

Police Involved Shooting

Date: 4-28-16

Location of Shooting: 2000 West 41st

Investigated by: Baltimore Police Department

Factual Scenario:

On April 28, 2016 the BPD SWAT Team responded to a bomb threat at 2000 W. 41st Street. BPD SWAT observed the suspect who was wearing a full body animal costume in the lobby of the FOX 45 News Station. After approximately an hour, the suspect walked across the street toward the location of the SWAT Team. The suspect appeared to have an explosive device strapped to him and a detonator in his hand. The BPD SWAT Team commanded him to stop but the suspect continued to walk towards them. The SWAT TEAM fired six shots striking the suspect. BPD utilized a robot to remove the vest. The suspect was evacuated to Maryland Shock Trauma.

LE (Law Enforcement) Witness Statement Summary:

LE Witness #1:

My team and I received information that there was a man dressed in a panda suit inside the lobby of FOX 45 with some type of device strapped to him. I also had information that the man had started some type of vehicle fire. Once on scene, my team and I decided that we would refrain from engaging the suspect unless he advanced and refused to follow commands. If the suspect advanced and refused to follow commands, there was a standing order to shoot the suspect. A BPD sniper arrived and was placed in a location within direct sight of the suspect. Using binoculars, the sniper was able to watch the suspect in the lobby of the building. He observed the suspect in a vest with what appeared to be a device strapped on him. The suspect was holding his hand up, indicating he was holding something. The suspect exited the front door of the lobby, and began advancing toward the SWAT Team. The suspect refused to comply with our orders to stop and began crossing the street towards us. The suspect had his hand inside of the suit. When he refused to follow our commands and continued into the street, he was shot. The bomb squad sent a robot in to remove the vest and the device from the suspect.

Civilian Witness Statement Summaries

CW#1:

A guy in an animal outfit walked into the reception area of the station and said he had a bomb. Another man walked in and said there was a car on fire in the parking lot then left. The guy in the animal suit had a purple flash drive in his hand and said he needed to be on the air. He had a life jacket on with silver plates and wires. It looked faked but the trigger thing he had made me think it was real. I told him I would try to find someone that could help him. I left and told everyone I could find to leave. I went back to him and asked him if he needed anything to eat or drink. I went back out and told the people in the news room to leave. The police were being called, so I went back to him and offered him a chair. He took the chair and sat down. I wanted to stall him, so we talked. Later, he asked if someone was going to help him. The police called and said to get out, so I left.

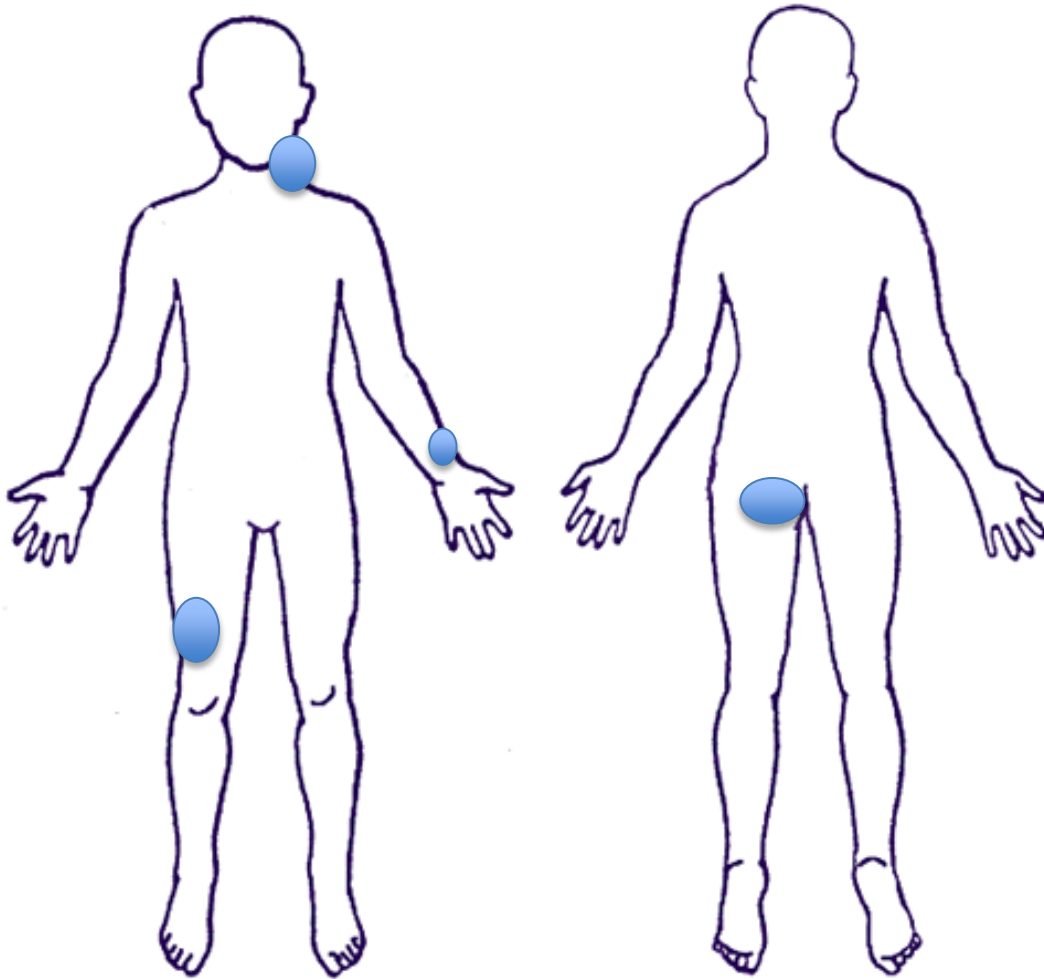
CW #2:

