

GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

FINDINGS OF FACT IN USE OF FORCE INCIDENT

Force Type (s):	Electronic Control Device (ECD), Oleoresin Capsicum Spray (OC), Takedown
Incident Date:	January 5, 2022
Publication Date:	November 30, 2022
Involved MPD Member(s): Rank, Division Assigned, Race/Gender:	Sergeant 1 Seventh District Hispanic/Male Officer 1 Seventh District White/Male
Subject of the Force's Race/Gender and Age at time of the use of force incident:	Black/Male 26 years old
Use of Force Review Board Date:	May 16, 2022

SYNOPSIS OF USE OF FORCE

Sergeant 1(SGT1) discharged his electronic control device (ECD), commonly known as a TASER, 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 April 26, 2022, after all available evidence was collected and analyzed, and statements from the subject members, 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 Wednesday, January 5, 2022, around 3:10 PM, uniformed officers of the Seventh Police District responded to a domestic violence assault in the 100 block of Joliet Street, SW. The investigation by the responding officers found that the subject of the force came to the residence of Victim 1 and they got into a verbal argument. During the argument the subject of the force retrieved a handgun from his waistband, pointed it at Victim 1 and threatened to kill her. The subject of the force hit a wall in the residence with the handgun causing damage to it. The subject of the force left Victim 1's residence in possession of the handgun.
2. MPD detectives responded to the scene to initiate an investigation into the criminal offenses committed by the subject of the force. During their interview of Victim 1, she positively identified the subject of the force and provided the detectives with several addresses where he could be found. The detectives broadcasted a lookout for the subject of the force on the police radio to all Seventh District officers.

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3. Additionally, the MPD detectives prepared a “WANTED” flyer for the subject of the force that contained his picture and noted that he had arrest warrants in other jurisdictions as well as the crimes he committed against Victim 1.
4. An MPD detective contacted SGT1, and requested that SGT1 conduct a check for the subject of the force at an apartment in the unit block of Galveston Street, SW.
5. SGT1, OFC1, and two other MPD officers, hereinafter referred to as OFC2 and OFC3, went to the address provided by the MPD detective to look for the subject of the force.
6. OFC1 was directed by SGT1 to deploy a ballistic shield. At 9:57 PM, OFC1 approached the apartment door, with SGT1, and OFC2 and OFC3 behind him. OFC1 knocked on the door and made contact with a resident of the premises hereinafter referred to as SUBJECT1.
7. OFC1 interviewed SUBJECT1 and confirmed that SUBJECT1 knows the subject of the force. SUBJECT1 also told the officer that the subject of the force used to stay at this premises but not anymore. OFC1 asked SUBJECT1 if they could check the premises, SUBJECT1 agreed and opened the door to allow them inside.
8. The officers entered the apartment and started to search the rooms for any persons.
9. SGT1 stayed with SUBJECT1 and SUBJECT1’s daughter in the living room of the apartment.
10. OFC2 and OFC3 approached a closed door to a bedroom. OFC2 yelled, “MPD!” A male person responded back, “Who is it?” OFC2 responded, “Come out with your hands shown!” The male replied, “Who are you looking for?” OFC2 repeated his requests to the unknown male.
11. A person, hereinafter referred to as SUBJECT2, came out of the bedroom with their hands in the air and asked, “Who are you looking for?” Another person came out of the room with their hands raised and stated, “Darius, Darius.” This second person would later be identified as the subject of the force.

EVENTS THAT LED TO THE USE OF FORCE

12. SGT1 and OFC3 stayed with SUBJECT2 and the subject of the force while OFC1 and OFC2 checked the rest of the rooms in the apartment for any other persons.
13. SGT1 asked SUBJECT2 and the subject of the force for identification. The subject of the force reported that he did not live there but did not respond to SGT1’S request for identification. SUBJECT2 reached into his pocket and retrieved identification.
14. OFC2 showed the “WANTED” flyer to the subject of the force, and the subject of the force told OFC2 that the picture was of his father.

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15. OFC1 and SGT1 told SUBJECT1 that the subject of the force was involved in an incident. SUBJECT1 confirmed that the person they had stopped was the subject of the force.
16. SGT1 approached the subject of the force, told him to put his hands behind his back, and took a hold of the subject of the force's arm and hand.
17. The subject of the force started to resist and SGT1 told him that they needed to identify him.
18. OFC2 took a hold of the subject of the force's right wrist to assist SGT1.
19. The subject of the force verbally protested while OFC2 attempted to place the subject of the force's right wrist towards the subject of the force's back so SGT1 could apply the handcuffs.
20. The subject of the force fell forward towards OFC2 as SGT1 attempted to apply the handcuffs behind the subject of the force's back. OFC3 took a hold of the subject of the force's shirt to assist in controlling him.
21. OFC1 came to assist with the subject of the force and was able to apply one handcuff to the subject of the force's right wrist. The subject of the force bent forward at the waist while the officers held onto his arms.
22. OFC2 told the subject of the force to stop resisting and OFC3 retrieved his handcuffs to apply them to the subject of the force's left wrist.
23. The subject of the force leaned forward and yelled, "Get 'em!" OFC2 held on to the subject of the force's left wrist while SGT1, OFC1, and OFC3 held on to his right arm and wrist in an attempt to put his arms behind his back to complete the handcuffing.
24. The subject of the force attempted to move down the hallway towards the back bedroom of the apartment.
25. OFC1 held onto the unsecured portion of the handcuff that was handcuffed to the subject of the force's right wrist. SGT1 and OFC2 held onto the subject of the force to prevent him from reaching the bedroom.
26. The subject of the force yelled out, "Shoot 'em right now! Shoot 'em! Hey Darius, shoot them!", while he tried to escape from the MPD members.
27. The subject of the force changed direction and attempted to flee towards the entrance to the apartment. OFC1 held onto the unsecured portion of the handcuff and fell to the ground.
28. OFC2 disengaged from the struggle with the subject of the force, approached SUBJECT2 who was standing in the hallway near the bedroom, and secured him in handcuffs.

