in situations that may involve potential uses of force. While it is not possible to entirely replace judgment and discretion with detailed policy provisions, this general order is intended to ensure that de-escalation techniques are used whenever feasible, that force is only used when necessary, and that the amount of force used is proportionate to the situation that the member encounters. The purpose of this general order is to outline when members may use force and provide procedures to follow when force is used to ensure that all incidents receive a thorough and impartial investigation.

II. PROCEDURES

A. Use of Force Principles

1. Any physical coercion used to affect, influence, or persuade an individual to comply with an order from a member is considered a use of force. Members shall only use force that is objectively reasonable. Members **may** use force only to accomplish the following specific law enforcement objectives:

Law Enforcement Objectives
(1) To affect lawful law enforcement objectives (e.g., arrest, detention, search).
(2) To overcome resistance directed at the member or others.
(3) To prevent physical harm to the member or to another person (including intervening in a suicide or other attempt to self-inflict injury).
(4) To protect the member or a third party from unlawful force.
(5) To prevent property damage or loss.

2. Members **shall not** use or threaten to use force for the following reasons:

Prohibitions
(1) To punish a person or retaliate against a person for past conduct.
(2) To force compliance with a member's request, unless that request is necessary to preserve member or public safety or criminal adjudication.
(3) Based on bias against a person's race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic.

3. Members shall attempt to defuse use of force situations with de-escalation techniques whenever feasible.
 - a. All members who encounter a situation where the possibility of violence or resistance to lawful arrest is present, shall, if possible, first attempt to defuse the situation through advice, warning, verbal persuasion, tactical communication, or other de-escalation techniques.

- b. When feasible, members shall consider whether a subject’s failure to comply with a member’s command is due to a medical condition, mental impairment, physical limitation, developmental disability, language barrier, drug interaction, behavioral crisis, or other factors beyond the subject’s control. In these situations, members shall consider whether specific techniques or resources would help to resolve the situation without force.
 - c. When using force, members must be able to articulate the facts and circumstances surrounding their tactics, decision making, and the extent of force used in any given situation.
4. Members shall only use the amount of force that is proportionate to the circumstances. If de-escalation tactics are not effective or feasible, the member may use an increasing level of force to overcome the level of resistance, as long as the force response remains proportionate to the perceived threat. In general, the greater the threat and the more likely the threat will result in injury or death, the greater the level of force may be immediately necessary to overcome it. Some of the factors that members should consider when determining how much force to use include:

Use of Force Factors
(1) The risk of harm presented by the subject.
(2) The risk of harm to the member or innocent subjects by using force.
(3) The seriousness of the law enforcement objective.
(4) Whether further de-escalation techniques are feasible, including the time available to a member to decide, and whether additional time could be gained through tactical means.
(5) Mental or physical disability, medical condition, and other physical and mental characteristics.
(6) Whether there are other exigent or emergency circumstances.

5. Members are trained on a range of force options. It is not possible to determine ahead of time the proportionate level of force for every possible situation. Sound judgment and the appropriate exercise of discretion shall be the foundation of decision-making. The use of force framework contains four categories of perceived threats and force responses, all of which are fluid, dynamic, and non-sequential. The appropriate force response shall be based upon the member’s perception of the threat depicted here and in accordance with department training and standards.

NOTE: The department recognizes and acknowledges that the level of resistance encountered by a member cannot always be accurately discerned from video recordings or body worn camera (BWC) footage of an interaction.

USE OF FORCE FRAMEWORK

Category of Perceived Threat		Force Response
Passive Resister	Subject displays a low level of noncompliant, passive resistance. Noncompliance offers no physical or mechanical energy. Subject does not respond to the member's lawful requests or commands and may be argumentative.	Control Holds Low-level physical tactics to gain control and cooperation (examples include soft empty hand controls, leaning on a subject's legs to hold them down, and firm grip).
Active Resister	Subject is uncooperative and will not comply with member's requests or commands. Subject exhibits physical and mechanical defiance or behaves in such a way that causes the member to believe that subject may be armed with a weapon, including evasive movements to defeat member's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention not to be held in custody, provided that the intent to resist has been clearly manifested.	Compliance Techniques Actions that may induce pain or cause discomfort to the subject who is actively resisting until control is achieved, but will not generally cause an injury when used in accordance with department training and standards. Examples include oleoresin capsicum (OC) spray, wrist locks, takedowns, ASP baton arm extractions, use of an ASP baton to conduct a wrist lock, and use of a patrol shield to pin a subject down.
Threatening Assailant	Subject has gone beyond the level of simple non-cooperativeness, and is actively and aggressively assaulting (e.g., striking, kicking) the member, themselves, or others, or the threat of an aggressive assault is imminent. Subject has demonstrated a lack of concern for the member's safety; however, subject does not pose an imminent threat of death or serious bodily injury to member or others.	Defensive Tactics All force options other than deadly force. Although a range of force options are generally available, members shall adhere to policy requirements governing the use of specific force options and less lethal weapons. Defensive tactics are employed to forcibly render the subject into submission; however, these actions are not likely nor designed to cause death or serious bodily injury. Defensive tactics are primarily used to ensure the safety of the member and others [examples include strikes, ASP baton strikes, use of a police mountain bike as an impact weapon, electronic control devices (ECDs), and 40mm extended impact weapons in accordance with department training and standards].
Active Assailant	Subject poses an imminent danger of death or serious bodily injury to member or another person (other than the subject). Subject's actions demonstrate subject's intent to inflict imminent death or serious bodily injury upon member or another person.	Deadly Force All force options. Deadly force shall only be used if the member reasonably believes that deadly force is immediately necessary to protect the member or another person (other than the subject of the use of deadly force) from the threat of serious bodily injury or death, the member's actions are reasonable given the totality of the circumstances, and all other options have been exhausted or do not reasonably lend themselves to the circumstances (examples include the use of a firearm or a strike to the head with a hard object).

