

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:	June 13, 2022
Publication Date:	November 30, 2022
Involved MPD Member(s): Rank, Division Assigned, Race/Gender:	Sergeant 1 Seventh District White/Female Officer 1 Seventh District White/Male Officer 2 Seventh District Hispanic/Male
Subject of the Force's Race/Gender and Age at time of the use of force incident:	Black/Female 17 years old Black/Female 35 years old
Use of Force Review Board Date:	September 20, 2022

SYNOPSIS OF USE OF FORCE

Sergeant 1(SGT1) discharged her 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 September 2, 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 Sunday, June 12, 2022, uniformed MPD officers of the Seventh Police District were assigned to provide special attention to a neighborhood block party in the 1600-1700 blocks of W Street, SE.
2. On Monday, June 13, 2022, at approximately 1:30 AM, SGT1 observed a disturbance in the 1600 block of W Street, SE, and walked towards it. As SGT1 got closer she observed two people fighting one another. The people engaged in the fight will be referred to as SUBJECT1 and SUBJECT2.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

EVENTS THAT LED TO THE USE OF FORCE

3. SGT1 retrieved her ECD and warned SUBJECT1 and SUBJECT2 that she would deploy it. SUBJECT1 and SUBJECT2 continued to assault one another.
4. SGT1 ARC'ed her ECD two times to provide an additional warning to SUBJECT1 and SUBJECT2. To ARC an ECD is to activate it without discharging the probes, it emits a "crackling" electrical sound. Despite the ARC warning, SUBJECT1 and SUBJECT2 continued their assault on one another.
5. SUBJECT1 lunged at SUBJECT2 and SGT1 was able to push SUBJECT1 away from SUBJECT2 onto the sidewalk utilizing her hand. SUBJECT1 walked back towards SGT1 and SGT1 pushed SUBJECT1 with her hand again to keep SUBJECT1 away from SUBJECT2. SUBJECT1 pushed SGT1 away and walked back into the street.
6. SUBJECT2 was able to get into the rear compartment of a vehicle. SUBJECT1 approached SUBJECT2 and kicked at her. A third person who is a relative of SUBJECT2, hereafter referred to as SUBJECT3, pulled SUBJECT1 away from SUBJECT2. SGT1 pointed her ECD at SUBJECT1 and warned her again that she would deploy her ECD and that SUBJECT1 should leave.
7. SUBJECT2 got out of the vehicle holding a white can of dog repellent. SGT1 warned SUBJECT2 that SGT1 will deploy her ECD. An unidentified female approached SUBJECT2 and SUBJECT2 sprayed her in the eyes with the dog repellent.
8. SGT1 observed this action and discharged her ECD at SUBJECT2 striking SUBJECT2 in the midsection.
9. SUBJECT2 immediately fell to the ground and was incapacitated by the ECD deployment.
10. SGT1 utilized her police radio to report that she had deployed her ECD. SGT1 handcuffed SUBJECT2 with the assistance of OFC1 who arrived on the scene.
11. SGT1 utilized her police radio to request that the DC Fire and Emergency Medical Services Department (DC FEMS) respond to provide treatment to SUBJECT2 as a result of the ECD deployment and for additional officers.
12. OFC1 grabbed SUBJECT1 who began walking towards SGT1 while SGT1 was bent down and her back turned towards them. SUBJECT1 continued to walk towards SGT1 at which point OFC1 grabbed SUBJECT1's other hand and tried to hold her back. SUBJECT1 broke free from OFC1's grasp and kicked SUBJECT2. OFC1 grabbed SUBJECT1 around the waist and they both fell to the ground. SUBJECT1 attempted to kick and punch OFC1 while he tried to regain control of her. OFC1 was able to handcuff SUBJECT1 with the assistance of Officer 3 (OFC3) who arrived on the scene.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

13. SUBJECT1's relative, hereafter referred to as SUBJECT4, was in the street and told by OFC1 to move away. SUBJECT4 ignored OFC1 and she approached SUBJECT2 to taunt her regarding the fight.
14. OFC1 retrieved his OC Spray and told SUBJECT4 to move away. SUBJECT4 then began to argue with SUBJECT3.
15. SUBJECT4 grabbed the wrist of SUBJECT1 and OFC1 told SUBJECT4 to move away again. SUBJECT4 let go of SUBJECT1. OFC1 told SUBJECT4 that he was going to deploy his OC spray on her if she didn't move away. SUBJECT4 did not comply and walked towards SUBJECT1. OFC1 used his hands to keep SUBJECT4 away from SUBJECT1 but SUBJECT4 continued her attempts to approach SUBJECT1.
16. SUBJECT4 was able to approach SUBJECT2, who was handcuffed, and appeared to hit SUBJECT2. OFC1 told SUBJECT4 that she was going to be handcuffed and grabbed her by the arm.
17. SUBJECT3 grabbed and pulled on SUBJECT4's hair. OFC1 announced, "OC, OC!" and deployed OC spray in SUBJECT3's face.
18. OFC2 arrived on the scene and grabbed SUBJECT3 while SUBJECT3 was still holding onto SUBJECT4's hair. OFC2 took SUBJECT3 to the ground and SUBJECT3 continued to struggle with OFC2. SUBJECT3 stood up but OFC2 maintained his grip on her. She finally sat back down on the ground but continued to struggle with OFC2. SGT1 came to assist OFC2 and was able to handcuff SUBJECT3.
19. The MPD members eventually gained control of the scene.

ACTIONS AFTER THE USES OF FORCE

20. SUBJECT1 was arrested and charged with Affrays, Assault on a Police Officer and Resisting Arrest. She did not report any injuries.
21. SUBJECT2 was arrested and charged with Affrays and Resisting Arrest. She complained of pain to her elbow and was transported to a local hospital for treatment. She refused treatment.
22. SUBJECT3 was arrested for Affrays and did not report any injuries.
23. SUBJECT4 was arrested for Affrays and did not report any injuries.

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

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 September 2, 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-Electronic Control Device by SGT1 was **JUSTIFIED**.
- The Use of Force-OC Spray by OFC1 was **JUSTIFIED**.
- The Use of Force-Takedown by OFC2 was **JUSTIFIED**.

FINDINGS OF THE USE OF FORCE REVIEW BOARD (UFRB)

On September 20, 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-Electronic Control Device by SGT1 was **JUSTIFIED**.
- The Use of Force-OC Spray by OFC1 was **JUSTIFIED**.
- The Use of Force-Takedown by OFC2 was **JUSTIFIED**.