REPORT BY OFFICE OF THE BALTIMORE CITY STATE'S ATTORNEY ON THE POLICE INVOLVED SHOOTING LOCATED IN 2200 BLOCK OF BIDDLE STREET

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INTRODUCTION

The Baltimore City States Attorney's Office ("BCSAO") completed its review of the civilian shooting in the 2200 block of Biddle Street. 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. PTPIU's review did not examine issues such as the officer's compliance with internal policies and procedures, training or tactics, or any issues related to civil liability; however, internal policies and procedures and training are factors that were considered in evaluating the officer's conduct. The posting of the instant report is entirely within the sole discretion of the BCSAO and is not posted pursuant to any statutorily mandated obligation. 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. Rarely, there may be supplemental information or corrections needed requiring an update to the report.

In brief, on May 13, 2021, at approximately 9:06 pm, Baltimore Police Department ("BPD") officers and detectives were conducting a follow-up investigation into an armed robbery which occurred earlier in the day. A vehicle taken in the robbery, a 2014 Nissan Rogue (hereinafter, "Stolen Vehicle"), had been located in the 2200 block of Biddle Street. While aerial observations from Foxtrot indicated that there might be two people inside the Stolen Vehicle, all evidence suggested, and it was ultimately determined, that the vehicle was occupied by just one person who was subsequently identified as the involved citizen ("Involved Citizen").

Officer #1 ("Involved Officer") exited his vehicle at about the same time as two other officers and approached the Involved Citizen in the Stolen Vehicle. As the officers approached, the Involved Citizen put the Stolen Vehicle in gear and drove forward.

In the minutes to follow, the Involved Citizen accelerated into the Involved Officer causing the Involved Officer to roll onto the hood. While on the hood, the Involved Officer discharged his weapon firing two times at the Involved Citizen while sliding off of the moving car.

The Involved Citizen was struck on his left hand and left shoulder. The Involved Citizen was subsequently taken to the hospital, treated and released.

As detailed to follow, when all available evidence is considered, the actions of the Involved Officer did not rise to a level of criminal conduct. The Baltimore City State's Attorney, therefore, declines to pursue criminal charges in this matter.

OVERVIEW OF THE INCIDENT

(Police-Involved Non-fatal Shooting)

On May 13, 2021, at approximately 9:06pm, BPD officers and detectives were conducting a follow-up investigation into an armed robbery that had occurred earlier in the day. A vehicle taken in the robbery, a 2014 Nissan Rogue (Stolen Vehicle), had been located in the 2200 block of Biddle Street. While aerial observations from Foxtrot indicated that there might be two people inside the car, all evidence suggested that it was ultimately occupied by just one person.

The Stolen Vehicle was parked in a lot with only one entrance/exit. Several police officers, cruisers, and plainclothes detectives positioned themselves at the entrance/exit, within the parking area and on nearby blocks. Foxtrot was hovering above. Two officers in marked squad cars pulled up to the parked Stolen Vehicle to make initial contact with the occupant - the Involved Citizen. While the marked squad cars pulled in front of the Stolen Vehicle, sufficient room remained for the vehicle to flee. The Involved Officer was in one of the marked squad cars which was being operated by Officer #2. The Involved Officer exited the marked squad car at about the same time as two other officers and approached the Involved Citizen in the Stolen Vehicle.

As the officers approached on foot, the Involved Citizen put the Stolen Vehicle in gear and drove forward. The Involved Citizen drove through the empty parking spaces and veered sharply to the right, taking off the fender of a parked car. He then drove directly at the Involved Officer. The Involved Citizen accelerated into the Involved Officer, causing the Involved Officer to roll onto the hood. While on the hood, the Involved Officer discharged his weapon, firing two times at the Involved Citizen while sliding off of the moving car.

The Involved Citizen was struck on his left hand and left shoulder. Despite his injuries, he continued to drive through the grassy lot of a neighboring church where he struck a parked car. The Involved Citizen subsequently jumped from the Stolen Vehicle and fled north eventually attempting to hide in the rear yard of 2003 Hoffman Street. This is where the Involved Citizen was ultimately apprehended by Sergeant #1.

The Involved Citizen was arrested and taken to Johns Hopkins Hospital where he was treated for his injuries and released.

TIMELINE OF THE INCIDENT

2106:25	The Involved Citizen is stationary inside the Stolen Vehicle. Two squad cars have parked and two uniformed officers are getting out of their vehicles.
2106:34	The Involved Citizen puts the Stolen Vehicle in “drive” and moves forward – almost striking an officer.
2106:37	The Involved Citizen is driving through the two empty parking spots in front of him as the Involved Officer approaches.
2108:38	The Involved Officer draws his service weapon and yells, “no, no, stop, stop” while giving hand directions to stop.

2108:39	The Involved Officer braces for the impact and pulls the trigger, firing two times into the car, striking the Involved Citizen in the hand and the shoulder.
2106:41	The Involved Officer lands on his feet and the Involved Citizen is fleeing west- bound with officers giving chase.
2108:15	The Involved Citizen is located hiding behind a row house.
2108:48	The Involved Citizen is confronted by police and submits.

SUMMARY OF THE EVIDENCE

INVOLVED OFFICER'S SERVICE WEAPON INSPECTION

Involved Officer's BPD-issued Glock 22 .40 caliber firearm was recovered from the scene. An inspection was conducted by Sergeant #2. 1 round was in the chamber and 11 rounds were in the magazine. This accounted for all but 2 of the standard 14 rounds per magazine.

