

REPORT BY THE OFFICE OF THE BALTIMORE CITY STATE'S ATTORNEY
ON THE NON-FATAL POLICE-INVOLVED SHOOTING
IN THE 400 BLOCK OF BALTIMORE STREET



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INTRODUCTION

The Baltimore City State's Attorney's Office ("BCSAO") completed its review of the civilian shooting in the 400 block of Baltimore Street. The BCSAO review was conducted by the Public Trust and Police Integrity Unit ("PTPIU") and focused exclusively on determining whether criminal charges relating to the officer's conduct are 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, compliance with internal policies, 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 August 12, 2021, four uniformed Baltimore Police Department ("BPD") officers were in the 400 block of East Baltimore Street (informally known as, "The Block") when they noticed a group of individuals arguing or fighting. As they approached, the officers heard what they believed to be gunshots. The group of individuals dispersed, running in different directions. Officer #1 ("Involved Officer") pursued the one of the individuals ("Involved Citizen"), who was holding what the officer believed to be a handgun¹. While running from the Involved Officer, the Involved Citizen turned and pointed his handgun at the Involved Officer. The Involved Officer fired three rounds striking the Involved Citizen. Officers rendered aid to the Involved Citizen.

¹ Later determined to in fact be a handgun.

Medics arrived and transported the Involved Citizen to the hospital. The Involved Citizen's injuries were not life threatening. The other individuals involved in the initial argument or fight were pursued by other officers; however, none were caught. These events were captured on video and will be detailed to follow.

OVERVIEW OF THE INCIDENT

On August 12, 2021, BPD Officers #1 (Involved Officer), #2, #3, and #4 were in the Block when they noticed a group of individuals arguing/fighting. As they approached, the officers heard what they believed to be gunshots.

Among the group of individuals arguing/fighting, the Involved Officer observed the Involved Citizen, who was holding what the officer believed to be, and was later determined to be, a handgun. Video evidence shows the Involved Citizen pointing the handgun toward the Involved Officer. When the Involved Citizen realized that BPD was approaching the group, he fled. The Involved Officer pursued the Involved Citizen on foot.

The other individuals involved in the fight/argument also fled, but in a different direction. The three other officers – BPD Officers #2, #3, and #4 - began chasing them but failed to catch anyone else.

The Involved Officer, however, pursued the Involved Citizen holding a handgun – both ran along the sidewalk on Baltimore Street. The Involved Officer unholstered his sidearm when he began the chase but did not initially point it at the Involved Citizen.

After running for approximately one block, the Involved Citizen stopped and turned towards the Involved Officer. The Involved Citizen pointed his handgun at the Involved Officer. The Involved Officer then raised his gun, pointed it at the Involved Citizen, and fired three rounds – all striking the Involved Citizen.

The Involved Citizen tossed his handgun onto Baltimore Street. After staggering a few steps, the Involved Citizen fell onto the road. The Involved Officer retrieved the Involved Citizen's handgun (revolver) and secured it. By this time, other officers had arrived and began rendering aid to the Involved Citizen who was subsequently treated by medics and transported to an emergency room.

The Involved Citizen's injuries were not life threatening.

KEY BODY WORN CAMERA TIMELINE

1:44:22	All officers' attention is drawn to intersection west of where they are standing – all officers say they heard what they think were gun shots.
1:44:38	Involved Officer walks to the intersection – people start running from the Involved Citizen who is armed with a handgun.
1:44:41	Involved Officer is able to clearly see the Involved Citizen is armed – one picture makes it appear as if the Involved Citizen points the gun directly at the Involved Officer prior to evidently realizing it is a police officer and taking flight.
1:44:42	Foot chase begins.
1:44:53	Involved Citizen stops running away, turns, and points his handgun at the Involved Officer.
1:44:54	Shots are fired.
1:44:55	Involved Citizen falls to the ground.

SUMMARY OF THE EVIDENCE

FIREARMS ANALYSIS

BPD's Homicide Section Inspection conducted the inspection of Involved Officer's departmentally issued Glock 22. The weapon had one round in the chamber and ten rounds in the magazine, suggesting that three rounds were fired². This conclusion is consistent with the evidence at the scene – three shell casings were located on the ground and three bullet holes were found in the Involved Citizen.

The weapons of responding officers #2, #3, and #4 were also inspected and all rounds were accounted for. There is no evidence to suggest that any of these three officers fired their weapons.

