

GENERAL ORDER



DISTRICT OF COLUMBIA

Title Use of Force		
Topic	Series	Number
RAR	901	07
Effective Date November 3, 2017		
Replaces: GO-RAR-901.07 (Use of Force), Effective Date December 1, 2016		
Related to: GO-OPS-301.03 (Vehicular Pursuits) GO-RAR-306.01 (Canine Teams) GO-RAR-901.01 (Handling of Service Weapons) GO-RAR-901.04 [Oleoresin Capsicum (OC) Spray Dispensers] GO-RAR-901.08 (Use of Force Investigations) GO-RAR-901.09 (Use of Force Review Board) GO-RAR-901.11 (Force-Related Duty Status Determination)		

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I. BACKGROUND

Regulations pertaining to the use of force by law enforcement officers are outlined in chapter six of the District of Columbia Code of Municipal Regulations (DCMR), the Fourth Amendment of the United States (U.S.) Constitution, and various other sections in the Official Code of the District of Columbia (D.C. Official Code). The 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 purpose of this order is to outline when members may use force.

II. POLICY

The policy of the Metropolitan Police Department (MPD) is to value and preserve the sanctity of human life at all times, especially when lawfully exercising the use of force. Therefore, MPD members shall use the minimum amount of force that the objectively reasonable officer would use in light of the circumstances to effectively bring an incident or person under control, while protecting the lives of the member or others. When using force, members shall continuously reassess the perceived threat in order to select the reasonable use of force response, or one that is proportional to the threat faced by him, her, or others.

III. DEFINITIONS

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

1. Active resistance – physically evasive movements to defeat or deflect the member’s attempts to control a subject, including but not limited to, bracing, tensing, pushing, or verbally signaling an intention not to be taken into or retained in custody, provided that the intent to resist has been clearly manifested.
2. Carotid artery hold ("sleeper hold" or "v hold") – any technique which is applied in an effort to control or disable a person by applying pressure or force to the carotid artery or the jugular vein or the sides of the neck with the intent or purpose of controlling a person's movement or rendering a person unconscious by constricting the flow of blood to and from the brain (D.C. Official Code, § 5-125).
3. Less lethal weapon – any object or device deployed with the intent or purpose of nullifying a threat without causing death (e.g., rubber bullets, oleoresin capsicum spray, and tactical batons).
4. Member – sworn or civilian employee of MPD or MPD Reserve Corps member.
5. Non-deadly force – any use of force that, when employed in accordance with Department training, is neither likely nor intended to cause death or serious physical injury.
6. Objective reasonableness – the standard requiring the reasonableness of a particular use of force must be judged from the perspective of a reasonable member on the scene in light of the facts and circumstances confronting the member.

7. Resisted handcuffing – occurs when a person actively resists being placed in handcuffs, and the member must forcibly move the person's wrists or arms, or physically maneuver the person's body so that the handcuffs can be applied. The "resistance" may range from an active struggle to a person simply "locking" his or her arms to prevent their being moved to the handcuff position.
8. Serious physical injury – any injury or illness that results in admission to the hospital or that creates a substantial risk of death, serious disfigurement, loss of consciousness, disability, a broken bone, or protracted loss or impairment of the functioning of any body part or organ.

NOTE: Admission to the hospital must be *directly associated* with the use of force, and should not include treatment or hospitalization for those injuries incurred prior to the use of force (e.g., drug or alcohol use, medical conditions such as high blood pressure).

9. Serious use of force – actions by members including:
 - a. All firearm discharges by a member with the exception of range and training incidents, and discharges at animals;
 - b. All uses of force by a member resulting in a serious physical injury;
 - c. All head strikes with an impact weapon;
 - d. All uses of force by a member resulting in a loss of consciousness, or that create a substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ;
 - e. All incidents where a person receives a bite from an MPD canine;
 - f. All uses of force by an MPD member involving the use of neck restraints or techniques intended to restrict a subject's ability to breathe; and
 - g. All other uses of force by a member resulting in a death.
10. Service weapon – any instrument issued or authorized by the Department that is used to control or overcome a subject, carried or kept readily available by MPD members.
11. Take down – maneuver in which a subject is forcibly brought to the ground.

