

REPORT BY OFFICE OF THE BALTIMORE CITY STATE'S ATTORNEY  
ON THE FATAL POLICE-INVOLVED SHOOTING  
ON THE 1800 BLOCK OF WEST LAFAYETTE AVENUE



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## **Introduction**

The Office of the State’s Attorney for Baltimore City (“SAO”) completed its review of an incident occurring in the area of 1800 West Lafayette Avenue, on November 6, 2022, in which police officers responded to that location for an “aggravated assault” 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 officer’s 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 as described herein. The investigation and conclusion reached should not be interpreted as expressing any opinions on non-criminal matters.

## **OVERVIEW OF THE INCIDENT**

On November 6, 2022, at approximately 3:39 p.m., BPD officer Zachary Rutherford (hereinafter “Rutherford” or “Involved Officer”) and a BPD officer trainee (hereinafter “Witnessing Officer”) responded to a call for an “armed person” in the 1800 block of West Lafayette Avenue. As Rutherford was driving to the scene, with the Witnessing Officer in the front passenger seat, the BPD radio dispatcher reported that a man with a knife had a woman pinned to the ground near the intersection of Fulton Avenue and West Lafayette Street. Upon arrival, the officers observed the Involved Citizen standing in the street holding a large kitchen knife as the Victim (hereinafter “Victim”) sat in the street cowering from the Involved Citizen. Also standing nearby was the father of the Involved Citizen – he was attempting to convince his son to drop the knife.

Prior to exiting the patrol car, both officers radioed for additional units to respond to the scene. The officers then immediately exited the patrol car, unholstered their service weapons, and pointed their guns in the direction of the Involved Citizen. The Witnessing Officer remained standing by the passenger side of the patrol car as Officer Rutherford ran toward the Involved Citizen who was armed with a large knife. As he was running, Officer Rutherford yelled “get down” to the Involved Citizen, at which time the Involved Citizen launched on top of the Victim with his head burrowed in her pelvic region. As he laid on top of the Victim, the Involved Citizen remained holding the large knife within inches of the Victim’s face.

After ignoring the officers’ commands, Rutherford fired four (4) shots from his service weapon into the Involved Citizen’s lower body. After the fourth shot, the Involved Citizen began to roll off of the Victim as she screamed. As the Involved Citizen was rolling away from the Victim

he continued to clutch the knife in his right hand and Officer Rutherford fired an additional nine (9) shots until the Involved Citizen rolled onto his back. As soon as Officer Rutherford stopped shooting, the Involved Citizen stretched his right arm toward the curb while still holding the knife and Rutherford fired a fourteenth and final shot which finally caused the Involved Citizen to stop all movement and drop the knife. The first thirteen shots were fired in rapid succession. The fourteenth and final shot occurred after Rutherford paused to assess the situation for approximately two seconds.

After the Involved Citizen dropped the knife, Rutherford moved the knife with his foot several feet away from the Involved Citizen as the Witnessing Officer stood at a distance and called for a medic. Other officers responded to the scene and began administering care to the Involved Citizen as he laid bleeding on the street. Rutherford then picked up the knife and secured it in a nearby patrol car. Rutherford was then escorted to a sergeant's patrol car to calm down as medics rendered care to the Involved Citizen.

The Involved Citizen was age 48 the time of this incident. The Involved Citizen was pronounced deceased at the University of Maryland Shock Trauma Center, on November 6, 2022, at 4:04 p.m.

## SUMMARY OF THE EVIDENCE

### 911 CALL LOG

The Baltimore 9-1-1 Emergency Call Center received six calls related to this matter. The relevant portions of those calls are detailed below:

Caller 1, (father of Involved Citizen)	“There’s a guy out here with a knife, right. Don’t kill him because that’s my son, alright? He is zapped out. I don’t know what’s wrong with him. He’s outside with a knife, he’s threatening people...hurry up...He got the lady on the ground with a knife...hurry up...”
Caller 2	“I have a guy who has a lady pinned in the street, all while holding my dog hostage.”
Caller 3	“Yo, give me the police at Lafayette and Fulton. A guy got a knife at a woman’s neck. Lafayette and Fulton...hurry up, please. Dark skin guy. He’s got a blade in his hand. Hurry up, please.”
Caller 4	“Somebody right now, they in the street. A man, he on top of a female. They in the middle of the street.”
Caller 5	“Can you have a police officer respond to, I guess it’s, a domestic incident...Right in the middle of the street. A male has a female and her dog pinned down on the ground.”
Caller 6	“Get the police at Lafayette and Fulton. A guy has a lady on the ground with a knife. Right now, Lafayette and Fulton.”

