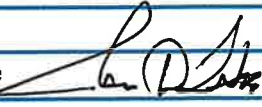


<b>Subject:</b>	Use of Force	<b>Number:</b> 2.800
<b>Category:</b>	Use of Force	<b>Type:</b> Policy
<b>Effective Date:</b>	1/29/2024	
<b>Issuing Authority:</b>	Chief James D. Tate 	
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<b>References:</b>	N/A	

1. **PURPOSE:** George Washington University Police Department (“GWPD”) officers are authorized to use Force in specific circumstances that may include but are not limited to armed intruders, robberies, assaults, etc. in order to effect compliance with lawful orders, protect themselves and others from injury. Federal and District of Columbia statutory standards and case law dictate when and how much Force may be used. While this Policy sets forth guidelines for the Objectively Reasonable use of Force by a GWPD Officer it by no means encompasses all the possible situations and scenarios in which Force might be justifiably used. Police work can be inherently dangerous and therefore a variety of factors and circumstances may result in various outcomes. Additionally, Force may not be necessary even in situations where it may be justified as Objectively Reasonable.

2. **DEFINITIONS:** For the purpose of this Policy the following definitions apply:

- a. **Objectively Reasonable-** An objective standard used to judge an officer’s actions. Under this standard, a particular application of Force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the same time that the Force was used.
- b. **Force-** The overcoming of resistance by the exertion of physical strength or power.
- c. **Use of Force Involving a Firearm-** Any use of a firearm, including unholstering.
- d. **Defensive Resistance-** A person attempting to evade officer’s attempts to control, including pulling away from an officer’s grasp or fleeing the scene.
- e. **Physical Injury-** Impairment of physical condition or substantial pain.
- f. **Serious Bodily Injury-** Physical Injury which creates a substantial risk of death, obvious and protracted disfigurement, loss or impairment of the function of a bodily member or organ, or protracted loss of consciousness.

- g. **Deadly Force-** Force which, under the circumstances in which it is used, is readily capable of causing death or Serious Bodily Injury.
- h. **Independent Review Committee (IRC)-** Composed of faculty, staff, and students, and chaired by a member of the faculty, this committee will be charged with reviewing any GWPD supervisory officer's use of force involving a firearm while on duty.

3. **POLICY:** GWPD requires that all officers use only that Force reasonable and necessary, based upon a totality of the circumstances, to effectively bring an incident under control while preserving the sanctity of life.

a. Determining Objectively Reasonableness of Force:

- i. When used, Force should be used only in circumstances faced by the officer at the time of the event that is deemed to be Objectively Reasonable in proportion to the scope and severity of the threat.
- ii. Factors that may be used in determining the reasonableness of Force include, but are not limited to:
  - a) The severity of the crime or circumstance;
  - b) The level and immediacy of threat or resistance posed by the suspect;
  - c) The potential for injury to citizens, officers, and suspects;
  - d) The risk or attempt of the suspect to escape;
  - e) Officer/subject considerations such as age, size, and physical ability;
  - f) The relative strength, skill level, or injury or exhaustion of the officer(s), together with the number of officers or subjects in the use of Force incident; or
  - g) Exigent circumstances.
- iii. Consistent with Section 3.e.i, in situations involving the Use of Deadly Force, an officer should not solely rely upon the factors in Section 3.a.ii but must also reasonably believe that Deadly Force is immediately necessary to protect the officer or another person, other than the subject of the use of Deadly Force, from the threat of Serious Bodily Injury or death.

b. Use of Force

- i. Any time a police officer considers the use of Force, it shall be incumbent on that officer to assess the situation and use ONLY that level of Force that is reasonable and necessary. The officer(s) observations and assessments are crucial. Officers may utilize verbal commands and de-

escalation techniques when safe and prudent. The various uses of Force include:

- ii. Verbal Direction: This is the least intrusive stage. This stage may include simple verbal commands to gain compliance.
  - iii. Physical Direction: This stage often requires physical contact with the person. The amount of justifiable physical direction as well as the extent of physical direction varies with the situation and circumstance. This stage shall be determined to mean that the officer(s) contact can be as slight as a mere touch, to using grab holds, restraint, and come-along techniques as adopted through GWPD training.
  - iv. Oleoresin Capsicum Deployment/Display: This is a less-than-lethal Force option that causes irritation to the eyes, mouth, and nasal cavity of the combative subject and is deployed to bring the subject into compliance. The actions of displaying or deploying oleoresin capsicum at a target will be considered a use of Force.
  - v. Compliance Techniques: These are hands-on compliance techniques such as joint and pressure point manipulation. These areas may include, but are not limited to, the common peroneal (side of the leg), radial nerve (top of the forearm), arm bar escort or other similarly trained techniques.
  - vi. Impact Weapons Deployment/Display: Impact weapons include batons and expandable batons. Impact weapons may be deployed to deliver deliberate strikes and/or as a control mechanism to bring combative subjects under control or protect the officer(s) and others from injury. It shall be noted that under certain circumstances the use of an impact weapon may constitute Deadly Force. The actions of brandishing or deploying an impact weapon at a target will be considered a use of Force.
  - vii. Firearms Deployment/Display: This is the deadliest form of physical Force and may only be used in circumstances in which Deadly Force is justified. The actions of brandishing or discharging a firearm at a target will be considered a use of Force.
- c. Principles of Force Progression:
- i. The officer should give the subject an opportunity to comply by utilizing clear verbal commands when feasible. Once compliance is achieved, escalation in Force ceases. To do otherwise constitutes excessive Force. Under no circumstances will excessive Force be tolerated.

