



INDEPENDENT INVESTIGATIONS DIVISION
FIRST ANNUAL REPORT
OCTOBER 1, 2021 – SEPTEMBER 30, 2022



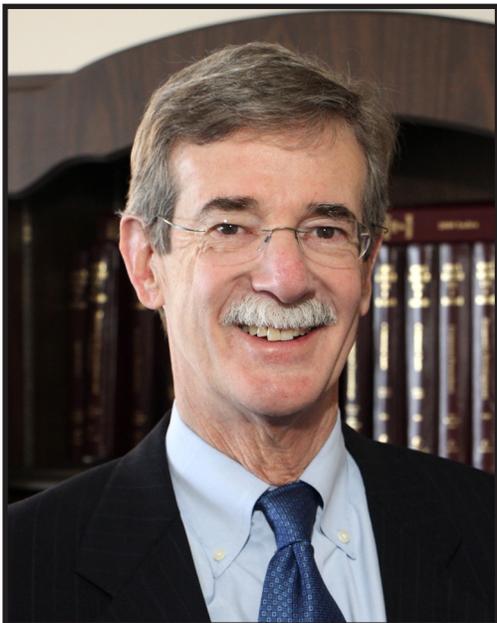
Dear Marylanders,

In March 2021, the Maryland General Assembly passed a series of laws to introduce greater accountability and transparency into the state's criminal justice system. A cornerstone of that effort was the Maryland Police Accountability Act of 2021, which created a division within the Office of the Attorney General to investigate all police-involved deaths of civilians.

For the first time, Marylanders who died at the hands of police would not have their deaths investigated by the same police agency that employed those officers. It was a true step toward impartiality and fairness.

At the Attorney General's Office, we created the Independent Investigations Division with the guiding principles of thoroughness, independence, and transparency. Over the Division's first year of existence, we have upheld those goals by writing detailed, independent reports of every police-involved fatality, and by releasing those reports to the public as soon as permitted by law. We also release body-camera footage as soon as the investigation allows for it, usually within 14 days, and we have created a detailed website that gathers all case information, reports, videos, and statistics in one place.

And now, we release this first annual report. We do so in order to share with you as much information as we can about the circumstances and nature of police-involved fatalities in Maryland, and what our office is doing to investigate them fairly. We hope that this information is a useful part of Maryland's continued efforts to build a more just community, and we welcome your feedback.



A handwritten signature in blue ink that reads "Brian E. Frosh". The signature is fluid and cursive, with the first name "Brian" being the most prominent part.

Brian E. Frosh
Maryland Attorney General
November 29, 2022

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INTRODUCTION

FIRST ANNUAL REPORT OF THE INDEPENDENT INVESTIGATIONS DIVISION OF THE MARYLAND OFFICE OF THE ATTORNEY GENERAL

October 1, 2021 – September 30, 2022

In the spring of 2021, as part of a large package of police reform measures, the Maryland General Assembly created the Independent Investigations Division (the “IID”) within the Maryland Office of the Attorney General to “investigate all alleged or potential police-involved deaths of civilians” throughout the State. 2021 Md. Laws ch. 132, § 1 (“Senate Bill 600”). The IID was granted jurisdiction over incidents that have occurred since October 1, 2021. The IID exists separate and apart from any local law enforcement agency, including the agency involved in the fatal incident under investigation. This is a significant shift from prior practices in Maryland, in which local officers would investigate other officers within their department.

At the conclusion of each independent investigation, the IID is charged with preparing a report and transmitting it to the local State’s Attorney of the county (or Baltimore City) that has jurisdiction to prosecute the matter. The report contains detailed investigative findings and an analysis of relevant legal issues. That local prosecutor, not the IID, then makes the decision of whether the case should be criminally charged and handles any subsequent prosecution.



ABOUT THE IID

At its inception in October 2021, the IID had two employees: a division chief and a chief investigator. Over the past year, the IID has grown to include five attorneys, eight civilian investigators, a paralegal, a victim and witness coordinator, and a public information officer. The IID also partners with the Maryland State Police (“MSP”) to conduct all investigations. The IID works with sworn MSP personnel from the Homicide Unit and Crash Team, which handles the investigations into fatal vehicle incidents, as well as professionals in the Forensic Sciences Division, who process and analyze evidence.

This is the first Annual Report of the IID. The report covers the IID’s work from October 1, 2021, through September 30, 2022, its first 12 months in existence. Although a report of this nature is not required by the IID’s authorizing statute, the IID is committed to transparency and recognizes the value of making available to the public as much information as possible about police-involved fatalities in Maryland.



IID PROTOCOLS

The IID's mission is to provide impartial, comprehensive, and timely investigations into police officer-involved fatalities and to be as transparent with the public as such investigations allow. In order to fulfill this mission, the IID has developed a set of comprehensive protocols that govern its work on a day-to-day basis. These protocols, which are found in Appendix C of this report, cover topics such as: notification to the IID by local law enforcement agencies; evidence preservation, collection, and analysis; information sharing with State's Attorney's Offices; and communication with the media and general public.

The IID protocols were drafted with input from stakeholders throughout the State and were distributed to all local police agencies in Maryland in September 2021. In October 2021, IID personnel met with many of these agencies to review the protocols. IID personnel also conducted an in-person tabletop simulation exercise with hundreds of law enforcement representatives from across Maryland.

After changes were made to the IID's authorizing statute in the 2022 legislative session, as discussed later in this report, the protocols were updated and redistributed to all local police agencies in July 2022.

COMMUNITY OUTREACH

Over the past year, the IID has engaged with community stakeholders across Maryland, including many of those who were fundamental in advancing the police reform legislation that created the IID. This includes civil rights and racial justice advocates, legal non-profits, religious leaders, academic institutions, and criminal justice policy groups. Across more than 20 meetings, IID personnel met with various individuals and the leaders of these organizations, heard their thoughts on the IID's mission, and discussed the IID's work.

The IID was created in large part because the community expected more comprehensive, impartial, and transparent investigations into police-involved fatalities. By developing relationships within the community, the IID aims to realize these goals and gain valuable insights about how the office can fulfill its mission and continue improving upon its work. Community outreach is therefore an ongoing commitment, and IID personnel look forward to continuing to meet with individuals and organizations who are interested in the IID's work. The IID encourages anyone who wishes to do so to reach out via the contacts listed in this report or on the IID website.



INVESTIGATIVE PROCESS

The IID begins its investigation as soon as it is notified of a police-involved incident that causes the death, or injuries likely to result in death, of a civilian. This includes any act or omission of a law enforcement officer while the officer is on duty or while the officer is off duty but performing activities that are within the scope of his or her law enforcement duties. In general, IID cases fall into four categories: shootings, use of force incidents, in-custody deaths, and vehicle pursuits. The IID does not have jurisdiction over all such incidents, only those incidents that result in death or the likelihood of death. Similarly, the IID does not have jurisdiction to investigate the actions of correctional officers, federal officers, or out-of-state officers.

When an incident occurs, the local police department that employs the involved officer(s) and/or the department with jurisdiction over the location of the incident must immediately contact MSP's 24-hour hotline. In response, IID personnel—civilian investigators, an attorney, and the public information officer—and MSP personnel—homicide and/or crash team investigators and crime scene technicians—respond to the scene. The local agency maintains control of the crime scene until IID and MSP personnel arrive. The local agency also provides scene security until the on-scene investigation is complete.

On scene, the IID and MSP collaborate to identify witnesses and to collect and process all evidence, including physical evidence and video footage from body-worn cameras, dashboard cameras, surveillance systems, and civilian cell phone cameras. Forensic evidence, such as DNA, fingerprints, and firearms and ballistic

evidence, is then submitted to and analyzed by the MSP lab. In the hours and days following an incident, IID and MSP personnel also interview involved and witnessing officers and civilian witnesses. Throughout its investigation, the IID is granted the full powers of a local State's Attorney, which includes the use of a county grand jury to aid the investigation, and subpoena power to gather all necessary documents and records.

Within two days of an incident, the IID generally releases the name of the decedent and the name of the involved officer(s), although that period may be extended if an officer is injured or if there is a specific reason to believe that an officer's safety is at risk. Additionally, within 14 days, the IID will generally release body-worn camera footage and/or dashboard camera footage. In some cases, more than 14 days is necessary if investigators need time to complete witness interviews, if there are technical delays caused by the need to shield the identities of civilian witnesses, or to allow family members of the decedent to view the video before it is released to the public.

Because the local State's Attorney's Office—not the IID—has the authority to make the prosecution decision in these cases, the IID recognizes the need to share information with them regarding the investigation, as well as receive input from them regarding investigative decisions. Throughout the investigation, IID attorneys communicate with the local prosecutors to share that information and receive input regarding any investigative decisions that may impact a subsequent criminal prosecution.

MSP-INVOLVED CASES



As noted above, the IID partners with MSP to conduct all investigations, including any investigation into an MSP trooper-involved fatality. To ensure impartiality and integrity in such cases, MSP has committed to following certain practices,

which are included in the IID protocols and can be found in Appendix C of this report. These practices include utilizing MSP personnel who are assigned to a different region of the State from the region where the trooper(s) involved in the fatality are assigned. Also, in each case, MSP conducts a comprehensive inquiry to determine whether any MSP personnel involved in the IID investigation have actual, potential, or perceived conflicts of interest that might undermine public confidence in the impartiality and independence of the investigation.

To date, the IID has conducted two investigations into fatalities involving MSP Troopers: an in-custody death in Queen Anne's County on January 30, 2022, and a fatal shooting in Somerset County on April 25, 2022. The IID's protocols for these trooper-involved cases were followed in both matters.

BPD-INVOLVED CASES



In January 2017, the Baltimore Police Department, the City of Baltimore, and the United States Department of Justice entered into a Consent Decree, which is a federal court order requiring specific changes by Baltimore Police to remedy past unconstitutional and unjust police practices. The Consent Decree included, among many other things, mandates to create new policies around uses of force and the investigation of officer-involved fatal incidents. Because the Consent Decree's requirements overlap with the IID's mandate to investigate all police-involved fatalities in the State, the Office of the Attorney General, MSP, and Baltimore Police Department have entered into a Memorandum of Understanding in order to ensure all parties can comply with their legal obligations.

During its first 12 months, the IID conducted four investigations into fatalities involving Baltimore Police officers: fatal shootings on November 13, 2021, and February 19, 2022; a fatal vehicle crash on June 21, 2022; and an in-custody death on August 4, 2022. Each of these cases proceeded according to the Memorandum of Understanding, with the agencies successfully collaborating throughout the investigation.



A CLOSER LOOK: YEAR ONE INVESTIGATIONS

Between October 1, 2021, and September 30, 2022, the IID conducted 23 investigations into police-involved deaths of civilians. IID and MSP personnel physically responded to scenes in 21 of the 23 incidents. In each of the two remaining incidents, the decedents died two days after their interaction with police, at which point the IID was notified and assumed control of the investigation.

IID protocols generally call for response times of between one to two hours. For the 21 cases where IID and MSP responded to the scene, the average time from notification to arrival on-scene was one hour and 14 minutes. Additionally, 11 cases included an on-scene response from MSP's Forensic Sciences Division, which is tasked with collecting and later analyzing physical evidence. Their average response time was one hour and 27 minutes. As part of its case work, the Forensic Sciences Division test-fired 34 firearms across all IID cases, which included guns recovered from decedents and used by involved officers. They also performed over 5,800 microscopic comparisons of samples such as shell casings and bullets. Finally, the division tested 30 items for purposes of DNA analysis.

The IID also fielded numerous notification calls from local police departments for incidents that did not fall within the IID's jurisdiction, and thus the IID was prohibited from initiating an investigation in those cases. There were 71 such calls. In general, these cases involved no police activity, such as 911 calls for service where an officer provided aid after a civilian experienced some medical emergency, or cases that resulted in injury but not death.

IID REPORTS

Pursuant to statute, the IID has 15 days after completing an investigation to transmit a report “containing detailed investigative findings” to the local State’s Attorney with jurisdiction to prosecute the matter. Maryland Code, State Government § 6-602(e). These reports include:

- factual findings based on a forensic examination of the scene; review of body-worn camera, dashboard camera, and other available video evidence such as surveillance or cell phone video footage; computer-aided dispatch records, radio transmissions, 911 recordings, and departmental reports; civilian and police officer interviews; autopsy reports; and the results of forensic testing for DNA, fingerprints, and firearms and ballistics evidence.
- information on the involved parties’ backgrounds to include their criminal histories, and the involved officers’ departmental internal affairs records and relevant training;
- review of applicable policies from the involved officers’ agency; and
- an analysis of relevant Maryland statutes, which discusses the elements of each pos-

sible criminal charge, the relevant departmental policies, and Maryland case law to assess whether any charge could be supported by the facts of the incident.

Because the local prosecutor—not the IID—retains prosecution authority, IID reports do not make any recommendations as to whether any individual should or should not be charged.

By law, the IID’s report must remain confidential until prosecution of any related criminal case is complete. Maryland Code, State Government § 6-602(e)(2). This could include prosecution of the involved officer(s) for the conduct that is under investigation by the IID or prosecution of a civilian for an underlying or associated crime. If the local State’s Attorney decides to prosecute a matter, the IID will publicly release the report, with appropriate redactions for confidentiality, within 30 days of a final judgement of all defendants in any case. If, however, the local State’s Attorney declines to prosecute a matter, the IID will publicly release the corresponding report, with appropriate redactions for confidentiality, within 30 days of that determination.



