

REPORT BY OFFICE OF THE BALTIMORE CITY STATE'S ATTORNEY
ON THE FATAL MOTOR VEHICLE ACCIDENT
ON THE 5000 BLOCK OF ROLAND AVENUE ON MARCH 25, 2023



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Introduction

The Baltimore City State's Attorney's Office ("BCSAO") completed its review of a fatal motor vehicle accident occurring in the area of 5000 Roland Avenue on March 25, 2023, in which police officers, in relation to an armed robbery investigation, were pursuing a motor vehicle that subsequently collided with a tree and resulted in the death of one passenger. 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 March 24, 2023, a civilian at the Westminster Crossing West Shopping Center in Westminster, Maryland, reported an attempted armed robbery. The civilian indicated that two people approached him, brandished a handgun, and demanded money. The civilian advised that he did not have any money, and the two people fled the area in a small white car, to which he provided a partial license plate number. Westminster Police officers (hereinafter WPD) determined that the license plate could have belonged to a white Chevrolet Cruze (hereinafter Cruze) that had been involved in an unrelated police pursuit in October 2022, registered to the Involved Persons. WPD contacted the Maryland Coordination and Analysis Center and BPD to ask that the license plate be entered into their automatic license plate reader systems. The entry noted that the Cruze was wanted in connection with an attempted armed robbery, and instructions were given for officers to stop the car and detain its occupants if found.

On March 25, 2023, at approximately 11:50 PM, Central District Patrol officers Bradley Roberson (hereinafter P/O Roberson) and Menachem Rosenbloom (hereinafter P/O Rosenbloom) were notified by B.C.I.C. that a 2015 Chevrolet Cruze, bearing the previously flagged license plate, had been picked up on a License Plate Reader in the area. Officers Roberson and Rosenbloom began to canvass the area in their marked patrol car. The officers located the vehicle heading eastbound in the 1000 block of W. North Avenue. P/O Roberson was operating the vehicle with P/O Rosenbloom in the front passenger's seat when the officers activated the emergency lights and sirens and attempted to conduct a stop on the Cruze.

The Cruze did not stop and fled eastbound to Interstate 83, heading south. The pursuit began at approximately 11:50:14 PM, with the officers pursuing the Cruze onto I-83 South, then to E. Fayette Street, and eventually to Calvert Street. At 11:58 PM, Major Jeffrey Featherstone (hereinafter Major Featherstone) communicated over the radio to the officers that they should "Back off, ease off."

P/O Roberson deactivated the sirens and continued to follow the Cruze. At 11:59:36 PM, BWC captured P/O Roberson as he yelled, "Oh, he just crashed!" The officers called out the location of the collision over the radio. Investigations revealed that the Cruze struck a gray Ford Fusion that was

unoccupied and parked facing north in the block, then collided with a tree in front of 5003 Roland Avenue. The officers ordered the Involved Driver out of the car, and he complied. The Involved Driver soon informed the officers that his wife, the Involved Victim, was also in the vehicle. Officers located the Involved Victim in the passenger seat, trapped and unresponsive. The fire department responded to the scene. The Involved Victim was pronounced deceased at 0015 hours.

Summary of the Evidence

BODY-WORN CAMERA (“BWC”) VIDEO

Officers Roberson and Rosenbloom properly activated their body-worn cameras, and the PTPIU was able to review all footage.

From a review of all body-worn cameras, the evidence strongly suggests the following chronology of events:

1. B.C.I.C. notified the officers that a license plate of interest had been identified in the area.
2. Officers located the vehicle and attempted to conduct a stop of the vehicle.
3. When P/O Roberson activated emergency lights and sirens, the Involved Driver accelerated away from the officers, and the chase began.
4. Officers followed the Involved Persons’ vehicle throughout Baltimore.
5. Major Featherstone directed the officers to “ease off” of the pursuit and to be guided by the General Orders. P/O Roberson deactivated the sirens but continued to follow the vehicle.
6. The body-worn camera footage showed audio evidence of P/O Roberson reacting to and acknowledging that the Involved Persons’ vehicle had crashed. After exiting the police vehicle, both officers proceeded to order the Involved Driver out of his vehicle.
7. The Involved Driver informed officers that his wife, the Involved Victim, was also in the vehicle at the time of the crash. She was found by officers to be unresponsive.
8. The Involved Driver was arrested and received medical attention at the scene of the crash.

