

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 23, 2022
Publication Date:	November 30, 2022
Involved MPD Member(s): Rank, Division Assigned, Race/Gender:	Officer 1 Second District Black/Male Officer 2 Second District Black/Female
Subject of the Force's Race/Gender and Age at time of the use of force incident:	Black/Male 27 years old
Use of Force Review Board Date:	August 29, 2022

SYNOPSIS OF USE OF FORCE

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 August 16, 2022, after all available evidence was collected and analyzed, and statements from the subject officer, 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 Saturday, April 23, 2022, around 9:24 AM, OFC2, was approached by the manager of a business located in the 1200 block of Wisconsin Avenue, NW. The manager reported that a person, had entered their business while it was closed, took property, and left without paying. OFC1 arrived on the scene to assist OFC2 and obtained central complaint numbers for the reported theft.
2. At around 10:14 AM, OFC2 was again approached by the manager of the business located in the 1200 block of Wisconsin Avenue, NW. The manager reported that the person suspected of the earlier theft had returned and inside of their business.
3. The person suspected of the theft would later be known as the subject of the force.
4. The manager was speaking to the subject of the force about the stolen property. The subject of the force had placed money onto a bar top when OFC1 approached them. OFC2 came in behind OFC1.
5. The manager and the subject of the force continued to discuss the stolen property and the subject of the force retrieved his money from the bar top. OFC2 asked the manager if

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they wanted the subject of the force to pay for the stolen property. The manager stated that they had to contact their supervisor.

6. OFC1 and OFC2 directed the subject of the force to sit down however he refused. OFC1 and OFC2 told the subject of the force to turn around and OFC2 handcuffed the subject of the force's hands behind his back. The subject of the force then sat down in a chair.
7. OFC1 told the subject of the force that he could pay for the property that he had stolen and not come back to the business or be arrested. The subject of the force agreed to pay for the property he had stolen. The subject of the force stood up and OFC1 removed the handcuffs.
8. The subject of the force re-engaged in conversation with the manager about the stolen property. He did not make any efforts to pay for the stolen property and sat back down in the chair.
9. OFC1 warned the subject of the force that he would be arrested if he didn't pay for the stolen property. The subject of the force continued to sit in the chair and made no effort to pay for the stolen property.
10. OFC1 told the subject of the force to stand up, took a hold of his left arm, and started to pull his left arm behind his back. The subject of the force then told OFC1 that he was going to pay.
11. The subject of the force put his identification on the table.

EVENTS THAT LED TO THE USE OF FORCE

12. OFC2 took the subject of the force's identification which was on the table in front of him. The subject of the force told OFC2 that she could not take his identification, and he grabbed it to take it from OFC2.
13. OFC1 grabbed the subject of the force's left wrist with his left hand, placed his right hand on the back of the subject of the force's neck, pushed the subject of force down onto the table, and held his right hand on the subject of the force's neck. The subject of the force was bent over with his chest on the table.
14. OFC2 grabbed the subject of the force's right wrist and attempted to handcuff him. The subject of the force resisted the officers' efforts to place him in handcuffs. OFC1 had removed his right hand from the subject of the force's neck and now placed his left forearm and left hand on the back of the subject of the force's neck to pin him down onto the table.
15. OFC2 attempted to handcuff the subject of the force but he continued to resist her efforts.
16. The subject of the force stood up and OFC1 placed his left hand on the back of the subject of the force's neck to push the subject of the force down onto the table. OFC1

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held the subject of the force down by the back of the neck while he and OFC2 struggled with the subject of the force.

17. The subject of the force continued to resist the officer's efforts to handcuff him and he attempted to stand up. OFC1 placed his left hand on the back of the subject of the force's neck while OFC2 was handcuffing the subject of the force. OFC1 and OFC2 were eventually able to handcuff the subject of the force.
18. OFC1 and OFC2 were taking the subject of the force out of the business when he continued to resist their efforts. This caused the officers and the subject of the force to stumble forward and the subject of the force struck his head, face and body on a wall.

ACTIONS AFTER THE USES OF FORCE

19. The subject of the force was placed into a transport vehicle and reported that his eye hurt. He was transported to a local hospital where he was treated for an abrasion over his right eye and discharged. He did not report any injuries as a result of the neck restraint.
20. The subject of the force was charged with Unlawful Entry, Theft Second Degree, and Resisting Arrest.
21. OFC1 and OFC2 did not report any injuries as a result of their use of force.

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 June 24, 2022, the USAO notified MPD that they were declining to prosecute the incident.

FINDINGS OF INTERNAL AFFAIRS DIVISION (IAD) ADMINISTRATIVE INVESTIGATION

On August 16, 2022, the IAD final investigation made the following findings based on a preponderance of the evidence regarding the uses of force by the involved members.

- The Use of Force-Neck Restraint by OFC1 was **NOT JUSTIFIED**.
- The Use of Force-Hand Controls by OFC1 was **JUSTIFIED**.
- The Use of Force-Hand Controls by OFC2 was **JUSTIFIED**.

FINDINGS OF THE USE OF FORCE REVIEW BOARD (UFRB)

On August 29, 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 members. The UFRB ruled:

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

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- The Use of Force-Hand Controls by OFC1 was **JUSTIFIED**.
- The Use of Force-Hand Controls by OFC2 was **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.