12. Trachea hold ("arm bar hold" or "bar-arm hold") – any technique using the member's arm, a long or short police baton, or a flashlight or other firm object that attempts to control or disable a person by applying force or pressure against the trachea, windpipe, or the frontal area of the neck with the purpose or intent of controlling a person's movement or rendering a person unconscious by blocking the passage of air through the windpipe. (D.C. Official Code, § 5-125.02)
13. Use of force – any physical coercion used to effect, influence or persuade an individual to comply with an order from an officer.
 - a. The following actions are designated "reportable uses of force":
 - (1) Deadly force;
 - (2) Serious use of force;
 - (3) Use of a less-than-lethal weapon;
 - (4) Any use of force indicating potential criminal conduct by a member; and
 - (5) Any use of force resulting in injury or a complaint of injury or pain where the injury or pain is directly associated with a member's use of force.
 - b. The following actions are designated "reportable force incidents" as long as the use of force does not result in injury or a complaint of injury or pain:
 - (1) All solo or team takedowns, where there is no complaint of pain or injury; and
 - (2) The drawing and pointing of a firearm at, or in the direction of, another person when no other force was used.

NOTE: Minor injury or discomfort resulting from the application and general wearing of handcuffs is not, in and of itself, considered a "reportable use of force" or a "reportable force incident".

14. Use of force framework – an adaptation of the decision making model (Attachment A) specifically applicable to situations potentially resulting in the use of force. The use of force framework contains five categories of perceived threats and responses, all of which are fluid, dynamic, and non-sequential. The use of force framework allows officers to

determine which action or actions are objectively reasonable and proportional, given the perceived threat.

15. Use of force indicating potential criminal conduct by a member – 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. 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.
16. Vehicle ramming attack – form of attack in which a perpetrator deliberately rams, or attempts to ram, a motor vehicle at a crowd of people with the intent to inflict fatal injuries.

IV. REGULATIONS

- 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. Members shall attempt to defuse use of force situations with de-escalation techniques whenever feasible.
- B. 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.
- C. When any force response is employed, members shall:
 1. Conduct a visual and verbal check of the subject to ascertain whether the subject is in need of medical care.
 2. Summon medical assistance immediately if a person is injured, complains of pain, or demonstrates life-threatening symptoms as established in GO-PCA-502.07 (Medical Treatment and Hospitalization of Prisoners).
 3. Render first aid as soon as the scene is safe.
- D. Any excessive force by a member may subject him or her to disciplinary action and possible criminal prosecution or civil liability.
- E. Use of Force Framework (Attachment B)
 1. The use of force framework contains five categories of perceived threats and responses, all of which are fluid, dynamic, and non-sequential.

a. Member's Perception of the Threat:

- (1) Cooperative – the subject responds in a positive way to a member's presence and is easily directed with verbal requests and commands. The subject who requires control or searching offers no resistance.
- (2) Passive resister – the subject displays a low level of noncompliant resistance. The noncompliance is passive, and offers no physical or mechanical energy. The subject does not respond to a member's lawful request or commands and may be argumentative.
- (3) Active resister – the subject is uncooperative and will not comply with the member's requests or comments. The subject exhibits physical and mechanical defiance, including evasive movements to defeat the member's attempt at control, including but not limited to, bracing, tensing, pushing, or verbally signaling an intention not to be taken into or retained in custody, provided that the intent to resist has been clearly manifested.
- (4) Assaultive – the subject has gone beyond the level of simple non-cooperativeness, and is actively and aggressively resisting the officer's attempt to arrest. The subject has demonstrated a lack of concern for the member's safety; however, the subject does not pose an immediate threat of death or serious bodily injury to the member or others.
- (5) Serious injury or death – the subject poses an immediate danger of death or serious physical injury to the member or to another person, but not himself or herself. The subject's actions demonstrate his or her intent to inflict death or serious injury upon the member or another person immediately.

b. Member's Force Response:

- (1) Cooperative controls – the least physical force response category on the use of force framework. Cooperative controls include communication skills with cooperative subjects and are often achieved by non-verbal acts such as gestures, stance, and facial expressions in accordance with Department training and standards.
- (2) Contact controls – low-level mental and physical tactics to gain control and cooperation. The contact controls can

be psychologically manipulative (e.g., strong verbal persuasion) as well as physical (e.g., soft empty hand control, firm grip, and escorting), and can include additional verbal persuasion skills or waiting for backup to show strength in numbers in accordance with Department training and standards.