- As a situation changes, members shall reevaluate the circumstances and continue to respond proportionately. This approach requires members to:

Proportionate Response
(1) Assess the level of threat or resistance presented by the suspect, the imminence of danger, the suspect's mental capacity, his or her access to

weapons, agency policies, available options (e.g., calling upon other members with specialized training).
(2) Initiate the proportionate and objectively reasonable force response to overcome resistance.
(3) Modify their level of force in relation to the amount of resistance offered by the subject. As the subject offers less resistance, the member shall lower the amount or type of force used. Conversely, if resistance escalates, members are authorized to respond in an objectively reasonable manner.

7. Members shall not use techniques or defensive weapons to apply force unless they have received the requisite training and the technique or weapon has been approved for use by the department. However, members may employ force as necessary to protect the life of a member or other individual subject to the imminent threat of death or serious bodily injury, when no other options are feasible, and the force is objectively reasonable and proportionate to the perceived threat.

8. Deadly Force

Members shall not use deadly force against a person unless the member reasonably believes that deadly force is immediately necessary to protect the member or another person (other than the subject of the use of deadly force) from the threat of serious bodily injury or death, the member's actions are reasonable given the totality of the circumstances, and all other options have been exhausted or do not reasonably lend themselves to the circumstances.

- a. Threatening deadly force does not necessarily constitute deadly force so long as the member's purpose is limited to indicating that deadly force will be used if necessary.
- b. If feasible, the member shall identify him or herself as a law enforcement officer and state his or her intention to shoot before using a firearm.
- c. Members shall not discharge a firearm either at or from a moving vehicle unless deadly force is being used against the member or another person. For purposes of this order, a moving vehicle is not considered deadly force except when it is reasonable to believe that the moving vehicle is being used to ram, or attempt to ram, a crowd of people with the intent to inflict fatal injuries. Members shall avoid tactics that could place them in a position where a vehicle could be used against them
- d. To the greatest extent possible, members shall ensure that the use of deadly force presents no substantial risk of injury to innocent persons. Members shall not discharge their weapon into a crowd, as a signal for help, or as a warning shot.
- e. Members shall only display a firearm when certain circumstances occur. Unholstering or pointing a firearm are tactics that shall be used with great caution. The presence of a member's firearm,

under the right circumstances, can discourage resistance and ensure member safety in potentially dangerous situations without the need to resort to actual force. However, unnecessarily or prematurely drawing a firearm can limit a member's options in controlling a situation, create great anxiety on the part of subjects, and may result in an unwarranted or negligent discharge of the firearm. Members shall only point a firearm at a subject when circumstances create a reasonable belief that it may be immediately necessary for the member to use deadly force. When the member no longer reasonably believes that deadly force may be immediately necessary, the member shall, as soon as practicable, secure or holster the firearm.

9. When force is used, members shall promptly conduct a visual and verbal check of the subject, to include checking vital signs when appropriate, to determine the need for medical care.
 - a. When a subject is injured, complains of pain, or demonstrates life-threatening symptoms, members shall immediately summon medical assistance and render first aid consistent with the member's training as soon as safe and practical.
 - b. Members shall closely monitor subjects against whom force was used for signs that they require medical assistance, including but not limited to, subjects that are believed to be pregnant, children, elderly, or physically frail.
10. Members shall take steps to prevent or stop illegal or inappropriate uses of force by other members and report illegal and inappropriate uses of force by other members that they observe or of which they are made aware.

B. Specific Precautions

1. Handcuffs
 - a. Proper application and general wearing of handcuffs may lead to complaints of minor pain or injury (e.g., pinching of skin or scratches) but is **not**, in and of itself, a use of force.
 - b. When a subject complains of pain or injury that is associated with the application or wearing of handcuffs, members shall notify an official who shall investigate the complaint or injury in accordance with GO-PCA-502.07 (Medical Treatment and Hospitalization of Prisoners). If the investigating official determines the subject's injury or complaint of pain is not exclusively the result of the application and wearing of handcuffs or force was required to apply the handcuffs, he or she shall initiate a use of force investigation.
 - c. When subjects resist being handcuffed, members may need to use hand controls in order to forcibly move the person's wrists or arms,

or to physically maneuver the person's body so that the handcuffs can be applied.

- d. Members shall not use force against a subject in handcuffs **unless** the subject is actively assaulting, attempting to escape police custody, resisting members' efforts to maintain custody or control over the subject, or actively spitting on a member as authorized in Part II.B.4 of this order. In these cases, members shall limit their force response to the minimum amount of force, consistent with the use of force framework, that the objectively reasonable officer would use in light of the circumstances to effectively bring an incident or person under control.

2. Neck Restraints

- a. The use of any type of neck restraint is not an authorized use of force and is unlawful pursuant to DC Official Code § 5-125.02.
- b. Any member who applies a neck restraint or observes the application of a neck restraint shall immediately render, or cause to be rendered, first aid on the person whom the neck restraint was applied or immediately request emergency medical services for the person on whom the neck restraint was applied. Failure to do so shall be in violation of DC Official Code § 5-125.03.

