



METROPOLITAN POLICE DEPARTMENT
Patrol Services Bureau
First District

101 M Street, SW, Washington D.C., 20024

MEMORANDUM

TO: Assistant Chief of Police
Internal Affairs Division [REDACTED]

THRU: F/ Assistant Chief of Police [REDACTED] NOV 20 2015
Patrol Services

THRU: Commanding Officer [REDACTED]
First District

FROM: [REDACTED]

DATE: November 19, 2015

SUBJECT: Final Investigative Report with Recommendations Involving the Stop and Frisk of
[REDACTED] by First District Officers [REDACTED]
[REDACTED] IS# 15002547

CHRONOLOGICAL NARRATIVE SECTION

On Monday October 12, 2015, at approximately 1810 hours, a citizen was entering the Citibank establishment located at 600 Pennsylvania Avenue, South East. The citizen noticed three (3) young teenagers congregating near the entrance of the bank; it appeared that these subjects were standing around the ATM machine located in the vestibule area of the bank. The citizen thought this activity was suspicious, as these subjects were neither using the ATM nor entering the bank. The group only appeared to be watching customers entering and leaving the bank. After feeling that the group's activity was suspicious, the citizen decided to call 911 and reported the incident.

[REDACTED] who was operating [REDACTED] for the evening tour of duty, received this 911 call from the dispatcher indicating that there were three (3) African American males standing in front of the bank acting suspiciously and possibly planning to rob someone. [REDACTED] who was assigned to [REDACTED] also received this assignment to assist from communications. [REDACTED] who was assigned to Crime Patrol [REDACTED] also responded to this call for service.

Shortly thereafter, [REDACTED] indicated over the radio zone that she was close to the bank and observed (3) African American males matching the description given to them by the dispatcher walking east bound in the 600 block of Pennsylvania Avenue, SE. [REDACTED] who was now in the area, observed the subjects walking east bound on Pennsylvania Avenue

SE, away from the bank. At this point the subjects in question began walking faster and appeared to realize that the police officers were following them. Once [REDACTED] police cruiser became closer to the subjects he quickly pulled his vehicle to the curb, exited his vehicle, and stated to all three (3) subjects to stop so that he could speak with them. At this time all three (3) subjects began to flee and split up in different directions. [REDACTED] then initiated a foot pursuit after one of the subjects. During [REDACTED] foot pursuit, he gave directional locations to other officers in the area via radio communications.

[REDACTED] managed to catch up with individual he was pursuing (later identified as [REDACTED]). [REDACTED] was wearing a backpack, which he quickly removed. He then placed his hands within the bag appearing to be retrieving something from within. [REDACTED] fearing that [REDACTED] may be reaching for a weapon demanded in a loud verbal command to place his hands above his head. [REDACTED] refused to comply with the officer's request. [REDACTED] quickly grabbed his departmental issued OC spray and warned [REDACTED] that if he did not comply that he would administer the OC Spray. [REDACTED] once again did not comply, at this point [REDACTED] grabbed [REDACTED] and placed him face down on the ground. [REDACTED] then arrived on the scene and assisted [REDACTED] with attempting to restrain and handcuff [REDACTED].

[REDACTED] who had just arrived on the scene, noticed a subject approaching both officers while they were attempting to restrain [REDACTED] on the ground. This subject appeared to be video recording the event. This individual was later identified as [REDACTED]. [REDACTED] attempted to move [REDACTED] back as he was getting too close to the officers who were attempting to restrain [REDACTED]. [REDACTED] then noticed that [REDACTED] was one of the subjects that he had originally seen fleeing with [REDACTED]. After this identification, [REDACTED] was asked by [REDACTED] to place his hands behind his back in order to be handcuffed while they investigated the call. [REDACTED] complied with the officer's order without further incident.

Once [REDACTED] were placed into handcuffs [REDACTED] arrived on the scene and began communications with [REDACTED] who was on the scene of the bank and had located the original 911 caller. After a brief inquiry into what had occurred, it was determined that no crime had been committed. [REDACTED] then explained to both [REDACTED] as to the reasoning for the stop and they were to be released. Neither [REDACTED] complained of any pain as a result of the stop. [REDACTED] indicated to both [REDACTED] if needed, he would request the services of the District of Columbia Fire Board to examine both individuals for any injuries. [REDACTED] and [REDACTED] both denied medical services and indicated they were not injured. Both subjects were then released from police custody. [REDACTED] then prepared a report for a "stop and frisk".

Subsequent to this Forcible Stop and Frisk, IS # [REDACTED] were obtained by [REDACTED] of the First District to conduct a "Policy Review" of the incident (Attachment 1).

