

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
METROPOLITAN POLICE DEPARTMENT

**FINDINGS OF FACT IN USE OF FORCE INCIDENT**

<b>Force Type (s):</b>	Straight Strike Handcuffed Subject
<b>Incident Date:</b>	February 3, 2022
<b>Publication Date:</b>	November 30, 2022
<b>Involved MPD Member(s):</b> <b>Rank, Division Assigned, Race/Gender:</b>	Officer 1 Second District Black/Male
<b>Subject of the Force's Race/Gender and Age at time of the use of force incident:</b>	Black/Male 43 years of age
<b>Use of Force Review Board Date:</b>	June 29, 2022

**SYNOPSIS OF USE OF FORCE**

Officer 1(OFC1) struck the subject of the force in the face by using an open hand strike while the subject of the force's hands were handcuffed behind his back. 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 June 4, 2022, after all available evidence was collected and analyzed, and statements from the subject officer, 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 Thursday, February 3, 2022, beginning at 2:19 PM, the Office of Unified Communications (OUC) received several 911 calls to report that there was a male person screaming at customers and exposing his penis in the 2000 block of Pennsylvania Avenue, NW.
2. The male person was later identified as the subject of the force.
3. The OUC dispatched the Lewd/Indecent Exposure assignment to a 2<sup>nd</sup> District Officer, hereafter referred as OFC2 at 2:46 PM.
4. OFC2 arrived on the scene and approached by several persons who reported that the subject of the force was masturbating and exposing himself to people. The subject of the force was not on the scene at the time OFC2 arrived.
5. OFC2 obtained a description of the subject of the force and began to look for him in the immediate area. OFC2 located the subject of the force at 2:51 PM.
6. OFC2 approached the subject of the force and asked him to stop. The subject of the force responded, "Suck my dick, man fuck y'all, fuck you." The subject of the force continued to walk away from OFC2.
7. OFC2 followed the subject of the force and asked him to stop again. The subject of the force did not stop and continued to walk away from OFC2.

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8. OFC2 utilized their police radio and requested that another officer respond to assist in stopping the subject of the force.
9. The subject of the force continued to curse at OFC2, stated, 'Man fuck you, I ain't scared a no jail', and continued to walk away from OFC2.
10. Another officer, hereafter referred to as OFC3 arrived on the scene to assist OFC2.
11. OFC2 grabbed the subject of the force and pushed him to the ground where he landed in a garden bed. OFC2 and OFC3 handcuffed the subject of the force while he was on the ground.
12. OFC2 helped the subject of the force get up from the garden bed and asked the subject of the force to sit down on the curb.
13. The subject of the force did not comply with OFC2's request and continued to yell about going to jail.
14. OFC2 pushed the subject of the force to the ground again to maintain control of him.
15. The subject of the force complained that he was hurt when OFC2 pushed him to the ground.
16. OFC2 requested that the DC Fire and Emergency Medical Services Department (DC FEMS) respond to treat the subject of the force.
17. OFC2 notified an MPD official that force was used against the subject of the force.
18. While the subject of the force was handcuffed and seated on the curb, he continued to yell, berate, threaten, and ridicule the officers with racist remarks.
19. OFC2 and OFC3 helped the subject of the force stand up to conduct a pat down for weapons. The subject of the force continued with his disorderly behavior.
20. OFC2 and OFC3 asked the subject of the force to sit down but he refused. OFC2 and OFC3 pushed the subject of the force down to the ground to maintain control of him.
21. The subject of the force attempted to stand up and walk away but OFC2 and OFC3 pushed him down onto the ground again to prevent him from walking away.
22. A 2<sup>nd</sup> District police Lieutenant, hereafter referred to as LT1, and a police sergeant, hereafter referred to as SGT1, arrived on the scene. They determined that the subject of the force should have a mental health evaluation.
23. The subject of the force was not charged with any criminal offenses and a Sick Person to Hospital incident report was prepared by SGT1.