3. Positional Asphyxia

- a. In order to avoid asphyxiation, members shall, when feasible, avoid tactics that may impede a subject's ability to breathe, result in chest or throat compressions, or airway blockage. Members shall position the individual in a manner to allow free breathing once the subject has been controlled and placed under custodial restraint using handcuffs or other authorized methods. Members shall seek medical assistance immediately if a person appears to be having difficulty breathing or is otherwise demonstrating life-threatening symptoms. An official shall direct alternative means to maintain custody, if appropriate.
- b. After gaining control of a subject, members shall position the subject in a manner to allow the subject to breathe unobstructed. Whenever feasible, members shall not force the subject to lie on his or her stomach for an extended period of time. Prisoners shall be carefully monitored for signs and symptoms of suffocation.
- c. Members shall not employ unauthorized use of restraints while detaining or transporting a subject.

4. Spitting

- a. Members may use control holds and tactical takedowns in order to gain control over a subject who is spitting on the members or

others. Members may also use limited pressure to turn a suspect's face away from the member to prevent the suspect from spitting directly at a member. This pressure must not rise to the level of a strike and also must be consistent with the neck restraint restrictions outlined in Part II.B.2 of this order.

- b. No other types of force are authorized in response to spitting. Members may also don personal protective equipment (PPE) for additional protection against subjects who are spitting.

C. Notifications and On-Scene Response

1. Members shall immediately notify an official following all events involving force, allegations of excessive force (even when the member has not used force on the subject), and negligent discharges of ECDs, 40mm extended impact weapons, and firearms. Upon notification, supervisors shall immediately respond to the scene and notify the watch commander.
2. Supervisors shall immediately notify IAD of all incidents involving serious uses of force through the Command Information Center (CIC).
3. Supervisors shall obtain incident summary (IS) tracking numbers before the end of the supervisor's shift.
4. Upon notification by the supervisory official, watch commanders shall respond to the scene of all serious uses of force, all uses of force indicating potential criminal conduct, and all ECD and 40mm extended impact weapon deployments. If the watch commander is unavailable, he or she shall designate a lieutenant or above to respond to the scene.
5. The watch commander shall make notification to the appropriate element if the investigation will be conducted by a unit outside of the member's organizational element.
6. Responding officials shall ensure the scene is maintained and preserved, that witness canvasses are conducted, and that assistance of district personnel is provided to IAD, as necessary.
7. The watch commander on the scene of a deadly force incident shall ensure all members involved in the events leading up to the use of force, as well as in its use, deactivate their BWC as soon as the scene is secure, or at the direction of the responding IAD member. All members' BWCs and department-issued cell phones shall be submitted to the IAD member as soon as he or she arrives on the scene. All BWC deactivations must be in accordance with GO-SPT-302.13 (Body-Worn Program). If a member is injured and must leave the scene to seek medical care, the member's BWC and department-issued cell phone shall be retrieved as soon as possible.

8. In incidents where a member uses force outside of the District, whether on or off duty, the member shall immediately notify the watch commander through the CIC.
 - a. In the case of deadly force, serious use force, and use of force indicating potential criminal conduct, the watch commander shall notify the CIC to page the on-call IAD agent. An IAD agent shall respond to the scene immediately. While the jurisdiction of occurrence will maintain primary responsibility for the criminal investigation, IAD shall initiate a concurrent administrative investigation and work closely with their investigators.
 - b. In incidents where a member uses force other than deadly force, serious force, or force indicating potential criminal conduct, the member shall notify an official from the member’s organizational element who shall obtain IS numbers before the end of his or her shift. In such cases, the appropriate law enforcement authority of the jurisdiction of occurrence will handle all criminal investigations and IAD shall only conduct a policy review.

D. Use of Force Reporting Requirements

1. The following actions require completion of a force incident report (FIR) **prior to the end of the member’s shift** according to the procedures set forth in this order. Provided there is no visible injury or complaint of injury, the following actions require a documented supervisory review of the report and associated BWC footage. Supervisors and IAD shall review the BWC footage of the member completing the report and any additional BWC footage as reasonably necessary to ensure consistency between the BWC footage and the report and to confirm that the incident does not require a full use of force investigation.

Use of Force Supervisory Review Incidents
Takedowns
Drawing and pointing a firearm at or in the direction of another person
OC spray deployment
ASP baton arm extraction
ASP baton wrist lock

2. The following actions require completion of a FIR **immediately following the event** according to the procedures set forth in this order. These actions require a full use of force investigation pursuant to the investigative procedures set forth in this order.

Use of Force Investigation Incidents
Strike
ASP strike
Shield deployment resulting in injury or complaint of pain or injury
Mountain bike strike
ECD deployment (excluding negligent discharges determined to be misconduct by IAD)

40mm extended impact weapon deployment (excluding negligent discharges determined to be misconduct by IAD)
Firearm discharges (excluding negligent discharges determined to be misconduct by IAD)
Deadly force
Serious use of force
Use of force indicating potential criminal conduct
Use of force resulting in visible injury
Use of force resulting in complaint of injury or pain

3. Members shall complete a FIR following all events involving use of force except control holds where there is no injury or complaint of injury.
4. Members shall complete the force incident report accurately and completely describing the facts and circumstances concerning the event, including articulating the specific facts to explain the member's actions and all de-escalation efforts. Pursuant to GO-SPT-302.13 (Body Worn Camera Program), members shall not review their BWC recordings and BWC recordings that have been shared with them to assist in initial report writing. Upon completion, members shall submit the completed report.
5. The supervisor shall review the relevant BWC footage and ensure that the report is completed properly prior to the end of the supervisor's shift. All properly completed reports shall be approved by the supervisor.
6. The watch commander shall ensure that the report is completed properly prior to the end of the watch commander's shift. All properly completed reports shall be approved by the watch commander.
7. If a member declines to complete the FIR, the supervisor shall notify the watch commander. In these cases, members shall not be compelled to complete the report or make a statement (including interviews that are recorded by video or audio) until either the United States Attorney's Office (USAO) has issued a written declination or the element watch commander receives approval from IAD to issue a reverse-Garrity warning.
 - a. If IAD **authorizes** the issuance of a reverse-Garrity warning, the supervisor shall issue the warning to the member.