### WITNESS STATEMENTS

#### **1. The Victim (Victim of assault by the Involved Citizen, eyewitness)**

The Victim was interviewed by detectives the day of the incident. She indicated she lives nearby the incident and was walking to her home to retrieve bags to go to the grocery store. As she walked in the 1800 block of Lafayette Avenue she was approached by the Involved Citizen, who she had never met before. The Victim indicated the Involved Citizen was walking a dog, holding a knife, and asked her for water. She said he then grabbed her and began to drag her into the middle of the street by her purse as she attempted to resist the attack.

As the Victim struggled, she stated the Involved Citizen told her, “I’m going to kill you, stop moving.” The Victim indicated that she continued to yell for help throughout the encounter with the Involved Citizen, but that prior to the police arriving, no one assisted her. The Victim stated that once the police sirens could be heard, the Involved Citizen got off of her and stood up. The officers yelled for the Involved Citizen to drop his knife but the Involved Citizen responded by jumping on top of her again. The Victim then said that the police fired three shots and she saw blood on the street. The police then instructed her to go sit on the nearby curb and she followed this directive. The

Victim was not injured during the incident but indicated the trauma has caused her psychological issues.

## **2. Father of the Involved Citizen**

The Father of the Involved Citizen was interviewed by investigators. He began the interview by admitting he found it difficult to recall all of the events of the day in question due to the stress of seeing his son shot to death in front of him<sup>1</sup>. The father indicated that a co-worker came to his home and said he should come outside because his son, the Involved Citizen, was in the street with a woman.

He then indicated that he walked up the street and saw his son “on the ground with this lady and they were wrestling over a pocketbook.” He further alleged that people in the neighborhood suggested that the Involved Citizen and the female knew each other and had previously done drugs together. He speculated that his son and the female were fighting over the pocketbook because it may have contained drugs.

He then stated that he arrived approximately four seconds before the police and that he asked his son to give him the knife. He expressed that he did not believe the officer should have fired as many shots as he did. He alleged that his son was fully incapacitated after the first four shots were fired and that he no longer posed a threat.

## **3. Witnessing Officer**

The BPD Witnessing Officer was interviewed by detectives on the same day. The Witnessing Officer stated that he was the front seat passenger with Officer Rutherford driving when they responded to a call for service at the intersection of West Lafayette and North Fulton Avenue. The Witnessing Officer said the dispatcher indicated there was an aggravated assault in progress and when they arrived they observed the Involved Citizen standing with a knife next to the Victim on the ground.

The Witnessing Officer indicated that both officers exited the patrol car and ordered the Involved Citizen to “get down.” He then said that he stayed near the patrol car as Officer Rutherford approached the Involved Citizen with his gun drawn. The Witnessing Officer then recounted that the Involved Citizen “pounced” on top of the Victim while still holding onto the large knife. The Victim yelled for the Involved Citizen to stop and the Witnessing Officer believed the Involved Citizen was going to harm her with the knife. The Witnessing Officer then said that he and Rutherford gave commands to drop the knife but the Involved Citizen ignored those verbal demands. The Witnessing Officer acknowledged that he took cover behind the police cruiser as Officer Rutherford approached the Involved Citizen with his service weapon removed from its holster. The Witnessing Officer then observed Rutherford fire his gun multiple times in the direction of the Involved Citizen. The Witnessing Officer did not recall how many shots Officer Rutherford fired, but indicated he did not shoot because he believed Rutherford was in his line of fire and would have been

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<sup>1</sup> The father’s version of the incident is not supported by the video evidence. This is understandable, given the tragic circumstance of witnessing his son being shot and killed right in front of him. It does not appear that the father was being intentionally misleading, but due to the severe stress of the event his characterization lacks accuracy.

struck had the Witnessing Officer fired his weapon. He then indicated he called for a medic to arrive and stood with the Involved Citizen until an ambulance arrived.

