

BRIAN E. FROSH, ATTORNEY  
GENERAL OF MARYLAND,

*Plaintiff,*

v.

JEFFREY R. GAHLER, SHERIFF  
FOR HARFORD COUNTY,

*Defendant.*

\* IN THE  
\* CIRCUIT COURT  
\* FOR  
\* HARFORD COUNTY  
\* Civil Action No. C-12-CV-22-000272

\* \* \* \* \*

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION AND REQUEST FOR HEARING**

Plaintiff, Brian E. Frosh, the Attorney General of Maryland, hereby moves pursuant to Maryland Rules 15-504 and 15-505 for a temporary restraining order and preliminary injunction restraining and enjoining defendant from interfering with the statutorily-mandated investigation by the Independent Investigations Division of the Office of the Attorney General into the police-involved shooting death of a civilian, John Raymond Fauver.

As set forth more fully in the accompanying memorandum and exhibits, the Independent Investigations Division has a statutorily mandated duty to “investigate all alleged or potential police-involved deaths of civilians,” Md. Code Ann, State Gov’t § 6-106.2 (LexisNexis Supp. 2021), and a local law enforcement agency such as the Sheriff for Harford County has a duty to “cooperate with” the Independent Investigations Division in conducting that investigation, Md. Code Ann., Pub. Safety § 3-527(c) (LexisNexis Supp. 2021).

On Saturday, April 23, 2022, at approximately 4:50 p.m., the IID was informed that Mr. Fauver, a civilian, had been shot by members of the Harford County Sheriff's Office. He was later pronounced dead.

As shown in the accompanying memorandum, despite the General Assembly's clear command that the Independent Investigations Division is to be the governmental agency primarily responsible for the investigation of police-involved civilian deaths, defendant has interfered with that investigation.

Specifically, defendant has refused to allow the Maryland State Police to secure and take custody of evidence that is material to the Independent Investigations Division's statutorily-mandated investigation and has failed to transmit to the Independent Investigations Division copies of body-worn camera footage of responding officers, the patrol car dash-cam video of patrol vehicles on scene, and other civilian camera footage.

Because of these existing instances of interference, the Independent Investigations Division also has a strong basis for concern that the defendant will fail to transmit other necessary information as the investigation continues. Defendant's refusal to cooperate with the Independent Investigations Division threatens to undermine the integrity of the Independent Investigations Division's investigation and undercut the very purpose for which the General Assembly created the Independent Investigations Division: to ensure that police-involved civilian deaths are investigated by an agency independent of the agency whose members were involved in that death.

The Attorney General therefore respectfully requests that this Court issue an order:

A. Granting a temporary restraining order and preliminary injunction restraining and enjoining defendant from interfering with, and refusing to cooperate with the Independent Investigations Division in connection with, the statutorily mandated investigation by the Independent Investigations Division into the death of John Raymond Fauver; and

B. requiring that defendant provide the Independent Investigations Division with all body-worn camera footage of responding officers, the patrol car dash-cam video of patrol vehicles on scene, and other civilian camera footage, all in their native formats, related to the events that led to Mr. Fauver's death; and

C. requiring that defendant transfer to the Maryland State Police Forensic Sciences Division all physical evidence collected concerning the events that led to Mr. Fauver's death; and

D. requiring that defendant provide to the Independent Investigations Division all documents enumerated in the April 24, 2022, letter from Independent Investigations Division Deputy Chief Investigator John Fernandez to the Harford County Sheriff's Office; and

E. requiring that defendant provide, on an ongoing basis, any new evidentiary information concerning the incident that led to Mr. Fauver's death immediately upon receipt of such evidence or upon request of the Independent Investigations Division; and

F. waiving the posting of a bond; and

G. Awarding such other and further relief as this Court may deem just and proper.

### **REQUEST FOR HEARING**

Plaintiff requests a hearing on this emergency motion.

Respectfully submitted,

BRIAN E. FROSH  
Attorney General of Maryland  
Attorney No. 7201010066

/s/ Robert A. Scott

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