At the scene, two .40 caliber shell casings were located on the ground. These shell casings are consistent with the unspent number of rounds in the officer's gun and magazine.

The conclusion, consistent with the audio/video evidence, is that the Involved Officer fired his weapon two times.

CAD REPORT/KGA

The KGA radio transmissions and CAD reports were reviewed and are consistent with what is captured on both body worn camera video and Foxtrot video. Of particular relevance, Detective #1 requested uniformed assistance in the rear of the 2000 block of Biddle Street in reference to a vehicle (Stolen Vehicle) that was taken in a robbery earlier that day. This communication lead the Involved Office and several other officers to respond to the scene.

BODY WORN CAMERA ("BWC") VIDEO

The Involved Officer and Officers #2, #3, #4, #5, #6, #7 and #8, as well as Sergeant #3 and Sergeant #1, were all equipped with body worn cameras. All had been activated. Only 4 BWCs captured evidence relevant to the use of force: the BWC of the Involved Officer and Officers #2, #3 and #5. Foxtrot video was also obtained, reviewed, and is described below.

1. Involved Officer BWC

The Involved Officer's BWC footage was reviewed. The relevant portion shows him exit his marked cruiser (driven by Officer #2) and walk around the Stolen Vehicle towards an open parking space. Then, the Stolen Vehicle was being driven towards the Involved Officer as same yells "no, no, stop, stop" and he draws his sidearm. The Involved Officer is then struck by the Stolen Vehicle. The BWC becomes unhelpful visually when the officer is struck and is rolling along the hood; however, one can hear him fire his weapon two times. The Involved Officer then lands on his feet as the car takes flight westbound. The Involved Officer gives chase initially but stops before leaving the parking lot. Attention is then on his safety and well-being.

On BWC, the Involved Officer says little about what had just happened except to note that he was struck "squarely" and had fired his weapon twice when being struck.

2. Officer #2 BWC

Officer #2 was the driver of the marked cruiser that the Involved Officer exited. Her BWC shows the Involved Officer outside of the patrol car, raising his hand, drawing his sidearm, then being struck by the fleeing vehicle. The BWC, audio only, captures the two shots being fired.

The rest of the BWC footage shows Officer #2 and others tending to Involved Officer's safety and well-being.

3. Officer #3 BWC

Officer #3 was in a marked cruiser near where the Involved Citizen and the Stolen Vehicle were originally parked. He got out of his cruiser a few seconds before the Involved Citizen began his escape. The BWC footage captures the Involved Citizen driving the Stolen Vehicle through the two open parking spaces, clipping a parked car, and striking Involved Officer. Audio captures two shots.

Officer #3 gave a brief foot chase of the fleeing car before returning to Involved Officer and tending to his safety and well-being.

4. Officer #5 BWC

Officer #5 was one of the officers attempting to approach the Involved Citizen in the Stolen Vehicle. The BWC footage captures the approach and the initial flight of the Involved Citizen in the car. The footage has less clarity that the other BWCs.

5. Foxtrot Video

Foxtrot's footage captured the stolen vehicle parked in the parking spot, the officers attempting to stop it, the vehicle taking flight, first striking a car in the parking lot and then Involved Officer. Involved Officer can be seen rolling up on the front left part of the car's hood. The video then captures the Involved Citizen fleeing west at a high rate of speed, driving through a wooded lot next to a church, then crashing into one, possibly two, parked cars before the Involved Citizen got out and took flight. It then shows the Involved Citizen running and hiding before officers found him and took him into custody.

Foxtrot never lost sight of the Involved Citizen and/or the Stolen Vehicle he was operating.

LAW ENFORCEMENT WITNESS STATEMENT SUMMARIES

Police Officer #2 – Interviewed by Detective #2 and Detective #3 of the Homicide Unit on May 14, 2021:

- He was working – 3C34.
- A District Detective Unit was canvassing for vehicles/suspects in connection to a robbery and located a vehicle[1].
- Involved Officer was her trainee tonight.
- District Detective Unit located the vehicle that was taken in a robbery the night before in parking lot in the rear of the 2200 block of Biddle.
- District Detective Unit requested assistance from patrol.
- Police Officer #2 and several other officers responded to the area.
- Several officers entered the parking lot.
- The Stolen Vehicle was parked in the back left corner of the parking lot.
- Involved Officer got out of the patrol car; he was in the passenger seat.
- The suspect vehicle began to move towards the officers.
- Officers gave strong verbal commands for the suspect[2] to stop the car and to "put your hands up"; suspect did not obey the verbal commands.
- Suspect vehicle came at Involved Officer, who had nowhere to go, and Police Officer #2 then heard two rounds discharged.
- Involved Officer got knocked down, then got up and ran to the other part of the parking lot.
- District Detective Unit units and Foxtrot advised officers responding that the suspect vehicle was occupied by at least two individuals.
- The suspect vehicle struck a parked car as it was going towards Involved Officer.
- Police Officer #2 believes that all officers approaching the suspect's vehicle were on foot.
- District Action Team units were the first to approach the vehicle.
- Police Officer #2 saw Involved Officer tumble and heard two shots.
- Police Officer #2 believed the shots were fired as the vehicle was coming at Involved Officer, but her view was obstructed.
- The vehicle took off and Police Officers #4 and Detective #1 pursued the vehicle.
- Police Officer #2 checked on Involved Officer to make sure he was ok, requested one of the other officers to call for a medic.
- Could not identify the driver because the windows were tinted.