A CLOSER LOOK: YEAR ONE REPORTS

The IID has thus far transmitted 13 reports to local State's Attorneys, from its 23 cases this year. This includes 12 final case reports and one interim case report, which was necessitated by a significant delay in the autopsy from the Office of the Chief Medical Examiner.

The average time from the date of an incident to transmittal of a report to the local State's Attorney was five-and-a-half months. This period of time is expected to decrease as IID staffing reaches adequate numbers. As noted above, the IID began operations in October 2021 with only one attorney and one investigator. As of September 30, 2022, the IID had 15 employees. Other factors that affect the length of an investigation include the willingness of witnesses to be promptly interviewed, the examination and testing of physical evidence, and the completion of an autopsy report by the Office of the Chief Medical Examiner.

During this first year, local prosecutors have made their charging decisions in 11 IID cases, all of which have been declinations to prosecute. This includes nine cases where the IID transmitted final reports and one case where the IID transmitted an interim report, as noted above. The average amount of time for a State's Attorney to make a charging decision is about one month after receiving the IID report. Of the nine final reports in cases for which a State's Attorney has declined prosecution, eight reports have been made public on the IID website within 30 days. The other report remains confidential while a related case criminal brought against a civilian is pending.

The 11th and remaining case, a fatal shooting in Harford County on April 23, 2022, demonstrates a gap in the current statutory framework. While the IID investigation into the incident was still ongoing, in June 2022, the Harford County State's Attorney announced he was declining to file any criminal charges. At the time of this declination, the case was still under active investigation, and the State's Attorney's Office had neither requested nor received the results of any witness interviews, forensic testing, or medical reports. Clearly, the intent of the legislature in creating the IID was that independent investigations be conducted and completed before any prosecution decisions were made. Under current law, the IID has no remedy if a State's Attorney decides to decline a case without investigation.

NEW USE OF FORCE STANDARD

During the 2021 legislative session, the General Assembly enacted Maryland’s first statutory use of force standard for police officers, which became effective on July 1, 2022. This new standard is materially different from, and is stricter than, the standard previously used in Maryland. It is codified at Maryland Code, Public Safety § 3-524.

Under this new statute, officers’ force must be “necessary and proportional.” Force may be used to prevent serious injury or accomplish a legitimate law enforcement objective, but officers must cease using force when the target of the force is under control or when force is no longer necessary to prevent injury or accomplish another legitimate objective. Officers must also attempt to de-escalate situations without using force.

While courts will provide more clarity over time, the Office of the Attorney General has issued a formal opinion analyzing the meanings of “necessary” and “proportional” in this context. That opinion is available here: <https://www.marylandattorneygeneral.gov/Opinions%20Documents/2022/107oag033.pdf>. The opinion concluded the new standard includes “three core principles”:

1. “Necessary” means that there must be no reasonable alternative (i.e., effective lesser degree of force) to the amount of force used;
2. “Proportional” means that the degree of force used must be appropriate given the officer’s objective; and
3. “Proportional” also means that an officer may not cause harm that outweighs the interests the officer is trying to protect.

Beyond the “necessary and proportional” standard, the Use of Force Statute imposes several other requirements on officers and police departments. Officers must intervene when another officer is using excessive force, aid civilians on whom force is used, document all uses of force, and undergo training on de-escalation and alternatives to deadly force. Police supervisors must respond to the scene of any use of force that causes serious injury and must gather all video of the incident. And local agencies must adopt written policies regarding de-escalation and supervisory review of all use of force incidents.

The statute creates a new crime for officers who intentionally violate the necessary and proportional standard, but it does not criminalize violations of the other requirements on officers and departments. The new excessive force offense is a misdemeanor. Officers found guilty may face incarceration for up to ten years.

“NECESSARY AND PROPORTIONAL”

2022 LEGISLATIVE SESSION

The General Assembly made three changes to the IID's authorizing statute in 2022. Each of these changes became effective July 1, 2022. The changes are codified at Maryland Code, State Government §§ 6-601-603.

First, the IID now has jurisdiction over officer-involved incidents that are likely to be fatal, not only those incidents confirmed to have been fatal. Previously, the statute's language had been ambiguous about whether the IID had jurisdiction in such cases. The new clarification has an important practical benefit: the IID may now begin investigating serious officer-involved incidents immediately, even if a civilian's death is not certain. This avoids a situation in which the IID and the local agency must wait hours—or potentially days or weeks—to determine which entity will ultimately have jurisdiction for an investigation.

Second, this year's legislation gave the IID authority to subpoena documents as part of its investigations. This is the same authority enjoyed

by every local State's Attorney's Office and the Office of State Prosecutor, which investigates public corruption, official misconduct, and election law violations. It will allow the IID to gather necessary and critical information quickly and more efficiently. The IID had previously used grand jury subpoenas to obtain such documents, but the law requires that any information received pursuant to a grand jury subpoena remain confidential. This independent subpoena authority will help increase transparency of the IID's work by allowing the information received to be released publicly.

Third, the legislature clarified in explicit terms that the IID's investigation is the primary investigation into any officer-involved fatality, and the Office of the Attorney General may now seek injunctive relief to prevent interference with its investigations. The General Assembly removed some of the typical obstacles to obtaining an injunction, helping to ensure the thoroughness and independence of IID investigations.



PHOTO: EXECUTIVE OFFICE OF THE GOVERNOR

CIVIL LITIGATION

The Office of the Attorney General filed suit on one occasion during the period covered by this report to ensure that a local law enforcement agency would not continue to prevent and interfere with an open and ongoing IID investigation.

On April 23, 2022, a Harford County Sheriff's Deputy shot a civilian, causing his death. It was undisputed the involved deputy fell within the definition of "police officer" covered by the IID's governing statute and that the statute required the IID to investigate this fatality. Contrary to the IID protocols—which months earlier they had vowed to "not follow"—the sheriff's office notified the IID of the fatal incident by leaving a brief voicemail message on a general, unmonitored telephone line, rather than calling the manned, 24-hour hotline staffed by MSP. Despite any delay caused by this, the IID's deputy chief investigator responded to the shooting scene within 40 minutes. He was quickly followed by numerous officers with the MSP homicide unit and technicians with the MSP forensic sciences division and also additional IID personnel.

Despite the IID and MSP's presence on scene, and in contradiction to the IID's statute and protocols, the sheriff's office would not permit the IID and MSP to process the scene, collect physical evidence, or speak to witnesses. Instead, the sheriff's office undertook these investigative steps themselves. The sheriff's office also maintained exclusive control over the electronic and digital evidence, including over 105 hours of body-worn camera, dashboard camera, private surveillance, and cellphone camera footage, permitting the IID to view only a tiny fraction.

On April 25, 2022, two days after the fatal shooting, the Attorney General's Office filed suit in Harford County Circuit Court requesting a temporary restraining order and preliminary injunction to stop the sheriff's office from interfering with the IID's investigation in violation of state law. The Attorney General's complaint, motion, and memorandum in support of the motion are available here: <https://www.marylandattorneygeneral.gov/news%20documents/042522-gahlerVfroschTRO.pdf>

On April 28, 2022, following a hearing on the matter, a judge granted the Attorney General's request for a temporary restraining order, instructing the sheriff's office to immediately turn over all electronic and digital evidence and all requested documents and records to the IID and all physical evidence to MSP's forensic sciences division. The judge also ordered the sheriff's office to provide to the IID on an ongoing basis any new evidentiary information they received.

In granting the order, the judge found the Attorney General "will suffer immediate irreparable harm" from the sheriff's office's "refusal to turn over all evidence to the IID . . . in order to conduct its own independent investigation." The judge found "this harm will be irreparable because of the IID's inability to conduct its investigation independently during the critical time period immediately after" the civilian's death and "the public's loss of confidence in the investigation as a result of the Defendant's refusal to turn over all evidence of its investigation to the IID."

In the days following the entry of the judge's or-

der, the sheriff's office complied with the ruling by providing all enumerated material to the IID and transferring all physical evidence to MSP, which allowed their lab to conduct necessary forensic analysis.

A further problem arose two months later, however, when the Harford County State's Attorney announced—while the case was still under active investigation—that he was declining to prosecute the case. As described earlier in this report, at the time of that announcement, the State's Attorney's Office had neither requested nor received the results of any witness interviews, forensic testing, or medical reports. Under current law, the IID has no legal remedy if a State's Attorney decides to decline a case without waiting

for or considering the IID's independent criminal investigation.

Nevertheless, the IID continued its independent investigation into the April 23rd fatal incident in Harford County, and after receiving the autopsy report from the Office of the Chief Medical Examiner in late November, promptly concluded its investigation and transmitted its final case report to the Harford County State's Attorney.

On no other occasion in this first year has the Office of the Attorney General been forced to resort to civil litigation in order to fulfill its statutorily mandated duty to conduct impartial investigations into police-involved fatalities.



CASE INFORMATION



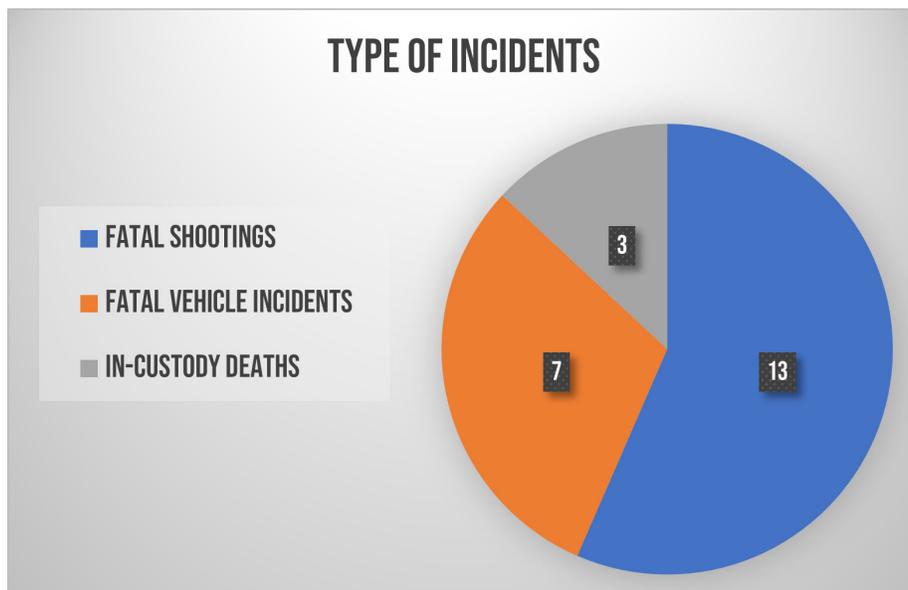
PHOTO BY KATHERINE FREY/THE WASHINGTON POST

As noted above, the IID investigated 23 police-involved deaths of civilians occurring throughout Maryland between October 1, 2021, and September 30, 2022. A complete listing of these incidents is found in Appendix A, and a brief factual description of each incident is found in Appendix B. The IID's online dashboard of cases, which provides up-to-date information on the status of each case and includes links to corresponding press releases, camera footage, and reports that have been publicly released, is available here: <https://www.marylandattorneygeneral.gov/Pages/IID/IID.aspx>.

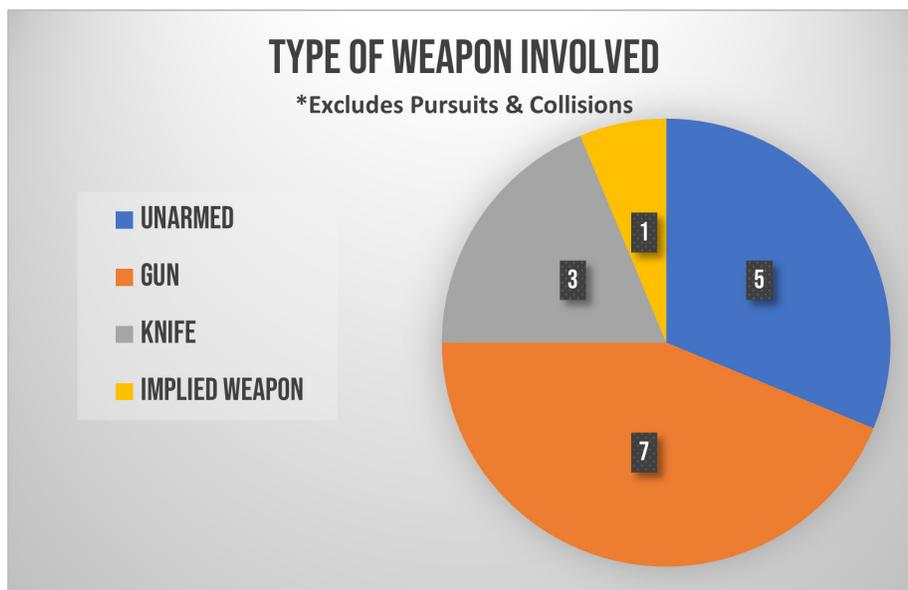
The following charts provide an in-depth look at the IID's 23 cases, examining the type of incidents; external considerations at play, such as alcohol and/or drug intoxication and mental health related issues; timing of incidents; jurisdictions and agencies involved; available case evidence; and demographic data of the decedents and involved officers. Because the total number of cases provides a relatively small sample size, it is difficult to draw any conclusions from this data.

