

GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

FINDINGS OF FACT IN USE OF FORCE INCIDENT

Force Type (s):	Neck Restraint
Incident Date:	April 22, 2022
Publication Date:	November 30, 2022
Involved MPD Member(s): Rank, Division Assigned, Race/Gender:	Senior Police Officer 1 Second District Black/Male
Subject of the Force's Race/Gender and Age at time of the use of force incident:	Black/Male 33 years old
Use of Force Review Board Date:	November 8, 2022

SYNOPSIS OF USE OF FORCE

Senior Police Officer 1(OFC1) utilized a neck restraint on the subject of the force. Consistent with MPD policy, this use of force incident was referred to MPD's Internal Affairs Division (IAD) for investigation. MPD's use of force investigative procedures are outlined in [GO-RAR-901.07 \(Use of Force\)](#). The IAD final investigative report concluded on October 27, 2022, after all available evidence was collected and analyzed, and statements from the subject of the force, and police and civilian witnesses were reviewed. The material facts regarding this use of force incident are outlined below.

EVENTS THAT LED TO POLICE CONTACT

1. On Friday, April 22, 2022, around 2:00 AM, the subject of the force was arrested in the 900 block of 24th Street, NW, for Assault on a Police Officer and Resisting Arrest. During his arrest, the subject of the force sustained a cut to his finger.
2. OFC1 was assigned to an MPD transport vehicle and transported the subject of the force to a local hospital located in the 5200 block of Loughboro Road, NW, for treatment for the cut to his finger. Officer 2(OFC2) was assigned to assist OFC1 with the guard detail while the subject of the force was receiving treatment. The officers arrived at the hospital at approximately 3:05 AM.

EVENTS THAT LED TO THE USE OF FORCE

3. OFC1 and OFC2 escorted the subject of the force into the hospital by holding onto his arms. During the escort, the subject of the force told the officers that he did not need treatment, did not want to go into the hospital, and argued with them about being escorted.
4. OFC2 went to the hospital's front desk while OFC1 escorted the subject of the force to a chair in the waiting area of the lobby. OFC1 told the subject of the force to sit down and the subject of the force pulled his arm away from OFC1, began to yell and say that he did not want to sit down. OFC1 attempted to de-escalate the situation but the subject of the force continued to yell at OFC1.

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5. OFC1 grabbed the subject of the force with both hands and pushed him down into the chair. The subject of the force told OFC1 he did not want to sit down and started to move around in the chair.
6. OFC1 grasped the subject of the force by the front of the neck with his left hand and pushed the subject of the force back into the chair. OFC1 removed his hand from the subject of the force's neck and used his right hand to hold onto the subject of the force's left shoulder.

ACTIONS AFTER THE USES OF FORCE

7. OFC2 heard the commotion between OFC1 and the subject of the force and walked over to where they were in the waiting area. OFC2 told the subject of the force to calm down and relax. The subject of the force sat in the chair and continued to argue with the officers. OFC2 returned to the front desk to finish the intake process for the subject of the force.
8. The subject of the force later declined medical treatment from the nurse and a doctor.

PROSECUTORIAL REVIEW BY THE US ATTORNEY'S OFFICE (USAO)

The use of a neck restraint is prohibited by DC Code and MPD policy and is considered a serious use of force. Consistent with [GO-RAR-901.07 \(Use of Force\)](#), this incident was referred to the USAO to make an independent determination whether the use of force indicated criminal wrongdoing that should be prosecuted. On July 27, 2022, the USAO notified MPD that they were declining to prosecute the incident.

FINDINGS OF INTERNAL AFFAIRS DIVISION (IAD) ADMINISTRATIVE INVESTIGATION

On October 27, 2022, the IAD final investigation made the following findings based on a preponderance of the evidence regarding the uses of force by the involved member:

- The Use of Force-Neck Restraint by OFC1 was **NOT JUSTIFIED**.

FINDINGS OF THE USE OF FORCE REVIEW BOARD (UFRB)

On November 8, 2022, the UFRB convened to review the final investigative report prepared by the IAD and the evidence regarding the use of force by the involved member. The UFRB ruled:

- The Use of Force-Neck Restraint by OFC1 was **NOT JUSTIFIED**.

DISCIPLINARY REVIEW DIVISION

The final investigative report, all the evidence gathered, and the ruling by the UFRB were transmitted to the Disciplinary Review Division for disciplinary action.