- ii. Progression of Force is not always towards a higher level of Force. Situations in which Force is used are often in flux. Therefore, the officer must continuously assess the circumstances and, as appropriate, escalate or de-escalate the level of Force.
  - iii. Officers 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 GWPD.
  - iv. All Force situations are judged in the light of the Objectively Reasonable standard.
- d. Conditions that May Authorize the Use of Non-Deadly Force
- i. Where Deadly Force is not reasonable, and thus, not authorized, officers shall assess the incident in order to determine the Force that will best deescalate the incident and bring it under control in a safe manner.
  - ii. Officers are approved to use less than lethal Force options using GWPD-issued equipment:
    - a) To protect themselves or another from physical harm;
    - b) To effect a lawful arrest or detention;
    - c) To prevent the escape of a person from custody; and
    - d) To bring an unlawful situation safely and effectively under control.
- e. Conditions that May Authorize the Use of Deadly Force
- i. In order to justify the use of Deadly Force, the officer must reasonably believe that Deadly Force is immediately necessary to protect the officer or another person, other than the subject of the use of Deadly Force, from the threat of Serious Bodily Injury or death.
  - ii. The officer's Deadly Force actions must be Objectively Reasonable, given the totality of the circumstances.
  - iii. In order to use Deadly Force, all other Force options must have been exhausted or do not reasonably lend themselves to the circumstances.
  - iv. The reasonableness of the officer's belief and actions are judged from the Objectively Reasonable perspective of another law enforcement officer in that same situation.
  - v. In determining the totality of the circumstances, the officer

shall make the following determinations, when feasible:

a) Whether the subject of the use of Deadly Force:

1. Possessed or appeared to possess a deadly weapon; and
2. Refused to comply with the officer's lawful order to surrender an object believed to be a deadly weapon prior to the officer using Deadly Force.

b) Whether the officer engaged in de-escalation measures, when feasible, prior to the use of Deadly Force, including taking cover, keeping a safe distance, as appropriate, waiting for back-up, trying to calm the subject of the use of Force, or using non-Deadly Force prior to the use of Deadly Force.

vi. Officers are prohibited from firing warning shots, firing from a moving vehicle, and at a moving vehicle.

f. Unauthorized Use of Force

- i. Officers shall not utilize Deadly Force against subjects that only present a threat of harm to themselves.
- ii. Deadly Force shall not be used on a subject who is only a threat to property.
- iii. Force shall not be used to coerce a confession from a subject in custody.
- iv. Force shall not be used to obtain blood, saliva, urine, or other bodily fluids or cells, from an individual for the purposes of scientific testing.
- v. Force shall not be used against persons who are handcuffed or restrained unless it is used to prevent injury, escape, active or passive resistance posed by the subject.
- vi. Force shall not be used as retaliation for physical or verbal abuse.
- vii. Officers are prohibited from firing warning shots, firing from a moving vehicle, and at a moving vehicle.
- viii. Due to the propensity to cause death or serious injury, the use of "chokeholds" or airway restriction (carotid neck restraint) is not authorized.

g. Duty to Intervene

- i. Any officer present and observing another officer using

Force that they reasonably believe to be beyond that which is Objectively Reasonable under the circumstances shall intercede to prevent the use of unreasonable Force, if and when the officer has a realistic opportunity to prevent harm.

- ii. If an officer reasonably believes that another officer has used excessive Force, the officer must report those facts to their immediate supervisor as soon as possible.
- h. Rendering Aid After Use of Force
- i. After the use of any Force beyond a verbal command, the officer shall evaluate the need for medical aid.
  - ii. Appropriate medical care shall be provided following any Use of Force incident after officers have determined that the scene is safe from threat, and detainees have been secured.
  - iii. Officers will provide or obtain medical care after using Force (Deadly Force, deploying less lethal weapons, or after any level of weaponless tactics) if:
    - a) The suspect complains of any injury or discomfort;
    - b) Any visible injury results from the use of Force;
    - c) The suspect requests medical treatment; or
    - d) At any time, Force is used for controlling a juvenile.
  - iv. Photographs will be taken to document the existence or absence of injuries.
  - v. Complaints of injury shall be documented in the narrative of the report and the appropriate use of Force documents.
- i. Supervisor Responsibilities
- i. The supervisor should assess the situation and ensure that the scene is safe and secure. They should also determine if additional resources are needed, such as medical assistance or backup from other units.
  - ii. The supervisor should ensure that no evidence is tampered with or contaminated. They should also ensure that the area is properly cordoned off and that bystanders are kept at a safe distance.
  - iii. The supervisor should ensure that the scene is thoroughly documented and all items that may contain evidentiary value are collected.
  - iv. The supervisor should identify witnesses and ensure that they are separated so that the Metropolitan Police Department ("MPD") may interview them as soon as possible, and obtain their statements while their memories are still fresh.
  - v. The supervisor should coordinate with investigators to ensure that the on-scene investigation proceeds smoothly. They should also ensure that all necessary