The Governor's Office of Crime Prevention, Youth, and Victim Services also publishes data on deaths of civilians involving police officers in Maryland. The office's most recent report, which covers incidents that occurred during calendar year 2021, is available here: <http://goccp.maryland.gov/wp-content/uploads/PS-%C2%A7-3-507e-GOCPYVS-2021-Deaths-Involving-a-Law-Enforcement-Officer-MSAR-12665.pdf>. The data from the Governor's Office is based on required reporting by all law enforcement agencies in the state. There is substantial overlap between the incidents the Governor's Office records and the cases the IID investigates, but the two categories are not identical. For example, the Governor's Office counts all cases of suicide when the suicide occurs while law enforcement is present at the scene as an "officer-involved death". Generally, these types of cases do not meet the definition of an officer-involved case over which the IID has jurisdiction.

INCIDENT TYPE



The majority of the IID’s 23 cases were fatal shootings (13). The remainder were fatal vehicle incidents (7) and in-custody deaths (3). Fatal vehicle incidents included: (a) pursuits by police where an individual in the vehicle being pursued by police died; (b) pursuits by police where the vehicle being pursued struck an unrelated vehicle and an individual in that unrelated vehicle died; and (c) traffic incidents involving a police officer and another individual where that individual died.

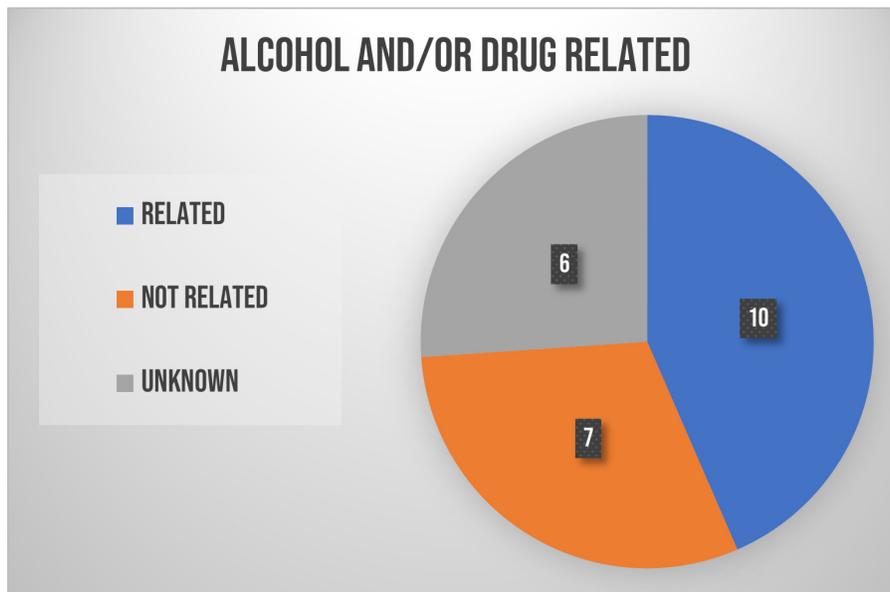


Seven individuals brandished a firearm prior to being shot by police. Three decedents were armed with a knife. Five decedents were unarmed; three of those five were in police custody at the time and died after a medical emergency or drug overdose. In the final case, the decedent implied he had a weapon and was holding a medical walking cane immediately prior to being shot.

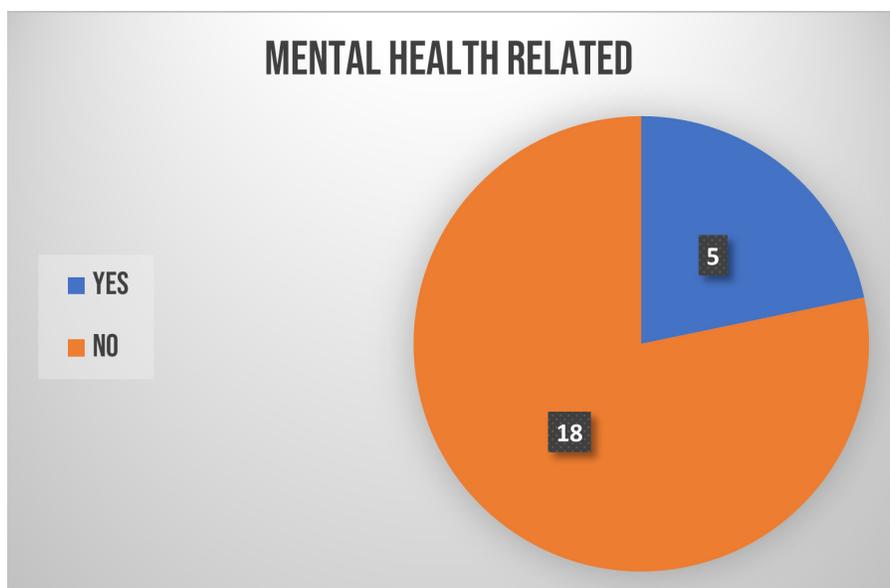
INTOXICATION AND MENTAL ILLNESS

Two additional considerations have been present in some IID cases: alcohol and/or drug intoxication and mental illness.

The classification of a case as alcohol and/or drug related is based on standard postmortem toxicology testing for alcohol and drugs performed by the Office of the Chief Medical Examiner. The six unknown cases are deaths where the autopsy report is not yet complete, and therefore the toxicology findings have not been presented to the IID.

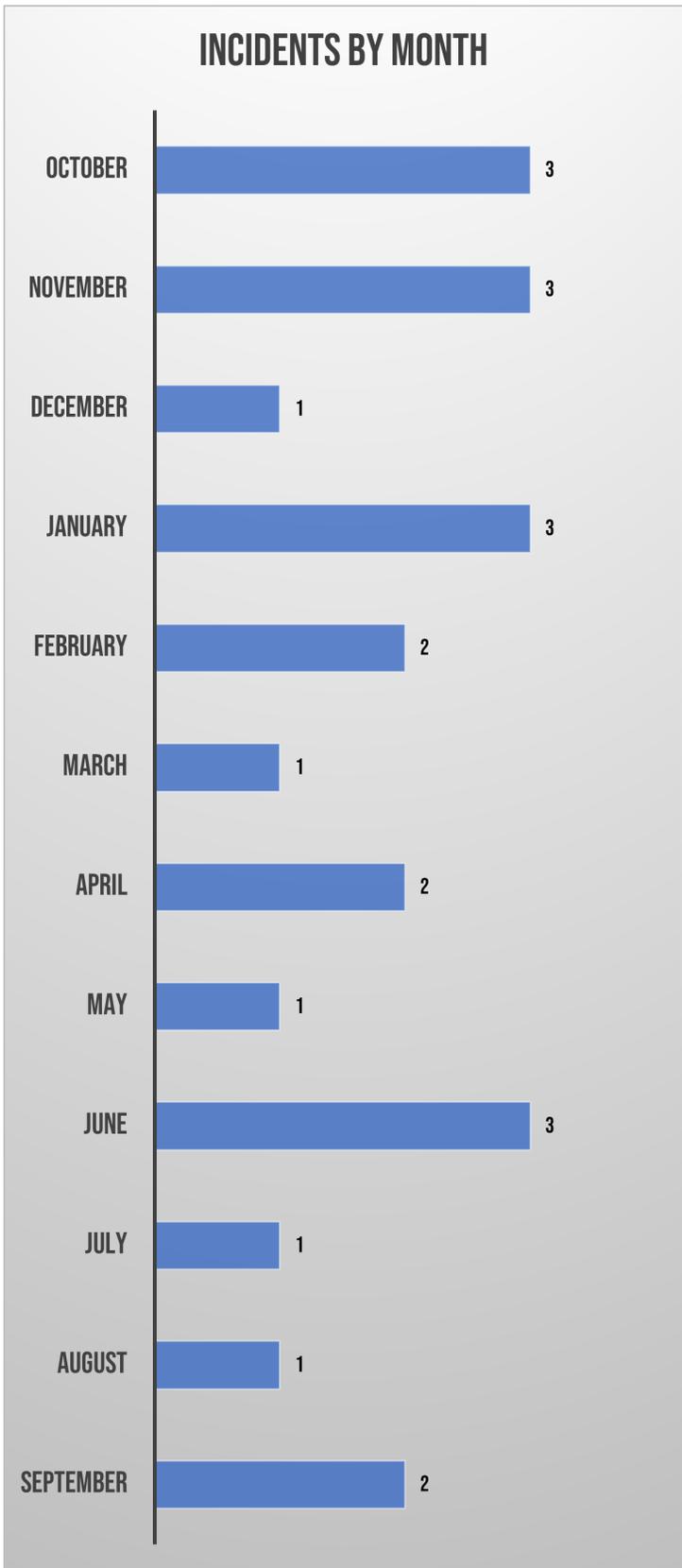


A case is mental health related when the decedent had an identified mental health issue prior to his/her death and that issue appeared to play some role in the decedent's behavior while interacting with police.