The Involved Citizen's handgun was recovered from the road and later analyzed. It was identified as a Taurus .38 special revolver, loaded with two live .38 rounds. The gun had not been reported as stolen; however, the gun has no record of ownership. A hammer strike mark is visible to the naked eye on one of the two rounds. This strike mark suggests that the trigger was pulled but that the round didn't fire. During testing, it was determined that the firing pin was broken and incapable of firing a round³.

CAD REPORTS/KGA

The KGA radio transmissions and CAD reports have been provided to the BCSAO and have been reviewed. The relevant portions of the radio communications support the timelines and descriptions identified throughout this report.

BODY WORN CAMERA ("BWC") VIDEO⁴

1. Officer #1 (Involved Officer) – The relevant footage from the Involved Officer's BWC is captured in the 'buffer' period, so there is no audio. The Involved Officer can be seen in the 400 block of Baltimore Street. It is clear that the Involved Officer is engaged in some type of crowd

² Magazines begin with fourteen rounds.

³ It should be noted that, in public comments, BPD stated that the Involved Citizen pulled the trigger and attempted to shoot at the Involved Officer. There is insufficient evidence to support this statement. The casing showing the firing pin insufficiently struck the primer - this could have been struck at any time prior to this particular incident.

⁴ The times noted in this review are the timestamps shown on the BWC video.

control or “enforcement by presence” effort. His attention is drawn to a crowd forming less than a block away. He walks towards it. Because there is no audio, there are no sounds captured of gun shots or any other sound during this initial ‘buffer’ period of BWC. As the Involved Officer approaches the individuals arguing/fighting in the intersection, all but one individual – the Involved Citizen - start to run away. The Involved Citizen is armed with a handgun. The Involved Citizen points the gun at the Involved Officer, then turns and flees. The Involved Officer pursues him. Around 15 to 20 seconds into the pursuit, the Involved Citizen stops and turns toward the Involved Officer. With arms extended, the Involved Officer shoots the Involved Citizen. The BWC’s lens at this point is obstructed by the Involved Officer’s arms. The Involved Officer then turns on the BWC and he can be observed dealing with the aftermath of the shots he just fired.

2. Officer #2 – The ‘buffer’ video begins with Officer #2 running around a few blocks. Inferentially, he is searching for the man that (from his recorded statement – see below) he believed had just fired a gun. He abandons the chase, returns to Baltimore Street and turns his BWC on. Officer #2 then goes to assist the Involved Officer. He finds the injured Involved Citizen on the ground and, along with another officer, begins to render aid to the Involved Citizen.

Later in his BWC, he discusses the shooting with other officers. He is certain that a shooting happened and that he was chasing someone armed with a gun.

3. Officer #3 – Like the other three officers, Officer #3’s attention is drawn to a group of individuals arguing/fighting a block west of him. His look-back time on the BWC shows the Involved Officer, Officer #2, and Officer #4 heading towards the group. The Involved Officer can be observed chasing one person west on Baltimore Street while the other two officers start chasing someone north. Officer #3 follows Officers #2 and #4, but not far – he turns his BWC on just in time to capture audio of the Involved Officer firing three rounds from a block away. Officer #3 then immediately runs towards those gunshot sounds and finds the Involved Officer standing over a handgun on the ground and the Involved Citizen lying injured in the street. Officer #3 then focuses on crowd control.

4. Officer #4 – This officer’s video show that he was engaged in crowd control with the others, when his attention was drawn to the intersection where a group of individuals were arguing/fighting. He was several feet behind Involved Officer and Officer #2. The Involved Officer

is visible as he approaches the intersection and as people start to flee. The Involved Officer stops for a moment as Officer #4 actually starts to back up, almost in retreat, as he realizes that someone is armed. As this is during the 'buffer' video, no audio is on at this point; therefore, no gunshot sounds are captured.

This video continues and shows the Involved Officer pursuing the Involved Citizen while Officer #4 pursues another. Once he hears gun shots coming from the Involved Officer's direction, Officer #4 returns to Baltimore Street. There, he finds the Involved Officer standing over a gun on the ground and the Involved Citizen injured on the ground. Officer #4 then focuses on crowd control.

PRIVATE SECURITY FOOTAGE

Footage later recovered from a security camera at MECU was recovered and confirms witness statements.