MEMBER(S) INVOLVED

1. [REDACTED] Badge# [REDACTED] (provided a signed PD 119)

Duty & Uniform Status:
Personal information

On duty and in uniform
White Male [REDACTED]

CAD Number: [REDACTED]
 Assignment: 1st District PSA 106
 Appointed to MPD: [REDACTED]
 Firearm Certification: Yes
 ASP Equipped: Yes
 OC Spray Equipped: Yes
 Body Armor Equipped: Yes
 Body Worn Camera Equipped: No
 Injuries: No
 Employee Assistance: No
 Fraternal Order of Police: No
 Attorney Involvement: None
 Impairment: None
 UFIR: No
 Current Duty Status: Full

MEMBER(S) INVOLVED

2. [REDACTED] Badge# [REDACTED] (provided a signed PD 119)

Duty & Uniform Status: On duty and in uniform
 Personal information: White Male [REDACTED]
 CAD Number: [REDACTED]
 Assignment: 1st District PSA 107
 Appointed to MPD: [REDACTED]
 Firearm Certification: Yes
 ASP Equipped: Yes
 OC Spray Equipped: Yes
 Body Armor Equipped: Yes
 Body Worn Camera Equipped: No
 Injuries: No
 Employee Assistance: No
 Fraternal Order of Police: No
 Attorney Involvement: None
 Impairment: None
 UFIR: No
 Current Duty Status: Full

MEMBER(S) INVOLVED

3. [REDACTED] Badge# [REDACTED] (provided a signed PD 119)

Duty & Uniform Status: On duty and in uniform
 Personal information: Black Male [REDACTED]
 CAD Number: [REDACTED]
 Assignment: 1st District PSA 106
 Appointed to MPD: [REDACTED]
 Firearm Certification: Yes
 ASP Equipped: Yes

OC Spray Equipped: Yes
 Body Armor Equipped: Yes
 Body Worn Camera Equipped: No
 Injuries: No
 Employee Assistance: No
 Fraternal Order of Police: No
 Attorney Involvement: None
 Impairment: None
 UFIR: No
 Current Duty Status: Full

SUBJECT OF STOP

1. [REDACTED] (Unarmed) (No Statement Given)

Personal: Black male, [REDACTED] AKA: None
 Home address: [REDACTED]
 Home Telephone Number: None given
 Injuries: None
 How Sustained: N/A
 Impairment: None

Circumstances that led to police contact:

1. Suspicious Person Complaint (911 Call to the Office of Unified Communications)

Violations during police contact:

1. None

SUBJECT OF STOP

2. [REDACTED] (Unarmed) (No Statement Given)

Personal: Black male, [REDACTED] AKA: None
 Home address: [REDACTED]
 Home Telephone Number: [REDACTED]
 Injuries: None
 How Sustained: N/A
 Impairment: None

Circumstances that led to police contact:

1. Suspicious Person Complaint (911 Call to the Office of Unified Communications)

Violations during police contact:

1. None

WITNESS CANVASS

- A witness canvass was originally conducted by [REDACTED] of the First District that yielded negative results.

- A Subsequent canvass for witness was conducted by [REDACTED] on October 13, 2015 which produced two (2) uninvolved witnesses to the incident.
- The investigating official also conducted a follow up canvass for witnesses in the area on Sunday October 18, 2015 which yielded (1) additional witness to the event.
- A re-canvass for witnesses was conducted by [REDACTED] one (1) week following the incident, at the location of the original stop, and provided one (1) additional witness.
- All witness statements are included in the below witness statement section.

INVOLVED OFFICER STATEMENT(S)

[REDACTED] (Provided PD 119)

(Attachment 2)

On October 12th, 2015 at approximately 1814 hours, a police call for service was voiced in PSA 107 by the First District dispatcher on behalf of a caller who felt three individuals were possibly going to attempt to "rob someone" in the vicinity of the secure ATM vestibule at 601 Pennsylvania Avenue SE. A lookout was gathered by 1071 which included a "black male, wearing a jean jacket, jean pants and brightly colored blue head phones and blue backpack." Upon attempting to make contact with this individual whose identity was later made known as [REDACTED] he fled on foot by running from responding officers toward Eastern Market Metro, while repeatedly looking back at the fully marked MPD Scout cars in the area. Upon reaching the vicinity of 8th Street and D Street SE, [REDACTED] observed my fully marked MPD Scout Car pulling southbound into the block and again fled on foot by running southbound into the 400 block of 8th Street SE, crossing into numerous lanes of actively flowing traffic with little regard for his safety or the safety of others. Upon reaching the east side of the street from the west side which he had been on previously, I pulled up beside [REDACTED] and another subject (whose identity was later made known as [REDACTED] and observed them entirely upon the sidewalk in front of 422 8th Street SE. I exited my police vehicle and verbally contacted both [REDACTED] and stated "Hey, I need to talk to you both for a minute." [REDACTED] then stopped and began walking toward me while [REDACTED] immediately began fleeing from me. [REDACTED] stated to [REDACTED] "Man, stop. Don't run!" however [REDACTED] continued to run on foot eastbound in the north alley of the 800 block of E Street SE toward 9th Street. I gave chase on foot and issued repeated loud verbal commands for him to stop and that I was a police officer while voicing the pursuit on the First District Dispatch channel. In the course of the foot pursuit [REDACTED] continued to look back at me, making eye contact and observing my fully marked police uniform in daylight conditions while ignoring my loud and clear commands to stop from my position which was approximately ten feet away. [REDACTED] also crossed into on-coming traffic ignoring his own safety and the safety of others at least three more times. It was also during the course of the foot pursuit that [REDACTED] removed the backpack from both shoulders on his back, rotated it to the front of his body, began opening zippers on it and then placed his right hand into the back pack as if searching for an object. Upon entering into the 800 block of E Street SE [REDACTED] crossed again into traffic and fled to the sidewalk on the south side of the street. [REDACTED] then stopped running and continued to search through his backpack despite my repeated commands for him to get on the ground and show me his hands. I had my OC Spray displayed at this point in my left hand and advised [REDACTED] that if he did not comply with getting onto the ground and showing me his hands, he would be sprayed as at the time I was fearful for my safety and that of the public as he was being furtive in his movements and creating a public hazard by running into traffic and attempting to remove an

unknown object from his backpack [REDACTED] refused to comply stating "Man, you ain't gonna spray me!" and instead fled again on foot, westbound toward 8th Street SE.