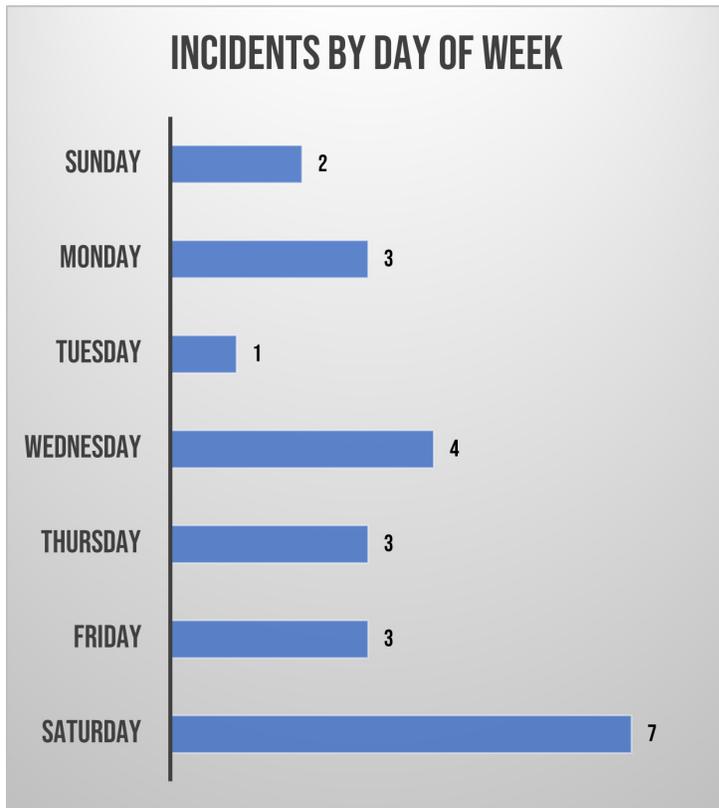


INCIDENTS BY MONTH, DAY, AND TIME

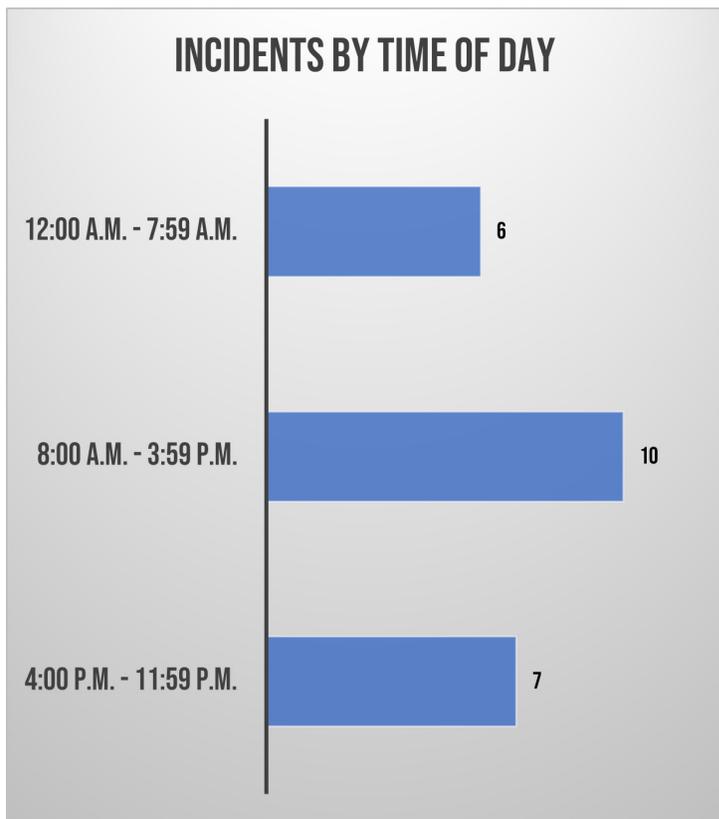
INCIDENTS BY MONTH



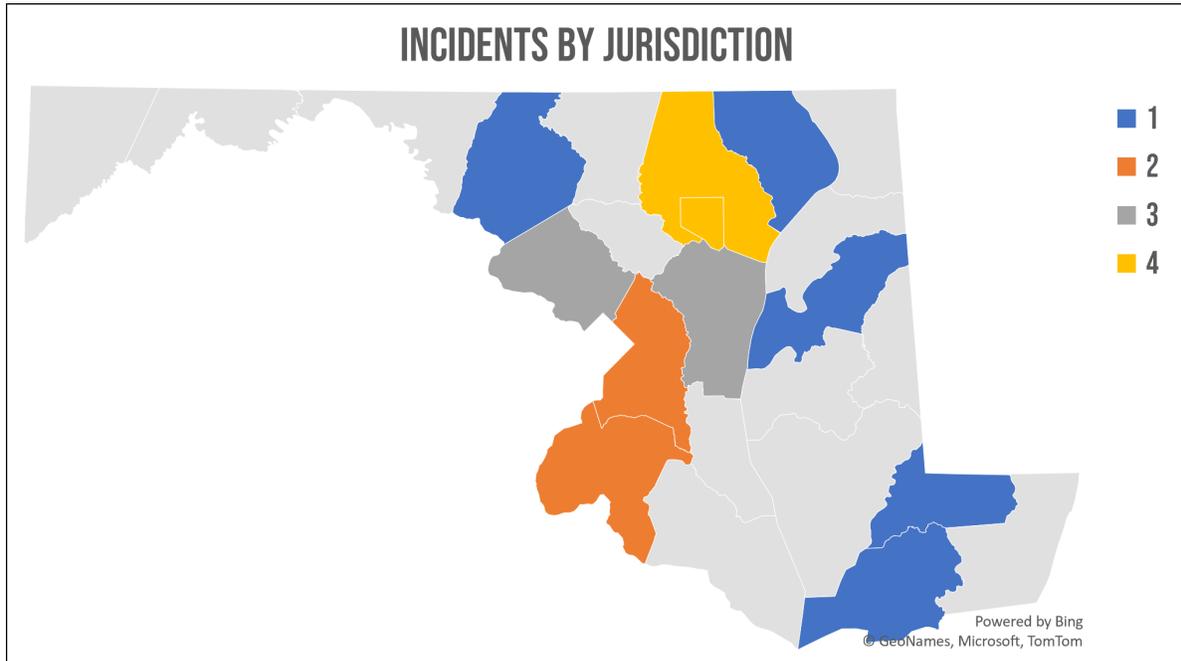
INCIDENTS BY DAY OF WEEK



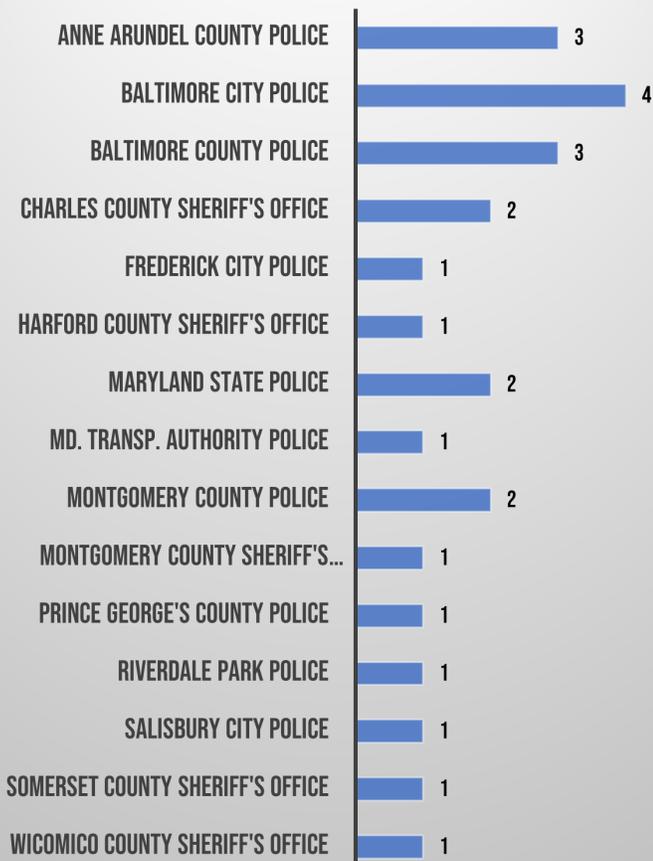
INCIDENTS BY TIME OF DAY



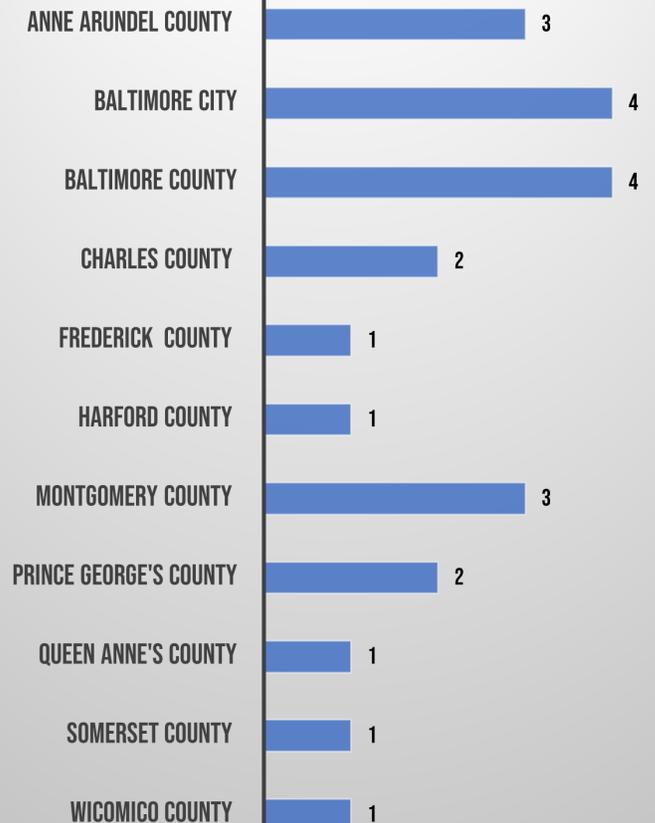
INCIDENTS BY JURISDICTION AND INVOLVED AGENCY



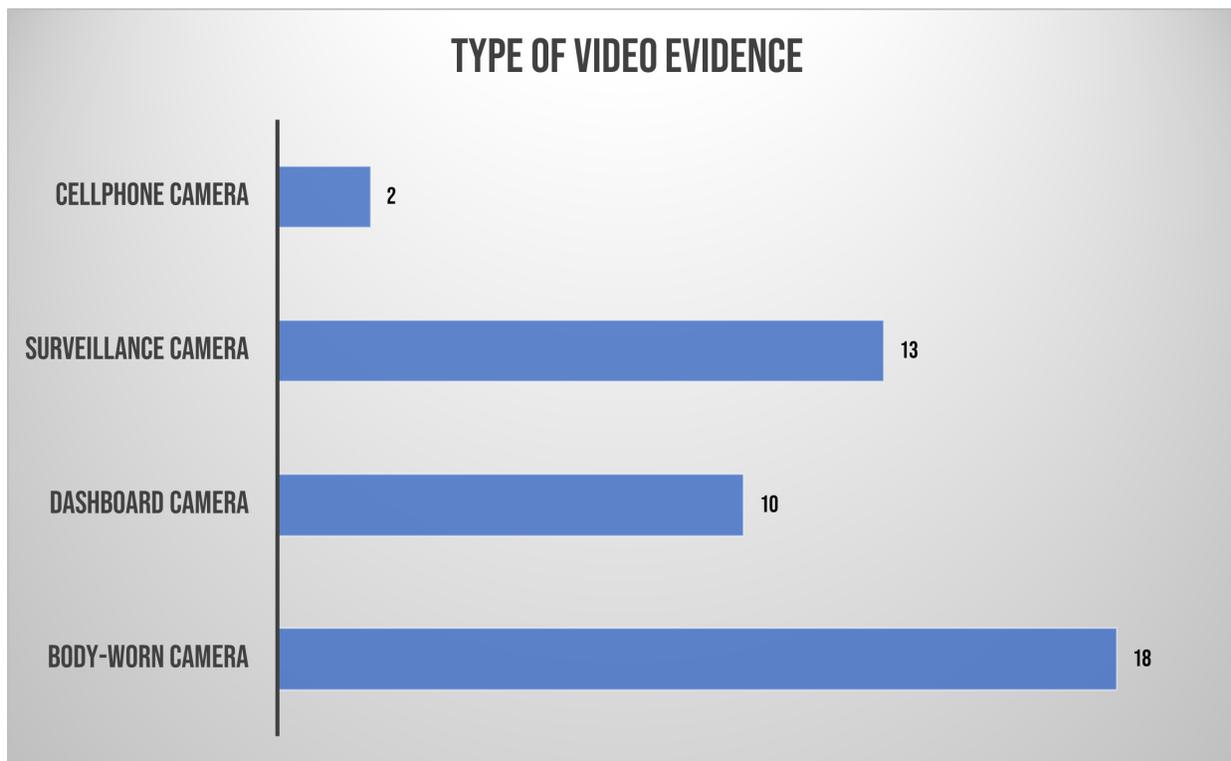
INCIDENTS BY INVOLVED AGENCY



INCIDENTS BY JURISDICTION



EVIDENCE

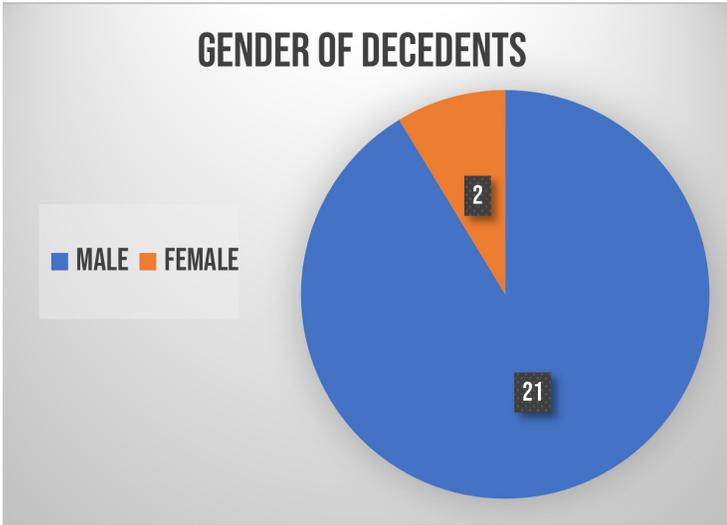


Body-worn camera and dashboard camera footage is footage from departmentally issued camera systems that captured some or all of the police-involved activity under investigation. Surveillance camera footage refers to relevant footage from surveillance systems owned by individuals, businesses, and/or government entities. Many cases had multiple forms of video footage available. In some cases, the footage did not show the fatal incident itself, but it showed relevant conduct occurring either prior to or after the incident.