Police Officer #3 – Interviewed by Detective #4 of the Homicide Unit on May 14, 2021:

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[1] This vehicle was the Stolen Vehicle.
[2] The suspect is the Involved Citizen.

- Assigned to Eastern District Action Team.
- Working 5:00pm – 1:00am.
- Was conducting surveillance on a possible carjacking suspect, they were notified by District Detective Unit of the vehicle's location (2200 Biddle).
- Vehicle was a grey Nissan Rogue.
- District Action Team was in a black GMC unmarked vehicle.
- Officer #5 was driving the GMC.
- They requested additional units in case the vehicle fled the area.
- The suspect vehicle started up, Detectives could also hear music coming from the vehicle.
- District Action Team was coordinating with Patrol and District Detective Unit in letting them know the vehicle was occupied and was started up.
- Additional units responded, as the additional units came into the parking lot, the suspect turned the vehicle off.
- District Action Team remained in their vehicle.
- A patrol officer approached the suspect vehicle (driver's door).
- Officer #3 view was obstructed by other vehicles parked in the lot.
- The vehicle started up when the officer approached.
- The vehicle was driving directly at the trainee (Involved Officer).
- Saw that Involved Officer had nowhere to go, the vehicle struck the trainee.
- Trainee was already in the process of being hit by the car when he heard two shots.
- Suspect vehicle fled the scene.
- Officer #3 did not see the vehicle again after it fled the parking lot.
- Could not tell how many people were in the vehicle.
- Officer #3 did not fire his weapon.
- No other officers discharged their weapon.

Police Officer #4 – Interviewed by Detective #5 of the Homicide Unit on May 14, 2021:

- Was working "C" shift, sector 3.
- Was parked on Madison completing a report when he heard a call requesting additional units.
- The units requesting help advised they wanted help in setting up a perimeter for a car that was 10-30.
- Police staged at Collington and Preston.
- He was the first police car to make entry in the parking lot.
- The suspect vehicle was a silver Nissan Rogue.
- Police Officer #4 got out and approached the vehicle; he could see the suspect's hands so he gave verbal commands.
- Police Officer #4 grabbed the vehicle door and opened it; the suspect started the car and put it in gear.
- Police Officer #4 let go of the door and said, "he's taking off".
- Believes the suspect then took off through the parking lot.

- There was a police vehicle where the suspect vehicle was driving toward.
- Suspect vehicle went in between two cars that were on the lot.
- Another officer ended up on the hood of the car.
- The other backup officer gave commands to the suspect "don't pull off".
- Heard gunshots.
- Police Officer #4 started to pursue the vehicle on foot, but went back to get his car.
- Foxtrot advised the car crashed in the 2000 block of Hoffman.
- Police Officer #4 secured the scene where the suspect left evidence.
- Police Officer #4 was not injured and did not discharge his firearm.
- Saw Involved Officer discharge his weapon.

Police Officer #5– Interviewed by Detective #3 of the Homicide Unit on May 14, 2021:

- Assigned to Eastern District Action Team Unit, Working Unit 363 5:00pm – 1:00am.
- Numerous carjackings and robberies in the area (332 post).
- Officer #9 and Detective #1 were in an unmarked car, and had located a vehicle that was taken in a robbery.
- They contacted District Action Team and requested surveillance on the vehicle.
- He was with #3 in a GMC with tinted windows.
- The headlights to the vehicle came on.
- They could not see in the suspect vehicle because of the dark tint on their vehicle.
- Noticed the flash from a lighter inside the suspect's vehicle.
- The suspect vehicle sped forward from its parked position.
- Heard a crunch sound (vehicle impacting another vehicle)
- Saw an officer get pushed out of the way backwards, then heard two gunshots.
- Suspect's vehicle drove out of the parking lot.
- Officers, #5, #3, #2, #1 and Sergeant #3 remained on the scene (parking lot).
- Two cartridge casings were located in the parking lot.
- He did not see Involved Officer in front of the vehicle.

Police Officer #10 – Interviewed by Detective #5 of the Homicide Unit on May 14, 2021:

- Was not injured in this incident.
- Got a call for a possible armed carjacking suspect in parking lot in the rear of 2200 Biddle.
- They were told to set up on them and someone was supposed to block the exit.
- The vehicle was a silver Nissan Rogue with only one person in it.
- The officers got out of their vehicles but suspect was still sitting in the vehicle.
- Officers drew their weapons.
- Told the suspect to get out of the car.
- Suspect turned on the car, both officers got out of the way.
- Suspect cuts across the parking lot and turned to exit.

- Saw Police #1 (trainee), was yelling at him to get out of the way.
- Saw Involved Officer on the hood of the car, Involved Officer "put two in the windshield".
- Trainee got up and got out of the way.
- They began chasing the suspect.
- Got information that the suspect was at Washington and Chester in the back alley.
- Follow District Detective Unit Detectives and found the suspect in the back yard, suspect had a thru and thru to his shoulder.
- Police Officer #10 was not injured and did not discharge his firearm.

