

REPORT BY OFFICE OF THE BALTIMORE CITY STATE'S ATTORNEY
ON THE 6/29/23 FATAL POLICE-INVOLVED SHOOTING
ON THE 100 BLOCK OF MILTON AVENUE



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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 100 Milton Avenue on June 29, 2023, in which police officers pursued a wanted citizen to that location and took part in a shoot-out resulting 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

APRIL 7, 2023 – INITIAL ARREST

The Involved Citizen was a known suspect in relation to a non-fatal shooting on April 7, 2023. The suspected individuals were driving in a 2014 Ford Taurus that was registered to the Involved Citizen. On April 8, 2023, a BOLO flyer was issued for the Involved Citizen's black Ford Taurus. On April 10, 2023, an alert by a BPD License Plate reader alerted officers that the Involved Citizen's Ford Taurus had been located near N. Conkling St. and Pulaski Hwy. The Involved Citizen was stopped in the Ford Taurus by Baltimore City Police Officers Nevin Nolte and Matthew Banocy. During this encounter, officers approached the Involved Citizen who was, at the time, reaching inside the driver's side door. With the knowledge that the vehicle and the Involved Citizen were suspected to be involved in a shooting, officers attempted to secure the Involved Citizen's hands. The Involved Citizen resisted by shrugging off the officer's grip on his shoulder and attempting to flee. Officers were able to secure the Involved Citizen, and a baggie containing 25 gel caps of heroin fell from the Involved Citizen's person. The Involved Citizen was charged for the controlled dangerous substance (CDS) and resisting arrest.

APRIL 11, 2023 – ACCIDENTAL RELEASE FROM CUSTODY

While the Involved Citizen was in custody, BPD Det. Brian Coffin obtained a search and seizure warrant on the car. Inside of the vehicle, Det. Coffin found 69 gel caps of heroin, 78 grams of suspected cocaine, a loaded AK-47 style rifle, a loaded Glock 9mm pistol, and a Ruger 57 handgun. Additional charges were applied in relation to the firearms and CDS. Due to a typographical error in the warrant and regarding the Involved Citizen's name, the Involved Citizen was not held on the new charges, and on April 11, 2023, the Involved Citizen was released on bond. Upon realizing the error, a "retake warrant" was applied for by Baltimore Central Booking & Intake Center (BCBIC) for the Involved Citizen's arrest two hours after his release.

JUNE 29, 2023 – OFFICER INVOLVED SHOOTING

On June 29, 2023, at approximately 5:25 p.m., BPD Officers Connor Johnson, Matthew Banocy, Nevin Nolte, and Austin Gutridge were in an unmarked police vehicle traveling near North Lakewood Ave. and East Fairmount Ave. They stopped at Royal Farms at 3333 E. Fayette St. for lunch when Ofc. Banocy saw the Involved Citizen driving a black Toyota Camry. According to radio communications, Ofc. Banocy stated “We have an individual wanted for attempted murder taking off on us, it’s going to be a Toyota Camry [...]” Ofc. Banocy requested aerial support and backup units to follow the Involved Citizen; however, Foxtrot was not available at that time. Capt. Tashania Brown ordered the officers to use “precaution,” to follow the policy, and to be mindful of rush hour traffic in accordance to BPD vehicle pursuit policy. Ofc. Banocy reported that they lost visual contact with the Involved Citizen but instructed that the Involved Citizen was driving Westbound on Fayette St. near Highland Ave.

Ofc. Stephen Romey was driving an unmarked SUV at the time and was able to spot the Involved Citizen at Fayette St. and Lakewood Ave. After confirming the description of the vehicle, Ofc. Banocy gave a description of the car and the Involved Citizen. Ofc. Romey then relayed directions on the radio as he followed the Involved Citizen. At some point during this encounter, the Involved Citizen damaged his vehicle – which thereafter became disabled. The Involved Citizen abandoned the vehicle at the intersection of E. Fairmount Ave. and N. Milton Ave. As he exited the vehicle, the Involved Citizen fired a gun at Ofc. Romey’s unmarked vehicle as he drove past the intersection.

Ofc. Romey aired over the radio that “He’s shooting, he’s shooting, he’s shooting.” At the time the shots were fired, a civilian bystander was in the process of parking their vehicle on N. Milton Ave. A blue sedan was also seen at the intersection of N. Milton Ave. and Fairmount Ave. Ofc. Romey’s SUV was found to have bullet holes in the front passenger side window. Ofc. Romey exited from the vehicle, leaving it in idle as he pursued the Involved Citizen by moving tactically between vehicles for cover. Ofc. Romey did not fire his weapon.

The Involved Citizen ran northward on the east sidewalk of Milton Ave. towards E. Fayette Ave., with Ofc. Romey following behind. Security cameras captured video of the Involved Citizen holding a Glock handgun with a large drum barrel in his right hand and carrying a backpack containing a rifle. A marked BPD SUV driven by Ofc. Andrew Rago passed the disabled Black Toyota Camry and eventually passed Ofc. Romey, who was standing behind the hood of a sedan for cover. A Blink security Camera on 105 N. Milton Ave. captured the sound of gunfire at 17:31:21. At 17:31:21, the Involved Citizen raised the pistol and opened fire in the southward direction of N. Milton Ave. The Involved Citizen then fell on his back, got up, and dropped his backpack.

Officers Johnson, Banocy, Nolte, and Gutridge arrived at the corner of E. Fayette and N. Milton Ave. in their vehicle, essentially blocking the north end of Milton Ave. As the officers were about to exit the vehicle, they heard gunfire; the Involved Citizen had turned towards the north end of Milton Ave. and opened fire at the officers. Ofc. DeJesus then arrived on the scene and exited his vehicle. Officers returned fire as the Involved Citizen ran back toward the backpack lying on the sidewalk. The Involved Citizen threw the Glock with the drum magazine on the ground, unzipped the backpack, and retrieved a rifle. He then retreated into the street behind a silver SUV. The officers then converged together on the Involved Citizen's position. The Involved Citizen was shot several times before falling on the street.