Sample Reverse-Garrity Warning Language
<p>“This form concerns administrative matters relating to the official business of the MPD. This form is not intended for the purpose of instituting a criminal prosecution against you. During the course of completing the form, even if you disclose criminal conduct, neither self-incriminating statements nor the fruits of any self-incriminating statements will be used against you in any criminal proceeding.</p> <p>Since this is an administrative matter and any self-incriminating information you disclose will not be used against you in a court of law, you are required to fill out the form fully and truthfully. GO-PER-201.26 (Duties, Responsibilities and Conduct of Members of the Department) states in part, ‘members shall respond truthfully when questioned by supervisory officers about matters relating to official business of the police department...’ Failure to fill out the form will result in disciplinary action.”</p>

- b. If IAD **does not authorize** the issuance of a reverse-Garrity warning, the supervisor shall complete the Use of Force Preliminary Investigation Template prior to the end of the supervisor’s shift.

8. Members may consult with their own attorney at any time, for any reason.

E. Investigative Responsibility

1. The IAD Force Investigations Team (FIT) shall investigate **all** incidents involving the following actions. IAB has the authority to assume control of any force-related incident investigation.

IAD Investigations
a. MPD use of force involving deadly force, serious use of force, or the use of force indicating potential criminal conduct.
b. MPD vehicular pursuits resulting in death.
c. All deaths while the deceased was in the custody or under the control of any member of MPD, or while the deceased was housed in any facility under the exclusive command of MPD.
d. Any use of an MPD canine resulting in a bite, to include any allegations of a canine bite (except bites determined to be misconduct by IAD).
e. MPD confirmed head strikes with a hard object, excluding allegations with no corroborative evidence or resulting injury.
f. Final investigations of MPD ECD deployments (including negligent discharges resulting in contact with a person or result in injury or complaint of pain).
g. Final investigations of MPD 40mm extended impact weapon deployments (including negligent discharges resulting in contact with a person or result in injury or complaint of pain).
h. With the exception of discharges at an animal, any discharge of a service pistol; authorized off-duty pistol; duty shotgun; or duty rifle, regardless of location, by a sworn member of the (1) MPD; (2) District of Columbia Housing Authority Police; (3) authorized, armed members of the District of Columbia Fire, and Emergency Medical Services Department’s Arson Investigation Unit; and (4) authorized, armed members of the District of Columbia Office of the Inspector General.
i. Any use of force resulting in the death of a subject by any police officer employed by a bona-fide police agency legally empowered to operate or function within the District of Columbia.
j. Fatal and non-fatal shootings within the District of Columbia resulting from the discharge of a firearm involving any on-duty sworn active law enforcement member from an outside law enforcement agency, acting under the color of law.

2. The Security Officers Management Branch (SOMB) shall investigate use of force incidents involving security officers (SO) and special police officers (SPO) who fall under their purview when the incident does not involve deadly force or serious use of force. Responding on-scene officials shall collect SO, SPO, subject, and witness statements, video, photographs, and any other relevant evidence. Deadly force and serious use of force incidents involving an SPO shall be investigated by IAD. SOMB does not regulate or investigate private security working as a

contractor for the federal government on federal property or armored car guards.

3. The Criminal Investigations Division (CID) shall investigate the following types of incidents that occur in the District of Columbia:
 - a. With the exception of the incidents outlined in Part II.E.1, all firearm discharges by retired MPD members or outside law enforcement members (active or retired) authorized to carry a concealed weapon under H.R. 218 [Law Enforcement Officers Safety Act (Title 18 U.S. Code, Section 926)];
 - b. MPD member suicides, regardless of the means; and
 - c. Any discharge of a privately owned firearm not authorized for off-duty use unless used under the color of law within the District of Columbia by a sworn member of the MPD; the District of Columbia Housing Authority Police; authorized, armed members of the District of Columbia Fire and Emergency Medical Services Department's Arson Investigation Unit; or authorized, armed members of the District of Columbia Office of the Inspector General.
4. With the exception of incidents involving evidence of serious misconduct, the member's chain of command shall investigate use of force incidents involving firearm discharges at animals, injury or complaint of pain or injury that is exclusively the result of the application and wearing of handcuffs, preliminary investigations of all ECDs and 40 mm extended impact weapon deployments, intentional and unintentional OC spray deployments, and any other use of force not investigated by IAD, SOMB, or CID.
 - a. In chain of command investigations, the commanding official may delegate responsibility for conducting the investigation to another official the rank of lieutenant or above and of a higher rank than the member who used force.
 - b. No supervisor shall investigate a use of force in which he or she was involved.
 - c. IAD shall conduct the final investigation of all use of force incidents involving ECDs and 40mm extended impact weapons, other than discharges at animals and training incidents, unless there is evidence of serious misconduct. IAD investigators are not required to respond to the scene of ECD and 40mm deployments unless there is a serious bodily injury.
5. ECD Deployments
 - a. If evidence is discovered during the preliminary investigation of an ECD deployment that raises the possibility of disciplinary or

criminal action, the member's ability to carry an ECD may be suspended and his or her ECD returned to the Metropolitan Police Academy (MPA) armorer pending completion of the final investigation.

- b. In ECD deployments, the ranking official on-scene shall designate non-involved members to photograph the contact area after the probe has been removed (e.g. using AXON Capture) and collect the cartridge, wire leads, probes, and confetti tags as evidence. The ranking official shall also ensure, prior to the end of the shift, that data from the BWC and ECD is downloaded, labeled, and categorized in accordance with GO-SPT-302.13.
- c. Members who used force are prohibited from collecting cartridges, wire leads, probes, and confetti tags unless exigent circumstances exist (e.g., failure to collect the items would result in the destruction of evidence).