Police Officer #7 – Interviewed by Detective #4 of the Homicide Unit on May 14, 2021:

- Assigned to Eastern District patrol 3C25.
- Working a traffic initiative today 3:00pm – 11:00pm.
- Was working with Police Officer #8 (Officer #8 was driving their vehicle).
- They were sitting at the exit of the parking lot (Collington & Biddle).
- Responded to assist other officers with a robbery suspect.
- Was at this location for only seconds before they got notification that the suspect's vehicle was taking off from the scene.
- Heard a bang, does not know if it was a gunshot or the car hitting another car.
- Did not see the person driving the vehicle or how many people were in the car.
- Police Officers #7 did not discharge his weapon.
- Did not see the suspect, but did see the vehicle crash.
- Police Officers #8 did not discharge his weapon.

Police Officer #8– Interviewed by Detective #5 of the Homicide Unit on May 14, 2021:

- Working unit 3C25, 3:00pm – 11:00pm.
- Assigned to Eastern District.
- Did not sustain any injuries from this incident.
- Units were calling out a stolen vehicle, they responded to Biddle and Collington to assist.
- Had a trainee (Police Officer #7).
- Officer advised that the suspect's vehicle rammed a vehicle and was making a run for it.
- They observed the suspect vehicle leave the parking lot.
- Observed the suspect vehicle crash into a parked car.
- Police Officer #8 and Police Officer #7 pursued the suspect on foot after the crash, but they lost sight of him after he rounded the corner.
- Police Officer #8 and Police Officer #7 went back to secure the suspect's vehicle.
- Police Officer #8 and Police Officer #7 did not discharge their weapon.
- They arrived after the discharging occurred.
- They did not see the officer get struck.

Police Officer #9 – Interviewed by Detective #3 of the Homicide Unit on May 14, 2021:

- Assigned to Eastern District Detective Unit (Unit 3772).
- Working 5:00pm – 1:00am on 5/13/21.
- One of the District Action Team guys showed Officer #9 a video on social media that matched the description of his suspect for the robbery of the Nissan Rogue.
- Based on that information they canvassed the area of 2200 Biddle.
- The vehicle was located and they requested assistance.
- Was in the car with Detective #1, Detective #6 and Sergeant #4.
- They left the area after spotting the car, but maintained visual on the exit to the parking lot.
- Officer #9 did not see anything that happened in the parking lot.
- They saw the car leave the parking lot at a high rate of speed.

Detective #6 – Interviewed by Detective #3 of the Homicide Unit on May 14, 2021:

- Unit 3775 assigned to Eastern District Detective Unit.
- Was riding in unmarked car with Sergeant #4, Det. #1 and Officer #9 looking for a vehicle that was taken in an armed robbery.
- Drove into a parking lot at Biddle and Preston and located the vehicle.
- Immediately exited the parking lot and went across the street.
- Notified Foxtrot that they had located the vehicle and did surveillance on the vehicle.
- Saw two individuals enter the parking lot, called for District Action Team units to see if the individuals had entered the vehicle.
- The vehicle started up and had the lights on.
- Contacted Lieutenant #1 and advised him of what was going on.
- Sergeant #3 and additional units arrived to assist.
- They did not see what happened in the parking lot, did see the vehicle take off.
- They responded to try to assist in locating the suspects.
- Did not hear the gunshots.

Sergeant #3 – Interviewed by Detective #5 of the Homicide Unit on May 14, 2021:

- Was working "C" shift, sector 3.
- Eastern District was looking for a Nissan Rogue in reference to a robbery.
- Detectives located the car in the rear of the 2200 block of Biddle.
- District Action Team Detectives were conducting surveillance on the car.
- Marked Police cars responded to assist and marked cars entered the parking lot.
- Car started moving from its parked position.
- Saw trainee (Involved Officer), he had his weapon drawn and it all happened very quickly, the car speeds up towards the trainee.
- The trainee was backing up, and then he heard the shots.
- The car was then coming towards Sergeant #3.

- The car got around Sergeant's #3 car and fled the parking lot.
- The suspect's vehicle crashed and Foxtrot guided the officers to the suspect.
- Called a medic for the trainee (he was hit by the car).
- Sergeant #3 was not injured in this incident; Sergeant #3 did not discharge his weapon.

Sergeant #5 – Interviewed by Detective #5 of the Homicide Unit on May 14, 2021:

- Was working unit 3C10.
- He is assigned to the Eastern District.
- Did not sustain any injuries from this incident.
- Sergeant was driving over to help other officers.
- The vehicle had already started to move.
- Heard on the radio that they were trying to stop a vehicle
- He never made it to 2200 Biddle.
- Heard from Foxtrot that the suspect had wrecked and bailed out of the vehicle and was running.
- Foxtrot advised the suspect is in the back alley of 2303 Hoffman
- Sergeant #5 got out of his car.
- Sergeant #5 located the suspect in the rear of Hoffman.
- Gave verbal commands for the suspect to show his hands, suspect complied and showed his hands.
- Sergeant #5 noticed the suspect was bleeding and asked the suspect why he was bleeding, suspect replied "you guys shot me".
- Requested a medic for the suspect, patted him down and moved him out to the street.
- Sat the suspect down, other officers arrived.
- Sergeant #5 attempted to apply a tourniquet on the suspect but his injury was too high on his shoulder.
- Sergeant #5 applied pressure to the wound and waited for the medic.
- The suspect was handcuffed in the front.
- Asked the suspect his name and age, wanted to keep talking to keep him conscious.
- Was not there when the discharging took place and did not see anyone discharge, did not see anyone get hit by a vehicle.
- Sergeant #5 did not discharge his firearm and does not need medical attention.