Ofc. Romey requested a medic as the officers approached the Involved Citizen. Ofc. Johnson recovered a rifle from underneath the Involved Citizen's body and rendered it safe. Officers then began first aid. At around 5:36 pm, the Baltimore City Fire Department arrived and provided medical treatment to the Involved Citizen. At 5:41 p.m., medics detected no pulse and pronounced he Involved Citizen dead. The Office of the Chief Medical Examiner determined that the Involved Citizen's cause of death was multiple gunshot wounds to his head and body.

Summary of the Evidence

BODY WORN CAMERA (“BWC”) VIDEO

The BCSAO’s Public Trust and Police Integrity Unit reviewed all body-worn camera footage in this case in accordance with SAO policies and procedures. The SAO’s review was done independently of the review and findings of the Office of the Attorney General. Nothing in the BWC footage adds to or is inconsistent with the Overview of the Incident as written above.

WITNESSES STATEMENT SUMMARIES

A. Law Enforcement Officers

Officer Andrew Rago was interviewed by detectives. According to Ofc. Rago, he was driving in a marked patrol vehicle, and he did not fire his weapon. He was going westbound on Fayette St., looking for the vehicle involved in a homicide or a non-fatal shooting. He heard Ofc. Romey calling out the location of the vehicle. At one point, Ofc. Romey stated that the driver had discharged at him and that the driver was actively firing at Fayette St. and Milton Ave. When he arrived at the scene, he went around the Involved Citizen’s vehicle that was parked in the intersection. He heard gunshots fired and saw Ofc. Romey take cover in the street behind cars. As he pulled his car around the Involved Citizen’s disabled car, he heard shots coming up from the street. Ofc. Rago saw Ofc. Romey and pulled his vehicle in front of him and parked it “bladed” towards the Involved Citizen so that Ofc. Romey could use it as cover. He got out of his vehicle, took out his handgun, and took cover behind the engine block. He tried to see where the shots were coming from but was unable to. He could hear gunfire from the northeast area of Milton Ave.

Officer Rago heard more shots, and when he popped up from behind the engine block, he saw officers with black vests on the northeast corner of Milton Ave. and saw the Involved Citizen in the street. He saw multiple officers discharge their weapons “back and forth.” The officers had parked cars that they could

use as cover. He saw the officers standing up and returning fire. Ofc. Rago did not have a shot because officers were in the backdrop. He could not tell which officer fired the last shots. After the Involved Citizen went down, he and the officers moved forward. Ofc. Rago holstered his weapon while other officers had their weapons out. They rendered aid to the Involved Citizen. The Involved Citizen had weapons on him. Ofc. Rago saw two weapons on the scene.

Officers Zachary Ruhling and Christian Asgard were also interviewed by detectives. Their interviews did not yield information that was not already confirmed by KGA, BWC, or other sources.

B. Civilian Witnesses

Several civilian witnesses were interviewed during this investigation. Two of those witnesses (Witness A and Witness B) were formally interviewed and provided statements that confirmed that the Involved Citizen was the initial shooter and fired toward officers.

Witness A

Witness A was traveling eastbound on Fairmount Ave. and was at the stop sign at Milton Ave. She saw the Involved Citizen's vehicle run the stop sign with an axle dragging on the ground. The vehicle stopped at the intersection of Fairmount Ave. and Milton Ave., and she saw the driver exit the vehicle. She saw the driver point a black handgun toward a black undercover police SUV. She heard at least five shots. She did not hear any discharging prior to the Involved Citizen firing at the undercover SUV.

Witness B

Witness B peeked out of his window from their home on Milton Ave. He saw a black Toyota sedan stopped and saw the Involved Citizen running out of the back side of the vehicle. He saw the Involved Citizen shooting what looked like a pistol. He heard gunfire that sounded like an automatic weapon. The Involved Citizen fired towards Fairmount Ave. He then saw the Involved Citizen move up Milton Ave. At that point, Witness B moved away from the window to the back of the house with his spouse.

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 a "Report to the State's Attorney's Office."

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 the 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).

Analysis

The Involved Citizen knew he was being pursued and fled. He proceeded northbound on Milton Ave., firing rounds towards Ofc. Romey. Audio from Ofc. Johnson, Ofc. Banocy, Ofc. Gutridge and Ofc. Nolte's BWCs clearly show that as they entered the intersection of Milton Ave. and Fayette St., the Involved Citizen was firing his weapon. The Involved Citizen then opened fire on the additional officers.

Here, as officers exited their vehicles, there is sufficient evidence to prove that the Involved Citizen was heavily armed, that he had fired at Ofc. Romey, and that he was actively engaged in firing at the officers arriving from Fayette St. The officers were confronted with deadly force and therefore were authorized to use deadly force to defend themselves and other individuals in the area from an armed suspect. BWC, KGA, CCTV footage, and numerous witness statements confirm that the Involved Citizen was the initial aggressor. The officers were reacting to deadly

force being used on them and in the vicinity of civilians in the area. Deadly force was, therefore, necessary considering the threat of harm.

We decline to prosecute.

Overview of the Video/Photo Evidence of the Incident



The Involved Citizen is seen here with a drum barrel Glock.



Ofc. Romey is seen here taking cover behind a truck. Ofc. Rago's police vehicle is also seen in the background.



The Involved Citizen is seen here with the rifle. The drum barrel glock is seen on the ground.