



U.S. Department of Justice

Matthew M. Graves
United States Attorney

District of Columbia

*Patrick Henry Building
601 D Street, N.W.
Washington, D.C. 20530*

June 5, 2024

Captain Jeffrey Wade
Homicide Branch
Criminal Investigations Division
Metropolitan Police Department

Re: Declination: Death of Vivek Taneja

Dear Captain Wade:

We are declining to prosecute anyone for the death of Vivek Taneja, which took place at approximately 2:00 a.m. on February 2, 2024, at 1100 15th Street, N.W., Washington, D.C. We have conducted a comprehensive review of Mr. Taneja's death, which included a thorough analysis of all the police paperwork and witness statements, conducting our own interviews of all key witnesses, and reviewing the surveillance video of the incident. Mr. Taneja's interactions that evening with the other male subject (Subject 1), Mr. Taneja's death, and all the relevant moments leading up to the death are captured on video. There is nothing we learned during the course of our investigation that materially changes what is clearly depicted on the video: that Mr. Taneja made the first physical contact and threw the first punch. As you are aware, it is the government's burden to disprove self-defense beyond a reasonable doubt and in this instance, we lack evidence to disprove self-defense. Accordingly, we cannot plausibly claim that the evidence will probably be sufficient to obtain and sustain a conviction. Under these circumstances, the Department of Justice is precluded from commencing a prosecution. As stated in the Justice Manual: 9-27.220 - Grounds for Commencing or Declining Prosecution, Comment ("[N]o prosecution should be initiated against any person unless the attorney for the government believes that the admissible evidence is sufficient to obtain and sustain a guilty verdict by an unbiased trier of fact.")

The evidence establishes that earlier in the evening of February 1, 2024, Mr. Taneja, Witness 1, and Witness 2 had dinner at a restaurant and then went to a bar and lounge, named "Arcade." While Subject 1 was also at Arcade with a group of friends, there is no evidence of any interaction in Arcade between either Mr. Taneja and Subject 1 or members of their respective

groups. Shortly before 2:00 a.m., Mr. Taneja, Witness 1, and Witness 2 left Arcade. Subject 1 also left Arcade a few minutes later.

What happened after everyone exited Arcade is depicted on surveillance footage from outside the lounge. The relevant portion of the footage speaks for itself. In brief, the footage shows that after initially walking slightly past Mr. Taneja, Witness 1, and Witness 2, Subject 1 turned back and walked toward the group of three at a normal pace and without any obvious signs of threat. Almost immediately after Subject 1 reached the group, Mr. Taneja stepped within an arms-length of Subject 1 and appeared to place his hand on Subject 1's chest.

Subject 1 responded to the touching by throwing off Mr. Taneja's hand. This physical exchange sparked what appears to have been a heated argument between the two where both Subject 1 and Mr. Taneja were trying to get within arms-length of one another, but were prevented from doing so by Witness 1 and Witness 2, who were standing between the two. During this portion of the video, Mr. Taneja took off his jacket as if he was preparing to fight.

Mr. Taneja ultimately was able to maneuver into a position where he had a clean line of attack. He then punched Subject 1—who was visibly bigger than Mr. Taneja—with such force that Subject 1 was knocked to the ground by the single blow. Subject 1 quickly got up and punched Mr. Taneja, in turn, at which point a full-on fight broke out between the two. This fight lasted for less than ten seconds when it ended with a punch thrown by Subject 1. While it is not clear whether the blow landed or whether Mr. Taneja was trying to dodge the blow, it is clear that Mr. Taneja fell as a result of the physical altercation. As he fell, Mr. Taneja did not make an effort to catch himself or otherwise brace for the fall.¹ Mr. Taneja hit his head when he fell and died as a result of the injury he sustained.

What happened to Mr. Taneja was tragic. We note that he was a loved and respected member of the community, and any of the aggressive conduct he displayed on the night of his death was, by all accounts, totally out of character. The situation is made all the more tragic by the fact that a momentary fist fight like this one rarely produces such a fatal injury. No matter how tragic the situation, though, we must assess the evidence consistent with our ethical obligations. Here, Mr. Taneja made the first physical contact and threw the first punch. While we do not know exactly what was said leading up to that contact and punch, mere words – no matter how insulting, offensive, or abusive – do not constitute aggression under the law. Thus, we lack evidence to disprove self-defense and are ethically precluded from seeking charges and must decline.

While we typically note when we decline prosecution that if additional evidence becomes

¹ While it is irrelevant to our determination, it is our understanding that Mr. Taneja's blood alcohol level was .20, which could help explain why he was unable to brace himself for the fall.

available, we will reconsider this decision, it is hard to see what such evidence would be here, as we already have a recording of the entire event.

Sincerely,

A handwritten signature in blue ink that reads "Laura R. Bach". The signature is written in a cursive style.

Laura R. Bach
Deputy Chief, Homicide Section
United States Attorney's Office
202-252-7089