The foot pursuit terminated approximately twenty to thirty seconds after it began at which point [REDACTED] stopped, turned his back to me and again began searching through his backpack for an unknown object. Again fearing for my safety and the safety of the public, I physically contacted [REDACTED] and ordered him to the ground. I used a single-person take down while issuing commands for him to "get on the ground, place your hands behind your back and stop resisting" loudly and clearly. At this point, [REDACTED] approached from an unknown direction and started screaming at me to "let him go, get off him!" and physically attempted to remove me from [REDACTED] with one hand while grabbing at my uniform and equipment. I then kept positive control upon [REDACTED] with a lower extremity and used both of my hands to shove [REDACTED] away, loudly and clearly stating "Get Back!" At this time, [REDACTED] and [REDACTED] arrived on-scene to assist and did so by detaining [REDACTED] for officer safety and assisting me in detaining [REDACTED]. During a pat-down for weapons of [REDACTED] by [REDACTED]

[REDACTED] the course of our interaction and [REDACTED] when the stop was concluded. The original 911 caller was contacted by [REDACTED] and it was determined no crime had occurred. [REDACTED] were advised of the reason for the stop by myself and [REDACTED]. Prior to being released, [REDACTED] advised me to inform [REDACTED] the incident numbers. [REDACTED] recorded the numbers in his phone and [REDACTED] refused to write down the numbers stating "I will get them from him [pointing to [REDACTED]]". [REDACTED] advised [REDACTED] and myself that they had no complaint of pain and required no assistance from DCFEMS when repeatedly asked by [REDACTED] and myself. At no point were [REDACTED] read their Miranda Rights because at no point were [REDACTED] placed under arrest. The entire length of the incident from the initial call for service to [REDACTED] being sent on their way was approximately 20-30 minutes to the best of my memory.

INVOLVED OFFICER STATEMENT(S)

[REDACTED] (Provided PD 119)

(Attachment 3)

On October 12, 2015 at 1814 hours I and [REDACTED] received a radio run for a possible robbery at 6th street and Pennsylvania Avenue, SE. A lookout was broadcasted for three individuals. Upon arriving on scene, three individuals matching those lookouts were scene at 7th street and Pennsylvania Avenue, SE. The three individuals continued walking towards 8th Street. Once the three individuals arrived at 8th Street and Pennsylvania Avenue, SE they started to head southbound to the 400 block of 8th Street, SE. Once in the 400 block of 8th Street, SE, the three individuals ran in separate directions. At that point I lost track of the three individuals. [REDACTED] came over the radio air and said he had one of the individuals running and was in a foot pursuit. At 8th Street and E Street, SE I assisted [REDACTED] in apprehending one of the individuals. In the process of apprehending one of the individuals, another one of the individuals tried to interfere with myself and [REDACTED] pushed the other individual back. [REDACTED] arrived at 8th Street and E Street, SE and apprehended the other individual. Both individuals were placed in hand cuffs and an investigation was conducted. After [REDACTED] spoke with the complainant it was determined that no crime occurred. Both individuals were released from their hand cuffs, and asked if they needed medical attention and they both said they did not. Both individuals were

explained to them why they were stopped and were given report numbers for stop and frisk, at which point they left the scene of the incident.

INVOLVED OFFICER STATEMENT(S)

[REDACTED] (Provided PD 119)

(Attachment 4)

On October 12, 2015, [REDACTED] received a call for a attempt robbery at the Citibank in the 600 block of Pennsylvania Ave SE, with a look out for 3 black males, one wearing black jacket, one wearing a jean jacket blue jeans and blue head phones and the third one I couldn't remember but was also a black male with the other two subjects, standing inside of the ATM room, casing the customer area. [REDACTED] observed 3 black males matching that description heading east bound on Pennsylvania Ave headed towards 8th St, SE.

[REDACTED] then gave a look out for the subject heading towards 400 block of 8th Street, SE and started following them, moments later [REDACTED] comes over the 1D air with black male running south bound in the 400 block of 8th Street, SE, black male wearing, blue jean jacket, blue jeans and wearing blue headphones.

I [REDACTED] utilizing call sign [REDACTED] in marked scout car [REDACTED] then went to back up [REDACTED] for officer's safety. While driving north bound in the 600 block of 8th Street, SE I observed several police vehicles with lights activated in the 400 block of 8th Street, SE, so I went in that direction. Upon my arrival, I witnessed C2 recording and walking towards [REDACTED] who were trying to handcuff C1 on the ground. C1 was pulling away from [REDACTED] and screaming loudly at the officers.

