

REPORT BY OFFICE OF THE BALTIMORE CITY STATE'S ATTORNEY
ON THE IN-CUSTODY DEATH
ON THE 200 BLOCK OF SOUTH HOWARD STREET



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Introduction

The Baltimore City State's Attorney's Office ("BCSAO") completed its review of an incident occurring in the area of 200 South Howard Street on July 25, 2023, in which police officers responded to that location for an "attempted suicide" that later resulted in the death of one citizen. The BCSAO review was conducted by the office's Public Trust and Police Integrity Unit ("PTPIU") and focused exclusively on determining whether criminal charges relating to the officers' conduct were warranted.

The intended purpose of posting this report is to provide insight into the investigation and conclusion reached by the BCSAO regarding the police-involved incident described herein. The investigation and conclusion reached should not be interpreted as expressing any opinions on non-criminal matters.

Overview of the Incident

On July 25, 2023, at approximately 4:20 p.m., Officers Ryan Barnes-Klipa and Sharrod Mobley responded to the 200 block of South Howard Street for what was initially reported as an "Attempted Suicide" call for service. Upon their arrival, a male (hereinafter "Involved Citizen") was lying in the middle of South Howard Street, surrounded by Maryland Transit Administration officers and Baltimore City Fire Department Medic 9. He was exhibiting signs of intoxication and distress and was speaking incomprehensibly.

Officer Mobley placed handcuffs on the Involved Citizen as Officer Barnes-Klipa and MTA officers attempted to keep him from kicking and flailing at the officers. Officers attempted to verbally calm the Involved Citizen down with negative results. As the Involved Citizen was being handcuffed, he rolled onto his stomach. After Officer Mobley handcuffed the Involved Citizen, the officers moved him onto his left side into a recovery position while paramedics attempted to sedate him. Officers held the Involved Citizen's shoulders, arms, and legs still long enough for Medic 9 to administer Versed (sedative) to his upper right arm.

Officers Barnes-Klipa and MTA officers assisted Medic 9 with placing the Involved Citizen onto the stretcher. Initially, the Involved Citizen was on his left side but continued to move himself into a prone position. The Involved Citizen was restrained with straps on the stretcher but continued to move around. MTA Officers continued to try to calm the Involved Citizen down while paramedics loaded him into the ambulance to continue providing medical interventions. As Officer Mobley parked his car, Officer Barnes-Klipa entered the ambulance via the side door. Paramedics attempted to get vital signs from the Involved Citizen but were unable due to him moving around, incomprehensibly yelling, and trying to break free. The Involved Citizen was still in the prone position with his head turning left, right, and face down on the sheet of the stretcher.

Officer Mobley returned to the side of the ambulance and entered the ambulance, replacing Officer Barnes-Klipa. The Involved Citizen continued to struggle against the restraints, but less forcefully and less frequently. After the sedative began to affect the Involved Citizen, Officer Mobley assisted a paramedic with rolling him onto his right side. At this point, the Involved Citizen was no longer struggling against his restraints. The paramedic advised that the Involved Citizen's lips were blue, and he was in cardiac arrest. The paramedic requested Officer Mobley remove his handcuffs and help move the Involved Citizen onto his back. After lying the Involved Citizen on his back, Officer Mobley assisted paramedics with cutting his shirt and attaching his arm to the Lucas device. Other Fire Department and medical personnel arrived on location and assisted in life-saving interventions. Officer Mobley exited the ambulance to allow members to provide life-saving interventions.

The Involved Citizen was transported to the University of Maryland Shock Trauma and treated by the medical team; Officer Barnes-Klipa and Officer Mobley followed the ambulance. Despite the medical team's efforts, the Involved Citizen was pronounced deceased at 1943 hours. He was transported to the Medical Examiner's Office.

Summary of the Evidence

BODY WORN CAMERA (“BWC”) VIDEO

Both of The Involved Officers' BWCs were activated per BPD policy and captured a significant amount of the incident.

Upon arrival, Officer Barnes-Klipa's BWC video clearly shows the Involved Citizen to be under the influence of an unknown substance and appeared to be in some type of distress. It showed the Involved Citizen lying on the paved road in the middle of the street. The Involved Citizen was flailing while alternately seated or lying in the roadway and was speaking incomprehensibly. Officer Barnes-Klipa's BWC video also showed Baltimore City Fire Department Medics and Maryland Transit Administration

Police officers on scene with the Involved Citizen upon his arrival. Medics requested the BPD to handcuff the Involved Citizen for his safety and in order to sedate him. Officer Mobley's BWC video shows officers trying to control the Involved Citizen by applying pressure to his shoulder, arms, and legs in order to apply the handcuffs. Officer Mobley handcuffed the Involved Citizen's hands behind his back and placed him on his left side.