Sergeant #4 – Interviewed by Detective Sergeant #6 of the Homicide Unit on May 14, 2021:

- Assigned to Eastern District Detective Unit.
- One of the District Action Team Detectives showed District Detective Unit Detectives an Instagram video that may have been related to one of their robbery investigations.
- District Detective Unit located a vehicle that was taken in a robbery.
- District Detective Unit contacted District Action Team to do surveillance and contacted Patrol to help with the takedown.
- District Detective Unit units were a few blocks away when the car began to flee.

- District Detective Unit units came into the area to canvass for the vehicle after it left the parking lot area.

Detective #2 – Detective #2 was not in close proximity to the portion of the incident. However, Detective #2 authored the Application for Statement of Charges against the Involved Citizen:

"On Thursday May 13th, 2021, Police Officer #2 and Involved Officer were on routine patrol within the Eastern District when members of the Eastern District Detective Unit observed a vehicle that was taken in reference to an armed carjacking. The Eastern District Detective Unit called for assistance from uniformed officers to assist with stopping and investigating the vehicle. The Baltimore City Police Department's Aviation Unit was able to observe the vehicle as it was parked in the rear of the 2200 block of Biddle Street and advised responding officers that the vehicle was occupied by two subjects. As officers approached the entrance of the parking lot, the Aviation unit advised that the headlights on the vehicle were activated at which time officers entered the parking lot to further investigate the vehicle and its occupants. Involved Officer exited the marked vehicle and began to approach the vehicle while giving verbal commands to the driver to exit the vehicle. According to the statement of Officer #2, the driver of the vehicle began to drive the vehicle towards an open parking space where Involved Officer was standing while giving verbal commands to stop the vehicle. It was at that point where the driver of the vehicle who was later identified as Involved Citizen drove the vehicle towards Involved Officer striking him with the vehicle and striking a parked vehicle as he fled the parking lot, attempting to elude officers and avoid arrest. Involved Officer was able to discharge his departmental weapon striking the Involved Citizen in the arm. As the vehicle being driven by the Involved Citizen fled the parking lot, pursuing officers along with the Aviation Unit never lost sight of the vehicle driven Involved Citizen which was later identified as a 2014 Nissan Rogue bearing MD tag 3CV5666. As the Involved Citizen drove the vehicle towards the 2000 block of E. Preston Street the 2014 Nissan Rogue crashed into two vehicles that were parked in the block. Suffering from an apparent gunshot wound to his arm, the Involved Citizen exited the 2014 Nissan Rogue and fled on foot and was subsequently apprehended and placed under arrest with no further incident. Involved Officer was transported to an area hospital for treatment after being struck by the 2014 Nissan Rogue. The Involved Citizen was also transported to an area hospital for treatment from suffering a gunshot wound to his arm."

CIVILIAN WITNESS STATEMENT SUMMARIES

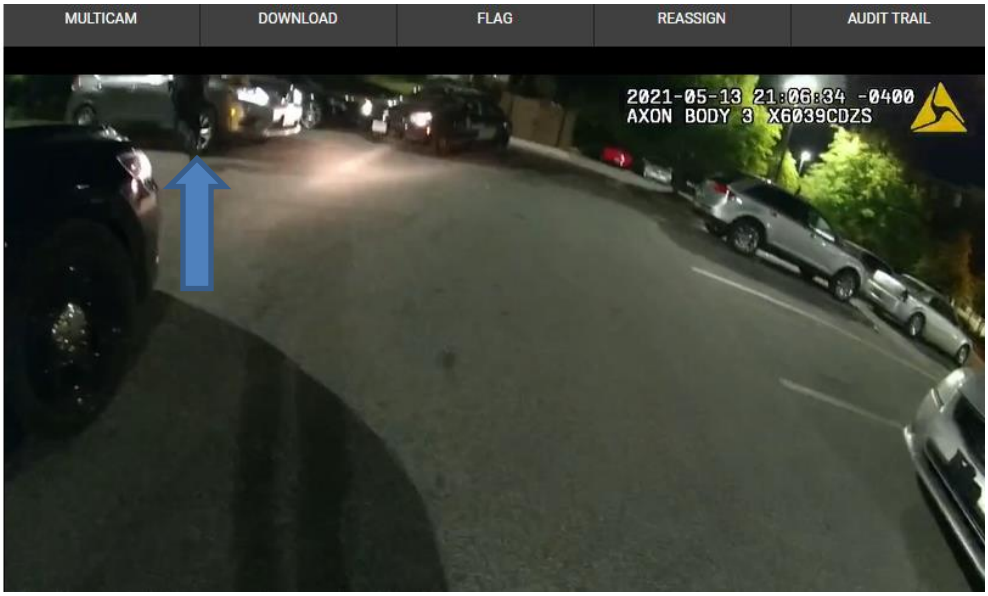
No civilian witnesses were located or interviewed. Given that the Involved Citizen was facing several sets of criminal charges, he was not interviewed.[3]