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29. The subject of the force got into the kitchen with OFC1 still holding onto the unsecured portion of the handcuff attached to the subject of the force's right wrist.
30. SGT1 retrieved and armed his ECD. The subject of the force stated to the officers, "Let me go or my brother's gonna shoot you!" The subject of the force pulled the officers holding on to him into the living room, turned and pushed OFC1.
31. SGT1 yelled, "Taser, taser, taser!" and deployed the ECD at the subject of the force's midsection. The subject of the force reached towards the ECD leads and pulled them away from his body. The ECD deployment did not appear to have an effect on the subject of the force because he continued to resist the MPD members.
32. As the subject of the force moved toward the entrance door, SGT1 rearmed his ECD and deployed it a second time with no apparent effect.
33. The subject of the force opened the front door while OFC1 held onto the unsecured portion of the handcuff on the subject of the force's right wrist.
34. OFC3 stood against the front door to prevent the subject of the force from fleeing. SGT1 kneeled down and grabbed onto the subject of the force's leg.
35. The MPD members ordered the subject of the force to stop resisting.
36. The subject of the force was partially out of the front door when OFC1 retrieved his OC spray canister and stated, "OC, OC, OC!" He deployed a burst of OC spray in the direction of the subject of the force's face. The subject of the force turned his face away and the OC spray made contact with the back of his head. OFC1 deployed a second burst of OC spray which made contact with the subject of the force's face.
37. OFC1 and SGT1 conducted a take-down of the subject of the force bringing him to the ground onto his chest.
38. The subject of the force shouted, "I quit!" and rolled to his side. OFC1 ordered the subject of the force to roll onto his stomach and he complied. The subject of the force was handcuffed and taken into custody.

ACTIONS AFTER THE USES OF FORCE

39. SGT1 requested that the DC Fire and Emergency Medical Services Department (DCFEMS) respond to the scene and reported the ECD and the OC deployments.
40. SGT1 sustained a large scratch to the back of his head and OFC1 sustained lacerations to his left hand.
41. The subject of the force was transported to a local hospital by DC FEMS for a medical evaluation and treatment. The subject of the force sustained lacerations to his left hand and swelling to his forehead.

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42. Pursuant to a search warrant obtained by detectives for the premises where the uses of force occurred the following evidence was recovered:
- a. Taurus G2C 9mm semi-automatic handgun with obliterated serial numbers
 - b. Replica air pellet gun matching the description provided by Victim 1
43. SUBJECT2 was placed under arrest for the firearm that was recovered.
44. The subject of the force was charged with the following offenses:
- a. Assault with a Dangerous Weapon (Domestic Violence)
 - b. Destruction of Property
 - c. Assault on a Police Officer
 - d. Fugitive from Justice (Arrest warrant held by Montgomery County Police Department Rockville, MD for Malicious Burning 1st Degree and Assault 1st Degree)

PROSECUTORIAL REVIEW BY THE US ATTORNEYS OFFICE (USAO)

This incident involving the use of an ECD was not referred to the USAO for review. Consistent with MPD policy, [GO-RAR-901.07 \(Use of Force\)](#), only the following incidents are referred to the United States Attorney's Office for review: (1) serious uses of force, (2) deadly force, (3) uses of force indicating potential criminal conduct, (4) vehicle pursuits involving a fatality, and (5) in-custody deaths involving an MPD member.

FINDINGS OF INTERNAL AFFAIRS DIVISION (IAD) ADMINISTRATIVE INVESTIGATION

On April 26, 2022, the IAD final investigation made the following findings based on a preponderance of the evidence regarding the uses of force by SGT1 and OFC1:

- The Use of Force-Electronic Control Device (1st Deployment) by SGT1 was **JUSTIFIED**.
- The Use of Force-Electronic Control Device (2nd Deployment) by SGT1 was **JUSTIFIED**.
- The Use of Force-Takedown by SGT1 was **JUSTIFIED**.
- The Use of Force-OC Spray (1st Deployment) by OFC1 was **JUSTIFIED**.
- The Use of Force-OC Spray (2nd Deployment) by OFC1 was **JUSTIFIED**.
- The Use of Force-Takedown by OFC1 was **JUSTIFIED**.

FINDINGS OF THE USE OF FORCE REVIEW BOARD (UFRB)

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On May 16, 2022, the UFRB convened to review the final investigative report prepared by the IAD and the evidence regarding the use of force by SGT1 and OFC1. The UFRB ruled:

- The Use of Force-Electronic Control Device (1st Deployment) by SGT1 was **JUSTIFIED.**
- The Use of Force-Electronic Control Device (2nd Deployment) by SGT1 was **JUSTIFIED.**
- The Use of Force-Takedown by SGT1 was **JUSTIFIED.**
- The Use of Force-OC Spray (1st Deployment) by OFC1 was **JUSTIFIED.**
- The Use of Force-OC Spray (2nd Deployment) by OFC1 was **JUSTIFIED.**
- The Use of Force-Takedown by OFC1 was **JUSTIFIED.**