

Police Involved Shooting

Date: 2-7-2017

Location of Shooting: 1900 block of Frederick Avenue

Investigated by: Baltimore Police Department

Factual Scenario:

On February 7, 2017, at approximately 3:11 p.m., in the 1900 block of Frederick Avenue, two Baltimore Police Department (BPD) Officers (hereinafter referred to as LEO #1 and LEO#2) were working a crime suppression detail in the area of Hollins Street and Monroe Street when they observed a blue Honda automobile driving erratically. The officers followed the vehicle. While following the vehicle, one of the passengers bailed out of the vehicle and ran. The officers immediately recognized the person who had bailed out as a person of interest in a murder. LEO#1 broadcast over the radio that the person had a gun in his hand.

A foot pursuit began in the area of Fulton Avenue and Lombard Street. The armed male ran west on Booth Street crossing over South Monroe Street and then went into a small alley and ran south crossing Hollins Street. At the same time, LEO#1 ran parallel on South Monroe Street. The armed male crossed over Hollins Street and entered another narrow alley leading to Frederick Avenue. LEO#1 continued parallel on South Monroe Street until he reached Frederick Avenue. LEO#1 turned right onto Frederick Avenue and ran westbound. As LEO#1 passed the narrow alley, the armed male emerged from the same alley holding a semi-automatic pistol in his right hand. As LEO#1 observed the armed male, he reversed course and started chasing him. As confirmed by Body Worn Camera (BWC) footage, the armed male ran into the traveled portion of Frederick Avenue, turned towards LEO#1, and raised and pointed his gun at LEO#1. LEO#1 fired seven shots from his

service weapon striking the armed male four times, once on his finger and three times in the lower abdomen area. After being shot, the armed male dropped his weapon and fell to the ground. The officers requested medical services to come to the scene. The armed male was transported to University of Maryland Shock Trauma Center by the Baltimore City Fire Department. The armed male succumbed to his injuries at the hospital and was pronounced deceased by the medical staff.

LEO (Law Enforcement Officer) Witness Statement Summary:¹

LEO Witness #2:

LEO#2 was operating an unmarked police vehicle with LEO#1 riding as a passenger. LEO#2 observed a blue Honda Accord in the area of Collins and Monroe. The vehicle was driving erratically. The vehicle had about five occupants. He called out the vehicle description and requested assistance from Foxtrot. He followed the vehicle, but did not activate any emergency equipment. The vehicle came down Monroe Street, turned eastbound onto the 1800 block of Pratt Street and then turned onto Patterson. Going north on Addison Alley, he noticed the rear passenger door on the driver's side open and one leg come out. The leg went back in, but the door was still open. The vehicle went up to Fulton. The vehicle door opened up and a male bailed out. The male turned and faced the police car. LEO#2 recognized him. LEO#2 knew the male from previous arrests and that he was a person of interest in a recent homicide that occurred in the area. The male grabbed his waistband with his right hand and started running west on Booth. LEO#1 and LEO#2 gave chase. LEO#2 could see a gun in the male's right hand. Another police car came up Monroe behind the armed male and LEO#1, which allowed LEO#2 to go back to the vehicle. He got caught in traffic on Monroe Street. That's when the shots were fired. He stopped his car at Fulton and Booth. He was not there when the shots were fired. When he got to the scene, the armed male was in the middle of the road with a gun laying a few feet from him.

¹ LEO#1 did not provide a statement.

LEO Witness #3:

LEO#3 was working with his partner LEO#4. They were on foot getting ready to enter their unmarked police vehicle parked in the 1900 block of Lombard Street. LEO#3 was the operator and LEO#4 was in the front passenger seat. A voice came over the radio that there was a possible bailout in the 1800 block of Lombard Street. He then observed a blueish greenish vehicle coming from Addison Alley make a right turn and then go the wrong way on Lombard Street. The vehicle was traveling eastbound. The left rear passenger door of the vehicle was open. Both detectives got into their car which was facing the opposite direction. LEO#3 drove the police vehicle and turned right into Goldsmith Alley then turned right again onto the 1900 block of Frederick Avenue. He then drove to the intersection of the 1800 block of Frederick Avenue where it intersects with Fulton Avenue. As he looked south on Fulton, LEO#3 observed a person bailout of a car and run into an alley, called Booth Street. After seeing the bailout, LEO#3 made a "U" turn, drove back down Hollins Street. The vehicle made a right turn onto Monroe Street. LEO#3 then proceeded north on Monroe Street which is one way in the southbound direction. LEO#3 observed the male run across Monroe Street and enter another alley. LEO#3 followed in the unmarked police vehicle turning left onto