I exited my vehicle still observing C2 recording, walking close to [REDACTED] while in attempt to grab and pull C1 away from [REDACTED] while stating "let him go", "he didn't do nothing". [REDACTED] then gave a multiple loud commands to C2 to get back and giving C2 a two hand push to keep C2 away from grabbing C1 or touching both officers. C2 disregarded those commands from [REDACTED] and continued to record, with his arm extended as if he was still trying to touch [REDACTED]

I then approached C2 and stated loudly "get back". [REDACTED] then advised me that C2 was with C1 and was a potential suspect. C2 was then given a verbal command to come towards me [REDACTED] and to place his hands on the trash can where they could be seen and then was advised to place his hands behind his back to be handcuffed and detained creating a safe scene for officer safety, while they conducted their investigation.

A protective pat down was done on C2 by me, where I removed a black folding knife from the right side of C2's waist band where the knife was concealed between his pants clipped to his underwear. The knife was removed from C2 for my safety and other officers. C2 was un-handcuffed and C2 was asked if was he injured, he stated "I'm fine" and refused any medical attention.

I overheard [REDACTED] advise both C1 and C2 what they were stopped in reference to and was offered the report numbers for the stop and frisk regarding the call for service. C2 then, said "I don't want to write the report numbers down and stated "I will get them from him" referring to C1. C1 and C2 were sent on their way after the investigation was over and C2 was [REDACTED]

While on scene I observed C1 being very uncooperative with [REDACTED] as they conducted their investigation, C2 was cooperative on the scene. [REDACTED] responded to the scene and spoke with C1 because he advised [REDACTED] he wanted to speak with a supervisor.

POLICE WITNESS STATEMENT(S)

[REDACTED] (Provided PD 119)

(Attachment 5)

On the date of October 12, 2015 I worked the tour of duty 1430-2300 under the call sign [REDACTED] in vehicle [REDACTED] in PSA 108. At 6:14 pm I responded to a radio run for assistance for 3 subjects that had fled from [REDACTED] regarding an "investigate the trouble" call in PSA 107. While responding to help [REDACTED] stated over the radio the direction of travel of the fleeing subjects. After responding to the area in question to help give assistance with the fleeing subjects, it was stated over the radio that 2 of the suspects were stopped and detained at the corner of 8th and D Street SE in front of the Subway sandwich shop.

Upon arriving on the scene [REDACTED] both had one individual stopped and detained facing upright on the ground while [REDACTED] had the other individual stopped and detained standing straight up. At this time, I [REDACTED] helped keep people back from the scene and clear. I then helped [REDACTED] with watching over the individual that he had detained while the investigation continued further from the other officers on scene into the original call. The investigation ended with a stop and frisk report number of 15/162-142 which was given to both individuals by [REDACTED] prior to the subjects leaving from the scene and the reason for the stop and frisk was explained to both individuals by [REDACTED] as well. The subjects were detained for about 20 minutes or so. I don't recall any officers reading Miranda Rights to the subjects as they were not placed under arrest. The subjects were told by [REDACTED] the reason for the stop when [REDACTED] gave both subjects the report number for the incident in question.

POLICE WITNESS STATEMENT(S)

[REDACTED] (Provided PD 119)

(Attachment 6)

On October 12, 2015 at approximately 1815 hours, I received a radio run for a suspicious person. The dispatcher relayed over the main air that three juvenile black males were inside the Citibank next to the ATM located at 600 Pennsylvania Ave SE. The caller believed the juveniles' behavior was suspicious and wanted police to respond. As I was responding to 600 Pennsylvania Ave SE, I observed the three juvenile males walking eastbound in the 600 block of Pennsylvania Ave SE who matched the lookout the dispatcher had given me. I proceeded around the block and saw the juvenile males now on the south side of the street heading eastbound in the 600 block of Pennsylvania Ave SE in front of the CVS. I began to give a lookout to my colleagues over the 1D-TAC channel. I advised units what all three were wearing and what their current location was in order for us to make contact with them. As I was watching the individuals, I advised that the black juvenile male wearing headphones kept looking back at me and seemed extremely nervous. When I was attempting to catch up with the juveniles, I was in traffic at 8 ST/D ST SE. At this point, I heard [REDACTED] come over the air pursuing the juvenile males on foot. When I got on scene to where [REDACTED] and other officers had two of the three male juveniles stopped at 8 ST/E ST SE, I witnessed [REDACTED] attempting to detain the male juvenile who was wearing the headphones. The male

juvenile was not placing his hands behind his back and was actively resisting verbal commands. [REDACTED] was clearly stating, "Quit resisting," but the juvenile male did not listen. At this point, [REDACTED] arrived on scene and told me to go back to 600 Pennsylvania Ave SE and speak with the complainant.

After interviewing the complainant, she told me that when she and her husband entered the vestibule to use the ATM, all three juvenile males were standing inside not speaking to one another. The complainant stated she felt uneasy in the location, so made an excuse to leave. As she was exiting the location, one of the juvenile males stated to her, "Oh my bad, I should have gotten the door for you." The complainant exited the location and called 911. She told me that she thought it was suspicious for these boys to be inside the vestibule not using the ATM and not speaking to one another. She did advise that although they had not committed a crime in her presence, she still thought that officers should look into the juveniles, and that's why she called the police.