Officer Barnes-Klipa's BWC video shows the medics administering a sedative to the Involved Citizen's upper right arm. The officer's BWC video shows BPD Officers and MTA Officers placing the Involved Citizen on the medic's stretcher and securing him with that stretcher's restraint straps. Initially, the Involved Citizen was lying on his left side but continued to fail and ended up on his stomach. The medics placed the Involved Citizen into the ambulance to provide additional medical care. Officer Barnes-Klipa's BWC video shows himself and Officer Mobley outside of the medic. Officer Barnes-Klipa's BWC video shows Officer Mobley picking up several white pills that were spilled on the street next to where the Involved Citizen was lying. Officer Mobley secured the white pills in his medical glove and gave the glove to Officer Barnes-Klipa for evidence submission. Officer Barnes-Klipa entered the medic via the side door and notified the medics that Officer Mobley would be riding with them to the hospital. Officer Barnes-Klipa's BWC showed the Involved Citizen was still in the prone position with his hands cuffed behind his back. The Involved Citizen intermittently rotated from the left side of his head lying on the stretcher to being face down on the sheet. Officer Barnes-Klipa's BWC video showed the Involved Citizen still attempting to flail his body and was still speaking incomprehensibly. The BWC video showed paramedics attempting to obtain vital signs and a blood glucose reading on the Involved Citizen. The Involved Citizen began burying his face into the sheet of the stretcher. A paramedic attempted to pull the sheet to unfree the Involved Citizen's face with negative results. Officer Barnes-Klipa's BWC showed Paramedic Gibson attempting to move the Involved Citizen's head with negative results.

Officer Mobley arrived back at the medic and entered via the side door, replacing Officer Barnes-Klipa. Officer Mobley's BWC video showed Officer Mobley assisting a paramedic with rolling the Involved Citizen onto his right side. After doing so, the paramedic checked the Involved Citizen for signs of breathing, at which time he stated, "his lips are blue; get a bag valve mask." The paramedic advised another paramedic, "Now you can get the Narcan if you like." Medical records showed a paramedic administering the Narcan. BWC video showed a paramedic checking the Involved Citizen for a pulse, at which time he advised Officer Mobley, "I need him on his back." Officer Mobley and the paramedic began to unstrap the stretcher restraints. BWC showed that Officer Mobley removed the handcuffs from the Involved Citizen and assisted paramedics with rolling him onto his back. Officer Mobley's BWC video showed him then assisting the paramedics by re-strapping the stretcher restraints and cutting the Involved Citizen's shirt with trauma shears. The paramedic then attached the defibrillator pads onto the Involved Citizen's chest while the other paramedic provided ventilations with the bag valve mask. Officer Mobley was standing to the side of the stretcher while paramedics were providing lifesaving interventions. Officer Mobley assisted the paramedics with placing the Involved Citizen on the Lucas device by strapping the Involved Citizen's arm to the side of the Lucas device. At 1640 hours, BWC video showed several fire department and medical personnel arriving in the ambulance. At 1641 hours, BWC footage showed the Lucas device starting chest compressions. Officer Mobley moved to the back of the ambulance to allow medical personnel to perform lifesaving interventions. At 1642 hours, Officer Mobley exited the ambulance via the back door.

Officer Mobley advised Officer Barnes-Klipa to notify the on-duty supervisor to advise him of what was going on. Officer Barnes-Klipa's BWC captured the notification to Sergeant Carlos via his personal cell phone. Sergeant Carlos advised Officer Barnes-Klipa to notify Sergeant Robles and have him respond to the scene. Officer Mobley made this notification via his personal cell phone. Officer Mobley's BWC captured the notification. At 1654 hours, the ambulance began transporting the Involved Citizen to the University of Maryland Hospital. Officer Barnes-Klipa followed behind the ambulance, and Officer

Mobley followed behind Officer Barnes-Klipa. Both officers arrived at the hospital two minutes later. BWC videos showed the Involved Citizen still receiving lifesaving interventions while being transported to the hospital.

WITNESSES STATEMENT SUMMARIES¹

A. Medics

IID requested to interview Paramedic Carroll and Paramedic Gibson but was advised by BCFD counsel that they would not be providing voluntary interviews.

One paramedic did write a report summarizing the medics' actions in this incident. This report was reviewed and is consistent with the body worn camera footage and narrative of that footage above.