A guy in an animal costume walked into the station. He ripped open the vest and buttons went all over the place. He said "I don't want to hurt you. They want to hurt you." He had a flash drive and said he wanted to broadcast it. He wanted us to take him to the control room. He said if he didn't get a broadcast, he was going to blow the building up. I told him I didn't work here and advised him to talk to the security guard. He started to talk to the security guard. A guy in a green shirt comes in and tries to scan his card. The security officer said no. The guy in the green shirt said there was a car on fire in the parking lot. I went outside toward my truck and saw a car on fire. I called 911 and said there was a guy in the building with a bomb, and there is a car on fire in the parking lot.

CW#3:

I was working at FOX45 installing a new camera. CW#2 said to me “look at this guy.” I heard buttons ripping. I looked up and saw the vest. The guy said “I don’t want to hurt you but there are people that do.” When he was saying this, he was raising his hand. I saw a silver thing in his raised hand and a wire, which I believe was going down his sleeve. CW#2 said we don’t work here so talk to the security guard. A guy with a green shirt comes running in and says there is a car on fire in the parking lot. We went outside and saw the car on fire. CW#2 calls 911 and told them about the car and the man in the lobby who had a bomb.

Suspect's Injuries (approximate)



FOX 45



Ripped off buttons located in lobby of FOX 45



Purple Flash drive that suspect wanted to broadcast



Suspect's clothes and wiring from vest



Wiring



Suspect's vehicle



Suspect's vehicle which was set on fire



Vest worn by suspect



Legal Standard and Analysis

The reasonableness of a particular use of force by an officer must be judged from the perspective of a reasonable officer on the scene. When calculating the reasonableness of the use of force, the analysis must include the fact that police officers are often forced to make split second judgments. The "reasonableness" inquiry in a use of force case is an objective one. The question is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Graham v. Connor*, 490 U.S. 386 (1989).

In this case, the BPD SWAT Team was responding to FOX 45 with the allegation that there was a suspect in the lobby with a vest connected to a bomb. Once on the scene, BPD was able to confirm a suspect was in the lobby with what appeared to be some type of device strapped to him and holding his hand in the air as if he was holding something in his hand. When the suspect exited the lobby, he proceeded towards the SWAT Team. The suspect failed to follow the orders of the SWAT Team as he advanced in their direction. Believing that the suspect was armed with a bomb, the SWAT Team shot the suspect. The shooting of the suspect was objectively reasonable given the circumstances.

Conclusion

Given that: (1) the SWAT Team confirmed that the suspect was wearing a vest with what appeared to be a device strapped to it; (2) that the suspect was advancing toward the officers and refusing to obey their commands, it is objectively reasonable for the officers to conclude their safety and the community's was at risk leading them to make a decision to protect the community and themselves by utilizing force.

The SWAT Team had been given information from witnesses in the lobby that the suspect had a detonation device in his hand and was wearing a vest with some type of device strapped to it. Once on the scene, the SWAT Team confirmed the facts that they had been given from the witnesses through personal observation. Given the circumstances and the need to protect both the community and themselves, the level of force used by the officers was justified and reasonable.

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.