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24. OFC3 prepared an FD Form 12 (*Application for Emergency Hospitalization by a Physician or Psychologist or the person, Officer or Agent of D.C. Department of Behavioral Health or an Officer to Make Arrests*).
25. OFC1 was assigned to the transport wagon and his primary responsibility in this assignment was to transport individuals from the scene to the district to process an arrest, or to appropriate facilities for medical or behavioral health evaluation, and if necessary, assist with guarding individuals receiving treatment at the medical facility.
26. OFC1 arrived on the scene at 3:54 PM to transport the subject of the force.
27. While putting the subject of the force into the transport wagon he continued to make threats against the officers.
28. OFC1 and the subject of the force arrived at a facility for a mental health evaluation located in the 1900 block of Massachusetts Avenue, SE, at 4:22 PM. The subject of the force was subsequently escorted to and seated in a chair in Triage Room #2. The subject of the force's hands remained handcuffed behind his back while awaiting an evaluation.

**EVENTS THAT LED TO THE USE OF FORCE**

29. Medical staff attempted to conduct a medical evaluation and administer a rapid COVID-19 test of the subject of the force while he was seated in the chair. He continued to remain uncooperative with the medical staff, threatened the officers, and made vulgar remarks. The officers left the triage room while the medical staff continued to attend to the subject of the force.
30. While OFC3 and OFC1 were outside of the triage room, the subject of the force continued to get out of the chair and make threats against the officers.
31. Approximately 10 minutes after the MPD officers left the triage room, the subject of the force got out of the chair, walked towards the open door, and cursed at OFC3. OFC1 entered the triage room, walked towards the subject of the force, and told him to have a seat.
32. The subject of the force returned to the chair and sat down. OFC1 walked away from the subject of the force who then threatened to kill OFC1. OFC1 walked out of the triage room and down the hallway.
33. About a minute later, the subject of the force got up from the chair, walked over to the open door, and threatened and used profanity towards OFC3.
34. OFC1 walked to the door of the triage room and the subject of the force returned to the chair and sat down. The subject of the force continued to threaten the officers and use profanity.

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35. The subject of the force got up from the chair and approached the open door, threatened the officers, and used profanities. OFC1 entered the triage room and the subject of the force returned to the chair and sat down. OFC1 stayed in the triage room.
36. The subject of the force got up from the chair and walked towards the open door, OFC1 walked towards him and told him to have a seat. The subject of the force walked around the chair and stood behind it. OFC1 reached out and grabbed the subject of the force by the arm, pulled him towards the front of the chair, and pushed him down into the chair while telling him to sit down. The subject of the force sat in the chair and continued to threaten the officers and challenge them to fight. OFC1 remained in the triage room.
37. A female Special Police Officer (SPO) that worked at medical facility approached the door of the triage room, the subject of the force directed graphic sexual suggestions to the SPO, insulted her intelligence and appearance, and then stood up from the chair and challenged her to fight. The SPO turned to leave the room and the subject of the force walked towards her.
38. OFC1 used his right open hand and smacked the subject of the force in the face. This caused the subject of the force to fall onto his back.

**ACTIONS AFTER THE USE OF FORCE**

39. OFC1 picked up the subject of the force by the shoulders and placed him in the chair and said, "Stay down." The subject of the force sat in the chair and continued to threaten OFC1 and shout profanities.
40. The subject of the force was examined by medical staff and they determined he did not sustain any injuries.

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

As outlined in MPD policy, [GO-RAR-901.07 \(Use of Force\)](#), a use of force indicating potential criminal conduct includes, but is not limited to, all strikes, blows, kicks or other similar uses of force against a handcuffed subject and all accusations or complaints of excessive force made against the member where there is objective, corroborating evidence indicating potential criminal conduct or other serious misconduct. This includes any use of force that clearly goes beyond that which an objectively reasonable officer would use in light of the circumstances under which the force was used, or any use of force which may rise to the level of a criminal act. 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 March 30, 2022, the USAO notified MPD that they were declining to prosecute the incident.

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

On June 4, 2022, the IAD final investigation made the following findings based on a preponderance of evidence regarding the use of force by OFC1:

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- Use of Force-Straight Strike by OFC1 against The subject of the force-**NOT JUSTIFIED**
- Excessive Force-**SUSTAINED**

**FINDINGS OF THE USE OF FORCE REVIEW BOARD (UFRB)**

On Wednesday June 29, 2022, the UFRB convened to review the final investigative report prepared by the IAD and the evidence regarding the use of force by OFC1. The UFRB ruled:

- The Use of Force-Straight Strike by OFC1 was **Not Justified**.
- Excessive Force-SUSTAINED.

**DISCIPLINARY REVIEW DIVISION**

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