**BODY WORN CAMERA (“BWC”) VIDEO**

**1. Officer Rutherford BWC (00:35:09)**

00:01:00	As Rutherford is driving and responding to the call for service the radio dispatcher advised, “You have a man armed with a knife holding a female to the ground.”
00:01:57	Rutherford exits the driver side of the police cruiser with his service weapon drawn as the Involved Citizen stood holding a knife a few feet away from the Victim sitting on the ground.
00:01:58	Rutherford calls out a Signal 13 and orders the Involved Citizen to “Get down.”
00:02:00	Rutherford orders the Involved Citizen to “get down” as the Involved Citizen jumped on top of the Victim as she laid in the street.
00:02:02	Rutherford fires four to five shots in rapid succession as the Involved Citizen laid with his face in the Victim’s pelvic area and holding the large kitchen knife within inches of her face.
00:02:04	The Involved Citizen rolls off of the Victim as Rutherford fires seven more shots in rapid succession striking the Involved Citizen in the back and torso.
00:02:08	Rutherford fired the fourteenth and final shot as the Involved Citizen laid on his back and reached toward the curb behind him while still clutching the knife.
00:02:09	Rutherford announces “shots fired, shots fired” on the radio.
00:02:11	Rutherford attaches a new fully loaded clip to his service weapon and points it in the direction of the Involved Citizen who still has the knife clutched in his right hand reaching toward the curb behind him.
00:02:20	Rutherford orders the Involved Citizen to “drop the knife” as he continued to hold the knife and slightly move his head and arms.
00:02:22	Rutherford orders the Involved Citizen to drop the knife three more times as he aims his service weapon in the Involved Citizen’s direction.
00:02:27	The Involved Citizen raises his right forearm while still holding the knife and Rutherford yelled for him to drop the knife again.
00:02:30	The Involved Citizen continues to lay on the ground holding the knife and moving his right arm.
00:02:35	The Involved Citizen dropped the knife as Rutherford yelled at him to do so two more times.
00:02:52	Rutherford uses his foot to push the knife away from the Involved Citizen who continued to lay on the pavement moving his arms.
00:03:05	A Sergeant arrives, looks over the Involved Citizen, and requested an officer to bring him an emergency field kit.
00:03:16	Rutherford uses a rubber glove to pick up the knife from the street.
00:03:24	Rutherford places the knife in the driver side door panel of a police cruiser parked closest to where the Involved Citizen laid.
00:04:01	Rutherford places a phone call and says, “Hey, I just need to talk to you real quick. I was just in a shooting but I’m good. Um, he crawled on top of a lady with a knife. I don’t want to say anything because I’m on camera. I just needed

	to talk to you real quick as I'm walking away. I'm good, I'm not hurt, but I was just in one at Fulton and Lafayette, okay? Alright. I'll talk to you."
00:04:57	Rutherford placed a second phone call but hung up when the Sergeant came over to console him.
00:05:25	The Sergeant asked Rutherford which direction he shot and if he hit any structures. Rutherford replied, "I hit the target, Sir."
00:05:38	Rutherford told the Sergeant, "Just make sure the female is okay because he climbed on top of her with a knife."
00:06:40	The ambulance arrives on scene.

