

GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

FINDINGS OF FACT IN USE OF FORCE INCIDENT

Force Type (s):	Discharge of a firearm
Incident Date:	February 26, 2022
Publication Date:	November 30, 2022
Involved MPD Member(s): Rank, Division Assigned, Race/Gender:	Officer 1 Seventh District Black/Male Officer 2 Seventh District Black/Female
Subject of the force of the Force's Race/Gender and Age at time of the use of force incident:	Black/Male 44 years of age
Use of Force Review Board Date:	August 29, 2022

SYNOPSIS OF USE OF FORCE

Officer 1(OFC1) and Officer 2(OFC2) discharged their MPD firearms at 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 12, 2022, after all available evidence was collected and analyzed, and statements from the subject of the force officer, and police and civilian witnesses were reviewed. The material facts regarding this use of force incident are outlined below. The subject of the force of force invoked his 5th Amendment Right and was not interviewed.

EVENTS THAT LED TO POLICE CONTACT

1. On Saturday, February 26, 2022, at approximately 1:11 PM, OFC1, OFC2, and several other MPD officers were dispatched to the 400 block of Oakwood Street, SE, for the report of a shooting by the Office of Unified Communications (OUC). The OUC dispatcher advised the responding MPD members that there was a person lying on the ground with a possible gunshot wound.
2. OFC1 and his partner hereafter referred to as OFC3, were riding in the same police vehicle. OFC2 was in a police vehicle by herself. OFC1, OFC3, and OFC2 were the first MPD units to arrive to the scene of the reported shooting.
3. OFC1 and OFC3 observed a person lying on his stomach in the middle of the street. This person would later be known as the subject of the force of the force.
4. OFC3 advised the dispatcher to notify the DC Fire and Emergency Medical Services Department (DC FEMS) to respond to the scene because he believed that the subject of the force was the victim of the reported shooting.

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EVENTS THAT LED TO THE USE OF FORCE

5. OFC1 observed the subject of the force pointing a gun in their direction.
6. OFC1 went over to a vehicle parked in the block to take cover and advised the dispatcher that the subject of the force was in possession of a gun.
7. OFC3 ordered the subject of the force to put the gun down several times and then went over to a vehicle parked in the block to take cover.
8. OFC1 ordered the subject of the force to put the gun down over three dozen times.
9. Several minutes later OFC2 arrived on the scene, got out of her police vehicle, took cover behind the open door, and pointed her gun at the subject of the force. OFC3 ordered the subject of the force to put the gun down numerous times.
10. The subject of the force did not comply with the officers' orders to drop the gun and he pointed it at OFC1.
11. In response OFC1 discharged his firearm eight times at the subject of the force.
12. OFC2 also discharged her firearm nine times at the subject of the force.
13. OFC1 and OFC2 advised the dispatcher that shots were fired.
14. OFC1 ordered the subject of the force to put the gun down numerous times.
15. OFC1 and OFC3 moved toward the subject of the force using the parked vehicles as cover from gunfire.
16. Another MPD Officer, hereafter referred to OFC4, arrived on the scene and moved towards the subject of the force.
17. The subject of the force discharged his weapon at OFC4 one time and missed.
18. OFC2 moved towards the subject of the force on the opposite side of street from where OFC1 was positioned.
19. The subject of the force had his gun pointed towards OFC1, OFC3, and OFC4. OFC2 discharged her firearm at the subject of the force two times.
20. OFC2 ordered the subject of the force to put the gun down and announced, "His clip is empty, his clip is empty!" OFC1 then discharged her firearm at the subject of the force one time.

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ACTIONS AFTER THE USES OF FORCE

21. OFC1 observed that the subject of the force's firearm had malfunctioned; however, the subject of the force continued to pull on the trigger.
22. OFC1 approached the subject of the force and observed that the subject of the force had his gun pointed at OFC2 with his finger on the trigger.
23. OFC1 pinned the subject of the force's hand to the ground with his hands. OFC3 grabbed the gun out of the subject of the force's right hand. However, the magazine of the gun became dislodged. OFC4 grabbed the magazine and handed it to OFC2 who came to assist with securing the subject of the force. OFC4 and another MPD officer, hereafter referred to as OFC5 placed the subject of the force in handcuffs.
24. OFC5 conducted a search of the subject of the force and found another loaded magazine tucked in his waistband.
25. The subject of the force sustained a single graze wound on the top of his head. OFC2 applied direct pressure to the graze wound until the arrival of DC FEMS several minutes later.
26. The subject of the force was transported to a local hospital and admitted in stable condition. He was treated for the graze wound, and medical staff determined that he also sustained a concussion.
27. During the investigation of the initial call for the shooting, it was learned that the subject of the force had shot Victim 1(V1) prior to the arrival of the MPD officers. V1 was lying on the sidewalk suffering from a gunshot wound.
28. The subject of the force was subsequently charged with the following offenses: Assault with a Dangerous Weapon, Assault on a Police Officer While Armed, Possession on an Unregistered Firearm, Possession of Unregistered Ammunition, Unlawful Discharge of a Firearm, and Possession of a Large Capacity Ammunition Feeding Device.

PROSECUTORIAL REVIEW BY THE US ATTORNEYS OFFICE (USAO)

As outlined in MPD policy, [GO-RAR-901.07 \(Use of Force\)](#), the discharge of a firearm is considered a serious use of force, and the incident was forwarded to the USAO to make an independent determination whether the use of force indicated criminal wrongdoing that should be prosecuted. On June 6, 2022, the USAO notified MPD that they were declining to prosecute the incident.

**FINDINGS OF INTERNAL AFFAIRS DIVISION (IAD) ADMINISTRATIVE
INVESTIGATION**

On August 12, 2022, the IAD final investigation made the following findings based on a preponderance of evidence:

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- The Use of Force-Discharge of a firearm (eight discharges) by OFC1 was **Justified**.
- The Use of Force-Discharge of a firearm (first eleven discharges) by OFC2 was **Justified**.
- The Use of Force-Discharge of a firearm (12th discharge) by OFC2 was **Not 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 uses of force by OFC1 and OFC2. The UFRB ruled:

- The Use of Force-Discharge of a firearm (eight discharges) by OFC1 was **Justified**.
- The Use of Force-Discharge of a firearm (first eleven discharges) by OFC2 was **Justified**.
- The Use of Force-Discharge of a firearm (12th discharge) by OFC2 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.