LAW ENFORCEMENT WITNESS STATEMENT⁵ SUMMARIES

1. Officer #2 – gave a recorded statement to detectives (same day).

Officer #2 indicated that he thought he heard gunshots coming from the area of the unit block of Holliday Street and then he observed an unknown black male in the unit block of Holliday Street in possession of something black in his hand. The unknown male then fled on foot, so the officer gave chase. He did not catch him.

When he returned to Baltimore Street, he found an individual bleeding on the ground, and he began to render aid. He did not hear nor see the shooting of this person. He turned his attention to rendering aid to the man who was shot.

2. Officer #3 – gave a recorded statement to detectives (same day).

Officer #3 stated that he heard gunshots near Holliday and Baltimore Streets and he also saw what he thought was a fight breaking out at the same location. One individual ran west on Baltimore and the Involved Officer pursued him. Officer #3 ran towards another suspect, but after hearing gunshots back on Baltimore Street, he broke from his chase and returned to Baltimore

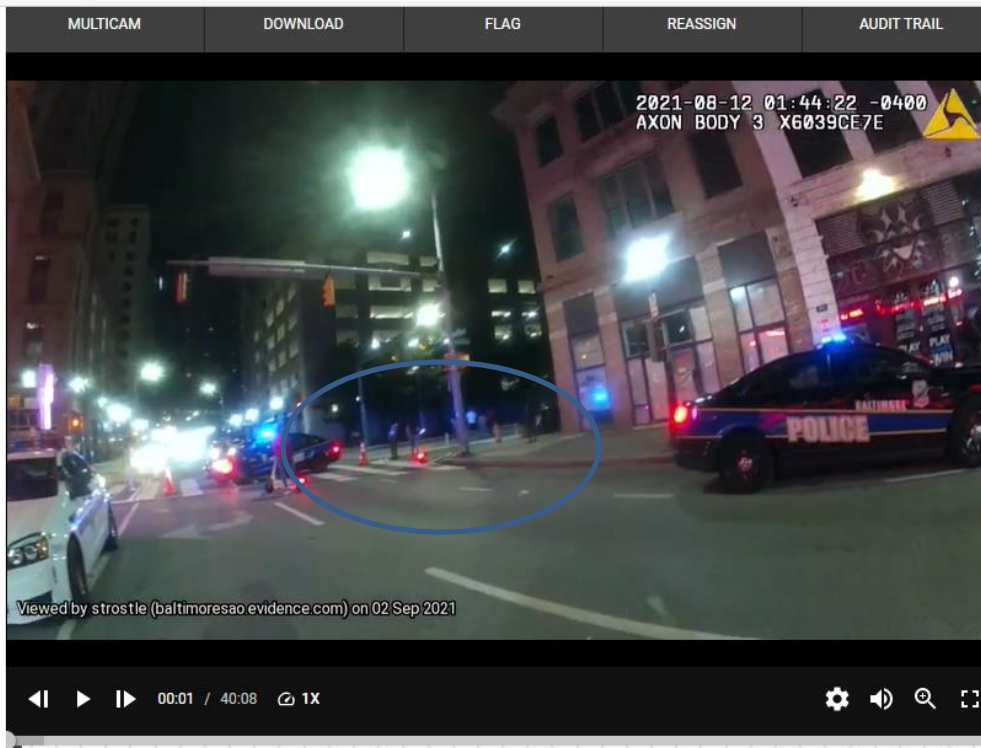
⁵ No civilians were interviewed.

Street, where he found a man on the street and the Involved Officer holding him at gunpoint. Officer #3 did not see this shooting.