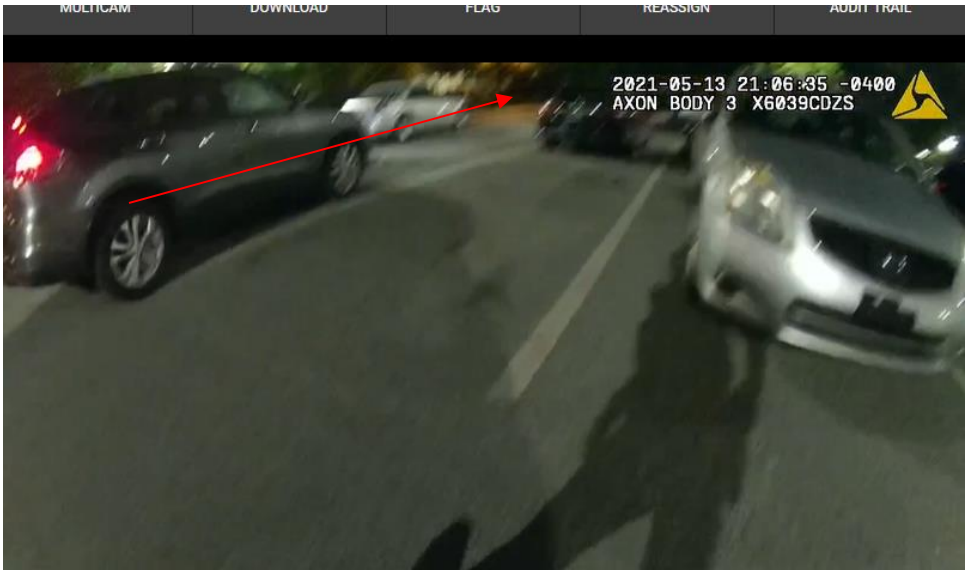
[3] Nor did PIU attempt to contact him.

PICTURES

Above – Two marked squad cars have stopped, and two uniformed officers are approaching the stolen car (red outlined arrow).

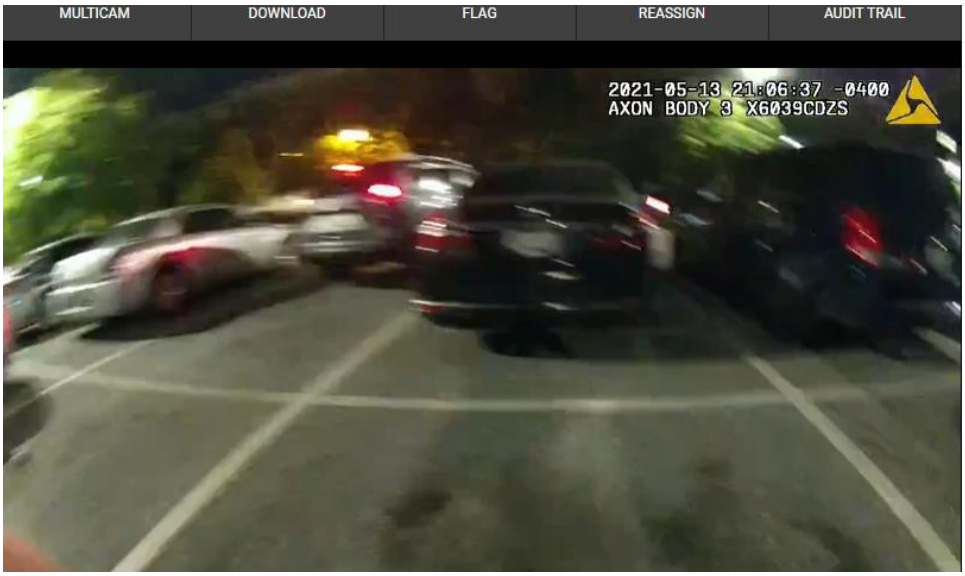
Below – the car, driven by the Involved Citizen, takes flight, almost striking an officer (arrow) to his right.





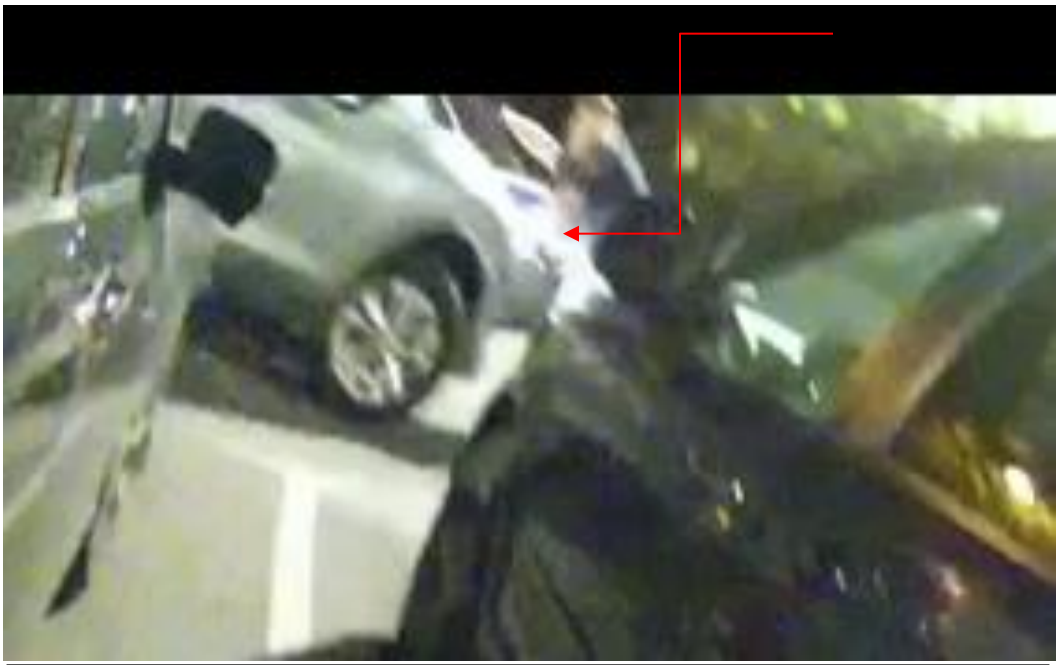
Above – Involved Citizen's flight path is straight ahead through two unoccupied parking spaces.