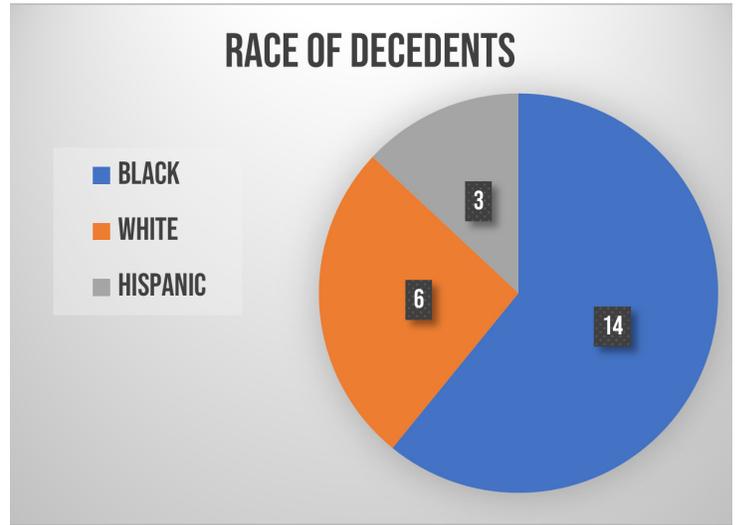


DECEDENT DEMOGRAPHICS

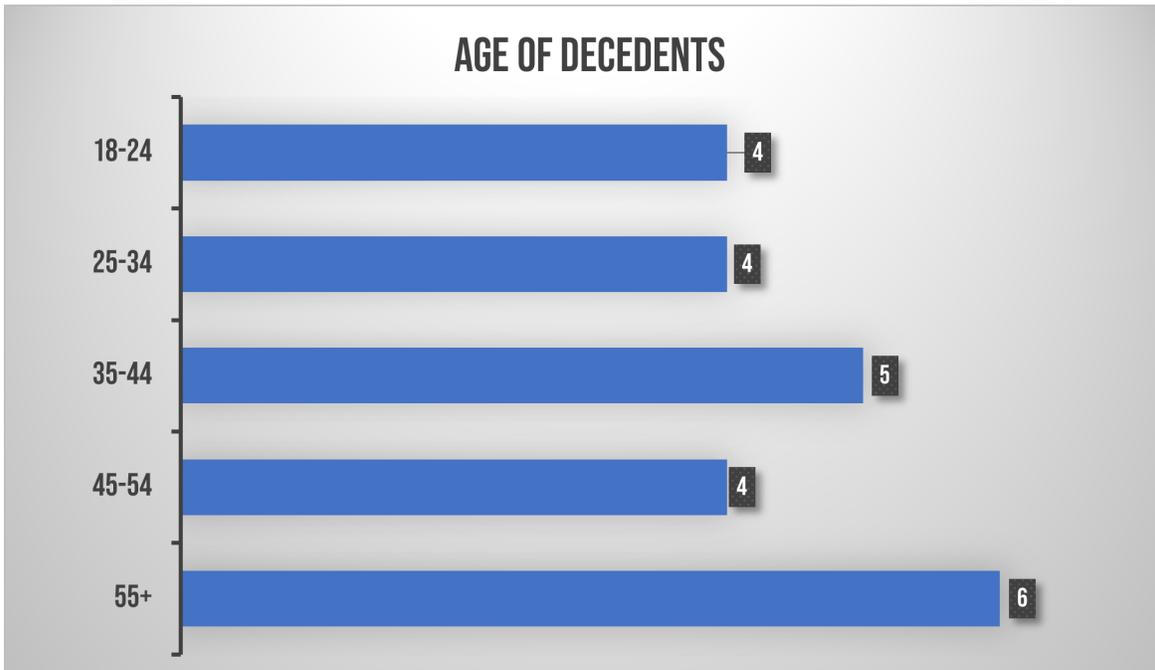
GENDER OF DECEDENTS



RACE OF DECEDENTS



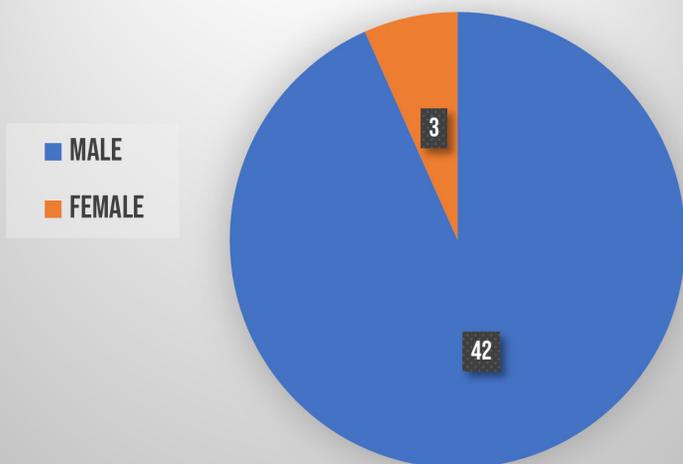
AGE OF DECEDENTS



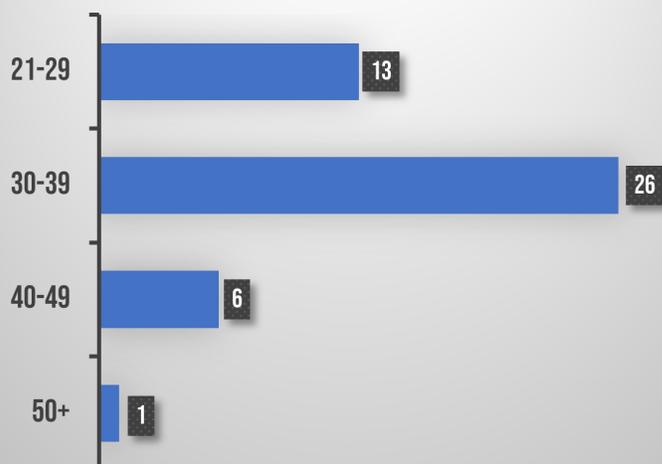
In some cases, the decedent was not the individual the police were confronting or pursuing, but their death was still a cause-in-fact or proximate cause of police-involved activity. For example, in a Prince George’s County vehicle pursuit on June 8, 2022, the decedent was in a car unrelated to the pursuit and was struck head-on by the car that was being pursued.

INVOLVED OFFICER DEMOGRAPHICS

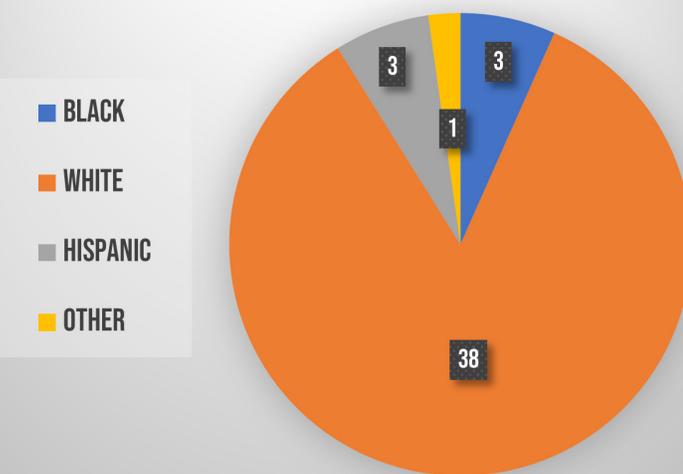
GENDER OF INVOLVED OFFICERS



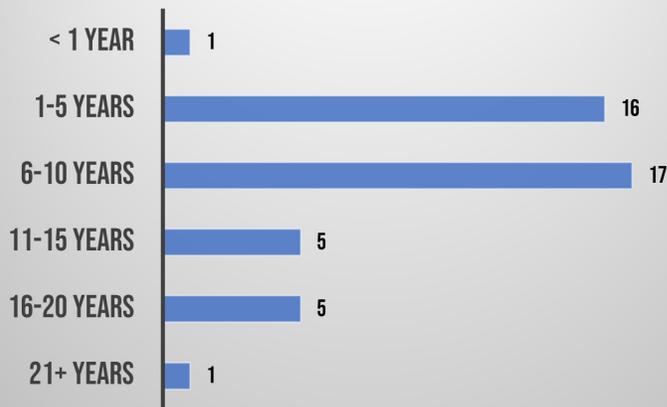
AGE OF INVOLVED OFFICERS



RACE OF INVOLVED OFFICERS



YEARS OF SERVICE OF INVOLVED OFFICERS



Eleven cases involved more than one officer, with 45 involved officers in total across the IID’s 23 cases.

While the IID’s authorizing statute does not define when an officer is or is not “involved” in a fatality, it does grant the IID sole authority to make that determination. Maryland Code, State Government Article, § 6-602. In drafting its protocols, the IID incorporated language found elsewhere in the state code, which defines “officer-involved death” as “the death of an individual resulting directly from an act or omission of a law enforcement officer while the officer is on duty or while the officer is off duty, but performing activities that are within the scope of the officer’s official duties.” Chapter 134 of 2015 (House Bill 954), Public Safety - Deaths Involving a Law Enforcement Officer - Reports.

CONCLUSION

This Annual Report summarizes the work completed by the IID in its first year of operation. The IID intends to present similar information every year in order to ensure transparency in the investigation of police-involved fatalities in Maryland. Summary information on the IID's cases and a copy of the IID's protocols are contained in the appendices that follow.



Appendix A: Listing of Incidents

IID Case Number	Date of Incident	Agency	Jurisdiction	Location	City	Decedent Sex	Decedent	Decedent Age	Officer Sex	Officer Race	Officer Age
21-001	10/9/2021	Maryland Transportation Authority Police	Baltimore County	Wilkens Ave at I-695	Catonsville	Male	Black	26	Male	White	31
21-002	10/11/2021	Baltimore County Police	Baltimore County	6400 block of Gilmore Street	Woodlawn	Male	Black	36	Male	White	48
21-003	10/21/2021	Salisbury City Police	Wicomico County	Queen Avenue at Duchess Drive	Salisbury	Male	Black	35	Male Male	White Other	36 35
21-004	11/13/2021	Baltimore City Police	Baltimore City	5700 block of O'Donnell Street	Baltimore	Male	Hispanic	38	Male	Hispanic	30
21-005	11/12/2021	Frederick City Police	Frederick County	1800 block of Greenleese Drive	Frederick	Male	Black	23	Male Male Male Male Male	White White White White White	24 29 37 25 33
21-006	11/28/2021	Anne Arundel County Police	Anne Arundel County	1400 block of Braden Loop	Glenn Burnie	Male	Hispanic	32	Male	White	33
21-007	12/29/2021	Montgomery County Police	Montgomery County	Wayne Avenue at Dale Drive	Silver Spring	Male	Black	27	Male Female Male Male	White White White White	30 23 37 36
22-001	1/20/2022	Charles County Sheriff	Charles County	St. Charles Parkway and St. Mark's Drive	Waldorf	Female	Black	52	Male	White	23
22-002	1/22/2022	Maryland State Police	Queen Anne's County	311 Safety Drive	Centerville	Male	Black	64	Male Male	White White	48 32
22-003	1/30/2022	Anne Arundel County Police	Anne Arundel County	800 block of Danville Court	Crofton	Male	Black	20	Male	White	34
22-004	2/19/2022	Baltimore City Police	Baltimore City	1800 block of Chilton Street	Baltimore	Male	Black	18	Male Male	White White	27 40
22-005	2/26/2022	Montgomery County Police	Montgomery County	Randolph Road at Connecticut Avenue	Rockville	Female	Hispanic	26	Male	Black	43
22-006	3/11/2022	Charles County Sheriff	Charles County	St. Charles Parkway and St. Mark's Drive	Waldorf	Male	Black	50	Male Male Male	Black White White	35 25 39
22-007	4/23/2022	Harford County Sheriff's Office	Harford County	1500 block of Rock Spring Road	Forest Hill	Male	White	53	Male Male	White White	39 37

IID Case Number	Date of Incident	Agency	Jurisdiction	Location	City	Decedent Sex	Decedent	Decedent Age	Officer Sex	Officer Race	Officer Age
22-008	4/25/2022	Somerset County Sheriff	Somerset County	Route 13 at Perry Road	Princess Anne	Male	White	24	Male Male Male	White Black White	46 26 57
22-009	5/4/2022	Baltimore County Police	Baltimore County	900 block of Boundbrook Way	Essex	Male	White	39	Male Male	White White	21 25
22-010	6/4/2022	Baltimore County Police	Baltimore County	500 block of Virginia Avenue	Towson	Male	Black	66	Male Male Male	White White White	30 26 38
22-011	6/8/2022	Prince George's County Police	Prince George's County	White House Road at Pookey Way	Upper Marlboro	Male	White	66	Female	Black	35
22-012	6/20/2022	Baltimore City Police	Baltimore City	2500 block of East Biddle Street	Baltimore	Male	Black	58	Male	Hispanic	27
22-013	7/20/2022	Montgomery County Sheriff	Montgomery County	200 block of Garth Terrace	Gaithersburg	Male	Other	35	Male	White	32
22-014	8/4/2022	Baltimore City Police	Baltimore City	2400 block of Sherwood Avenue	Baltimore	Male	Black	57	Male	Hispanic	32
22-015	9/17/2022	Anne Arundel County Police	Anne Arundel County	4100 block of Sands Road	Harwood	Male	Black	48	Female Male Male Male Male	White White White White White	25 33 32 30 32
22-016	9/19/2022	Riverdale Park Police Department	Prince George's County	4700 block of Oglethorpe Street	Riverdale	Male	White	76	Male	White	39

Appendix B: Incident Descriptions

IID Case Number	Case Descriptions
21-001	<p>On October 9, 2021, at 2:45 a.m., Maryland Transportation Authority Police Officer Theodore Jeremenko was parked at the intersection of I-395 and Conway Street in Baltimore City when he observed a grey Monte Carlo make a left turn onto I-395 on a red light. Officer Jeremenko followed the car. His dashboard camera showed the Monte Carlo repeatedly speeding up and slowing down, weaving through traffic over multiple lanes, and driving on the shoulder of the highway. Officer Jeremenko attempted to make a traffic stop on the car on I-695 in Baltimore County. As Officer Jeremenko got out of his car and approached the Monte Carlo, the driver drove off. Officer Jeremenko got back in his car and began to pursue the Monte Carlo until the driver lost control and crashed in the area of I-695 and Wilkins Avenue. The driver, Jawuan Ginyard, was pronounced dead on the scene.</p>
21-002	<p>On October 11, 2021, at 2:00 a.m., Baltimore County Police Department officers responded to a convenience store in the 6700 block of Windsor Mill Road in Baltimore County for the report of an armed robbery. Following the robbery, the alleged suspects fled the scene in a vehicle and crashed approximately one mile away. Multiple people ran from the vehicle following the crash. Lieutenant Gregory Mead responded to the neighborhood of the crash and observed a man, later identified as Jovan Singleton, who resembled the description of the robbery suspect. Lt. Mead said that when he instructed Mr. Singleton to sit on the curb for questioning, Mr. Singleton fled. While fleeing, Mr. Singleton fired a handgun, and Lt. Mead returned fire, striking and killing Mr. Singleton.</p>
21-003	<p>On October 21, 2021, at 10:00 p.m., Salisbury Police Department Officer Christopher Denny observed a car at the intersection of Delaware Avenue and West Salisbury Parkway in Salisbury that was being driven without its lights on. Officer Denny attempted to pull the car over. The driver of the car, Jamaal Parish Mitchell, failed to stop, instead increasing his speed and swerving as he continued driving. Officer Denny pursued the car out of concern that Mr. Mitchell was impaired. During the pursuit, Mr. Mitchell struck the police cruiser of Wicomico County Sheriff's Deputy David Munir, who had come to the area to assist Officer Denny. Deputy Munir then joined the pursuit. Mr. Mitchell continued driving and struck a civilian vehicle. The second collision caused Mr. Mitchell to lose control of his car. His car entered the yard of a home on Duchess Drive and struck a parked vehicle and a tree. Mr. Mitchell was pronounced dead on scene.</p>
21-004	<p>On November 13, 2021, at 3:09 p.m., Baltimore Police Department Sergeant David Burch was off duty at the 5700 block of O'Donnell Street in Baltimore getting a haircut at Blady Style Barber Shop. A man, later identified as Carlos Ortega, came into the business and shot the owner of the barber shop several times with a handgun. Sergeant Burch was still sitting in the barber chair when Mr. Ortega told him to get out of the way. Sergeant Burch got out of the chair as the suspect moved toward the owner again with his gun still in his hand. Sergeant Burch discharged his off-duty Glock 27 six times, striking Mr. Ortega. Both Mr. Ortega and the owner were transported to</p>

Johns Hopkins Hospital where Mr. Ortega was pronounced dead at 3:57 p.m. and the owner was pronounced dead at 345 p.m.