Booth Street and left again into an unnamed alley. They continued to follow the male and came out on the 1900 block of Hollins Street. The male ran into a pile of debris and rolled down a slope. When he stood, LEO#3 recognized him. LEO#3 got on the radio and communicated the male's direction of travel. LEO#4 got out of the unmarked police vehicle and went down the slope on foot. LEO#3 was attempting to turn the vehicle around when he heard the gun shots. He drove around the corner and observed LEO#1 still covering the male who was lying on the ground.

LEO Witness #4

LEO#4 advised that he was working a plain clothes detail with LEO#3. They were operating an unmarked police vehicle with LEO#4 as the passenger and LEO#3 as the driver. Both officers were outside their vehicle looking for a drug stash in the 1900 block of Lombard Street. LEO#4 heard a police radio broadcast about someone bailing out of a car. Both detectives jumped into the vehicle. The vehicle turned left onto Monroe Street traveling the wrong way. LEO#4 saw the male running across Monroe Street. LEO#3 and 4 turned left onto Booth Street. They went down an alley until they came to a pile of debris. They drove over the debris. They got to Booth and Hollands where they observed the male go into a cut between two houses. There was a pile of dirt. LEO#4 got out of the car and went to the top of the pile. He looked down and saw the male at the bottom of the pile and recognized him as a person of interest in a murder. By the time he got to the bottom of the hill, the male had run into another alley. When LEO#4 got halfway through the alley he heard five or six gunshots. Once through the alley LEO#4 saw the male on the ground with a gun next to him.

LEO Witness #5

LEO#5 was the passenger in a vehicle operated by LEO#6. LEO#5 heard LEO#2 say that he and LEO#1 were following a vehicle. They gave the location of Fulton and Lombard. LEO#5 and LEO#6 called for Foxtrot. By the time he and LEO#6 got to the area, they heard “a full chase and a bailout.” LEO#1 called out, “Guy got out. He’s got a gun. Chasing him on foot.” LEO#1 continued calling out over the radio, “Westbound on Baltimore” and then, “Southbound on Frederick. He made the cut from Hollins to Frederick.” He and LEO#6 went to the 1900 block of Frederick and saw LEO#1 running southbound on Monroe towards Frederick. They drove past a big white cargo van on the right side. LEO#1 was running towards them. LEO#5 saw the male running out of the cut. LEO#6 stopped the car. LEO#5 was getting out of the car when he saw the male raise up a gun in his left hand. LEO#1 said, “Put the gun down.” He then heard LEO#1 fire. LEO#1 was saying put the gun down as he was firing.

From his vantage point LEO#5 could not see LEO#1 who was behind the van, but could see the male who was out in the street. The male was pointing the gun in the direction of LEO#1. He heard about four to five shots as the male fell to the ground. The male was still reaching for the gun, so LEO#6 kicked the gun away from him.