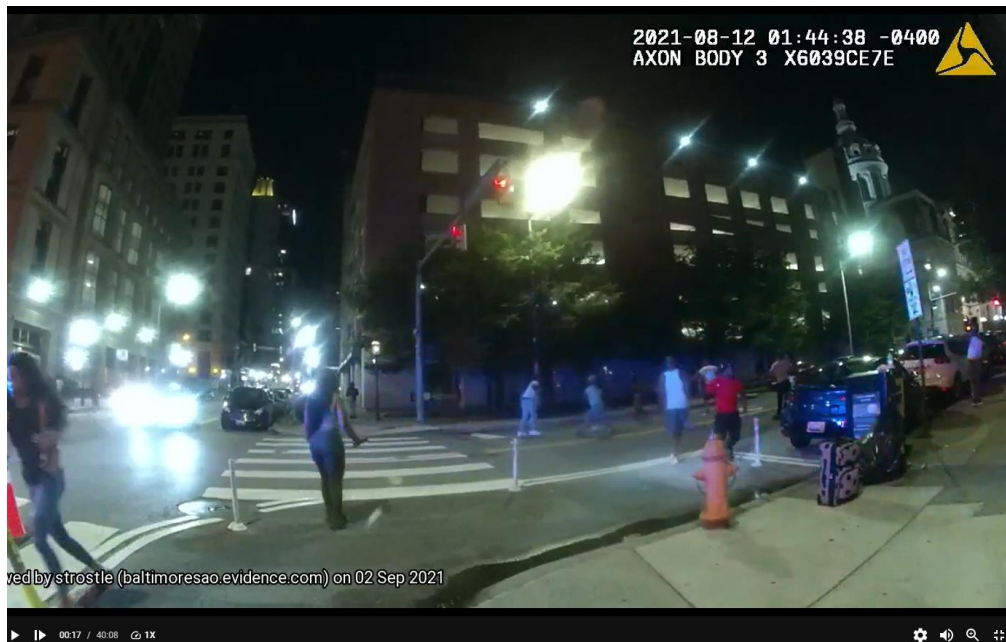
4. Officer #4 – gave a recorded statement to detectives (same day).

Officer #4 stated that he and other officers saw what they thought was a fight breaking out at the intersection of Holliday and Baltimore Streets. As they approached that intersection, he heard what he thought were gunshots. As Officer #2 told Officer #4 that he saw a person with a gun and started chasing him, Officer #4 gave chase as well. Officer #4 then heard gunshots coming from Baltimore Street and returned to that location, where he found the Involved Officer standing over a handgun and a man shot in the street. He did not see this shooting. He then turned his attention to crowd control.

KEY VIDEO/PHOTO EVIDENCE OF THE INCIDENT



This is the Involved Officer's BWC (during the 60-second buffer). His attention is drawn to the fight that is breaking out at the intersection in front of him (in the oval). See Involved Officer BWC at 1:44:22.



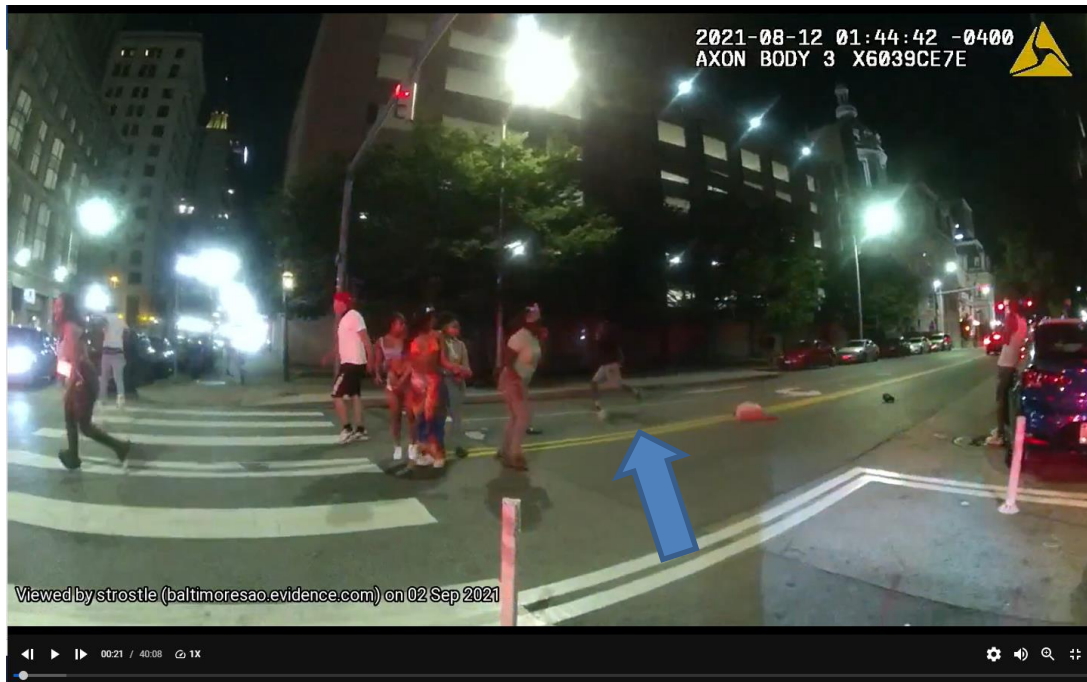
The Involved Officer has closed in on the group, he is approximately 30-50 feet away from the Involved Citizen. Although a gun cannot be seen on BWC at this point, in the seconds leading into this frame, the other civilians in the fight/argument are seen trying to distance themselves from the Involved Citizen – who later proves to be armed.



