

GENERAL ORDER



DISTRICT OF COLUMBIA

Subject Handling Assaults on Police Officers		
Topic	Series	Number
PCA	701	03
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Replaces: General Order 701.03 (Handling Assaults on Police Officers), Effective Date 12/29/03		
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Related to: GO-SPT-401.05 [Prosecution Report (PD Form 163)] GO-OPS-304.08 (Collection of Physical Evidence; Utilization of the Crime Scene Examination Section and Crime Scene Search Officers) SO-06-16 (Implementation of the "Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006")		

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I. BACKGROUND

The Metropolitan Police Department (MPD) recognizes that an assault on a police officer is extremely serious in nature. To ensure that these incidents are handled in a uniform manner and investigated properly, MPD has established uniform procedures to be followed by members of the Department.

II. POLICY

The policy of the MPD is to investigate, report and prosecute in a uniform manner, incidents of an assault on a police officer.

III. DEFINITIONS

The Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006 expanded the definition of a law enforcement officer/police officer to include certain individuals by virtue of his/her assigned duties within his/her agency and not based solely on his/her employment with the agency.

For the purpose of this order, the following terms shall have the meanings designated:

1. Law Enforcement Officer/Police Officer –
 - a. Officer or member of any police force operating and authorized to act in the District of Columbia, including any reserve officer or designated civilian employee of the Metropolitan Police Department;
 - b. Licensed Special Police Officer (SPO);
 - c. Officer or member of any fire department operating in the District of Columbia;
 - d. Officer or employee of any penal or correctional institution of the District of Columbia;
 - e. Officer or employee of the government of the District of Columbia charged with the supervision of juveniles being confined pursuant to law in any facility of the District of Columbia regardless of whether such institution or facility is located within the District;
 - f. Investigator or code inspector employed by the government of the District of Columbia;
 - g. Officer or employee of:
 - (1) The Department of Youth Rehabilitation Services (DYRS);
 - (2) Officer or employee of Court Services and Offender Supervision Agency (CSOSA);
 - (3) Officer or employee of the Social Services Division of the Superior Court;
 - (4) Officer or employee of Pretrial Services Agency,

Who are charged with:

- a. Intake; or

- b. Assessment; or
 - c. Community supervision.
2. Official – Sworn member of MPD the rank of sergeant or above.

IV. REGULATIONS

1. D.C. Official Code § 22-405 states the offense of Assault on Member of Police Force, Campus or University Special Police or Fire Department occurs when an individual(s):
 - a. Without justifiable and excusable cause, assaults, resists, opposes, impedes, intimidates, or interferes with a law enforcement officer on account of, or while that law enforcement officer is engaged in the performance of his or her official duties; or
 - b. Violates subsection (a) of this section and causes significant bodily injury to the law enforcement officer, or commits a violent act that creates a grave risk of causing significant bodily injury to the officer.

NOTE: It is neither justifiable nor excusable cause for a person to use force to resist an arrest when such an arrest is made by an individual he or she has reason to believe is a law enforcement officer, whether or not such arrest is lawful. (D.C. Official Code § 22-405)

NOTE: Violation of subsection a) is a misdemeanor with the prescribed penalty of imprisonment of not more than 180 days or fined not more than \$1,000, or both. (D.C. Official Code § 22-405)

Violation of subsection b) is a felony with the prescribed penalty of imprisonment of not more than 10 years or fined not more than \$10,000, or both. (D.C. Official Code § 22-405)

V. PROCEDURES

A. Authorization to Charge

Members shall obtain the authorization of a MPD official the rank of sergeant or above before placing a charge of Assault on a Police Officer against any arrestee, regardless of age.

B. Responsibilities of Members on the Scene of an Assault

Members on the scene of the assault shall:

1. Ensure the area is secure and all members are safe.
2. Render/request first aid, if necessary.

3. Immediately canvass the area to locate all witnesses to the assault.
4. Have each witness complete a PD Form 119 (Complainant/Witness Statement) regarding events surrounding the assault [see GO-SPT-401.01 (Field Reporting System)].

C. Photographing Injuries

1. When photographing visible injuries to the member/complainant and/or arrestee, members shall take steps to provide adequate privacy when requested by the individual being photographed.
2. All visible injuries to both the member/complainant and/or the arrestee shall be photographed, in color, at the district station in which the arrest is processed. Photographs shall be taken, as soon as practicable, consistent with ensuring prompt medical attention to the injured member and/or arrestee.
3. Photos shall also be taken of the scene where the assault occurred, especially when the surroundings may contribute to the offense; (e.g., narrow hallway, inside a vehicle, small room, alleys). Additionally, photos of any damaged MPD property or property belonging to the member shall be photographed. Items such as damaged vehicles, broken eyeglasses, etc. form a compelling case and could be the basis for remuneration.
4. When available, the services of a district detective should be utilized to assist in obtaining witness statements.
5. If circumstances prohibit the member/complainant or the arrestee from being transported to the district, an official may request a Crime Scene Search Unit be notified to respond and take the color photographs. (If Crime Scene Search is unable to respond, a member of the Crime Scene Examination Section, Forensic Science Division shall respond. In the event that neither unit is available to respond, the Sergeant on the scene shall ensure photographs are taken).
6. If a question arises as to whether or not a photograph should be taken, (e.g., whether or not an injury is "visible"), the Watch Commander at the injured member's element shall make the final determination. In cases where the Watch Commander determines that a photograph shall not be taken, the reason shall be included in the PD Form 251 (Incident-Based Event Report).