B. Law Enforcement Officers

The two BPD officers neither wrote reports nor provided interviews to investigators involving this incident. However, their body-worn cameras captured several statements and conversations with their on-duty supervisors.

All MTA officers wrote reports and three officers provided interviews with BPD. All MTA officers' oral and written statements were reviewed and were consistent with the body-worn camera footage and all evidence in this investigation.

Officer Garnett's report outlines that on July 26, 2023, he and Officer Watson responded to a call about fighting and a person lying on the tracks at the Convention Center Light Rail Station. Upon arrival, they found no fight but discovered a man, seemingly under the influence of narcotics, rolling around on the ground. Additional officers arrived, and together, they detained the Involved Citizen, ensuring his safety by placing him in the recovery position. Medical personnel administered medication to calm the Involved Citizen, who remained conscious and breathing, albeit still agitated. Eventually, officers assisted

¹ The majority of this section is copied nearly verbatim from the OAG/IID Interim Report.

in transferring him onto a stretcher before he was taken away in an ambulance, with no further involvement needed from MTA officers.

- C. Officer Watson's report corroborates Officer Garnett's report as to police and medic response to the Involved Citizen. Officer Watson assisted in detaining the Involved Citizen and was present until medics put the Involved Citizen into the ambulance. Officer Lewis and Officer Talbert's reports also corroborated Officer Garnett's report and added no additional facts.Civilian Witnesses

No civilian witnesses were interviewed in reference to this incident.

Attorney General's Office

Pursuant to Md. Code, State Government Article Section 6-106.2, the Office of the Attorney General conducted an independent investigation of this incident. That agency provided an "Interim Report to the State's Attorney's Office" on October 2, 2023.²

The AG's Office report does not give a recommendation for prosecution or declination of prosecution. The report only provides findings of facts. The findings of the AG's Office were reviewed and considered for purposes of this report.

It is worth noting that there are no material differences between what the AG's Office's team found and what the Police Integrity Unit of the State's Attorney's Office found in separate investigations in conjunction with the BPD Special Investigative Response Team (SIRT).

² This published narrative was drafted prior to the AG's IID writing a "final" report, as they waited on OCME's final report. That report was issued in October of 2023, and offers nothing materially different than what the SAO knew at the time of the first publication of this report.

Legal Analysis

Ordinarily, a report of this kind would cite crimes that the SAO evaluated in the context of the events being reviewed. Here, however, the SAO finds no criminal wrongdoing. There is no evidence of causation between the officers' actions and the death of the Involved Citizen.

In this case, paramedics and officers were faced with an actively aggressive subject [the Involved Citizen] while attempting to help him. He attempted to kick officers every time they tried to help him off the ground and from being in further harm. Officers first tried to de-escalate the situation by using a calm tone and assuring the Involved Citizen that they were there to help him. The Involved Citizen continued to be severely agitated and violent towards paramedics and officers. Placing the Involved Citizen in handcuffs was not only necessary for first responders' safety and for his own safety, but it was also reasonable. The use of force by the officers to place the Involved Citizen in handcuffs was proportionately less than the force officers were met with.

Afterward, while receiving medical care, the Involved Citizen suffered cardiac arrest and later died. There is no evidence of causation between anything that the officers and medics did and the fact that the Involved Citizen later died.

We decline to prosecute.

Overview of the Video/Photo Evidence of the Incident



Image 1: Image from Officer Barnes-Klipa's body-worn camera as he arrived on scene. The Involved Citizen can be seen lying on the ground in the green shirt, in the middle of the street. The Involved Citizen has not yet been handcuffed.



Image 2: Image from Officer Barnes-Klipa's body-worn camera video showing officers holding the Involved Citizen on his side after handcuffing him.



Image 3: Image from Officer Barnes-Klipa's body-worn camera showing a paramedic administering the Versed to the Involved Citizen.



Image 4: Image from Officer Barnes-Klipa's body-worn camera showing officers strapping the stretcher straps. The Involved Citizen is seen laying on his left side.



Image 5: Image from Officer Mobley's body-worn camera showing the Involved Citizen being pushed to the ambulance by a paramedic. Involved Citizen is seen in the prone position.



Image 6: Image from Officer Barnes-Klipa's body-worn camera video showing Involved Citizen struggling against the restraints as paramedics attempted to obtain vital signs. Involved Citizen still in the prone position.



Image 7: Image from Officer Mobley's body-worn camera showing Officer Mobley removing the cuffs. Involved Citizen is no longer conscious and not breathing.



Image 8: Image from Officer Mobley's body-worn camera showing a paramedic and Officer Mobley rolling Involved Citizen onto his back.