POLICE WITNESS STATEMENT(S)

[REDACTED] (Provided PD 119)

(Attachment 7)

On October 12, 2015, I was working the evening tour as Cruiser [REDACTED]. During the tour I heard a radio run for a possible attempt robbery at an ATM near 6th and Pennsylvania Ave SE. While on route to the location I heard [REDACTED] broadcast that he was pulling up to the scene and that he could see some subjects matching the description. [REDACTED] then quickly stated he had one running from the location. Within a minute, [REDACTED] advised that he had a subject stopped at 8th and D Street, SE. When I arrived at the corner of 8th and D Street, SE [REDACTED] had one subject lying on the ground handcuffed and [REDACTED] had another subject [REDACTED] detained. I asked [REDACTED] if he was ok and he replied yes. I then told him to sit his suspect up against the wall as I asked the suspect if he was injured. The suspect, later known as [REDACTED] replied no but that the officer stopped him for no reason. I told him to calm down, I was the supervisor and that I was there to make sure the scene was handled properly. I then asked [REDACTED] what he had as far as offenses. He replied he wasn't sure if he had a robbery because he didn't interview the complainant since the suspect fled as soon as he approached him. I asked [REDACTED] to go to the broadcast scene to see if there was a complainant there. [REDACTED] after going to the scene, advised there was no robbery and that the complainant was alarmed by the suspects as she saw them standing by the door where she was attempting to utilize the ATM machine. I then informed both men the reason for them being stopped was in reference to a possible robbery. I also told them that when [REDACTED] approached the scene he saw [REDACTED] matching the description and that him fleeing upon [REDACTED] trying to make contact with him made him believe he had the right person in reference to the radio call he had received. I asked [REDACTED] why did he run, and he replied "I thought the officer was going to hit me with his car". I asked [REDACTED] why didn't he run and stated "because I didn't do anything". I told [REDACTED] to get CCNs for a stop and frisk and to give [REDACTED] the numbers. I asked [REDACTED] did he want the numbers also and he replied "I will get them from him". I asked [REDACTED] again was he ok or if he had a complaint of any kind and he replied 'no'. I heard [REDACTED] explain again the stop to [REDACTED] and to give him CCNs for the Stop and Frisk. Both men left without any further incident. The stop lasted about 10 minutes. I then gathered the officers (including [REDACTED]) to discuss with them what just happen and specifically about making sure someone always finds the complainant so we can obtain as much information for other officers who are canvassing for suspects.

INVOLVED SUBJECT STATEMENT(S)

[REDACTED]

(No Statement Given)

[REDACTED] has retained an attorney in this matter and is represented by the [REDACTED] attorney. The investigating official spoke with [REDACTED] attorney, and requested to obtain a statement regarding the incident. [REDACTED] has indicated that his client will not be providing a statement as they will be filing suit with the District of Columbia Government in this matter.

INVOLVED SUBJECT STATEMENT(S)

[REDACTED]

(No Statement Given)

[REDACTED] has retained an attorney in this matter and is represented by the [REDACTED] attorney. The investigating official spoke with [REDACTED] attorney, and requested to obtain a statement regarding the incident. [REDACTED] has indicated that his client will not be providing a statement as they will be filing suit with the District of Columbia Government in this matter.

CIVILIAN WITNESS STATEMENT(S)

[REDACTED]

(Provided PD 119)

(Attachment 8)

On the evening of Monday, October 12th, I was [REDACTED]. I heard a voice yell, "stop," from the front of my house in such a distinct way that I knew it was a police officers-it was commanding, authoritative, and loud. I walked to my door and looked out to see a young black male (subsequently identified as PERSON 1) wearing a jean jacket and turquoise colored head phones heading west on E Street, SE, crossing over from the north side of the street to the south side sidewalk. A few seconds later, a police officer came into my view to my right. The police officer was approximately four car lengths behind PERSON 1 crossed in front of my house, the police officer continued to issue verbal commands of, "stop," and "get on the ground" multiple times. PERSON 1 disregarded the police officer's commands and continued at a slow jog westbound on E Street, SE. I saw PERSON 1 look back several times so it was apparent PERSON 1 was fleeing from the police officer. Approximately two car lengths past my house, PERSON 1 crossed back over E Street, SE to the north side sidewalk. The police officer continued down the road after PERSON 1, talking into his radio. I watched from my doorway as PERSON 1 approached the intersection of 8th and E street, SE. A second police officer was at that intersection, near the entry of Subway, and grabbed PERSON 1 to prevent him from continuing to flee. The first police officer caught up at this point and both officers took PERSON 1 to the ground. Due to where I was standing, there was shrubbery and parked cars blocking my view so I couldn't see anything that was happening on the ground. Between 10 to 15 seconds later, a second black male (subsequently identified as PERSON 2) wearing darker color clothing approached the officers as they were dealing with PERSON 1 on the ground. I was unable to tell if PERSON 2 was a part of the situation, or if he was a curious bystander. As the police officers were on the ground with PERSON 1, PERSON 1 crying out, and I heard from one of the officers, "stop resisting." I also heard the police officer command to PERSON 2 to "back up." I could see PERSON 2 standing near the officers and step towards them again. I heard another "back up" and saw one of the officers push PERSON 2 back. A few seconds after this, a third police officer approached the scene and grabbed

PERSON 2 to pull him to the side, away from the two officers on the ground. More officers quickly appeared on the scene and everything seemed to be under control. I went back [REDACTED] looking out my door every few minutes to see if there were any obvious developments. The only thing I was able to see was what appeared to be PERSON 2 standing with his hands behind his back in a way that made me assume he was handcuffed, talking to police officers. I never again saw PERSON 1 after he was initially taken to the ground by the police officers. About 15 minutes after the two police officers took physical control of PERSON 1, it looked as if the situation had been resolved and the two individuals who were initially detained were no longer there. I was not aware of whether they were released or arrested until the following day when I read the news. There was still a police presence on the corner for another 15 or 20 minutes, as a few remaining officers were staying to talk to each other.