reports and documentation are completed accurately and in a timely manner.

- vi. Supervisors should also ensure that the officer is properly debriefed and that any necessary counseling or other assistance is provided.
- vii. When MPD collects the weapon(s) used by officer(s) during the use of Force, the on-scene supervisor will immediately provide a replacement weapon for the officer(s), unless there are extenuating circumstances.

j. Use of Force Reporting

- i. A Use of Force report and a Resistance Response Form shall be submitted and a supervisor will be immediately notified whenever an officer:
  - a) Discharges a firearm; other than for training;
  - b) Takes any action that results in, or is alleged to have resulted in the injury or death of another person;
  - c) Applies Force through the use of lethal or less-lethal weapons; or
  - d) Any other type of weapon and/or impact device is deployed;
  - e) Is met with Defensive Resistance by another person.
- ii. Use of Force documentation shall be submitted to the officer's immediate supervisor for review prior to the end of shift, when possible. The on-duty supervisor must immediately notify the Chief of Police and Operations Captain if document cannot be submitted.
- iii. Any officer involved in a lethal force encounter or one involving Serious Bodily Injury shall complete a supplement that includes, but is not limited to:
  - a) Facts and circumstances related to the event;
  - b) Elements of any crimes involved in the event;
  - c) The officer's own actions related to the event; or
  - d) Documentation of any injuries sustained by the subject or the officer.
- iv. A supervisor that is made aware of a use of Force incident shall ensure the completion of a Resistance Response Form by all officers engaged in the reportable use of Force and make a record of all officers present.
- v. Photographs will be taken that sufficiently document any injuries or lack thereof to officers or suspects.
- vi. Supervisors shall forward the use of Force documents through the chain of command to the Captain of Operations for an administrative review. The review will consist of the following:
  - a) Review from the instructor of the use of Force

utilized (i.e. baton, TASER, Defensive Tactics, etc....);

- b) Training Staff Review;
- c) Training Coordinator report of findings; and
- d) Captain of Operations report.

vii. The findings of the Captain of Operations review shall be submitted to the Chief of Police for final review. The findings will report to the Chief of Police whether the Force used was within Policy guidelines and the officer(s) was justified in the use of Force.

k. Deadly Force Investigation

i. Every incident where the application of Force results in Serious Bodily Injury or death shall require immediate response and notification of the Chief of Police and Operations Captain in conjunction with MPD. MPD will be the lead investigating agency.

ii. GWPD will conduct an internal investigation in conjunction with MPD's criminal investigation. This investigation will review the following;

- a) What led to the use of Force?
- b) Was the use of Force consistent with GWPD policies?
- c) Were the tactics appropriate for the level of resistance met by the officer?
- d) Could the incident have been addressed without the use of Force chosen by the officer?

iii. Where an officer's use of Force causes death, the officer shall be placed on administrative leave after complying with the requirements of the investigation and GWPD. The officer shall remain on leave until it is determined the officer is fit to return to duty.

l. Reporting Use of Force Involving a Firearm to Independent Review Committee

i. Whenever there is a use of force involving a firearm, the GWPD Chief of Police ("the Chief") will make an initial determination regarding whether the use of Force was appropriate. That determination and any accompanying report will then be referred to the IRC for its independent review and assessment.

ii. The IRC may request access to the investigation report, including body worn camera footage, interview recordings, or other evidence collected.

iii. The IRC also may interview the Chief, as well as any investigator used by GWPD as part of its initial determination.

m. Annual Audit of Use of Force Reports



- i. The Chief of Police or designee shall conduct an annual audit of all "Use of Force" and "Resistance Response Forms."
  - ii. The annual audit shall note the following:
    - a) Patterns or trends which may indicate training needs; and
    - b) The need for changes in policy or tactics.
  - iii. The annual audit shall be documented, shared in its entirety with the VP, Division of Facilities & Safety and other officers of the university, and archived for departmental transparency and accountability.
- n. Issuing Written Directives
- i. This Policy shall be issued and thoroughly reviewed by all incoming personnel employed by GWPD who are authorized to carry weapons in the performance of their duties in accordance with GWPD policy and District of Columbia regulations.
  - ii. Issuance and review of this Policy shall be clearly documented by the Special Services Unit by order of the Chief of Police.