

REPORT BY OFFICE OF THE BALTIMORE CITY STATE'S ATTORNEY  
ON THE FATAL MOTOR VEHICLE ACCIDENT  
AT 1901 E. NORTH AVENUE ON FEBRUARY 8, 2023



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## **Introduction**

The Baltimore City State's Attorney's Office (hereinafter BCSAO) completed its review of a fatal motor vehicle accident occurring at 1901 E. North Avenue on February 8, 2023, in which police officers were pursuing a stolen motor vehicle that subsequently caused a collision, which in turn struck and killed a citizen on a sidewalk. The BCSAO review was conducted by the office's Public Trust and Police Integrity Unit (hereinafter 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 February 8, 2023, a BPD lieutenant was operating an unmarked police car eastbound in the 1800 block of E. North Avenue when he located a black Hyundai Sonata that had been reported as stolen. The car was occupied by 3 or possibly 4 people. The lieutenant called out for assistance from fellow officers with instructions to conduct a traffic stop on the vehicle. The lieutenant continued to follow the vehicle from approximately 200 feet until the driver, subsequently identified as Mr. Shaun Brunson, stopped the stolen car on N. Patterson Park Avenue. At that time, Mr. Brunson and the occupants of the Sonata exited the vehicle. Meanwhile, Police Officers Yancey (hereinafter P/O Yancey), Djedovic (hereinafter P/O Djedovic), and Patoska (hereinafter P/O Patoska) responded to the lieutenant's request for assistance, each officer operating a marked patrol car. Each of the responding officers activated their body-worn cameras as well as the solid red and blue light bars on their vehicles. As they approached the location of the stopped car, the lieutenant directed that the responding officers "pin in" the stopped vehicle.

Before that could happen, Mr. Brunson and another passenger reentered the stolen vehicle. As P/O Yancey drove toward the vehicle, Mr. Brunson reengaged the vehicle and drove off. At this time, four officers began to follow the Sonata, each officer attempting to speak over the radio at once. A review of the dispatch audio reveals that all involved officers attempted to "key up" or speak at once, causing none of them to be able to communicate well with each other. After P/O Yancey got a clear chance to describe where the vehicle was located and heading, approximately three seconds later, the lieutenant radioed, "Alright, just let it go, guys, it's westbound on Sinclair, it's traveling at a high rate of speed. It looks like it's gonna go southbound on Wolfe and come out around."

Within seconds, P/O Yancey slowed down to make a turn onto Wolfe Street and accelerated his vehicle, continuing in the same direction of travel as Mr. Brunson. A few seconds later, the lieutenant again stated over the radio, "It's not worth it, break it off." At that time, P/O Yancey's patrol car quieted, and the officer began to decelerate the vehicle. P/O Yancey called out his location over the radio and continued to

drive southbound, slightly less than one block behind the Sonata. P/O Yancey was the closest officer to the Sonata at that time.

Mere seconds later, the Sonata ran a red light at the intersection of N. Wolfe Street and E. North Avenue, colliding with a 2006 Mitsubishi Eclipse. The impact of the collision caused the two vehicles to spin out of control, careening off each other towards the southeast corner of the intersection where a pedestrian, the Involved Victim, was standing.

The vehicles struck the Involved Victim before crashing into the building located at 1901 E. North Avenue. The impact of the collision caused a partial collapse of the property, resulting in its brick façade falling on top of the two vehicles and completely burying the Involved Victim.

Seconds later, P/O Yancey neared the intersection where the crash occurred. He and other arriving officers pursued the people in the stolen vehicle as well as asking for medics for everyone involved in the crash. They were not at first aware of the Involved Victim. Once located, the Involved Victim was pronounced deceased.

### **Summary of the Evidence**

## **BODY-WORN CAMERA (“BWC”) VIDEO**

P/O Yancey and all other involved officers properly activated their body-worn cameras, and the BCSAO was able to review all footage.

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

1. The lieutenant located a stolen vehicle. He requested backup.
2. Several officers followed the directive of the lieutenant and headed towards him, where the stolen vehicle had come to a stop, and some of the occupants had exited the vehicle.