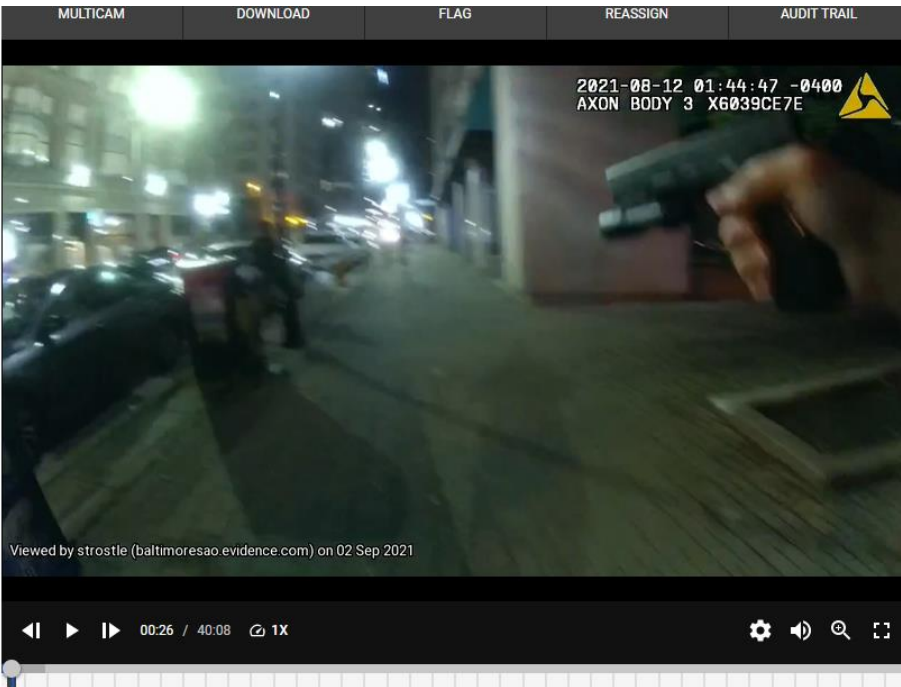
It appears that the armed Involved Citizen (blue arrow) is focused on an unidentified citizen who is quickly trying to get away.



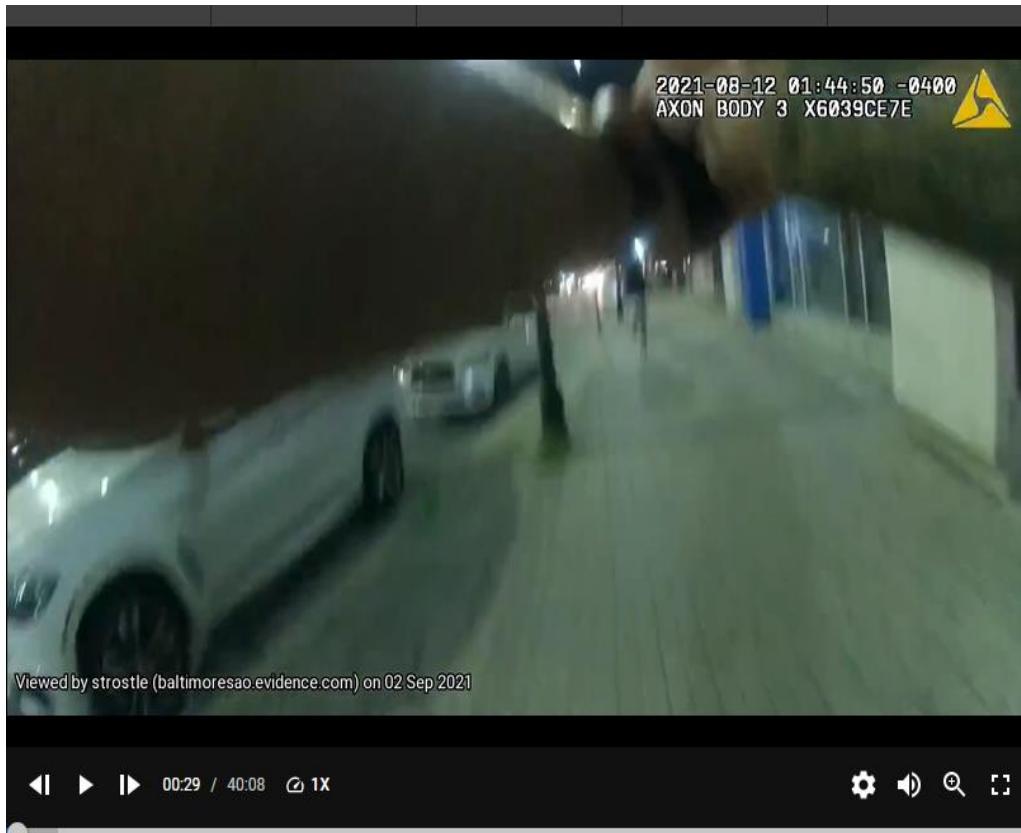
This is the first moment showing the Involved Citizen is holding a firearm. He is taking a step towards the other civilians, and is actively raising the gun and pointing it at them. This is approximately when the Involved Officer starts to pick up his pace in going towards the Involved Citizen.