6. Negligent Discharges of a Less Lethal Weapon

After a negligent discharge of an ECD or 40mm extended impact weapon, whether on or off duty, the notified watch commander shall complete a PD Form 901b (Preliminary Report Form – Use of Force Incidents) and submit the completed PD Form 901b to iad.adminbox@dc.gov (copying the member's chain of command), prior to the end of the watch commander's shift. A copy shall also be attached to the watch commander's report. IAD shall review the incident and determine if the discharge appears to be negligent and whether the incident will be investigated as misconduct or a use of force.

- a. Negligent discharges of an ECD or 40mm extended impact weapon that **do not** result in contact with a person or injury or complaint of pain may be considered a misconduct violation based on the circumstances surrounding the discharge and may be assigned as a chain of command investigation.
- b. Negligent discharges of an ECD or 40mm extended impact weapon that result in contact with a person or result in an injury or complaint of pain shall be considered a use of force investigated by IAD.

7. Negligent Discharges of a Firearm

- a. Members shall not display their firearms unnecessarily and shall handle and store their firearms in a safe manner at all times.
- b. Negligent discharges of a department firearm that **are not** at or in the direction of a person (e.g. firearms discharges occurring during range and training incidents, cleaning, or evidence recovery) may be considered a misconduct violation based on the circumstances surrounding the discharge.

- c. After a negligent discharge of a firearm, the notified watch commander shall immediately notify IAD through the CIC and complete and submit a PD Form 901b to iad.adminbox@dc.gov (copying the member's chain of command), prior to the end of the watch commander's shift. A copy shall also be attached to the watch commander's report. IAD shall review the incident to confirm that the discharge appears to be negligent and whether the incident will be investigated as misconduct or a use of force.
- d. All negligent discharge cases that are classified as misconduct rather than use of force shall not be subject to review by the Use of Force Review Board (UFRB).

8. Negligent Canine Bites

- a. Negligent canine bites that are not the result of canine deployments or that do not result in an injury to a member of the public (e.g., training incidents) may be considered a misconduct violation by IAD based on the circumstances surrounding the bite.
- b. All canine bites shall be handled according to the procedures set forth in GO-RAR-306.01 (Canine Program).

9. The Risk Management Division (RMD) shall conduct periodic audits of supervisory reviews and investigations at least annually to ensure that they are consistently reviewed and investigated pursuant to this order.

F. Investigative Requirements

When conducting use of force investigations, investigating members shall, as applicable:

1. Notify the supervisors of any involved members.
2. Review relevant BWC and ECD recordings and document findings. Ensure that the investigative findings are consistent with recordings and note any discrepancies.
3. Photograph any person on whom force was used. Photograph injuries of all involved members and subjects.
4. Interview all subjects on whom force was used and all appropriate MPD members, including supervisors.
 - a. Ensure that members involved in use of force incidents are sequestered until they are interviewed. Members who are sequestered shall have access to and be permitted to confer with their union representative and/or an attorney prior to any interviews.

- b. Interview all complainants and witnesses, including MPD members and supervisors. Avoid leading questions.
 - c. Avoid group interviews by conducting interviews separately, whenever possible. If a group interview is unavoidable, attempt to supplement the interview with subsequent individual interviews, whenever possible. Document any inconsistencies in member, complainant, and witness interview statements.
 - d. Whenever practicable, interview complainants and witnesses at sites and times convenient to them.
5. Ensure that evidence is collected, preserved, documented and analyzed, (including canvassing the scene to locate witnesses and obtaining complainant medical records), pursuant to GO-SPT-304.08 (Crime Scene Response and Evidence Collection).
 6. In chain of command investigations, notify IAD of any evidence of criminal misconduct discovered during the use of force investigation.
 7. Complete and submit use of force investigations by their assigned deadlines. IAD shall conduct a quality control review of all use of force incidents investigated by the chain of command and may recommend, to the IAB assistant chief, that a chain of command case be reviewed by UFRB.

G. Internal Affairs Division Investigations

1. The scope of serious use of force and deadly force investigations shall be broader than the actions of the member(s) at the point that serious or deadly force is used. The actions, tactics, and decisions of all MPD participants in the event shall be assessed against MPD policy requirements to inform training and identify opportunities for improvement.
2. Only IAD investigators specially trained in use of force investigations shall be assigned to lead use of force investigations involving deadly force or serious use of force.
3. When conducting use of force investigations, IAD investigators shall, as applicable:
 - a. Respond to the scene of the incident and assume responsibility for the investigation.
 - b. Ensure BWCs and department-issued cell phones from all members involved in the use of force, as well as those involved in the events leading up to the use of force, are collected and ensure that the related recordings are immediately uploaded, labeled, and categorized in accordance with GO-SPT-302.13. BWCs and department-issued cell phones shall be transferred to an official in the members' unit for return prior to their next shift.