3. When backup officers were close to arriving and were within view of Mr. Brunson, he and another passenger reentered the stolen car and reengaged it. Mr. Brunson then accelerated away from the officers, and the chase began.
4. Officers engaged lights and sirens, and there was a short chase in which the officers had difficulty with communications as they tried talking over each other.
5. The lieutenant directed that the chase be terminated. A second directive came out, and officers began to disengage.
6. P/O Yancey was the closest to the fleeing stolen vehicle and could be observed to be slowing down and heeding the order to cease the chase. The body-worn camera footage showed optical evidence of slowing, as well as audio evidence – his engine sound dissipated.
7. At a high rate of speed, with officers no longer engaged in a “chase,” Mr. Brunson entered the intersection of E. North Avenue and N. Wolfe Street, striking another vehicle.
8. The collision of the two vehicles resulted in both the striking of the Involved Victim, killing him, as well as the striking of 1901 E. North Avenue, causing it to collapse.

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

## **WITNESSES STATEMENT SUMMARIES**

### **A. Paramedics**

Medics on the scene indicated that once the Involved Victim was located, the injuries were so significant that they were incompatible with life. He was pronounced deceased.

### **B. Law Enforcement Officers<sup>1</sup>**

P/O Djedovic was interviewed. He explained that he was responding to the scene where the lieutenant had asked for assistance but hesitated about driving the wrong way on a one-way street until he

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<sup>1</sup> Other BPD officers and commanders were interviewed, and those interviews were considered in this evaluation despite not being cited to in this report.

saw P/O Yancey doing so, at which time he opted to follow P/O Yancey for his safety. As the chase began, he was third in line behind P/O Yancey and the lieutenant. He noticed that the Sonata was operating at a high rate of speed and that at one point, P/O Yancey got to within approximately 50 feet of the vehicle before he (Djedovic) heard someone on the radio say, “Break it off.” He then disconnected from the pursuit while observing the Sonata turning onto N. Wolfe Street before he lost sight of it. Soon after, he heard someone announce “Accident” over the radio.

P/O Patoska was also interviewed. He arrived after the chase began – he got in line behind officers Yancey and Djedovic. He recalled the Sonata driving dangerously and making a U-turn at one point. He noted that the patrol vehicles in front of him did not have emergency lights or sirens on.<sup>2</sup> As he was approaching Patterson Park, he noted that the Sonata had gained distance from P/O Yancey’s vehicle, estimating it to be approximately 10 car lengths between the two at that moment. He also noted that the Sonata was driving at a high rate of speed at that moment. He was approaching Wolfe Street when he heard two directives to call off the pursuit, so he decreased his speed and continued to drive towards where he had last seen the Sonata. Seconds later, he heard that there had been a crash, so he activated his emergency equipment and quickly went to the scene.

#### Civilian Witnesses

The driver of the stolen vehicle, Mr. Brunson, was advised of his 5<sup>th</sup> Amendment rights and waived them. Given that Mr. Brunson has been charged criminally, the State declines to publish his statements in this forum.

The female passenger in the Sonata also gave a statement to detectives. She indicated that she did not know anyone else in the car and that the car belonged to a “hack” who was giving her a ride. She advised that she did not see police lights nor hear sirens during the incident, adding that she might not

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<sup>2</sup> Unless this observation was made at a time that we were not able to review, it is likely that this officer is mistaking in his assertion that the other marked cars in front of him had neither their lights nor sirens on when he got in line behind them.

have heard sirens because the music was very loud inside the Sonata. She indicated that she had no reason to believe that the driver was fleeing from the police. After being struck by the Eclipse, she briefly lost consciousness and awoke to police yelling, “Show me your hands.”

The driver of the Eclipse was interviewed. She indicated that prior to the accident occurring, she did not hear any sirens, nor did she see any police cars or flashing lights. Her car was struck, causing it to spin. She felt two impacts, the first likely the two cars hitting each other, the second when the two cars crashed into the building front.