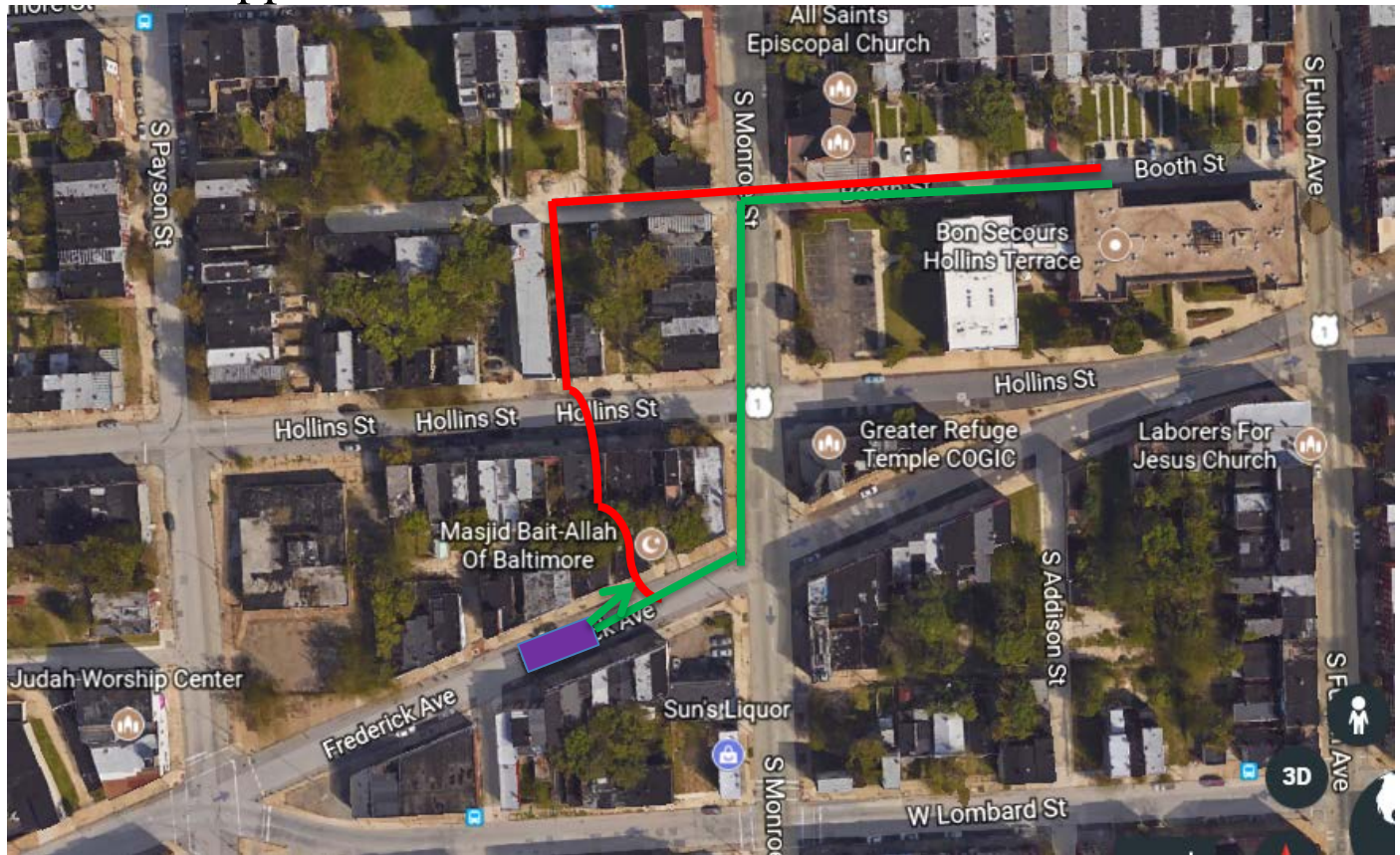
LEO#5 had his gun drawn but did not fire it. He doesn't think any other officers fired their weapons. To his knowledge, the male never fired his gun. LEO#5 called for a medic.