- (3) Compliance techniques – actions [e.g., control holds, joint locks, and oleoresin capsicum (OC) spray, solo or team takedowns] 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.
 - (4) Defensive tactics – actions to forcibly render the subject into submission; however, these actions are not likely nor designed to cause death or serious physical injury. The purpose of defensive tactics is primarily the safety of the member and others. Examples of “defensive tactics” include the use of ASP baton strikes, chemical agents, and electronic control devices (ECDs) in accordance with Department training and standards.
 - (5) Deadly force – any use of force likely to cause death or serious physical injury. The primary purpose of deadly force is to neutralize a subject who poses an immediate threat of death or serious injury to the member or others; however, this does not include a subject who poses a threat solely to himself or herself. Examples include, but are not limited to, the use of a firearm or a strike to the head with a hard object.
2. In response to a perceived threat, members shall apply the proportionate and objectively reasonable force response, as outlined in the use of force framework. To ensure the force response is objectively reasonable and proportionate to the perceived threat, members shall:
- a. Continuously assess the threat and develop strategies, consider their authority and Department policies, identify options and contingencies, take action and review, and gather information. This approach requires members to:
 - (1) Consider the seriousness of the crime, 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, and available options (e.g., calling upon members with specialized training for assistance).

- (2) Initiate the proportionate and objectively reasonable force response, when feasible, to overcome resistance.
 - (3) Modify their level of force in relation to the amount of resistance offered by a suspect. 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.
 - (4) Intervene in and subsequently report any use of force incident in which they observe another member utilizing excessive force or engaging in any type of misconduct.
3. Members shall not use techniques or defensive weapons when employing 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 civilian or member subject to the imminent threat of death or serious physical injury, when no other options are feasible, and the force is objectively reasonable and proportionate to the perceived threat.

F. Conditions that May Authorize the Use of Non-Deadly Force

1. A member's decision to use non-deadly force shall involve one or more of the following considerations:
 - a. To protect life or property;
 - b. To make a lawful arrest;
 - c. To prevent the escape of a person in custody;
 - d. To control a situation, or subdue and restrain a resisting individual; or
 - e. To effect a lawful stop of a fleeing individual.
2. A member shall use the force response that is reasonably necessary to bring the situation under control. If de-escalation tactics are not effective, 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. As soon as the incident is under control, the member's use of force response shall diminish proportionally.

G. Conditions that May Authorize the Use of Deadly Force

1. Authorized Use of Deadly Force:

a. Defense of Life

Members may use deadly force in the performance of police duties under the following circumstances:

- (1) When it is necessary and objectively reasonable; **and**
- (2) To defend themselves or another from an actual or threatened attack that is imminent and could result in death or serious bodily injury; **and**
- (3) When all other options have been exhausted **or** do not reasonably lend themselves to the circumstances.

b. Fleeing Felon

To apprehend a fleeing felon **only** when every other reasonable means of affecting the arrest or preventing the escape has been exhausted; **and**

- (1) The suspect fleeing poses an immediate threat of death or serious bodily harm to the member or others; **or**
- (2) There is probable cause to believe the crime committed or attempted was a felony that involved an actual or threatened attack that could result in death or serious bodily harm; **and**
 - (a) There is probable cause to believe the person fleeing committed or attempted to commit the crime, **and**
 - (b) Failure to immediately apprehend the person places a member or the public in immediate danger of death or serious bodily injury; **and**
 - (c) The lives of innocent persons will not be endangered if deadly force is used.

2. Unauthorized Use of Deadly Force

- a. Members shall not use deadly force in any circumstance other than those outlined Part IV.G.1.

- b. Members shall not utilize deadly force against subjects that only present a threat of harm to themselves.

