REPORT BY OFFICE OF THE BALTIMORE CITY STATE’S ATTORNEY
ON THE POLICE OFFICER-INVOLVED SHOOTING
ON THE 1800 BLOCK OF CHILTON STREET

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Introduction

The Baltimore City State’s Attorney’s Office ("BCSAO") has completed its review of the fatal police officer involved shooting on the 1800 Block of Chilton Street. The BCSAO review was conducted by the Office’s Public Trust and Police Integrity Unit and focused exclusively on determining whether criminal charges relating to the Involved Officers’ conduct are warranted.

On February 19, 2022 at approximately 3:10pm, several police officers were patrolling in an unmarked vehicle near the area of Belair Road and Erdman Avenue while working in a proactive unit. The officers observed a 2016 white Honda Accord, and after running the tags the officers noted that it belonged to the Involved Citizen – who had an open arrest warrant and appeared to be the current driver. Officers began to follow the vehicle. Once officers activated their lights and sirens to stop the vehicle, the vehicle accelerated and the driver attempted to elude the officers, who briefly lost sight of the vehicle. After canvassing the area, officers located the car on the 1800 Block of Chilton Street. The Involved Citizen had exited his vehicle.

Several officers exited their vehicle and ran towards the vehicle, which was parked on the side of the road. Officers observed the male they were pursuing run towards the vehicle and get in the driver’s seat. Several officers gave verbal commands for the driver to stop the vehicle while one officer attempted to enter the car through the passenger door. The driver began to accelerate the car in the direction of Involved Officer #1. That officer fired three rounds at the vehicle and, while losing his balance attempting to get out of the way of the moving vehicle, he fired one additional round. Involved Officer #2 was approaching the other officers from the sidewalk on the north side of Chilton Street. As he witnessed the Involved Citizen drive his vehicle at Involved Officer #1, he fired two rounds at the Involved Citizen as well.
The vehicle continued to move eastbound on Chilton Street, eventually coming to a stop when it struck a parked vehicle in front of 1825 Chilton Street. Officers ran towards the vehicle and gave the Involved Citizen verbal commands to exit the vehicle. The Involved Citizen exited the vehicle and fell to the ground. After he was handcuffed and searched, officers began to administer first aid to the Involved Citizen and requested a medic. Baltimore City Fire Department medics arrived and transported the Involved Citizen to Johns Hopkins Hospital, where he was pronounced deceased at 3:41 p.m.

The medical examiner identified two gunshot wounds created by a single bullet, which entered the right arm, traveling into the right side of the torso and ultimately striking the right lung and heart.

**Summary of the Evidence**

The SAO was able to review the following evidence: body worn cameras, interviews of police officers on scene, an interview of one civilian on scene, written statements, ballistics, medical records, and the reports of both the Chief Medical Examiner and the OAG/IID

**Analysis**

At issue is whether the IOs’ discharging of their firearms at the IC was lawfully justified use of lethal force.

The U.S. Supreme Court has held that “all claims that law enforcement officers have used excessive force – deadly or not – in the course of an arrest, investigatory stop, or other ‘seizure’ of a free citizen should be analyzed under the Fourth Amendment and its ‘reasonableness’ standard.” *Graham v. Connor*, 490 U.S. 386, 395 (1989) (emphasis in the original). The Court
has further pointed out that it’s “Fourth Amendment jurisprudence law has long recognized that the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it.” Id. at 396 (citing Terry v. Ohio, 392 U.S. 1, 22-17 (1968)).

The reasonableness of a particular use of force by a police officer is judged from the perspective of a reasonable officer on the scene. The “reasonableness” inquiry in a use of force case is an objective one. The question is whether the police officer’s actions are “objectively reasonable” in light of the facts and circumstances confronting the police officer, without regard to the officer’s underlying intent or motivation. Id. at 397. Also, reasonableness should not be evaluated solely through hindsight, see Richardson v. McGriff, 361 M.D. 437, 452 (2000), “the ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments -- in circumstances that are tense, uncertain, and rapidly evolving -- about the amount of force that is necessary in a particular situation.” Further, under Dishman v. State, 118 Md. App. 360 (1997), an officer may justifiably use force that is reasonably related to the threatened harm which he seeks to avoid.

The officers had a legitimate legal reason for pursuing and attempting to take the Involved Citizen into custody. The Involved Citizen, knowing he was being pursued, failed to comply, and in an effort to avoid capture the Involved Citizen drove a motor vehicle towards Involved Officer #1, creating a life threatening situation for Involved Officer #1. Six shots were fired at the Involved Citizen, all within approximately 2 seconds.
Involved Officer #1 reasonably and lawfully defended himself by firing his gun at the Involved Citizen. When observing the Involved Citizen driving his vehicle at Involved Officer #1, Involved Officer #2 feared for the life of Involved Officer #1 and reasonably and lawfully discharged his weapon at the Involved Citizen as well.

Conclusion

The State’s Attorney’s Office concludes that the two involved officers reasonably feared for the life of Involved Officer #1, and used reasonable force to protect that officer. This is lawful self-defense (Involved Officer #1) and lawful defense-of-others (Involved Officer #2).
Here a witness officer approaches the vehicle on the driver’s side. The Involved Citizen has reentered the vehicle and this officer gives verbal commands for him to stop the car.

This is another officer’s view as he approaches the vehicle. As the vehicle pulls away, another officer can be seen to the right of the car attempting to open the passenger door. The Involved Officer (who cannot be seen here) is in front of the vehicle.
Upon approaching the vehicle, this officer attempts to open the passenger side door as the vehicle accelerates. The vehicle begins to move forward, eastbound on Chilton Street.

As the vehicle accelerates, Involved Officer #1 can be seen in the top right corner of this frame. He is positioned in the street directly in front of the vehicle.
This is Involved Officer #1’s BWC. He is positioned in front of the vehicle as other officers are to the sides of the vehicle. His firearm is drawn and visible in the top left corner of the frame. The car, which was parallel to the curb, is now visibly being steered in the direction of this officer.

Involved Officer #1 fires a total of three shots from this position, the second and third of which are captured in this panel (left to right). All three shots are fired in quick succession. The vehicle is closing in on this officer, and his right hand appears to be bracing for impact.
This picture captures the fourth and final shot that Involved Officer #1 discharged from his firearm as the vehicle accelerated past him and he fell to his right. The entry point of the bullet through the passenger side window is visible and aligns with the location of the wounds suffered by the Involved Citizen.

Involved Officer #1 can be seen falling down and away from the vehicle as it passes him. Reported injuries to his right knee and hip are consistent with his fall and/or potential collision with the vehicle here.
Multi-Frame pictures of the fourth and final shot fired by Involved Officer #1. In the zoomed panels, Involved Officer #1 appears to be falling down as he fires his fourth shot. It is difficult to tell if he is struck by the vehicle.
This is the BWC of Involved Officer #2. At this point, he can see the vehicle driving towards Involved Officer #1 and he can hear the sound of gunshots.

Involved Officer #2 fired two rounds at the vehicle. These two shots were fired at approximately the same time that Involved Officer #1 has just fired his fourth shot. Involved Officer #1 can be seen falling to the ground.