LEO Witness #6

LEO#6 was working in the same vehicle with LEO#5. LEO#6 was driving. They were working with two other members of his squad, LEO#2 and LEO#1 who had their own vehicle. At approximately 3:00 p.m., LEO#2 reported across the air that he and LEO#1 were following a vehicle that was driving erratically in the area of Pratt and Monroe heading eastbound. He advised that it was not a chase, but requested Foxtrot. LEO#6 and LEO#5 were trying to get to their location to back them up. He heard LEO#2 say, "There is going to be a bailout." The bailout happened at Booth and Holland. He was on Lombard's 18 or 1900 block. LEO#6 made a right onto Monroe and drove northbound. He saw LEO#1 running southbound on the west side of the street. LEO#1 turned right onto the 1900 block of Frederick Street. LEO#6 turned onto the same block. He passed a white van that was parked on the north side of the street. LEO#1 was heading towards the van. He then saw a male coming out of the alley. LEO#6 stopped the vehicle and started to get out. LEO#6 said that he saw the male pointing a gun at LEO#1. LEO#1 fired. LEO#6 drew his weapon. When the male was on the ground, it appeared as if he was still trying to grab his weapon so LEO#6 ran up and kicked the gun away from him. He told LEO#1 to hold strong and move away from the scene. LEO#6 made all of the

proper notifications. He told the male to keep breathing; a medic is on the way.

Approximate Route of Male and LEO#1



Red is the direction of travel for the male

Green is the direction of travel for LEO#1

The **purple** rectangle represents a white bus/van

KGA RADIO TRANSMISSION SUMMARY

LEO#2

- At 3:10.51, called out a vehicle driving erratically
- At 3:11.16, alerted of a possible bail out
- At 3:12.05, called a bailout
- At 3:12.15, identified the male
- At 3:12.21, called out that he had a gun in his hand
- At 3:13.02, again identified the male

LEO#1

- At 3:13.16, called out that shots were fired

LEO#6

- At 3:13.27, called for a medic to respond

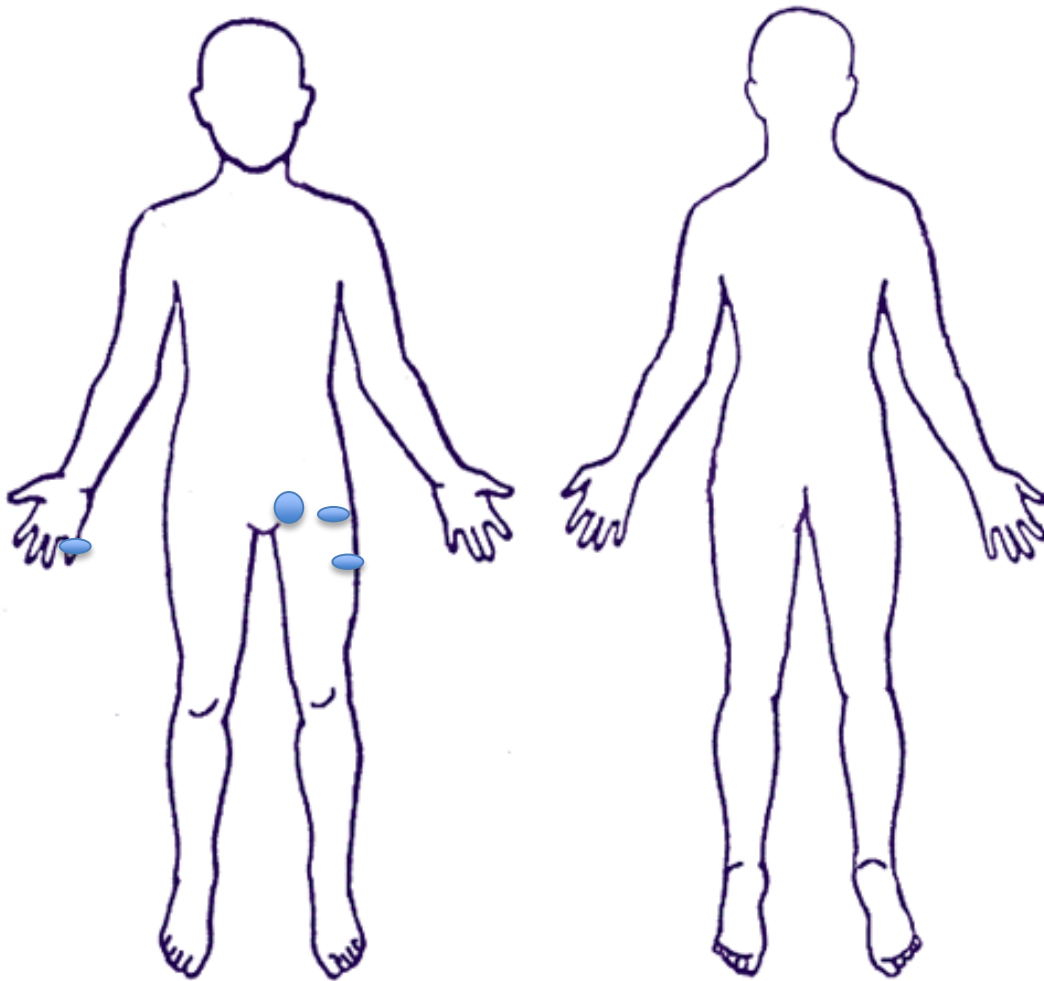
BODY WORN CAMERA (BWC) VIDEO:

LEO#1 was wearing a body worn camera at the time of the shooting. The camera was activated as LEO#1 was running on Monroe Street just prior to reaching Frederick Avenue. Because of the thirty second sound delay, the audio of the shooting was not recorded. The video footage shows LEO#1 running on Monroe Street towards Frederick Avenue. LEO#1 turns right onto Frederick Avenue and continues running down the sidewalk. As LEO#1 passes a small cut in between two buildings, the male emerges from the cut. The male is holding a semi-automatic handgun in his right hand. After the male exited from the cut, he crossed the side walk running into the street. The male turned towards LEO#1, raised his handgun toward the detective.² The detective raised his gun toward the male and appears to fire his weapon. The male drops the handgun and falls to the street. At that point, the audio portion is activated and you can hear the detective calling over the radio that shots have been fired. LEO#6 approaches the male and kicks the gun out of the male's reach. LEO#6 called for a medic and additional resources to help secure the scene.

² The BWC footage is unable to show the entire shooting due to LEO#1 body position and there is no audio of the shooting.

Male's Injuries (approximate)

The male was shot four times in the left side of the pelvis, the left hip, the left thigh and right finger. He suffered severe internal injuries.



Ballistics Report:

LEO#1's weapon was a Glock Model 22, .40 caliber. Upon inspection it had one round in the chamber and six rounds in the magazine. The magazine holds fourteen rounds. LEO#1 fired his weapon seven times.

Recovered at the scene and identified as the gun in the hand of the male was a 9mm Ruger semi-automatic, serial number, 309-79485 which had been reported stolen from the owner's residence in 2014.

Legal Analysis

In Graham v. Connor, 490 U.S. 386 (1989), the Supreme Court set the standard for when a police officer's use of force is justified. If the officer's actions are "objectively reasonable" in light of the facts and circumstances confronting the officer, without regard to their underlying intent or motivation, the force is justified. See *Graham v. Connor*.

Maryland law also recognizes self-defense as a complete defense to a crime. An officer acts in self-defense if all of the following factors are present:

1. The officer was not the aggressor;
2. The officer believed that he was in immediate and imminent danger of bodily harm;
3. The officer's belief was reasonable; and
4. The officer used no more force that reasonably necessary to defend himself.

LEO#1 likely meets the four legal factors listed above to justify the shooting of the armed male as well as the standard set forth by the Supreme Court. The BWC of LEO#1 shows a male running with a gun in his hand. The male turns toward LEO#1 and raises the gun at the officer. In order to protect himself, LEO#1 discharged his weapon striking the male. The shooting by LEO#1 was likely in defense of himself.

Conclusion

Given that BWC video shows the male with a gun in his hand turning toward LEO#1, and then raising the gun at LEO#1, it would be objectively reasonable for the officer to conclude that his safety was at risk leading him to protect himself by utilizing force. Furthermore, the decision to use force was likely justified under the Maryland law of self-defense and the standard put forth by the Supreme Court in *Graham v. Connor*.

The police officer's actions in this case did not rise to a level of criminal culpability. Therefore, the State declines to prosecute the officer.

Male leaving the alley with the gun in his hand



Male raising his gun towards LEO#1





Male pointing gun at
LEO#1

The gun