- c. Interview all members directly involved in the use of force, as well as those involved in the events leading up to the use of force, once immediately after the incident and at least once after all the relevant evidence has been collected and analyzed when necessary.
- d. Record by audio or video (in conformance with applicable laws and MPD orders) the interviews of subjects, members, and material witnesses. If a subject or non-member witness refuses to be recorded, then a written narrative of the statement shall be prepared to be signed by the witness. Ensure that all recorded statements are transcribed and included in the investigative file for fatal uses of force, cases where identified misconduct will likely result in an adverse action hearing, in-custody deaths, vehicle pursuits resulting in a fatality, serious uses of force, and any other cases as determined by the IAD commanding official.
- e. In every investigation and in every interview of a member engaged in a serious use of force or deadly force, document the possibilities for de-escalation or whether no reasonable opportunity for de-escalation is apparent.
- f. Conduct a documented analysis of the events leading up to and following the incident.
- g. Involve the defensive tactics instructors when conducting a tactical review of the member(s)' actions. In high-risk entry incidents, involve Emergency Response Team officials in the tactical review. Document these findings.
- h. Notify and consult with the USAO within 24 hours or the next business day about incidents of serious use of force, deadly force, use of force indicating potential criminal conduct, vehicle pursuits involving a fatality, and in-custody deaths involving a member. The USAO or relevant prosecuting authority will make the determination as to whether criminal wrongdoing is present.
- i. When evidence of potential criminal wrongdoing is determined, coordinate prosecutorial needs between the USAO or other appropriate prosecuting entity and the affected element or investigative unit and liaise with other applicable law enforcement agencies. Handle all arrests of police officers related to use of force investigations.
- j. Continue to pursue any investigative leads and collaborate with the USAO or prosecuting authority while the matter is under review.
- k. After receiving a letter of declination from the USAO or upon the conclusion of a criminal prosecution (absent special circumstances

that must be documented), complete a final investigative report with conclusions and recommendations by the assigned deadline.

4. The IAB assistant chief shall, in instances of a negligent or performance of duty firearm discharge, serious use of force, or any use of force indicating potential criminal conduct by a member, forward the preliminary report to the chief of police, within 24 hours of occurrence.
5. IAD supervisors shall provide oversight of use of force investigations by periodically (i.e., bi-weekly at a minimum) reviewing investigative files and documenting each review in writing to be included as part of the completed investigative file.
6. All use of force investigations shall be submitted by the assigned deadline. IAD supervisors shall carefully scrutinize the recommendations and conclusions of IAD investigators, and if necessary, return investigations to IAD investigators for additional work.

H. Investigative Conclusions

For all use of force investigations, the investigating member shall submit a final report with a description of the incident, any other uses of force or allegations of misconduct identified during the investigation, a summary and analysis of all relevant evidence gathered during the investigation, and proposed findings for each use of force and each allegation of misconduct as outlined below:

Required Findings for Use of Force
1. Document whether each use of force was Justified or Not Justified (i.e., whether the actions of the member were objectively reasonable in the circumstances);
2. Document whether each use of force (and events surrounding the use of force) was consistent with policy;
3. Document whether the member requires tactical improvement endeavors or formal re-training; and
4. Document any additional areas for policy and training improvements, risk management issues, equipment concerns, and areas for improvement that do not require formal re-training.

Required Findings for Misconduct Allegations
1. Document whether a preponderance of the evidence supports that the conduct occurred. <ol style="list-style-type: none"> a. If a preponderance of the evidence supports that the conduct did not occur, the finding shall be Unfounded. b. If a preponderance of the evidence supports that the conduct occurred, the appropriate finding shall be selected as follows: <ol style="list-style-type: none"> (1) Exonerated - preponderance of the evidence supports that the conduct occurred but did not violate MPD policy or training. (2) Insufficient Facts - preponderance of the evidence does not support that the conduct occurred. (3) Sustained - preponderance of the evidence supports that the conduct occurred and the member's actions violated MPD policy or training.
2. Document whether the member requires tactical improvement endeavors or formal re-training; and
3. Document areas for policy and training improvements, risk management issues, equipment concerns, and areas for improvement not requiring formal re-training.

I. Force-Related Duty Status Determination

1. The department has the sole authority and complete discretion to determine the duty status of a member. The duty-status decision will consider recommendations made by the Medical Services Division, IAB, and any department-recognized support professional. The department’s duty-status decision shall not be subject to the contractual grievance procedure (or any other appeal).
2. When a member is involved in a serious use of force incident, an incident where a person dies in police custody, or where the actions of the member results in, or is alleged to have resulted in, serious bodily injury or death, the member shall be placed on administrative leave with pay for three business days during which time the department shall designate a duty status pursuant to GO-OMA-120.24 (Revocation/Restoration of Police Powers).
3. The IAB assistant chief may change the duty status of any member involved in a serious use of force incident as the investigation progresses and new information is revealed.
4. Duty-status decisions do not preclude the Medical Services Division from placing a member in a sick leave status as a result of a serious use of force incident.

J. Use of Force Review Board

1. UFRB shall review all IAD use of force investigations of MPD members, firearm discharges at animals, chain of command investigations forwarded to UFRB by the IAB assistant chief, and vehicle pursuits resulting in a fatality.
2. UFRB shall consist of the following 13 voting members and may also include non-voting members at the mayor’s discretion. The chief of police or his or her designee shall determine the rotation schedule for the chairperson and Patrol Services representative who shall serve at least one year.

UFRB Voting Members	
Assistant chief selected by the chief of police (chairperson)	
Special Operations Division commanding official	Criminal Investigations Division commanding official
Metropolitan Police Academy commanding official	Patrol Services inspector or commander
Recruiting Division commanding official	Court Liaison Division commanding official
Office of Police Complaints executive director	DC resident appointed by the mayor with no current or prior law enforcement affiliation
Civilian member appointed by the mayor with no current or prior	Civilian member appointed by the mayor with no current or prior

affiliation with law enforcement, who is a member of the DC Bar in good standing	affiliation with law enforcement, who has personally experienced the use of force by a law enforcement officer
Civilian member, appointed by the DC Council, with no current or prior law enforcement affiliation with subject matter expertise in criminal justice policy	Civilian member appointed by the DC Council with no current or law enforcement prior affiliation with subject matter expertise in law enforcement oversight and the use of force
UFRB Non-Voting Member	
One member selected by the Fraternal Order of Police (consistent with the current Labor Agreement between DC government, MPD, Fraternal Order of Police, and MPD Labor Committee)	
Policy and Standards Branch director	

