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PRESS RELEASE

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Federal Officials Close Investigation Into the Death of Bijan Ghaisar

WASHINGTON – The Justice Department will not pursue federal criminal civil rights charges against the United States Park Police (USPP) officers involved in the fatal shooting of 25-year-old Bijan Ghaisar, the Department announced today.

Officials from the Civil Rights Division, the United States Attorney's Office for the District of Columbia, and the Federal Bureau of Investigation ("FBI") informed representatives of Mr. Ghaisar's family today of this determination. Based on the information available at this time, the Department cannot prove, beyond a reasonable doubt, that the two USPP officers committed willful violations of the applicable federal criminal civil rights statute when they shot Mr. Ghaisar.

The Department conducted an extensive investigation into the shooting of Mr. Ghaisar. The FBI interviewed more than 150 individuals, including law enforcement officers from USPP, Fairfax County Police Department (FCPD), and the Federal Law Enforcement Training Center, as well as civilian and medical witnesses. Additionally, federal investigators sent evidence recovered by USPP investigators to the FBI Laboratory at Quantico, Virginia, for testing and analysis.

The evidence developed during this investigation indicated that at approximately 7:30 p.m. on Friday, November 17, 2017, Officers Amaya and Vinyard engaged in a vehicular pursuit involving Mr. Ghaisar on the George Washington Memorial Parkway (GWMP). A FCPD Lieutenant joined the pursuit on the GWMP, and the dash camera in his squad car captured a portion of the pursuit on video. The pursuit ended at the intersection of Fort Hunt Road and Alexandria Avenue in Fairfax County, Virginia, where the two USPP officers shot Mr. Ghaisar multiple times while Mr. Ghaisar was in the driver's seat of his vehicle. Emergency medical personnel transported Mr. Ghaisar to INOVA Hospital, where he died 10 days later.

The focus of the Department's investigation was to determine whether federal prosecutors could prove that the officers violated any federal laws, concentrating on the possible application of 18 U.S.C. § 242, a federal criminal civil rights statute. In order to establish a violation of this statute, the government must prove, beyond a reasonable doubt, that the USPP officers acted willfully to deprive Mr. Ghaisar of a right protected by the Constitution or other law, here the Fourth Amendment right not to be subjected to an unreasonable seizure. The Department would have to prove not only that the officers used force that was constitutionally unreasonable, but that they did so "willfully," which the Supreme Court has interpreted to mean they acted with a bad purpose to disregard the law. As this requirement has been interpreted by the courts, evidence that an officer acted out of fear, mistake, panic, misperception, negligence, or even poor judgment cannot establish the high level of intent required under Section 242.

At this time, there is insufficient evidence to establish beyond a reasonable doubt that the officers willfully committed a violation of 18 U.S.C. § 242. Specifically, the Department is unable to disprove a claim of self-defense or defense of others by the officers. Accordingly, the Department has closed its investigation into this matter.

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