The following day, I saw the cell phone video PERSON 2 had taken and posted online of the incident. News media reported PERSON 1 was identified as [REDACTED]. The person I was in front of my house, fleeing from the police, was the same person who was in the cell phone video taken by PERSON 2, identified as [REDACTED].

I [REDACTED] have made this true statement freely without hope of benefit or reward and without coercion or unlawful influence.

CIVILIAN WITNESS STATEMENT(S)

[REDACTED] (Provided PD 119)

(Attachment 9)

Late afternoon Monday, Oct. 12 (Columbus Day), I was putting recycling items into my bin (back turned to [REDACTED] when I heard a commotion. Wouldn't necessarily have looked around (commotion being pretty normal for these blocks adjacent to [REDACTED] except that there was a "STOP!!!!" When I turned around, I saw an MPD officer chasing a young black male down the sidewalk (going west on south side of the street.) The young man was neatly dressed, sported turquoise headphones, and because he carried a turquoise backpack strapped to his chest, I assumed he was on the young side, as I've seen on local jr. high/high school kids. I had turned around when the officer was approximately at the "End Roadwork" sign on that side of our 800 block. The young man was probably 6-10 strides ahead of the officer, who again told him to stop or he would have to use pepper spray. The young man then darted across the street, approximately between [REDACTED] and proceeded toward the Subway at 8th and E. He had screamed that he hadn't done anything, but kept running, head straight ahead. At that point I heard lots of sirens and saw a number of police cars converging on the intersection. I took my recycling container inside, grabbed my keys, locked the door and proceeded out to my gate where I encountered two men, one of whom I don't know by name but know lives around the corner on 9th, walking toward 8th. Together we walked too roughly between [REDACTED] and stopped, not wishing to fold ourselves into the excitement. The owner of [REDACTED] joined us and, a bit later, the owner of [REDACTED]. The young man who was being chased (I'd obviously missed "the stop") was now on the ground with numerous officers around. I could really only see his legs on account of the number of people congregated. Though he was restrained and on the ground (I couldn't see if there were handcuffs involved, but assumed there were) now we saw another young black man in the throng of officers; this one standing and seeming to have one arm held behind his back. There was nothing more aggressive I could see in MPD behavior beyond basic restraint (the men weren't fighting -- at least at the point I saw him (them) again, and the vast majority of officers were simply discussing the situation among themselves. The neighbors and I stayed where we were, and within I'm guessing 15-20-25 minutes, the men were no longer

restrained, both standing. There was still discussion, but I would say that by 30 minutes at most, the whole crowd was dispersing and we all (neighbors) went our separate ways. As I walked back to my house, there was another young black male, similarly neatly attired, waving down toward Subway from the NW corner of E and 9th that then proceeded toward Penn Avenue.

Surely there must have been dozens in close proximity on 8th during the event that can give better feedback on how it went down at the corner, but hope this helps.

CIVILIAN WITNESS STATEMENT(S)

[REDACTED]

(Provided PD 119)

(Attachment 10)

Last Monday on holiday, October 12, two men were walking when an officer pulled up in his car and one subject started running away suspiciously. The officer chased them and after all there were many officers by the Subway restaurant. This happened in the 400 block of 8th Street, SE.

An additional statement was obtained telephonically from [REDACTED] clarifying his original statement. It was requested that [REDACTED] provide an additional statement indicating this information, however a written statement was never provided.

[REDACTED] indicated in this telephone interview that he witnessed the officer exit his vehicle then approach [REDACTED] on foot. At this time that [REDACTED] began to flee from the officer. This interaction occurred on the sidewalk.

CIVILIAN WITNESS STATEMENT(S)

[REDACTED]

(Provided PD 119)

(Attachment 11)

On October the 12th, we were in the restaurant and we saw all of these policemen arresting two young men. We went out to look after a few minutes and went into my office. After like 20 or 30 minutes, I came out and the second guy that got arrested was already loose and walking around. I asked my co-worker around how long the incident lasted and we both thought it was about 20 or 30 minutes.

PHYSICAL EVIDENCE SECTION

- First District Radio Zone transmissions, Main Zone and TAC channels (Attachment 12)
- PD 251, Stop and Frisk report (Attachment 13)
- Cell phone video from [REDACTED] (Attachment 14)
- CCTV cameras checked (Attachment 15)
- Transcribed 911 call from the Office of Unified Communications (Attachment 16)

Evidence and Firearms Recovered/Processed:

None

VEHICLES INVOLVED

There were no vehicles involved in this investigation

NOTIFICATIONS

[REDACTED] 1815 hours First District [REDACTED]

On the Scene:

[REDACTED] 1815 hours First District [REDACTED]

DISCREPANCIES AND CLARIFICATIONS

- The citizen, who originated the 911, call stated that three (3) teenagers were "hanging around" the lobby area of the Citibank, where the ATM was located. The citizen states these subjects did not appear to be entering the bank or withdrawing any funds. She felt as though if she had withdrawn any money that she might be robbed.
- The Office of Unified Communications dispatcher working the First District radio zone voiced information to the responding units that these subjects may have been robbing people in the area. [REDACTED] after hearing this information, clarified to the other responding units that these subjects were just suspicious and not wanted for robbery.
- There were no photographs taken of [REDACTED] as they did not claim any injuries and refused medical service from the District of Columbia Fire Department.
- A check was made with all CCTV cameras along the route that may have captured the foot purist including the final stop of both [REDACTED] showed negative results.
- The time line from the original 911 call to the event closure was 36 minutes.
- There were no members equipped with Body Worn Cameras during this incident.