Below – Involved Citizen is turning sharply to his right, tearing off the fender of the parked car. He is also turning right into Police Officer #1.



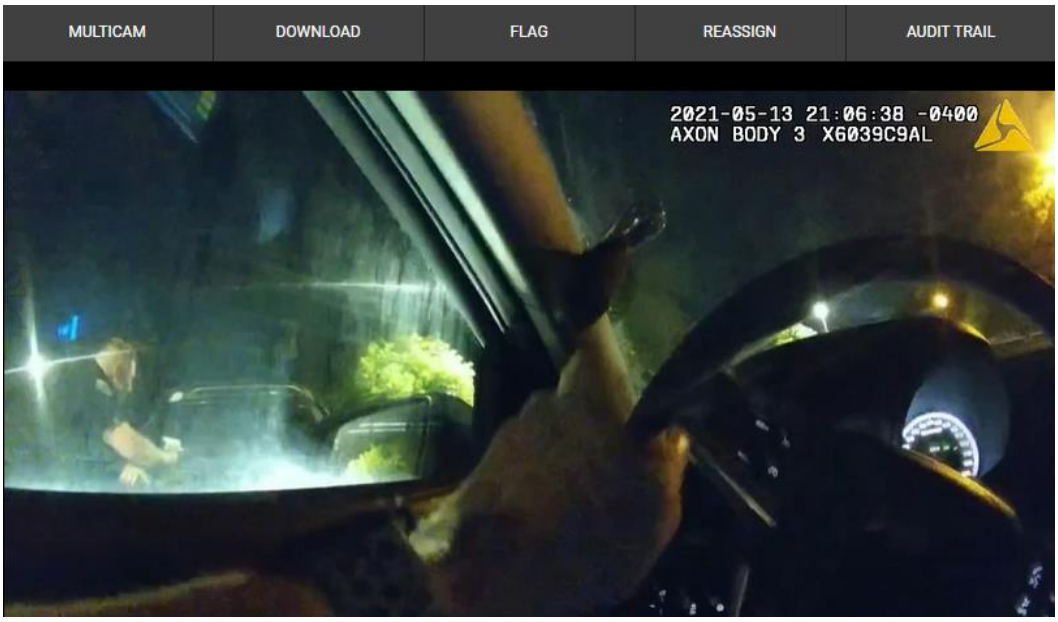
Above – this view is from Involved Officer's BWC. He is out of his cruiser, and the Involved Citizen is pulling through the two open parking spots towards Officer #1. The shadow shows Involved Officer putting his hand up as if to give a hand command to stop. Officer #1 is yelling "no, no, stop, stop" at this time.

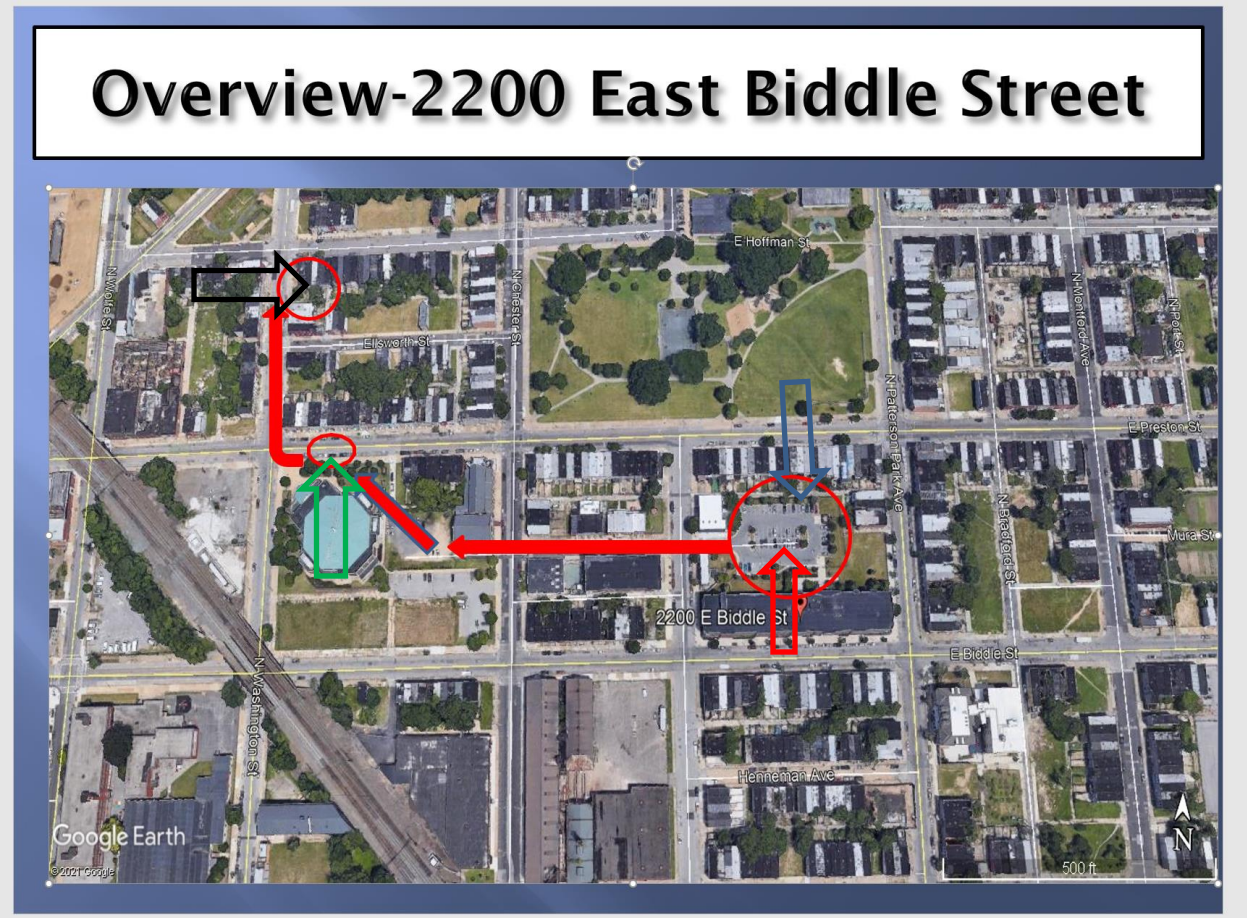
Below – this view is from Involved Officer's BWC – the moment of impact between the Involved Citizen's car and Involved Officer. He slid partially up the hood before sliding back off.