3. IAB shall administer UFRB. The IAB assistant chief shall designate an IAB member to serve as the UFRB administrator who shall:

UFRB Administrator Responsibilities
a. Coordinate with IAB to identify investigations for review.
b. Track the progress of investigations and notify IAB of cases that are at risk of missing the 90-day deadline.
c. Prepare proposed agendas for review and approval by the chairperson.
d. Handle scheduling, notifications, and administrative tasks.
e. Provide all pertinent reports, records, directives, lesson plans, statistical information, and evidence to be considered.
f. Ensure that relevant and appropriate historical information about members and supervisors are available for consideration.
g. Prepare a summary of proceedings including member attendance and conclusions that outline findings and recommendations
h. Prepare memoranda to transmit findings and recommendations.
i. Notify members and their chain of command of UFRB decisions.
j. Maintain UFRB records reflecting adverse and corrective actions.
k. Assist with the preparation of annual reports.
l. Maintain complete historical records including agendas, correspondence, annual reports, decision point matrix analyses, and meeting summaries with detailed deliberation notes and actions taken in each case (i.e., issues discussed, actions taken, and specific findings).

4. The UFRB chairperson shall be responsible for conducting an orientation for newly appointed UFRB members at their first board meeting. The orientation shall consist of topics including, but not limited to, a review of related MPD policies, UFRB roles and responsibilities, and a general overview of operations. The Fraternal Order of Police non-voting UFRB member shall be notified of and permitted to attend all orientation sessions.
5. Absent special circumstances, UFRB shall meet twice monthly to review use of force incidents.
6. The quorum for each UFRB proceeding shall be the majority of seated members. MPD UFRB members shall not be permitted to send a representative in their place. MPD UFRB members shall be excused from a proceeding only by the UFRB chairperson.

7. Review Process

- a. UFRB shall review the actions of all members involved in the events leading up to the use of force, as well as in its use (not just the actions of the member who used force). The actions of the members leading up to and following the use of force shall be reviewed to identify commendable actions or conduct warranting corrective intervention or training.
- b. UFRB shall use the decision point analysis matrix to provide a meaningful independent analysis of the decision points faced by all MPD participants of the event. UFRB shall review use of force incidents and consider: compliance with official MPD guidance (i.e. policy, procedure, and training), whether proper tactics were used, risk management issues, adequacy of training, analysis of the events leading up to and following the incident, and whether the level of force used was appropriate for the incident. The analysis shall carefully scrutinize the various decision points of the member who used force as well as those of any member that is relevant to the use of force. Where appropriate, the analysis shall identify any policy, training, equipment, or tactical concerns raised by the actions of the participants.
- c. If, at any time during the review process UFRB determines an IAD use of force investigation to be inadequate or lacking in quality or timeliness, the chairperson shall notify the IAD commanding official and IAB assistant chief.
- d. When UFRB has additional questions or determines that an investigation is incomplete, UFRB may compel witnesses, reassign the case to IAD for investigation, return the case to IAD for follow up, or return the case to the investigating unit for appropriate action. Any case returned to IAD or an investigative unit for completion or correction of an investigation shall be returned to the UFRB chairperson within five business days of receipt for a re-evaluation.
- e. UFRB may recommend to the chief of police use of force investigative protocols, standards for use of force investigations, training enhancements, and policy and procedure amendments.

8. Referral of Findings and Recommendations

After evaluating each case, UFRB shall provide its conclusions pursuant to the following investigative review findings, which shall either affirm or reject the investigative recommendation. Dissenting or non-concurring members of a UFRB finding or recommendation may submit a minority report.

Required Findings for Use of Force
1. Document whether each use of force was Justified or Not Justified (i.e., whether the actions of the member were objectively reasonable in the circumstances);
2. Document whether each use of force (and events surrounding the use of force) was consistent with policy and training;
3. Document whether the member requires tactical improvement endeavors or formal re-training; and
4. Document any additional areas for policy and training improvements, risk management issues, equipment concerns, and areas for improvement that do not require formal re-training.

Required Findings for Misconduct Allegations
1. Document whether a preponderance of the evidence supports that the conduct occurred. <ul style="list-style-type: none"> a. If a preponderance of the evidence supports that the conduct did not occur, the finding shall be Unfounded. b. If a preponderance of the evidence supports that the conduct occurred, the appropriate finding shall be selected as follows: <ul style="list-style-type: none"> (1) Exonerated - preponderance of the evidence supports that the conduct occurred but did not violate MPD policy or training. (2) Insufficient Facts - preponderance of the evidence does not support that the conduct occurred. (3) Sustained - preponderance of the evidence supports that the conduct occurred and the member's actions violated MPD policy or training.
2. Document whether the member requires tactical improvement endeavors or formal re-training; and
3. Document any additional areas for policy and training improvements, risk management issues, equipment concerns, and areas for improvement that do not require formal re-training.

Required Findings for Vehicle Pursuits
1. Document whether a preponderance of the evidence supports that a vehicle pursuit occurred. <ul style="list-style-type: none"> a. If a preponderance of the evidence supports that a vehicle pursuit did not occur, the finding shall be Unfounded. b. If a preponderance of the evidence supports that a vehicle pursuit did occur, document the appropriate finding as: <ul style="list-style-type: none"> (1) The pursuit was within MPD policy and training. (2) The pursuit violated MPD policy or training.
2. Document whether the member requires tactical improvement endeavors or formal re-training; and
3. Document any additional areas for policy and training improvements, risk management issues, equipment concerns, and areas for improvement that do not require formal re-training.