There are no inconsistencies or irregularities between the various footage that were reviewed.

WITNESSES STATEMENT SUMMARIES

A. Involved Driver

IID investigators interviewed the Involved Driver in the hospital the day after the crash. The investigators advised him of his *Miranda* rights and told the Involved Driver that the focus of their investigation was the officers' actions, not the attempted armed robbery in Westminster. The Involved Driver waived his rights and agreed to speak with the investigators. The Involved Driver stated he first encountered the officers in Baltimore City, though he did not know where. He said that he had been driving with his wife in the front passenger seat. He said he fled because he had open warrants for his arrest, and the officers pursued him for "quite some time" with their lights and sirens activated. The Involved Driver could not estimate his or the officers' speeds, but he said officers were "over a football field" behind him, and neither he nor they stopped at stop signs or red lights.

The Involved Driver added that the officers "beat me at the car and beat the shit out of me." The Involved Driver further stated the officers "broke my arm and stomped on my hand" and "busted my hand, busted my wrist."

B. Law Enforcement Officers

Speaking to P/O Rosenbloom eleven minutes after the crash, P/O Roberson said, "We backed off," referring to creating more distance between themselves and the Cruze before the crash. Later, while still on scene and talking to another officer by phone, P/O Roberson said the Cruze was "wanted for armed robbery," "matches the description that was called out [by radio]," and that Mr. Moss was "the right guy." About two hours after the crash, he said to P/O Rosenbloom, "I didn't even know there was a second passenger because she was so low in the passenger seat." A few minutes later, he told another officer: "We attempted to stop the vehicle right at Linden Avenue and North Ave. I believe that's the 900

block right there off West North [Avenue]. The vehicle failed to stop. Continued eastbound on North Avenue.” CitiWatch camera video confirms this account. Officer Roberson then began describing the path of the pursuit, but he said he could not remember it exactly.

P/O Rosenbloom engaged in the above-referenced conversation with P/O Roberson shortly after the collision. P/O Rosenbloom then told Police Officer Deaton, “We were actually backed off kind of. We were backing off and slowed; we turned off our sirens [inaudible], then he crashed.” Later, in the ambulance with the Involved Driver, he told Lt. Smith by phone, “We had slowed down a little bit because the Major got on the air.” He said they were “probably a block and a half” behind the Cruze and that he thought they had turned off their sirens but not their lights at the time of the crash. This account is generally confirmed by BWC and CitiWatch Camera videos.

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” on June 23, 2023, and a Final/Supplemental Report on August 2, 2023.

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

It is worth noting that there are no material differences in what the AG'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).

Legal Analysis

The evidence clearly shows that officers were lawfully pursuing the involved vehicle. Although P/O Roberson operated the patrol vehicle at high rates of speed, the officer did so in compliance with TR § 21-106, as well as Baltimore Police Department Policies and Procedures.

P/O Roberson did not lose control of his vehicle nor directly endangered the life of any pedestrian or civilian motorist; thus, it is highly unlikely that P/O Roberson's driving was grossly negligent and caused the death of Mrs. Moss. Having believed the occupants were involved in a felonious crime of violence, the officers were within their rights to pursue the vehicle. Major Featherstone called off the chase; however, the evidence showed the Cruze crashed within seconds of that call. The seconds that passed between the order and the crash is not sufficient time for a reasonable officer similarly situated to calm themselves from the excitable moment they were experiencing and to form any degree of corrupt or illegal intent.

In consideration of all of the available evidence, it is clear that Officers Roberson and Rosenbloom (both individually and combined) acted reasonably and lawfully and that they did not cause the fatal accident that killed the Involved Victim.

The Involved Driver's erratic driving in his attempt to avoid capture was the proximate cause of the death of the Involved Passenger.

We decline to prosecute any of the involved police officers.