21-005 On November 12, 2021, at 7:10 p.m., Frederick Police Department was dispatched to a residence on the 1800 block of Greenleese Drive in Frederick for a person behaving erratically. Responding officers found Danny Michael Holley Jr., 23, of Virginia in an agitated state. Officers determined that Holley needed medical intervention and called for an ambulance. Mr. Holley struck Officer Charles Ross. Officer Jacob Haynie discharged his taser, and the officers were able to handcuff Mr. Holley, who was conscious but remained incoherent. Mr. Holley was taken by ambulance to Frederick Health Hospital. While in the emergency department, Mr. Holley suffered a medical emergency and was subsequently admitted to the hospital, where he remained throughout the weekend. Two days later, at approximately 11:00 p.m., Frederick Police received notification that Mr. Holley died.

21-006 On November 28, 2021, at 12:47 p.m., Anne Arundel County Police Department responded to a home in the 1400 block of Braden Loop in Glen Burnie after a woman called 911 to report that a family member had chased her from the house with a knife. The 911 caller also reported that a woman who lived in the house was missing. Once officers arrived, they knocked several times on the front door of the home with no response. Officers then forcibly opened the door and saw Digno Ramon Yorro, Jr. standing inside. Mr. Yorro was armed with a knife, which officers ordered him multiple times to drop. Mr. Yorro did not drop the knife, and an officer deployed several beanbag shotgun rounds and then his taser on Mr. Yorro, neither of which caused him to put down the knife. Mr. Yorro then walked toward officers, still armed with the knife, at which time Corporal Joseph Burger shot Mr. Yorro three times. Officers and then paramedics rendered medical aid, but Mr. Yorro was pronounced dead at the scene.

21-007 On December 29 at 4:25 a.m., an off-duty Montgomery County Police Department officer was alerted to a shooting in the 900 block of Bonifant Street in Silver Spring. The off-duty officer relayed a secondhand description of the suspect's car to on-duty Montgomery County Police Department officers who were responding to the scene to assist. Minutes later, officers observed a car matching that description driving in the area of Wayne Avenue and Dartmouth Avenue in Silver Spring and made a traffic stop. Mr. Osman Sesay got out of the car contrary to officers' orders and pointed a handgun at them. Four officers, Officers Nathan Lenhart, Karli Dorsey, Dennis Tejada, and Eric Kessler, fired at him. Mr. Sesay was pronounced dead on the scene.

22-001 On January 20, 2022, at 8:00 p.m., Charles County Sheriff's Officer Chad Irwin attempted a traffic stop on a Toyota Camry in the area of St. Charles Parkway and St. Ignatius Drive in Waldorf. The driver failed to stop, and officers pursued him. Officer Irwin pursued the Camry northbound on St. Charles Parkway where the driver ultimately lost control of the car near a curve in the roadway and crashed. Inga Person, who was one of two people in the car, was ejected and pronounced dead on the scene. The other occupant was taken to the hospital with non-life-threatening injuries.

22-002 On January 21, 2022, at 7:36 p.m., MSP troopers conducted a traffic stop on a black Cadillac DTS sedan on U.S. 301 at McGinnes Road in Millington. The troopers arrested Amar Womack for possession of a controlled substance and transported him back to the MSP barrack in

Centreville. At the time of the arrest, he was conscious and responsive to questions. About two hours after arriving at the barracks, Mr. Womack, who was in a cell, began exhibiting signs of distress and became unresponsive. Troopers notified EMS, who transported him to an area hospital, where he was pronounced dead at 11:44 p.m.

22-003

On January 30, 2022, at 4:05 a.m., Anne Arundel County Police Department responded to the 900 block of Danville Court in Crofton after a woman called 911 to report that she was having a dispute with her son, Dyonta Quarles Jr., and he would not let her leave her bedroom. When officers arrived on scene, the 911 caller stated that she could not get to the front door and instructed officers to enter the house. Officers forced entry into the home and went to an upstairs bedroom where the caller and Mr. Quarles were located. Officers gave Mr. Quarles commands to get on the ground. Mr. Quarles initially complied with officers' commands to get on the ground. A few seconds later, as officers approached him, he got up and sat back on the bed. Mr. Quarles then ran out of the bedroom and tackled Officer Jonathan Ricci to the ground, repeatedly punching him in the head. Officers were able to pull Mr. Quarles off Officer Ricci and hold him on the ground. While officers were attempting to put Mr. Quarles in handcuffs, Mr. Quarles bit down on Officer Ricci's fingers and did not let go. Officer Ricci then unholstered his weapon and shot Mr. Quarles. Mr. Quarles was pronounced dead on the scene. Officer Ricci, who was in and out of consciousness, was taken to a hospital and treated for his injuries.

22-004

On February 19, 2022, at 3:10 p.m., officers with the Baltimore Police Department's Mobile Metro Unit observed a vehicle whose registered owner had two open warrants. After briefly losing sight of the car, officers spotted it parked on Hillen Road in Baltimore City. As the officers approached the vehicle on foot, the car accelerated forward, and Officer Robert Mauri and Officer Connor Murray discharged their firearms, striking the driver, Donnell Rochester. The car proceeded a short distance down the street before Mr. Rochester exited the car with his hands raised. Officers handcuffed Mr. Rochester and rendered aid until medical personnel arrived. Mr. Rochester was transported to an area hospital, where he was later pronounced dead.

22-005

On February 26, 2022, at 1:30 a.m., Montgomery County Police Department Officer Antonio Copeland observed a car commit a traffic violation in the area of Rockville Pike and Nicholson Lane in North Bethesda. Officer Copeland conducted a traffic stop on the car, and while he was standing at the car's window, the driver drove away. Officer Copeland pursued the car. During the pursuit, the driver, lost control of the car and crashed in the 3600 block of Randolph Road in Wheaton. The driver, identified as Noraly Chavez, was pronounced dead on the scene. The passenger, an adult male, was taken to a local hospital with minor injuries and was treated and released.

22-006

On March 11, 2022, at 4:06 a.m., the Charles County Sheriff's Office responded to the report of a hit-and-run crash in the 3900 block of Pine Cone Circle in Waldorf. When officers arrived on scene, the driver was no longer there, but a witness provided his identity and vehicle description. At 4:47 a.m., officers located the individual driving a pickup truck in the area of St. Marks Drive, and Officer Shayne Cannon attempted to pull him over. The driver, identified as Darell Byrd, failed to stop and led officers on a pursuit along St. Charles Parkway. Mr. Byrd lost control of his truck and crashed into trees along St. Charles Parkway. Mr. Byrd was pronounced dead on scene.

22-007 On April 23, 2022, at 4:00 p.m., the Harford County Sheriff's Office responded to a report of a suicidal person with access to firearms. Deputies located the individual of the call, John Fauver, in a truck in the 1500 block of Rock Spring Road in Forest Hill. Sergeant Bradford Sives exited his patrol car and ordered Mr. Fauver out of his truck at gunpoint. Mr. Fauver began to drive away, at which point Sgt. Sives fired his gun multiple times at the truck's tires. Mr. Fauver continued to drive and stopped in an adjacent parking lot. Mr. Fauver exited his truck and began to communicate with deputies on scene. During this time, Mr. Fauver retrieved an item from his truck and pointed it at deputies, at which point Sgt. Sives and Corporal Christopher Maddox discharged their firearms, striking Mr. Fauver. A medical walking cane was recovered near Mr. Fauver's body. Deputies rendered aid to Mr. Fauver until EMS arrived. Mr. Fauver was pronounced dead at an area hospital.

22-008 On April 25, 2022, at 11:30 a.m., the Somerset County Sheriff's Office responded to a 911 call from a convenience store in Westover. The caller reported that a man, later identified as William Robert Brink, had pointed a handgun at him and demanded money before fleeing the area on a bike. Shortly thereafter, approximately two miles away, Sergeant Kevin Goepfert located Mr. Brink. During that encounter, Mr. Brink and Sergeant Goepfert both fired their handguns. Mr. Brink then fled toward a nearby field, near the intersection of US 13 and Perry Road. Additional officers from the Somerset County Sheriff's Office, the Maryland State Police, and the Princess Anne Police Department responded to the area to assist. When officers located Mr. Brink, he fired his handgun again, shooting himself in the chin. Mr. Brink initially fell but stood back up several seconds later. Somerset County Sheriff's Office Deputy First Class Anthony Jackson and Maryland State Police Corporal Jason Dykes then discharged their firearms, and Mr. Brink was struck twice. He was taken to an area hospital and pronounced dead.

22-009 On May 4, 2022, at 3:54 p.m., Baltimore County Police Department officers responded to a home in the 900 block of Boundbrook Way in Essex for the report of a physical domestic disturbance. The 911 caller stated that a man, later identified as Ralph Picarello III, was inside the home throwing items at a family member. When they arrived, officers entered the home and spoke to Mr. Picarello for several minutes. When they informed Mr. Picarello that he would have to come with them to the hospital, Mr. Picarello picked up a knife and carving fork. Officers gave commands to drop the knives, but Mr. Picarello did not comply. Mr. Picarello then moved quickly towards officers while still holding the knife and carving fork. One officer deployed his taser, and Officers Eric Pellegrino and Derrick Manning discharged their firearms, striking Mr. Picarello. He was pronounced dead on scene.

22-010 On June 4, 2022, at approximately 8:40 p.m., Baltimore County Police Department responded to an apartment complex on Virginia Avenue in Towson for the report of an unknown trouble. When officers arrived on scene, they heard gunshots coming from inside the building. The officers entered the building and went to the apartment floor provided by the 911 caller. Once on the floor, officers identified the apartment where the unknown trouble was reported to have occurred and knocked on the door. An adult male identified as Joseph Thompson answered the door armed with a handgun and pointed it at officers. Mr. Thompson exchanged gun fire with Officer Scott Johnson, Officer Robert Fitzgerald, and Officer Cody Klapka. Mr. Thompson was struck and pronounced dead on scene. Officer David Kralick suffered a gunshot wound and was taken to a local hospital with non-life-threatening injuries.

22-011 On June 8, 2022, at 6:30 a.m., Prince George’s County Police Department Officer Antoinette Williams observed two cars traveling in the area of Harry S. Truman Drive and White House Road in Upper Marlboro. Officer Williams activated her emergency equipment and the two vehicles continued traveling on White House Road, failing to stop. One vehicle crossed the double yellow line and struck an unrelated vehicle head-on. The driver of the unrelated vehicle, who was identified as Jonny Morris, was taken to an area hospital, where he was pronounced dead. The driver of the striking vehicle was taken to an area hospital with non-life-threatening injuries.

22-012 On June 21, 2022, at 12:40 p.m. Baltimore City Police Officer Alexis Acosta was driving a marked cruiser along the 2400 Block of E. Biddle Street in Baltimore with the lights and sirens activated when he entered the intersection of E. Biddle Street and N. Milton Avenue and struck a scooter. The driver of the scooter, Terry Harrell of Baltimore, was taken to an area hospital with serious injuries. Mr. Harrell died from his injuries on two days later.

22-013 On July 20, 2022, at 9:30 a.m., Montgomery County Sheriff’s Deputy Domenic Mash, assigned to the U.S. Marshals Capital Area Regional Fugitive Task Force, was serving an arrest warrant in the 100 block of Garth Terrace in Gaithersburg. During the execution of the warrant, Deputy Mash discharged his firearm, striking 35-year-old Hamed Ghorouni Delcheh, the subject of the warrant, who was armed with a knife. Mr. Delcheh was pronounced dead on scene. A second man was shot and taken to an area hospital to be treated for non-life-threatening injuries.