H. Less Lethal Weapons

1. The objective of less lethal weapons is to preserve human life and prevent further escalation of force.
2. Less lethal weapons may only be used by members with the appropriate specialized training.
3. During instances of civil disobedience, members shall follow use of force procedures outlined in Department SOP-16-01 (Handling First Amendment Assemblies and Mass Demonstrations).

I. Positional Asphyxia Precautions

1. In order to avoid asphyxiation, members shall:
 - a. Whenever possible, avoid tactics that may impede a subject's ability to breathe, result in chest or throat compressions, or airway blockage.
 - b. 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.
 - c. Seek medical assistance immediately if a person appears to be having difficulty breathing or is otherwise demonstrating life-threatening symptoms. An official shall direct that alternative means to maintain custody be utilized, if appropriate.
2. Members are prohibited from:
 - a. Placing a person in a prone position (i.e., lying face down) for a prolonged period of time or during transport except during exigent circumstances. Prisoners shall be carefully monitored while in a prone position as a prone position may be a contributing factor to cause a prisoner to suffocate, also referred to as positional asphyxiation.
 - b. Employing unauthorized use of restraints while transporting a subject in a vehicle.
 - c. Attaching handcuffs or flex-cuffs to leg restraints in such fashion that forces the legs and hands to be close to one another (i.e., "hog-tying").

J. Neck Restraints

1. The use of neck restraints of any kind including, but not limited to, the use of “trachea holds” and “carotid artery holds” as they are defined in D.C. Official Code § 5-125.02 are not authorized use of force options and are prohibited.

NOTE: Members are reminded of the legal restrictions against certain types of neck restraints outlined in D.C. Official Code § 5-125.01, *et seq.* (Limitation on Chokehold), and that members who use a “trachea hold” or “carotid artery hold” may be found in violation of the law.

2. In the event that a member employs a neck restraint or chokehold of any kind, he or she shall request emergency medical services immediately.

K. Use of the Department-Issued Firearm

1. When feasible, members shall identify themselves as a police officer and issue a verbal warning before discharging a firearm.
2. No member shall discharge his or her firearm under the following circumstances:
 - a. As a warning;
 - b. Into a crowd;
 - c. In a felony case which does not involve an actual attack, but involves a threatened attack, unless the member has reasonable cause to believe the threatened attack is imminent and could result in death or serious bodily injury;
 - d. In any misdemeanor offense, unless under exceptional circumstances;
 - e. Solely to protect property interests; or
 - f. To stop an individual on mere suspicion of a crime simply because the individual flees.
3. Members shall not discharge their firearms 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 conduct a vehicle ramming attack. Members shall, as a rule, avoid tactics that could place them in a position where a vehicle could be used against them.
4. No member shall draw and point a firearm at or in the direction of another person unless there is a reasonable perception of a substantial

risk that the situation may escalate to the point where deadly force would be permitted.

- a. When it is determined that the use of deadly force is not necessary, as soon as practicable, firearms shall be secured or holstered.
 - b. Drawing and pointing a firearm at or in the direction of a person is a reportable incident and members shall notify an official in accordance with SO-06-06 [Instructions for Completing the Reportable Incident Form (RIF: PD Forms 901-g and 901-h).
5. In accordance with GO-RAR-901.01 (Handling of Service Weapons), no member of the Department shall carry, use, or discharge any unauthorized ammunition in their issued service weapons. Members shall not obtain service ammunition from any source except through official Department channels. Members are further required to carry only the requisite amount of service ammunition as applicable to the authorized service weapon they are utilizing.

L. Carrying Prohibited Weapons

1. Members shall not:
 - a. In the normal exercise of their responsibilities, carry, use or discharge any firearm or other weapon, except those issued or approved for use by the MPD under direction of the Chief of Police.
 - b. Carry any Department-issued weapon prior to successfully completing Department-approved training courses directed by the Chief of Police.
 - c. Carry a non-Department-issued weapon (e.g., blackjack, sap, nunchaku, kenpo stick, brass knuckle, or weighted glove).