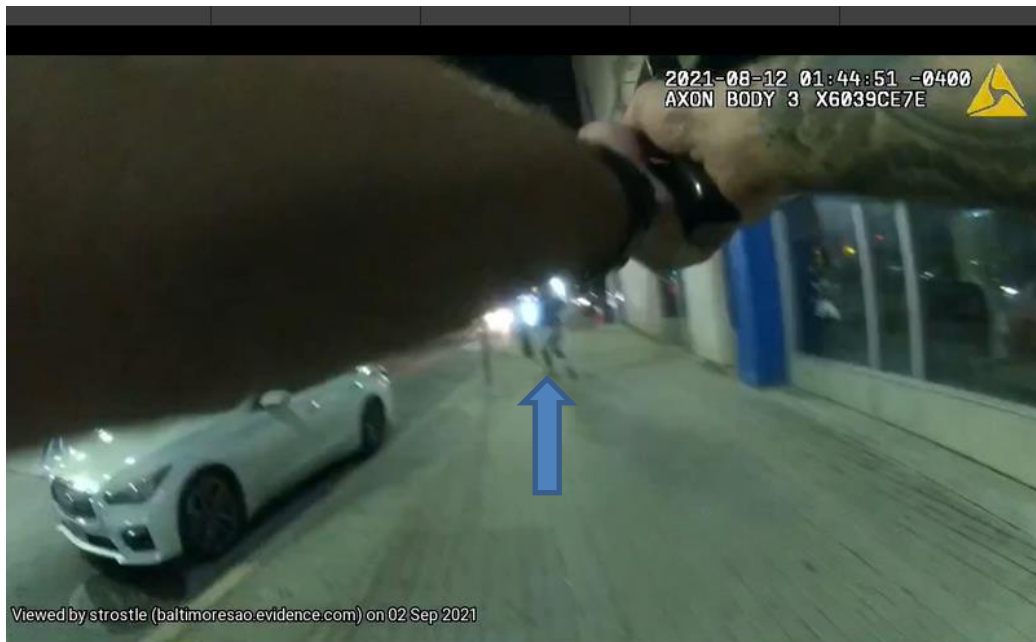
The Involved Citizen has clearly seen the officer and takes off running.



The Involved Officer is now in a full foot chase. His gun is out and he briefly points it at the Involved Citizen – who is approximately 50 feet in front of him, running along the sidewalk.



The Involved Officer has raised his firearm while still pursuing the fleeing Involved Citizen. This is a second before the Involved Citizen stops, turns, and points his own handgun at the Involved Officer. It does appear, however, that the suspect is starting to turn to his side while running away and that his arm *may* already be extending out towards the Involved Officer.