22-014 On August 4, 2022, at 11:15 a.m., Baltimore Police Department responded to the 2400 block of Sherwood Avenue in Baltimore for the report of an overdose. Once on scene, an officer located an adult male, identified as Eugene Douglas, in the roadway in distress and being restrained by a citizen. Officer Gregory Vilchez handcuffed and put leg restraints on Mr. Douglas to prevent him from injuring himself. Emergency medical personnel arrived on scene and began treating Mr. Douglas, who became unconscious. Once inside the ambulance, Officer Vilchez removed the handcuffs and leg restraints. Mr. Douglas was taken to a local hospital, where he was pronounced dead.

22-015 On September 17, 2022, at 2:30 a.m., Anne Arundel County Police Department officers responded to a residence in the 4100 block of Sands Road in Harwood following 911 calls reporting a domestic violence incident. One 911 caller told officers that the man involved in the incident, later identified as Anthony Hopkins, Sr., had fired a weapon outside of the home. Officers arrived soon after this call. As they traveled down the home’s driveway, several gunshots were fired from a wooded area alongside the driveway. Some of those shots struck an unoccupied police vehicle. Several minutes later, Mr. Hopkins emerged from the woods nearby, still armed with a firearm. Officers gave commands for Mr. Hopkins to drop the gun, but Mr. Hopkins did not comply. Mr. Hopkins raised the gun in the direction of officers, and Corporal Kalin Slayton, Corporal Brian Dehn, Corporal Zachary Devers, Corporal Jonathan Metcalf, and Officer Marina Hanlon fired at Mr. Hopkins, striking him multiple times. Officers and paramedics provided medical aid, but Mr. Hopkins was pronounced dead on scene.

22-016

On September 19, 2022, at 3:30 p.m., Riverdale Park Police Department responded to a home in the 4700 block of Ogleshorpe Street in Riverdale Park for a report of a suicidal man who had access to firearms. Once on scene, officers spoke to the man identified as Bryan Coupal for several minutes at the front door of the home. Mr. Coupal retreated inside the home and then to an upstairs bedroom. Officers followed Mr. Coupal inside the home and gave him commands to stop. Mr. Coupal did not comply. Once inside the bedroom, Mr. Coupal retrieved a handgun and pointed the gun at officers. Officer Chad Sunday discharged his firearm, striking Mr. Coupal. Officers rendered aid until medical personnel arrived. Mr. Coupal was taken to an area hospital where he was pronounced dead.

Appendix C: Protocols

NOTIFICATION PROTOCOLS FOR THE INDEPENDENT INVESTIGATIONS DIVISION

The Office of the Attorney General’s Independent Investigations Division (“IID”) and the Maryland State Police (“MSP”) will lead the primary investigation of all police-involved incidents that result in the death of a civilian or injuries likely to result in death (“qualifying incidents”) as mandated by Maryland Code, State Government Article, § 6-602.

I. Definitions

Qualifying incidents include any act or omission of a law-enforcement officer while the law-enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.

The following are examples of, but not limited to, the types of incidents that IID and MSP should be notified about: shootings that are fatal or result in the likelihood of death, use of force incidents that are fatal or result in the likelihood of death, deaths occurring while an individual is in police custody, and vehicle pursuits by law enforcement that result in death or the likelihood of death.

The IID will determine whether an incident is police-involved and whether an injury is likely to result in death.

II. Notification

Immediately upon learning of a qualifying incident, the local law enforcement agency (“LEA”) that employs the officer and/or the local LEA with primary jurisdiction over the location of the incident will notify the MSP Headquarters Duty Officer at (410) 653-4474. The notifying local LEA will provide contact information for the on-scene commander with responsibility for the initial crime scene response.

If a local LEA is uncertain whether an incident qualifies for notification, the local LEA should contact MSP at the above number. The local LEA's on-scene commander will be contacted as quickly as possible by a member of the IID or MSP.

During the initial contact, the local LEA’s on-scene commander should provide, to the best of their ability, the following preliminary information: the date and time of the incident; the location of the incident, of any other crime scenes, and of any other witnesses; the type of incident that led officers to the scene; the number of involved and witnessing officers; whether anyone is deceased or injured; and whether the media is on-scene. It is more important that the local LEA provide notification quickly than that they wait to obtain all of these pieces of information.

The local LEA will maintain control over the crime scene until the arrival of MSP. The IID has distributed protocols for evidence collection and media contacts, which should be followed prior to MSP's arrival at the scene.

The local LEA will maintain scene security, including traffic control, until the on-scene investigation is complete, and the scene is released. The local LEA will provide security for any individuals in custody until either treated and booked, relieved by the Division of Corrections as a bedside commitment or transferred to the Office of the Chief Medical Examiner.

Some special police officers employed by LEAs are covered by the legislation. If your agency has an incident involving a special police officer, please notify the IID, and we will determine whether it is a qualifying incident.

While initial notification should always go to MSP at (410) 653-4474, a local LEA may reach out with additional questions to the on-call IID investigator at (410) 576-7070.

EVIDENCE COLLECTION, STORAGE, AND ANALYSIS PROTOCOLS FOR THE INDEPENDENT INVESTIGATIONS DIVISION

The Office of the Attorney General's Independent Investigations Division ("IID") and the Maryland State Police ("MSP") will lead the primary investigation of police-involved incidents that result in the death of a civilian or injuries likely to result in death as mandated by Maryland Code, State Government Article, § 6-602. In this document, the "Independent Investigations Division" or "IID" refers to the entity created by that legislation, consisting of both AG and MSP personnel.

The following protocols are intended to govern the gathering and preservation of evidence at those scenes. Because no protocol can cover all situations, please call the MSP Headquarters Duty Officer at (410) 653-4474 or the on-call IID investigator at (410) 576-7070 with any questions that arise prior to IID's arrival on scene.

I. Collection of Physical Evidence at Scene

- A. Personnel from the MSP Forensic Sciences Division ("MSP-FSD") and Criminal Enforcement Division will oversee the scene of IID investigations and will make every effort to arrive at the scenes of IID investigations within one to two hours from notification.
- B. Cases Where There is no Imminent Threat to Evidence
 - 1. In all cases in which there is no imminent threat to losing, damaging, or contaminating evidence, the evidence should be collected by personnel from the MSP-FSD.

2. In these cases, personnel from the local law enforcement agency (“LEA”) will not collect evidence but will locate, identify and secure all crime scenes and evidence until MSP-FSD personnel arrive.
3. If the local LEA has scanning devices, we encourage them to begin scanning the scene prior to the arrival of IID personnel, if feasible.

C. Cases Where There is an Imminent Threat to Evidence

1. An imminent threat to evidence is defined as a situation in which evidence will be lost, damaged, or contaminated if personnel on the scene do not take action. Examples include, but are not limited to, weather (rain, wind, flood, heat) and potential interference (civilian, medical personnel, animals) with evidence.
2. If there is an imminent threat to any evidence and crime scene personnel from the local LEA are present, then the local crime scene personnel should document, photograph, and collect that evidence as per their own protocols prior to the arrival of MSP-FSD crime scene personnel. If the evidence must be processed to preserve it from threat, the local LEA may do so. Evidence that is not subject to an imminent threat will be left for MSP-FSD crime scene personnel to process.
3. If there is an imminent threat to any evidence and no crime scene personnel (MSP-FSD or local) are present, then the sworn personnel on-site should document, photograph, and collect that evidence rather than waiting for crime scene personnel to arrive. If time allows, the sworn personnel from the local LEA should contact IID personnel for guidance prior to the collection of evidence. Evidence that is not subject to an imminent threat will be left for MSP-FSD crime scene personnel to process.
4. If personnel from the local LEA collects evidence, the name of the personnel collecting the evidence and the reason for collection should be documented and provided to the IID as soon as possible.
5. If personnel from the local LEA collects evidence, they should ask the IID whether to transfer the evidence to MSP-FSD or process it themselves.
6. The guiding principle for when there is a threat to evidence is that it is always better to collect the evidence in some manner rather than losing the evidence or having it damaged or contaminated.

II. Collection of Other Evidence at Scene

A. Video Evidence

1. The local LEA should identify all personnel who are equipped with a Body Worn Camera (BWC) and/or Mobile Video System (MVS) that potentially captured any aspect of the encounter, including footage from before and after the incident. Any BWC and/or MVS footage should be secured and turned over to IID personnel.
2. The local LEA should begin to identify all video surveillance evidence prior to the arrival of IID personnel.

B. Involved and Witness Officers

1. The local LEA should identify and separate all involved and witness officers. If possible, the local LEA should contact IID personnel prior to any removal of an involved or witness officer.
2. If there is an imminent need to remove the involved or witness officer from the scene, the local LEA should, if possible, photograph the officer while on scene and contact IID personnel prior to transport for further guidance. If an officer must be transported from the scene before being photographed or his or her firearm being recovered, he or she should, if possible, be transported in a car with an operating camera and/or in the company of an officer wearing an operating BWC.

C. Civilian Witnesses

1. The local LEA should identify, separate, and maintain all possible civilian witnesses and ask them to remain present until IID personnel arrives to conduct interviews.
2. In cases where a civilian witness needs to be transported from a scene, the local LEA should, if possible, contact IID personnel prior to transport for further guidance.
3. If a witness is unwilling to wait on scene for the arrival of IID personnel, the local LEA should attempt to conduct an interview of that individual, to collect any video or other evidence they might have, and to obtain the contact information for the witness to include his/her name, date of birth, address, phone number, and vehicle registration information.
4. If possible, any on-scene interaction with civilian witnesses should be recorded and documented. These recordings and documentation should be maintained and will be collected by the arriving IID personnel.

III. Death Notifications

- A. If there has been a police-involved incident that results in the death of a civilian or

injuries likely to result in death, IID personnel will make the next-of-kin notification to the family of the involved decedent. At the discretion of the IID, a representative from the local LEA may accompany IID personnel to the next-of-kin notification.

- B. If extenuating circumstances prevent the IID from making a timely notification, the local LEA can make the next-of-kin notification after consulting with the IID. During that notification, the local LEA will provide the family with contact information for the IID and will also provide the IID with the contact information of the involved family.
- C. Following the next-of-kin notification, and throughout the course of the investigation, the IID will be the primary point of contact with the decedent's family.

IV. Submission Of Evidence

- A. All evidence collected as part of an IID investigation should be submitted to the MSP-FSD regardless of who collects the evidence.
- B. If there is a dispute with a local LEA as to whether evidence is part of an IID investigation, IID personnel will make the final determination regarding the evidence.
- C. If potential IID evidence is submitted to a crime lab other than the MSP-FSD, the IID will request the evidence so that it can be transferred to the MSP-FSD.
- D. Requests for Transfers of IID Evidence
 - 1. If a local LEA determines that it needs possession of evidence submitted to the MSP-FSD for its own investigation or prosecution, it may request the transfer of evidence.
 - 2. IID personnel will address evidence transfer requests on a case-by-case basis. Every effort will be made to accommodate transfer requests if they do not prejudice an IID investigation or potential prosecution.
 - 3. All transfers of IID evidence from the MSP-FSD to another LEA's accredited and licensed crime lab must be requested by that LEA's crime lab director and be approved by the director of the MSP-FSD, and the IID chief.

V. Analysis of Evidence

- A. IID personnel may request the analysis and testing of evidence collected for IID investigations that they deem appropriate.
- B. Because of the increased burden these cases will place on the MSP-FSD, the FSD Director may request that other accredited and licensed crime labs in the State perform the analysis. Insofar as practical, the MSP-FSD will not send any evidence related to the IID investigation to the crime lab in the same jurisdiction as the officer under

investigation. The MSP-FSD will notify the IID if this transfer occurs.

C. Local LEA requests for analysis of IID Evidence.

1. If a local LEA determines that it would like evidence that has been submitted to the MSP-FSD to be analyzed, it may request that the MSP-FSD conduct the analysis.
2. IID personnel will determine if the analysis should be done on a case-by-case basis depending on the request and the resources available at the time of the request.
3. If a local LEA's request for analysis is denied, IID personnel will make every effort to transfer the evidence to another accredited and licensed crime lab as soon as practicable without prejudicing the IID investigation or potential prosecution.

VI. Collateral Criminal Investigations

- A. Because the IID solely investigates law-enforcement personnel, local LEAs may need to conduct criminal investigations and prosecutions of non-police criminal activity arising from the same general incident as IID investigations. IID personnel will collaborate with the local LEA in every case in which there is a collateral criminal investigation. All efforts will be made to find solutions that allow for the proper investigation and potential prosecution of both the IID case and the collateral criminal case without causing prejudice to either case.
- B. Where the two investigations share witnesses, the IID and local LEAs will coordinate, to the extent possible, prior to conducting interviews.
- C. Collection of Evidence for Collateral Investigations.
 1. If IID personnel determine that evidence is necessary for an IID investigation, the evidence will, barring an imminent threat to the evidence, be collected by the MSP-FSD and submitted to the MSP-FSD. This will occur even if a local LEA believes the evidence is necessary for a collateral criminal investigation.
 2. If IID members determine that evidence is not required for an IID investigation, local LEA may collect, store, and analyze the evidence according to their normal practices or procedures. The local LEA may also request that the MSP-FSD personnel collect that evidence at the scene and provide it to the local LEA for its own future analysis.