## 2. Witnessing Officer BWC (00:33:22)

00:01:00	The Witnessing Officer sits in the front passenger seat with Rutherford driving as the two respond to the scene. The dispatcher is heard saying, "A man with a knife in front of the location with a woman on the ground."
00:01:08	The dispatcher says a male has a woman pinned in the street.
00:01:52	The Witnessing Officer points in the direction of the Involved Citizen and tells Rutherford, "Over there."
00:01:55	Both the Witnessing Officer and Rutherford radio for more units to respond.
00:01:57	Both officers exit the patrol car and order the Involved Citizen to "Get down."
00:01:59	As the Witnessing Officer yells "get down" again, the Involved Citizen jumps on top of the Victim as Officer Rutherford approaches with his service weapon drawn.
00:02:00	Rutherford begins firing his service weapon into the back of the Involved Citizen as the Witnessing Officer stayed near the front of their patrol car approximately twenty to twenty-five feet away.
00:02:03	The Involved Citizen rolled off of the Victim after being shot four to five times by Officer Rutherford.
00:02:05	The Witnessing Officer retreats to the side of the patrol car as Rutherford fires additional shots at the Involved Citizen.
00:02:07	Rutherford stops firing and the Witnessing Officer walks back toward the front of the patrol car.
00:02:08	The Witnessing Officer radios "shots fired" as Rutherford fired his fourteenth and final shot at the Involved Citizen.
00:02:18	The Witnessing Officer calls for a medic while still standing near the patrol car away from the area where shots were fired.
00:02:22	Rutherford yells at the Involved Citizen to drop the knife.
00:02:25	The Witnessing Officer points his service weapon and yells for the Involved Citizen to drop the knife.
00:02:50	The Sergeant arrives and walks toward Rutherford and the Involved Citizen with his weapon drawn as The Witnessing Officer remains back near the passenger side of the patrol car.
00:02:54	The Witnessing Officer calls for a medic a second time as Rutherford is seen in the background moving the knife away from the Involved Citizen with his foot.



00:03:30	The Witnessing Officer retrieves the emergency field kit from the rear of a nearby BPD SUV.
00:03:56	The Involved Citizen can be seen making a slight movement of his head.
00:04:35	Another sergeant cuts off The Involved Citizen's pants so that officers can render care until the medics arrive.
00:06:15	An officer begins to give The Involved Citizen chest compressions as The Witnessing Officer looks on.
00:07:35	Medics arrive as the officer continues with chest compressions on the Involved Citizen as a medic can be heard describing his medical status as "trauma arrest."
00:08:15	The Involved Citizen is lifted onto a stretcher by officers and medics.
00:09:50	The Witnessing Officer points to fourteen rounds on the street which have been marked with orange cones.

### **CIVILIAN CELL PHONE / SOCIAL MEDIA VIDEO RECORDINGS**

Two separate cell phone videos surfaced in the aftermath of this police involved shooting. The first video was recorded by an eyewitness and her friend. This video was recorded from a second story window across the intersection from the shooting. The video captures the entire incident and includes the following relevant statements from the witnesses:

00:00:05	"Oh, he better not." (referring to The Involved Citizen assaulting the Victim)
00:00:06	"Did he just stab her?" (as the BPD patrol car is seen arriving)
00:00:07	"The police coming, watch out."
00:00:13	"Yo!" (as the Involved Citizen jumps on top of the Victim and Rutherford approaches with his gun drawn)
00:00:19	"That was unnecessary." (after Rutherford fired the first 13 shots into the Involved Citizen)
00:00:23	"Oh my God. I've never seen that." (after Rutherford fired the 14 <sup>th</sup> and final shot)
00:00:24	"Are you recording this?"
00:00:25	"Yes."
00:00:30	"Yo really just shot this n***** dead."
00:00:32	"He didn't even stab her. He just had the knife."
00:00:35	"He lunged at the police officer, though. With the knife"
00:00:40	"Put the knife down n*****, just put it down." (as Rutherford is standing over the Involved Citizen with his gun drawn and demanding him to drop the knife)
00:00:58	"Bro, I just witnessed too much in one day."
00:01:07	"He dead. He gotta be dead. He ain't moving. He shot him like 9 times."
00:01:40	"He dead"
00:01:42	"Yo, he bleeding out."

00:01:50	"A white cop just shot a black dude outside the house, but he had a knife."
00:01:53	"He had a knife though."
00:02:28	"Wait a minute. I think he's still moving. He just turned his head. I think."
00:02:42	"He was fighting with a white girl in the middle of the street. He had a knife. I think he was going to stab her."
00:02:27	"Like he really lunged at her too though."
00:02:49	"He was about to stab her. He was wrestling her to the ground and everything. Yo, they cutting his cloth off bro."
00:03:05	"I got it all, from when he lunged at the white girl the second time."
00:03:24	"Yea, they got a defibrillator on his ass now."
00:03:40	"It would have been better if he...bruh, he should have just pulled out the Taser."
00:03:48	"Black dude just walked up to a white chick, they done wrestled in the street with a knife, white cop just came and popped dude like 8-9 times. I got the whole video bro."
00:04:30	"Now they're doing CPR on him."