M. Pain or Injury Associated with Handcuffing

1. Members are reminded the proper application and general wearing of handcuffs may lead to complaints of minor pain or injury (e.g., pinching of skin or scratches).
2. When a subject complains of pain or injury that is associated with the application or wearing of handcuffs, members shall notify an official.
 - a. The official shall investigate the complaint or injury and document his or her findings in the PD Form 313 (Prisoner Illness/Injury Report) in accordance with GO-PCA-502.07 (Medical Treatment and Hospitalization of Prisoners).

- (1) If the investigating official determines the subject's injury or complaint of pain is exclusively the result of the application and wearing of handcuffs, no further force-related investigation or reporting is necessary.

Example: A member places handcuffs on a non-resistant subject. The subject claims the handcuffs are causing him discomfort but the official concludes the pain is due exclusively to discomfort associated with wearing handcuffs.

- (2) 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 in accordance with GO-RAR-901.08 (Use of Force Investigations).

Example: The subject complains of discomfort in his right wrist. During the investigation, the arresting member tells the official he had to twist the subject's right wrist in order to place him in handcuffs. The official concludes the subject's discomfort is associated with the member's action of twisting the subject's wrist, not exclusively the discomfort associated with wearing handcuffs.

- b. Investigating officials shall provide counseling and conduct an administrative investigation as appropriate for policy violations in cases where, based on the totality of circumstances, a member applied the handcuffs improperly, but the associated injury does not warrant a use of force investigation.

Example: The arresting member places handcuffs on an unresisting subject but neglects to activate the double-lock function. Since the handcuffs are not double-locked, the subject inadvertently tightens them on himself while he is transported back to the station. The tightening of the handcuffs results in a minor rash on the prisoner's right wrist. This injury is due to the wearing of handcuffs and is therefore not a reportable use of force; however, it would not have occurred if the member had applied the handcuffs properly.

- N. Members are prohibited from employing any use of force technique or defensive weapon against a subject in handcuffs **unless** the subject is engaged in assaultive behavior as described in this order or the subject is attempting to escape police custody or resisting members' efforts to maintain custody of the individual (e.g., the subject will not get out of the transport vehicle). In these cases, members shall limit their force responses to the

minimum amount of force that the objectively reasonable officer would use in light of the circumstances to effectively bring an incident or person under control.

O. Civilian Employees of the Department

1. Civilian employees of the department are prohibited from receiving or carrying Department-issued weapons of any kind.

NOTE: Civilian employees may handle weapons when required as part of their assigned duties (e.g., civilian firearm instructors, civilian firearm examination technicians, civilian evidence technicians).

2. Civilian members shall only use force in defense of themselves or others.

P. Reporting Use of Force Incidents

1. All incidents involving a reportable use of force, as defined in Part III.13.A of this order, shall be reported in accordance with SO-10-14 [Instructions for Completing the Use of Force Incident Report (UFIR: PD Forms 901-e and 901-f)]. All reportable force incidents shall be reported in accordance with SO-06-06 [Instructions for Completing the Reportable Incident Form (RIF: PD Forms 901-g and 901-h)].

Example 1: A member uses OC Spray on a subject. This is a reportable use of force and requires the completion of a PD Form 901-e (commonly referred to as a "UFIR") in accordance with SO-10-14.

Example 2: A member employs a takedown technique to bring a resistive subject to the ground so he or she can be placed in handcuffs. The takedown and handcuffing does not result in injury or complaint of pain or injury. The use of a takedown is a reportable force incident and requires the completion of a PD Form 901-g (commonly referred to as a "RIF") in accordance with SO-06-06.

2. Members who are aware of a complaint regarding the use of force by another member shall notify their supervisor.

V. ATTACHMENTS

Attachment A: Decision Making Model

Attachment B: Use of Force Framework

VI. CROSS REFERENCES

A. Directives

1. GO-OPS-304.10 (Police-Citizen Contacts, Stops, and Frisks)
2. GO-PCA-502.07 (Medical Treatment and Hospitalization of Prisoners)
3. GO-RAR-901.01 (Handling of Service Weapons)
4. SO-06-06 [Instructions for Completing the Reportable Incident Form (RIF: PD Forms 901-g and 901-h)]
5. SO-10-14 [Instructions for Completing the Use of Force Incident Report (UFIR: PD Forms 901-e and 901-f)]
6. SOP-16-01 (Handling First Amendment Assemblies and Mass Demonstrations)