PROTOCOLS FOR COORDINATION BETWEEN THE INDEPENDENT INVESTIGATIONS DIVISION AND STATE'S ATTORNEYS' OFFICES

The Office of the Attorney General’s Independent Investigations Division (“IID”) and the Maryland State Police (“MSP”) will lead the investigation of police-involved fatalities as mandated by Maryland Annotated Code, State Government Article, § 6-106.2. Under the statute, State’s Attorneys retain prosecutorial authority over any crimes related to the fatality.

The IID recognizes the need to share information with the appropriate State’s Attorney’s Office (“SAO”) regarding the investigation, as well as receive input from the SAO regarding investigative decisions. Working together during the process will eliminate delays that would otherwise occur after a report is transmitted by the IID to the SAO, avoid duplication of effort, create a better investigative product, and use investigative resources more efficiently.

I. Initial notifications

Each SAO will designate a contact person for fatal incidents in their jurisdiction and provide that person’s contact information to the IID. When an incident occurs, the IID will notify that designee as soon as possible. If the SAO learns of a fatal incident that has not yet been reported to the IID or MSP, the SAO will immediately provide such notification to the IID.

The SAO’s designee or another member of the office is welcome to respond to the scene of an incident to observe and receive briefings. The IID will also provide a briefing on the investigation within 24 hours of the incident to the State’s Attorney, or the State’s Attorney’s designee. Thereafter, the OAG IID will provide regular updates, to the extent permitted by law. The IID will consult with the SAO before releasing any body-worn camera footage.

II. The Investigation

The goal of the IID is to provide the State’s Attorneys’ Offices with an investigation that answers their legal and factual questions and leaves them fully prepared to make prosecutorial decisions at the conclusion of the investigation. In order to do so, we welcome the SAOs to participate in the process in the ways detailed below. However, it is equally important that the SAOs not initiate parallel or competing investigative processes while the IID investigation is ongoing. Parallel investigations could lead to inconsistencies, generate confusion, and ultimately damage any resulting prosecution. Such a system also threatens the integrity of the independent system that the legislature has put in place.

In order to facilitate coordination, an SAO may request the opportunity to cross-designate one or more Assistant State’s Attorneys to work with the IID team on the investigation. An ASA will be cross-designated upon the satisfactory completion of a conflict-of-interest questionnaire and confidentiality agreement and will work at the direction of the IID Unit Chief for purposes of the investigation. In a case where the IID does not believe that a conflict of interest can be avoided, it may elect not to approve a cross-designation. Should the State’s Attorney, IID, or cross-designated ASA desire to terminate the relationship, it may do so in writing at any time.

The statute states that IID “may act with the full powers, rights, privileges, and duties of a State’s Attorney, including the use of a grand jury in any county” Md. Code, State Gov’t § 6-

106.2. The IID may ask the SAO designee for assistance with issuing subpoenas, scheduling grand-jury time, and related issues.

III. Coordination regarding overlapping and related cases

The IID recognizes that some investigations may overlap with separate cases within the jurisdiction of the SAO. The IID will coordinate with the SAO to ensure the appropriate sharing of information, including the transfer of evidence, when appropriate, occurs in a timely manner. Where the two investigations share witnesses, the IID and SAO will coordinate with each other prior to conducting interviews and will ask their law-enforcement partners to do the same.

IV. Final reports and prosecution

As mandated by statute, “Within 15 days after completing an investigation . . . the Independent Investigative Unit shall transmit a report containing detailed investigative findings to the State's Attorney.” Md. Code, State Gov't § 6-106.2. This report will contain the full factual findings and evidence, as well as an analysis of the relevant legal issues.

The statute requires that the IID report remain confidential through adjudication of any associated criminal case at the trial court level. The SAO should notify the IID when it has made a determination of whether to prosecute, decline, or refer the case. The IID will release the report, with appropriate redactions for confidentiality, within 30 days of a final judgment of all defendants in that case or a companion case, or within 30 days of a determination by the SAO or other relevant prosecutorial entity that they are declining to prosecute.

If an SAO determines that it has a conflict of interest in a matter and is therefore unable to assess the case for prosecution, the State’s Attorney may refer the matter to the Attorney General for potential prosecution, as provided under existing authority.

Even in cases without a conflict of interest, an SAO may seek prosecutorial assistance from the IID. If an SAO chooses to pursue a prosecution, the SAO may ask the OAG for assistance, including the cross-designation of an IID attorney or investigator to participate in prosecution, or for the IID to conduct the prosecution itself. If an SAO declines to prosecute, they may ask to refer the case to the IID for an independent determination or prosecution. In either circumstance, the OAG retains discretion as to whether to accept the referral or provide assistance.

MEDIA RESPONSE PROCEDURES FOR THE INDEPENDENT INVESTIGATIONS DIVISION

Pursuant to Maryland Code, State Government Article, § 6-602, the Office of Attorney General’s Independent Investigations Division (“IID”) and the Maryland State Police (“MSP”) will lead the primary criminal investigation of police-involved incidents that result in the death of a civilian or injuries likely to result in death.

Communication with the public and media in the wake of a fatal or potentially fatal incident must balance the public's desire for quick answers, the need for accuracy, and the need to convey the independence of the investigation. We understand that the public wants information soon after an event occurs, and that local Law Enforcement Agencies ("LEA") will often be called on to provide some information before the IID and MSP have fully taken control of the investigation. We also understand that the legislature has assigned responsibility for these cases to the IID and MSP, and it is important to convey to the public that these investigations are in fact being handled independently. The policy below is an attempt to balance those goals.

I. Initial media response

A local LEA may choose, at its discretion, to defer all public response to the IID. A member of the IID with responsibility for media response will respond to the scene as soon as is practical. Whether or not the local LEA plans to make a public statement, we ask that they make available to the IID a public information officer or an individual with similar responsibilities who can assist the IID in gathering information. That person should begin gathering preliminary information before the IID arrives.

A local LEA may also choose to make a public statement or release certain limited information in the immediate aftermath of an incident. To the extent possible, the local LEA will consult with IID prior to the release of this information. The local LEA may generally include the following information in its public statement:

- The date, time, and location of the incident.
- The type of call for service that led officers to the scene.
- Information concerning injuries sustained by any surviving civilians and/or an officer, and whether any individuals were transported to the hospital.
- How many officers discharged their firearms.
- Whether a weapon was recovered or located on-scene.
- Basic information regarding the age, race, duty assignment, tenure, and current administrative status of the officer(s).
- Each police department will include in their remarks a statement confirming that the investigation into the officers' conduct will be conducted by the Maryland Attorney General's Office Independent Investigative Division, with assistance provided by his/her department as requested.

Notification of the release of this information should be provided to the IID investigative supervisor or media contact preferably prior to, or at least simultaneously with the public release.

II. Subsequent media response

Upon completion of the initial public/media notifications, the local LEA may continue to provide periodic updates involving an ongoing community threat, such as a continuing search for a suspect, or any road or business closures. If the local LEA wishes to release a written statement detailing the facts already released in the initial media response (see section I, above), it should consult with the IID before doing so.

Otherwise, further comment or the release of additional information or materials that could be considered evidentiary or could impact the integrity or outcome of the investigation should come from the IID, not from the local LEA. This includes:

- body camera footage;
- in-car camera footage;
- surveillance footage;
- commercial or residential security camera footage;
- crime-scene or other photographs, other than photos related to a continuing search for a suspect;
- photographs or video footage taken by witnesses;
- detailed statements provided by officers/deputies involved;
- detailed statements provided by witnesses or suspects;
- test results of any kind;
- investigative reports;
- autopsy information, including cause/manner of death;
- legal conclusions about an officer's conduct;
- any information that could be considered investigative or evidentiary.

If the local LEA believes that the release of such information is necessary, it will consult with and obtain the approval of the IID, to avoid impacting the outcome of the investigation.

The IID will generally release the name of the involved officers within 48 hours of the incident, though that period may be extended if an officer is injured, or if there is a specific reason to believe that an officer's safety is at risk. If the local LEA wishes to release the name of the officer itself prior to the IID doing so, it may, after consultation with the IID.

The IID will generally release body camera footage within 14 days of the incident. There may be situations where more than 14 days is necessary, including if investigators need more time to complete witness interviews, if there are technical delays caused by the need to redact the identities of civilian witnesses, or to allow family members to view the video before it is released to the public.

III. Completion of Investigation

Upon completion of the investigation and review by the Maryland Office of the Attorney General, the IID will confirm on its website that it has completed the investigation and forwarded its report to the relevant State's Attorney's Office. The IID will notify the relevant local LEA when its investigation is complete. By statute, the report remains confidential until any prosecution is complete, and therefore the IID will not comment on the content of its report.

The IID will release the report, with appropriate redactions for confidentiality, within 30 days of a final judgment of all defendants in a prosecuted case, or within 30 days of a determination by the SAO or other relevant prosecutorial entity that they are declining to prosecute.

MARYLAND STATE POLICE PROTOCOLS FOR INVESTIGATING TROOPER-INVOLVED FATALITIES IN CONJUNCTION WITH THE ATTORNEY GENERAL'S INDEPENDENT INVESTIGATIONS DIVISION

The following protocols are an appendix to the general policies developed by the Attorney General's Independent Investigations Division ("IID") and the Maryland State Police ("MSP") in all IID investigations. It is understood that these protocols may need to be revised as the general policies are developed and put into practice.

The MSP is committed to assisting the IID in conducting objective, comprehensive, and timely investigations into all police-involved fatalities falling within the IID's purview. MSP is also committed to bringing the same high level of comprehensiveness and impartiality to the IID's investigations of Trooper related use of force fatalities. In an effort to assure impartiality in these investigations, MSP will engage in the following procedures in IID investigations of Trooper-related fatalities:

I. General Procedures for All IID Investigations

In all investigations conducted by the IID, including Trooper-related incidents, MSP personnel involved in the investigation will follow all policies and procedures developed by the IID and MSP for the investigation of all police-involved fatalities.

II. Notification to the IID For Trooper-Involved Fatalities

MSP will follow policies developed for notifying the IID for all possible IID investigations. When this notification is made in MSP trooper involved cases, MSP will specifically notify the on-call IID investigator at (410) 576-7070 and inform the investigator that the incident involves a Maryland State Trooper.

III. Geographic Separation in MSP Staffing

As soon as practicable after MSP's initial response to the scene of a Trooper-involved fatality, MSP will make every reasonable effort to staff the investigation with homicide detectives and other MSP personnel who are assigned to a different region of the State, separate from the region to which the Trooper(s) involved in the fatality are assigned.

VII. MSP Vetting for Potential Conflicts of Interest

- A. In every IID investigation into incidents involving MSP Troopers, MSP will conduct a comprehensive inquiry to determine whether any MSP personnel involved in the investigation has any actual, potential, or perceived conflicts of interest that might undermine public confidence in the impartiality and independence of the investigation. MSP will conduct this inquiry on all MSP personnel regardless of their duties in the investigation and will include both sworn and civilian MSP personnel.

- B. As part of the conflict review, MSP shall identify whether any person who will supervise or participate in the investigation has had any personal or professional interaction with or relationship to the Trooper being investigated that might reasonably call the person's impartiality into question.
- C. MSP will conduct this conflict-of-interest inquiry as soon as practical. If additional MSP personnel are added to the investigation after the initial conflict of interest vetting process, MSP will conduct a new inquiry for the additional personnel.
- D. MSP will promptly report the results of the conflict-of-interest inquiry to the IID. If members of the IID believe further inquiry should be done, MSP will promptly engage in those investigations.
- E. MSP will defer to the IID on decisions regarding the results of the conflict of interests vetting procedure. If, however, MSP determines that the risk of a potential conflict of interest is present, MSP may remove MSP personnel from the investigation on its own.
- F. If there is cause to believe police or civilian personnel for police agencies other than MSP that are involved in an IID investigations have potential conflict of interests, MSP will conduct an inquiry into the conflict of interests. MSP may seek the assistance of the involved agency in the conflicts investigation. MSP will promptly report the results of the inquiry to the IID.
- G. The IID will have final authority on all questions regarding any potential conflict of interest.

V. Potential Tampering with the Investigation

- A. MSP is committed to ensuring that all participants in IID investigations make the utmost efforts to protect the integrity and impartiality of the IID investigation.
- B. If there is cause to believe that any MSP personnel has committed an act or omission, either intentionally or recklessly, that could affect the impartiality of an IID investigation, MSP will immediately notify the IID of the situation. The IID may conduct a criminal investigation into the allegations and MSP may conduct a disciplinary investigation into the allegations. While the investigation is pending, the person being investigation will not be allowed to participate in any IID investigations.
- C. If it is determined that any MSP personnel did commit an act or omission, either intentionally or recklessly, that could affect the impartiality of an IID investigation, then, in addition to whatever criminal or disciplinary sanction is instituted, that person will also be permanently banned from working on IID investigations.
- D. If there is cause to believe that police personnel from agencies other than MSP have committed an act or omission, either intentionally or recklessly, that could affect the

impartiality of an IID investigation, MSP or the IID will request that person's agency to conduct an investigation into the allegation. The IID may also conduct a criminal investigation into the allegations. While the investigation is pending, the person being investigated will not be allowed to participate in IID investigations. If it is determined the person did commit the alleged act, they will be permanently banned from IID investigations.



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