Above – from Officers'#3 BWC, the Involved Citizen and his vehicle are steering right into Involved Officer, while Involved Officer both braces for impact (left arm) and points his firearm at the windshield (right hand).

Below – from Officer #2 BWC, Involved Officer is seen being struck, using his left hand to brace for impact, while pointing his firearm at the driver with his right hand.





This map/diagram shows where the Involved Citizen and the stolen vehicle were originally located (blue arrow), where he struck Involved Officer and shots were fired (red arrow), where the Involved Citizen exited the car and took flight on foot (green arrow) and where he was captured (black arrow).

Foxtrot footage:

Picture 1 – the stolen car, parked.

Picture 2 – the uniformed officers approach the stolen car.

Picture 3- one officer is attempting to contact the driver, while the other is “covering” the driver with a firearm pointed at him.

Foxtrot footage continued…

Picture 4 – (above) – Involved Citizen and the vehicle are steering into and striking Officer #1.

Picture 5 – (left) – Involved Citizen and the vehicle are driving through a tree lined lot next to a charge.

Foxtrot footage continued…

Picture 6 –The Involved Citizen collides with a parked vehicle…he exits and takes flight on foot.

Picture 7 – Involved Citizen is hiding behind this row home. This is where he is captured moments later without incident.

LEGAL ANALYSIS

The Involved Officer's discharge of his firearm is unquestionably a use of force. At issue is whether the Involved Officer's discharge of his firearm against the Involved Citizen was a *lawful* use of force. If it was not a *lawful* use of force, then the Involved Officer's use of force against the Involved Citizen could potentially constitute a number of criminal offenses under Maryland law, including attempted murder, assault and/or misconduct in office.

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.

In *Graham v. Conner*, the U.S. Supreme Court explained that the proper application of a reasonableness test under the Fourth Amendment, "requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." *Id.* at 396 (citing *Tennessee v. Garner*, 471 U.S. 1, 8-9 (1985) (the question is "whether the totality of the circumstances [justifies] a particular sort of . . . seizure")).

Here, the instant circumstances arose as police were actively investigating an armed carjacking from earlier in the day. A detective located the Stolen Vehicle, taken pursuant to the prior armed carjacking, parked in a parking lot. He called for uniformed officers in marked cruisers to assist. Officers arrived and took up positions in different locations strategically in case of any flight or violence. Foxtrot arrived prior to any of the officers approaching the Stolen Vehicle or the Involved Citizen.

Two uniformed officers, including the Involved Officer, were in marked cruisers when they moved in on the Stolen Vehicle and its sole occupant, the Involved Citizen. The Involved Officer got out of the marked cruiser and began walking toward the Stolen Vehicle being operated by the Involved Citizen. At this point, the Involved Citizen drove through two empty parking spaces. The Involved Citizen turned the Stolen Vehicle directly at and drive toward the Involved Officer who, after giving clear and unambiguous hand signals and verbal warnings, reasonably feared for his safety/life as he, in fact, was then hit by the vehicle. After being hit by the vehicle and while sliding across the hood of the fleeing vehicle, he fired his service weapon thereby injuring the Involved Citizen. The Involved Citizen fled the parking lot driving the Stolen Vehicle. The

Involved Citizen continued driving and struck several parked vehicles before jumping from the vehicle and continuing his attempted escape on foot, eventually being apprehended.

CONCLUSION

In summary, the Involved Citizen was operating a vehicle identified as having been taken in a prior armed carjacking. When police closed in around the Involved Citizen in the Stolen Vehicle, the Involved Citizen, instead of exiting the vehicle pursuant to multiple verbal commands, drove the vehicle into the Involved Officer thereby placing the Involved Officer's life in jeopardy. As the Involved Citizen continued to drive the Stolen Vehicle into the Involved Officer, the Involved Officer fired his service weapon, striking the Involved Citizen. Under these circumstances, deadly force was authorized. This shooting was justified and the State's Attorney's Office will not pursue criminal charges.