The second recording was uploaded to social media. The identity of the person who recorded the video is unknown, but conversations can be heard as the filming of the incident occurred from street level approximately one block away from the scene of the shooting. The relevant audio is outlined below:

00:00:05	"Yo, this n***** geekin'"
00:00:07	"This the same n***** from earlier!"
00:00:10	"Oh, hell no." (stated as the Involved Citizen laid on top of the Victim)
00:00:17	"They need to lock his ass up, yo."
00:00:28	"Lock his ass up." (as a police car arrives on scene)

### **BALLISTICS FINDINGS**

A weapon inspection of the Involved Officer's service weapons was conducted that same day. Officer Rutherford's department issued Glock 22, serial# HZT062, was found to contain one round in the chamber and thirteen rounds in the magazine. Rutherford's primary magazine pouch was empty and his secondary magazine contained fourteen rounds. Based on this finding it was determined that Officer Rutherford fired his service weapon fourteen times, as fourteen rounds were unaccounted for.

A weapon inspection was conducted on the Witnessing Officer's service weapon the same day as well. It was determined that the Witnessing Officer never fired his weapon as all rounds were accounted for.

### **AUTOPSY OF INVOLVED CITIZEN**

An autopsy was performed on the Involved Citizen at the Office of the Chief Medical Examiner on November 8, 2022. It was determined that the Involved Citizen suffered thirteen gunshot wounds. Those wounds appeared on the left side of the abdomen (Gunshot "A"), right flank (Gunshot "B"), left lower abdomen (Gunshot "C"), left lateral hip (Gunshot "D"), right lateral thigh (Gunshot "E"), left lateral thigh (Gunshot "F"), anterior left thigh (Gunshot "G"), left lower back (Gunshot "H"), left lower back (Gunshot "I"), left lower back (Gunshot "J"), left lower back (Gunshot "K"), right buttock (Gunshot "L"), and posterior left thigh (Gunshot "M"). The examination also discovered an older healed gunshot wound to the left upper back. The manner of death was determined to be "homicide."

### **LEGAL ANALYSIS**

At issue is whether the Involved Officer's discharge of his firearm against the Involved Citizen was a lawfully justified use of deadly force.

Applying the facts of this case, the available video evidence conclusively demonstrates the Involved Citizen was in the process of threatening a female citizen while he held a large kitchen knife as officers arrived on scene. As the officers were approaching and ordering the Involved Citizen to "get down," he threw himself on top of the female citizen and held the knife close to her face and neck. At this point Officer Rutherford began to shoot his service weapon upon the Involved Citizen. The officer had a reasonable belief that the Involved Citizen was armed and

presented an imminent threat to the life of the Victim. As the conditions of the encounter presented themselves, there is sufficient evidence to support a finding that the Involved Officer was justified in his use deadly force towards the Involved Citizen and that his decision was objectively reasonable to protect the Victim from the immediate and imminent danger of death or serious physical injury from the Involved Citizen.

### **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 June 29, 2023.

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 in what the AG's Office's team found versus what the Police Integrity Unit of the State's Attorney's Office found in a joint investigation with the BPD Special Investigative Response Team (SIRT).

### **CONCLUSION**

The actions of Officer Rutherford were objectively reasonable to protect the Victim. The State declines to prosecute.

## OVERVIEW OF THE VIDEO EVIDENCE OF THE INCIDENT



As soon as Rutherford exited his patrol car he observed the Involved Citizen (red arrow) standing with a knife over Ms. The Victim (on ground) as the Involved Citizen's father (green arrow) pleaded with his son to drop the knife.



As Rutherford moved closer with his gun drawn, the Involved Citizen laid on the Victim with his head buried in her midsection and ignoring the officers' demands to drop the knife and get on the ground.



As Officer Rutherford moved closer the Involved Citizen held the knife close to the face of the Victim (blue arrow) and refused orders to drop the knife.



Prior to Rutherford firing his fourteenth and final shot, the Involved Citizen appeared to be raising the knife in his right hand.