ADDITIONAL CONSIDERATIONS

None

SUMMARY AND CONCLUSIONS

In order to assess this physical "stop" in an attempt to determine whether or not the events comport with applicable rules and regulations, several issues must be addressed and analyzed. Moreover, this type of analysis allows for a review of policies and procedures with the application of "hindsight vision" which lends itself as a teaching tool and helps preclude unsafe or improper practices from occurring in the future. However, in reviewing and considering this

matter, it is helpful to refer to the Supreme Court decision of *United States v. Cortez, 449 U.S. 417 (1981)* as it relates to a "Stops" used by police. The court indicated that:

"Officers must have a particularized and objective basis for suspecting the particular person stopped of criminal activity. The process of assessing all of the circumstances does not deal with hard certainties, but with probabilities, and the evidence collected must be weighed as understood by those versed in the field of law enforcement. Also, the process must raise suspicion that the particular individual being stopped is engaged in wrongdoing."

The guidelines established by the provisions of General Order 304.10 (Police Citizen Contacts, Stops and Frisks), Part III, and subsection B, (Stops) states in part:

Basis for Stop

If a member **reasonably suspects** that a person has committed, is committing, or is about to commit any crime, the officer has the authority to stop and detain that person for the purpose of determining whether or not probable cause exists to arrest. The officer may exercise that authority in any place in which he/she has a legal right to be.

Reasonable Suspicion

The term "reasonable suspicion" necessitates a minimal level of objective justification for making the stop. Although reasonable suspicion is not capable of precise definition, it is more than a hunch or mere speculation on the part of the officer but less than the probable cause necessary to arrest. Probable cause is a combination of specific facts and circumstances which would justify a reasonable officer to believe that the person stopped had committed, was committing, or was about to commit a criminal act.

Citing Justification for a Stop

Every officer conducting a stop must be prepared to cite the particular factors which supported the determination that "reasonable suspicion" was present. The record of the stop [PD Form 251 (Incident-based Event Report) or PD Form 76 (Stop or Contact Report)] shall contain all factors relied on, whether or not they are specifically described in Part III.B.2.

Police Conduct During a Stop

In determining whether a "stop" is reasonable and lawful, every phase must be conducted in a reasonable manner.

Duration of a Stop

A person stopped may be detained at or near the scene of the stop for a reasonable time in most cases not to exceed twenty (20) minutes. When a stop exceeds twenty (20) minutes, members must articulate in the PD Form 76 or PD Form 251 the justification for the length of the stop.

Officers shall detain a person only for the length of time necessary [in most cases not to exceed twenty (20) minutes] to obtain or verify the person's identification; to obtain an

account of the person's presence or conduct, or otherwise determine if the person should be arrested.

The length of the stop must be reasonable and will be evaluated on the particular facts, but caution dictates moving quickly so as to avoid the stop becoming more like an arrest.

In review of the facts and circumstances presented in this matter, this investigating official concludes that the Forcible Stop and Frisk by [REDACTED] was necessary and reasonable. This determination was based on the following conclusions:

- On Monday October 12, 2015, at approximately 1810 hours, a citizen was entering the Citibank Bank located at 600 Pennsylvania Avenue, South East. The citizen noticed three (3) young teenagers congregating near the entrance of the bank. The citizen believed their activity was suspicious and called 911 to report that the subjects may be attempting to rob someone.
- [REDACTED] were assigned the call and responded to the scene. [REDACTED] who were also in the area, responded to the scene.
- Officers assigned to the First District have been aware of the recent increase in robberies throughout their police district and knew the importance of making contact or stopping any individuals that may be related to these types of crimes.
- Even with this information present, [REDACTED] corrected the dispatcher when she indicated that the subjects were supposedly "robbing people" at the listed location. [REDACTED] indicates that the subjects were "just suspicious" and reiterated that she was unsure if a crime had been committed. This information was voiced to all units monitoring the radio zone. Officers responding were aware that this call was of suspicion only.
- [REDACTED] arrives on the scene of the Citibank and observes three (3) subjects matching the description given by the dispatcher. [REDACTED] relays this information to the responding units.
- [REDACTED] arrives on the scene and observes the subjects walking east bound on Pennsylvania Avenue, South East, away from the bank. Once the subjects notice the officers following them, they began to walk at a faster pace.
- [REDACTED] quickly pulled his vehicle to the curb, exited his vehicle, and stated "Hey, I need to talk to you both for a minute." [REDACTED] then stopped and began walking toward [REDACTED] while [REDACTED] immediately began fleeing. [REDACTED] then began a foot pursuit after [REDACTED]. During [REDACTED] foot pursuit, he gave directional locations to other officers in the area via radio communications.
- At no time did [REDACTED] attempt to strike or steer his vehicle towards any of the running subjects. This information was also corroborated by [REDACTED] an uninvolved witness to the event.