An MTA bus driver witnessed the intersection, and he gave a statement. He reported that he was dropping off a passenger at a bus stop when the collision occurred. This witness stated that he did not see any police vehicles giving chase but noted that police and medics were on the scene quickly after the accident.

#### Office of the Chief Medical Examiner

A pathologist within the OCME conducted an autopsy on the Involved Victim. The examination revealed multiple injuries to the man’s head, neck, and torso, including lacerations to his scalp, chest, back, and lungs. The man had suffered multiple hemorrhages in the brain, hemoaspiration (blood in lungs), fractures of several bones, and punctured lungs. The autopsy concluded that the cause of death was multiple injuries caused by being struck by a car, and the manner of death was “accident.”

### **ACCIDENT RECONSTRUCTION**

The BPD Crash Team (AIU) issued a report regarding the crash. The following information was uncovered during their investigation.

#### **I. Vehicle Speeds**

- P/O Yancey's vehicle was equipped with an automatic vehicle locator system that provides speed and location updates once per minute via GPS; however, P/O Yancey's system did not register a recorded speed during the pursuit.
- P/O Djedovic's GPS system registered a recorded speed of 49.1 mph at 20:53 hours while near 2202 Sinclair Lane. P/O Djedovic's vehicle was behind P/O Yancey's.

## II. Crash Data Retrieval ("CDR")

- The Sonata was equipped with an Event Data Recorder ("EDR"), the EDR was activated during the crash and stored the recorded vehicle speed, engine throttle percentage, brake activation, engine r.p.m., anti-lock braking system activity, steering input, and acceleration pedal percentage from five seconds prior to the crash along with an overlapping set of data from the Sonata's impact with the building. The EDR provided the following:
  - Five seconds before the crash, the Sonata was traveling at 50 m.p.h. on N. Wolfe St.
  - AIU investigators were able to calculate that during those five seconds, the Sonata traveled a total of 326 feet. At the moment of its impact with the Eclipse, the Sonata was traveling approximately 46 m.p.h.
  - The Sonata's brakes were on 3.0 seconds before the crash with the Eclipse and off again 1.5 seconds before the crash.
  - The Sonata's acceleration pedal was pressed one second before the crash with the Eclipse.

**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 30, 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).

### **Legal Analysis**

The evidence is clear that officers were lawfully pursuing the stolen vehicle. While the relevant law would have allowed the continued chase, the lieutenant directed that the chase cease. The evidence is that the officers heeded the directive of their superior within a reasonable amount of time after the directive was heard by each pursuing officer.

We put a particular emphasis on the statement of one of the occupants of the Sonata, who stated that she wasn’t even aware that officers were pursuing the stolen vehicle that she was in at the time that the collision occurred, as well as the statement of the MTA driver who indicated that he saw no evidence of a police chase at the time that the vehicle collision occurred.

In consideration of all of the available evidence, it is clear that P/O Yancey and the other involved officers (both individually and combined) acted reasonably and lawfully and that they did not cause the fatal accident that killed the Involved Victim.

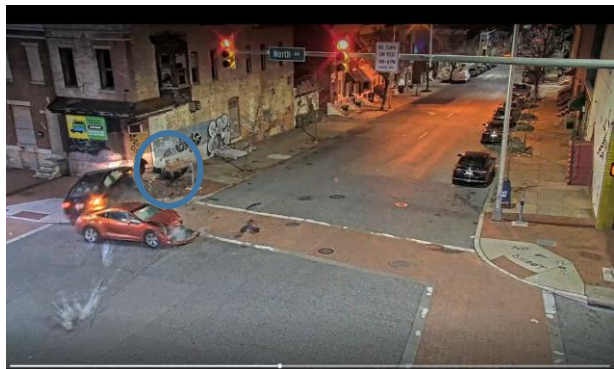
We decline to prosecute any of the involved police officers.

**Overview of the Video/Photo Evidence of the Incident**

P/O Yancey's car in yellow



Mr. Brunson's car in blue.



Victim in blue circles above