- a. When UFRB determines that a policy violation has occurred, UFRB shall forward the case to the Disciplinary Review Division (DRD) to determine the appropriate level of discipline.
- b. DRD shall implement education-based development or disciplinary action, when applicable. Upon resolution of the sanctions associated with the incident, DRD shall update the digital tracking system and electronically forward the information to the respective command and UFRB.

- c. In cases where there is no clear violation of policy or training, UFRB may request MPA and other applicable elements to research best practices and training recommendations, where warranted, to instruct involved individuals of potential areas of improvement.
 - d. When UFRB determines that there has been an act that merits recognition, appropriate commendation recommendations shall be forwarded to the applicable element's commanding official or the MPD awards committee.
 9. UFRB shall complete, to the extent practicable, its review of each incident within 90 business days of the date that IS numbers were issued. This time period may be tolled due to criminal investigations and investigations conducted by the Office of the Inspector General, Office of the DC Auditor, or Office of Police Complaints. RMD shall conduct periodic audits to review the timeliness of cases pending submission to the UFRB.
 10. UFRB shall release the final investigative report and the UFRB's conclusions to the public.
 11. UFRB and IAB shall conduct an annual analysis of all use of force incidents to detect existing patterns, problems, and issues. The analysis shall be submitted to the Executive Office of the Chief of Police no later than February 15.
- K. Mandated Training
 1. The MPA commanding official shall ensure that all sworn members receive use of force training prior to completion of initial training and refresher training semiannually and that all civilian cell block technicians receive pre-service and annual in-service use of force training.
 2. The MPA commanding official shall provide copies of all recruit and in-service use of force lesson plans and training materials through the chain of command to the general counsel and the director of the Policy and Standards Branch on an annual basis for a documented legal sufficiency and policy review.
 3. The IAB assistant chief shall ensure that all IAD investigators assigned to lead serious use of force and deadly force investigations receive initial and refresher specialized investigative training on conducting a thorough tactical analysis, reviewing the decisions that led to the use of force and analyzing policy, training, and equipment issues.

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated.

	Term	Definition
1.	Deadly force	Use of force likely or intended to create a substantial risk of serious bodily injury or death.
2.	Deadly weapon	Any object, other than a body part or stationary object, that in the manner of its actual, attempted, or threatened use is likely to cause death or serious bodily injury.
3.	De-escalation	Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in necessary force. Techniques may include verbal persuasion, warnings, slowing down the pace of an incident, and tactical repositioning.
4.	Less lethal weapon	Weapon deployed with the intent or purpose of nullifying a threat without causing death (e.g., ECD, OC spray, ASP baton).
5.	Neck restraint	Use of any body part or object to attempt to control or disable a person by applying pressure against the person's neck, including the trachea or carotid artery, with the purpose, intent, or effect of controlling or restricting the person's movement or restricting their blood flow or breathing.
6.	Objective reasonableness	Standard requiring the reasonableness of a particular use of force must be judged from the perspective of a reasonable law enforcement officer on the scene in light of the totality of the circumstances confronting the member.
7.	Preponderance of the evidence	Standard of proof in administrative investigations in which it is more likely than not that the event occurred.
8.	Probable cause	Set of facts, circumstances, or reliable information that would lead a reasonable and prudent police officer to believe that a crime has been committed, or is about to be committed, and that a certain person committed it.
9.	Serious bodily injury	Extreme physical pain, illness, or impairment of physical condition including physical injury that involves: a substantial risk of death; protracted and obvious disfigurement; protracted loss or impairment of the function of a bodily member or organ; or protracted loss of consciousness.
10.	Serious use of force	Actions by members including: a. Firearms discharges (except negligent discharges determined to be misconduct by IAD and discharges at animals); b. Those resulting in death or a serious bodily injury; c. Use of neck restraints or techniques intended to restrict a subject's ability to breathe. d. MPD canine bites (except bites determined to be misconduct by IAD); and e. Head strikes with a hard object.
11.	Use of Force	Any physical coercion used to affect, influence, or persuade an individual to comply with an order from a member is considered a use of force.
12.	Use of force indicating potential criminal conduct	Includes, but is not limited to, all strikes, blows, kicks or other similar uses of force against a handcuffed subject and all accusations or complaints of excessive force made against the member where there is objective, corroborating evidence indicating potential criminal conduct or other serious misconduct. This includes any use of force that clearly goes beyond that which an objectively reasonable officer would use in light of the circumstances under which the force was used, or any use of force which may rise to the level of a criminal act.

IV. RESCISSION**Rescinds:**

GO-RAR-901.08 (Use of Force Investigations), Effective Date September 13, 2017

GO-RAR-901.09 (Use of Force Review Board), Effective Date March 30, 2016

GO-RAR-901.11 (Force-Related Duty Status Determination), Effective Date October 7, 2002

EO-17-002 (BWCs: Serious Uses of Force, Serious Misconduct, and Critical or High-Profile Incidents), Effective Date January 27, 2017

EO-18-001 [New Online Use of Force Incident Report (UFIR) and Reportable Incident Form (RIF) in the Personnel Performance Management System], Effective Date January 2, 2018

EO-18-007 (Investigations of Negligent Discharges of Electronic Control Devices and Extended Impact Weapons), Effective Date May 29, 2018

EO-19-009 (Force Incident Report), Effective Date December 31, 2019

SO-10-14 [Instructions for Completing the Use of Force Incident Report (UFIR: PD Forms 901-e and 901-f)], Effective Date October 1, 2010

SO-06-06 [Instructions for Completing the Reportable Incident Form (RIF: PD Forms 901-g and 901-h)], Effective Date April 7, 2006



Robert J. Contee III
Chief of Police

RJC:KDO:MOC:SMM