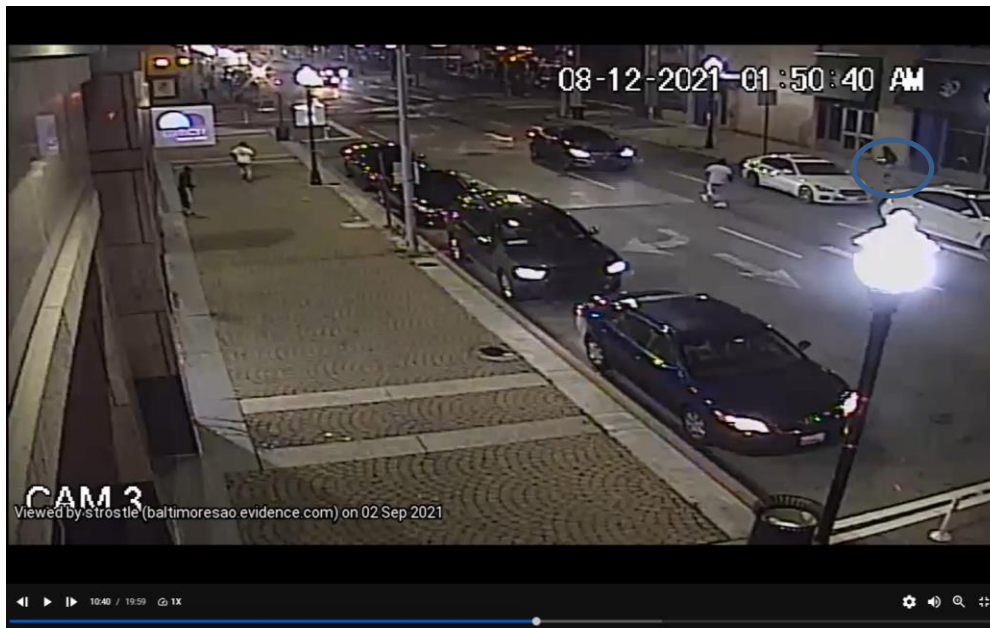
The Involved Citizen has now stopped, turned, and is raising his gun towards the Involved Officer. This is a fraction of a second before the Involved Officer pulls his trigger.



The Involved Citizen has been shot, and he is now falling to the pavement of the road. His gun is 10-15 feet away from him, close to the middle of the street.



The Involved Citizen's handgun. An unknown citizen attempts to run up and grab the Involved Citizen's gun, but the Involved Officer thwarts that effort – twice.



MECU is on the other side of the street. They have a camera that is in a fixed position which caught the shooting. In this picture, the Involved Citizen is just coming into view. While it is not visible from the camera, the shiny object in the Involved Citizen's hand was determined to be a handgun. This is less than 10 feet from where he'll get shot.



This is approximately 10 feet further and 2 seconds later than the last picture. The Involved Citizen has stopped running, turned and aimed his handgun at the Involved Officer (blue arrow) who is now a "car length" away, directly in front of the Involved Citizen with the gun. This is the moment that the Involved Officer opens fire.

CONCLUSION

Between the BWC footage and private security camera footage, the following conclusions are verifiably accurate:

- The Involved Officer, along with three other officers, all believed: 1) a fight was breaking out among a group of individuals and 2) shots had just been fired at or near that fight.
- The Involved Officer saw the Involved Citizen holding a firearm in a menacing way and possibly even saw the Involved Citizen pointing the gun at him before fleeing on foot.
- The Involved Officer pursued a man who clearly was a threat to anyone and everyone in the community as he fled from a uniformed police officer with a handgun in his hand.
- The Involved Citizen stopped running, turned, and aimed his gun at the Involved Officer who, in turn, shot the Involved Citizen.

Given the totality of the circumstances, the Involved Officer legitimately *could* have opened fire on the Involved Citizen while he was still fleeing – under a theory of “defense of others” who were in the Involved Citizen’s path. Here, however, the Involved Officer’s actions are justified based on self-defense. It is irrefutable that: 1) the Involved Citizen was armed with a gun; 2) that the Involved Citizen had just been involved in some type of fight during in which he pulled out his gun and pointed it at people; and 3) that, after running away from the officer, the Involved Citizen turned and pointed his gun at the pursuing, uniformed Involved Officer.

Our conclusion is that this is a justified self-defense shooting. There is sufficient evidence that the Involved Officer’s use of force was objectively reasonable. There is sufficient evidence to establish that the Involved Officer was justified in his use of deadly force.