- [REDACTED] indicates that [REDACTED] was wearing a backpack, which he quickly removed, and appeared to be placing his hands inside of the bag. [REDACTED] fearing that [REDACTED] may be reaching for a weapon demanded in a loud verbal command to place his hands in the air. [REDACTED] refused to comply with the officer's request.
- Uninvolved witnesses have corroborated this statement and have indicated that they heard the officer give an order to "Stop" and "Get on the ground".
- [REDACTED] failed to follow the directions that were given to him by [REDACTED] after giving these commands and witnessing [REDACTED] continuing to reach into his bag, grabbed [REDACTED] by both arms and conducted a tactical takedown, which consisted of placing [REDACTED] to the ground chest first.
- [REDACTED] arrived on the scene and attempted to assist [REDACTED] with placing handcuffs on [REDACTED]
- [REDACTED] had also arrived at the intersection of 8th and E Street, South East and begins video taping the incident with his cell phone.
- [REDACTED] arrives on the scene and witnesses [REDACTED] approaching the officers attempting to restrain [REDACTED] is now within a few feet of the officers.
- [REDACTED] instructs [REDACTED] to back away from the officers. [REDACTED] is now made aware that [REDACTED] was in the company of [REDACTED] in the bank. [REDACTED] then instructs [REDACTED] to place his hand behind his back so that he could be handcuffed until a further investigation into the matter has been completed. [REDACTED] complies without incident.
- At this point both [REDACTED] were handcuffed without further incident.
- [REDACTED] after handcuffing [REDACTED] performed a frisk of the subject for any weapons or dangerous items. [REDACTED] After the stop was concluded, [REDACTED]
- [REDACTED] arrives on the scene and ensures that the stop has been explained to both [REDACTED] also inquires if there are any injuries to either of the subjects. Both [REDACTED] state that they were not injured.
- [REDACTED] communicates with [REDACTED] who was on the scene of the bank and had located the original 911 caller. After a brief inquiry into what had occurred, it was determined that no crime had been committed.
- [REDACTED] obtains numbers for a "stop and frisk" report bearing Citizen Complaint Numbers 15-162-142. These report numbers were given to [REDACTED] however, [REDACTED] indicated that he didn't need the numbers and would receive them from [REDACTED] at a later time.

- CCTV footage from the ATM machine located at the Citibank (600 Pennsylvania Avenue, SE) was inoperable at the time the subjects were inside of the vestibule. This information was relayed by [REDACTED] on duty.
- The route the subjects fled from the officers was canvassed for CCTV footage and witnesses to the event. There was no CCTV footage that captured the incident; a list of the locations with cameras has been attached to this investigation.
- All witnesses located corroborated that the officers did not appear to use any force that appeared unnecessary and heard the officers using loud commands to have the subjects comply with their orders.
- Both [REDACTED] were stopped by officers for a period not to have exceeded 15-20 minutes. This can be concluded from the radio transmissions of the event, testimony from the official on the scene, and several uninvolved witnesses.

FINDINGS

The investigating official finds that the physical and testimonial evidence supports the fact that [REDACTED] used options that was reasonably necessary to bring this situation under control and to overcome the level of resistance offered by [REDACTED]. Both [REDACTED] used the minimum amount of force necessary to affect a stop and restrain [REDACTED]. After [REDACTED] was released by the officers, a Stop and Frisk report was prepared as mandated by Departmental General Orders (304.10).

FINAL RECOMMENDATIONS

It is therefore the finding of the undersigned official that based on the information disclosed in this investigation; that the "Stop and Frisk" conducted on [REDACTED] by [REDACTED] was ***Justified- Within Departmental Policy.***

It is therefore the finding of the undersigned official that based on the information disclosed in this investigation; that the "Stop and Frisk" conducted on [REDACTED] by [REDACTED] was ***Justified- Within Departmental Policy.***

It is therefore the finding of the undersigned official that based on the information disclosed in this investigation; that the "Stop and Frisk" conducted on [REDACTED] by [REDACTED] was ***Justified- Within Departmental Policy.***

RECOMMENDATIONS

None

ATTACHMENTS

1. IS Investigative Sheet
2. PD119 (Witness statement)
3. PD119 (Witness statement)
4. PD119 (Witness statement)
5. PD119 (Witness statement)
6. PD119 (Witness statement)
7. PD119 (Witness statement)
8. PD119 (Witness statement)
9. PD119 (Witness statement)
10. PD119 (Witness statement)
11. PD119 (Witness statement)
12. First District Radio Zone transmissions
13. PD 251, Police offense/incident report
14. Cellphone video from [REDACTED]
15. CCTV cameras
16. Transcribed 911 call
17. OUC Background Event Chronology
18. PD 775 (Patrol Activity Report)
19. PD 775 (Patrol Activity Report)
20. PD 775 (Patrol Activity Report)
21. PD 775 (Patrol Activity Report)



Main Zone and TAC channel
Stop and Frisk Report
Via-[REDACTED]
Location checklist
Original 911 call
Event # 120150592164