B. D.C. Official Code

1. D.C. Official Code, § 5-125 (Limitation on Chokeholds)



Peter Newsham
Chief of Police

PN:KDO:MOC:SMM

<i>Amendment #</i>	<i>Page #</i>	<i>Description of Change</i>	<i>Effective Date of Change</i>	<i>Name and Title of Authorizing Member</i>
1	11	Revised Part IV.K.2.outline format to include the previously missing letter "d".	11/7/2017	Maureen O'Connell, Director, Policy and Standards Branch

Metropolitan Police Department

Decision Making Model



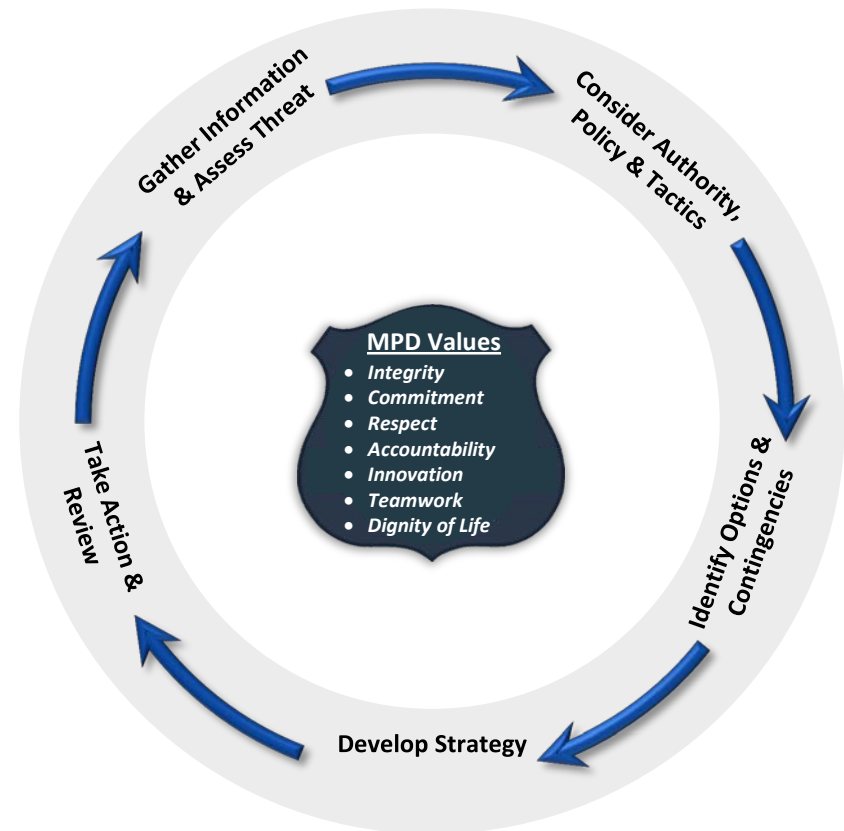
The goal of every encounter is
Voluntary Compliance!

Officers must continually

- *Gather information and assess the threat.*
- *Consider authority, policy and tactics.*
- *Identify options and contingencies.*
- *Develop a strategy.*
- *Take action and review.*

Threat Assessment Observation should include the subject's:

- *Emotional state.*
- *Resistive Tension.*
- *Early warning signs.*
- *Pre-attack postures or Gestures.*
- *Access to a Weapon.*
- *Apparent willingness to sustain injury.*



Metropolitan Police Department

Use of Force Framework



The goal of **every** encounter is **Voluntary Compliance!**

Officers must continually

- *Gather information and assess the threat.*
- *Consider authority, policy and tactics.*
- *Identify options and contingencies.*
- *Develop a strategy.*
- *Take action and review.*

Resistance and response are dynamic. The subject's behavior and the use of force to control it may escalate or de-escalate during any given altercation until complete control of the subject is achieved.

Immediately summon emergency medical assistance and render first aid as soon as the scene is safe.