NOTE: In the case of a serious use of force, all aspects of the photographing process shall be determined by the command official in charge of the Force Investigation Team. (FIT)

D. PD Form 163/379 (Arrest/Prosecution Report-Adults)/(Delinquency Report-Juveniles)

The official approving the Assault on a Police Officer charge shall ensure that the PD Form 163 or PD Form 379 fully describes all of the facts and circumstances of the event, to include the name of the approving official in the narrative. The narrative shall also describe any special circumstances including the type of force used by a member to counter the assault, if applicable. These items include, but are not limited to, the following:

1. Member(s)/arrestee(s) age, skill level, relative size, multiple subjects;
2. Injuries, disability, exhaustion, imminent danger, proximity to service weapons;
3. Type of call, stop or contact that precipitated the assault;
4. Location, time of day, weather conditions;
5. Verbal commands and/or physical force;
6. Details on how the situation escalated;
7. Position of member/arrestee (e.g. ground, fighting stance.);
8. Number of persons on the scene;
9. Statements made by the arrestee; and
10. Arrestee's demeanor and reactions.

E. Papering

1. The following persons shall be present during the papering process at the United States Attorney's Office:
 - a. The member/complainant (unless admitted to the hospital or advised by his/her physician not to respond due to the severity of his/her injuries); and
 - b. An official who has knowledge of the case.
2. The following items shall be presented at papering by the papering officer:
 - a. PD Forms 119 [to include law enforcement member witness statement(s), 163/ 379, 168 (Court Case Review), 251 and 252 (Supplement Report);

- b. Medical treatment reports, if available;
- c. Available copies of all color photographs of injuries to the member/complainant, arrestee, and damaged property; and
- d. All available evidence (e.g. weapons or torn uniforms).

F. Official Authorizing the Charge

The official authorizing the Assault on a Police Officer charge shall:

1. Ensure compliance with the provisions of this order; and
2. Respond to court to assist with papering the case, unless otherwise advised by the Watch Commander.

G. Threats or Assaults to Members

1. In addition to the provisions of Part V.A of this order, members shall immediately notify an official the rank of sergeant or above when receiving information of any threat against a police officer or police officers and/or all officer safety concerns. The notified official shall then immediately notify the Homeland Security Bureau (HSB), Tactical Information Division (TID), Command Information Center (CIC) to report:
 - a. Assaults against a police officer(s);
 - b. Threats against a police officers(s); and
 - c. Potentially serious officer safety concerns.

H. Responsibilities of the Command Information Center

1. The CIC shall be responsible for making the following notifications upon confirmation of any serious assault against, or threats to, any police officer(s), and any potentially serious officer safety concern:
 - a. Initial page notifications:
 - (1) The Chief of Police Command Staff paging group; and
 - (2) Investigative Services Bureau, Criminal Investigations Division (CID) watch commander, MPD Intelligence Branch paging group.

I. Responsibilities of the Intelligence Branch

The Commander, Intelligence Branch shall:

1. Upon receipt or notification of a threat to a member or a serious officer safety issue, conduct an assessment of the information and;
2. Conduct an investigation, if warranted;
3. Notify all appropriate agencies/entities, (e.g., JTTF, FBI or other law enforcement agencies);
4. Notify the effected member and the member's chain of command of the outcome of the assessment and/or investigation;

J. Responsibilities of the District Watch Commander

District Watch Commanders shall:

1. Review and, if appropriate, approve and sign the PD Form 163/379.
 - a. Should the watch commander disapprove the charge, he/she shall ensure substantive information, if applicable, is added to substantiate the charge.
 - b. If this information is not available, the watch commander shall order a change in the charge in accordance with the D.C. Official Code.
2. Ensure that the name of the official approving the Assault on a Police Officer charge is clearly noted within the narrative portion of the PD Form 163/379.
3. Ensure members complete appropriate paperwork in accordance with MPD policies and procedures including but not limited to GO-RAR-901.07 (Use of Force), when applicable.
4. Select an alternate official having knowledge of the case to respond to court to assist with papering, in the event the authorizing official is unable to respond to court.
5. Interview, in person, the alternate official to determine the extent and accuracy of his/her knowledge prior to selection.
6. Notify an official of the Court Liaison Division as soon as possible, but not later than 0800 hours, when an alternate official will assist with papering the case, to include name and badge number of the alternate official.

K. Responsibilities of Court Liaison Division

The Director, Court Liaison Division, shall:

1. Provide follow-up assistance whenever problems are encountered in the Office of the United States Attorney concerning papering the case.
2. Permit an official familiar with the case, not necessarily the authorizing official, to check in for papering.
3. Ensure members comply with the provisions of GO-PCA-701.01 (Courts and Hearings) when required to paper cases.

L. Responsibilities of Commanding Officials

Commanding Officials shall ensure:

1. Members adhere to the contents of this order.
2. Members complete the appropriate paperwork in accordance with GO-RAR-901.07 (Use of Force), when applicable.

VI. CROSS REFERENCES

- A. GO-SPT-401.01 (Field Reporting System)
- B. GO-RAR-901.07 (Use of Force)
- C. GO-PCA-701.01 (Courts and Hearings)
- D. D.C. Official Code § 22-405 (Assault on member of police force, campus or university special police, or fire department)



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