



# INDEPENDENT INVESTIGATIONS DIVISION

Declination Report Concerning the Police-Involved  
Fatal Incident in Montgomery County on  
December 13, 2023

May 20, 2024

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## **Declination Report Concerning the Officer-Involved Death of a Juvenile, on December 13, 2023**

The Independent Investigations Division of the Maryland Office of the Attorney General (the “IID”) is charged with investigating “police-involved incidents that result in the death of individuals or injuries likely to result in death.” Md. Code, State Gov’t § 6-602 (c)(1). For incidents that occur after October 1, 2023, if the Attorney General determines that the investigation provides sufficient grounds for prosecution, then the IID “shall have exclusive authority to prosecute the offense.” State Gov’t § 6-604 (a)(1).

### **I. Introduction**

At approximately 10:15 p.m. on December 13, 2023, officers with the Montgomery County Police Department (“MCPD”) attempted a traffic stop on a white Nissan Maxima driven by Antione Terrell Randall, Jr. in the area of Georgia Avenue and Pliers Mill Road in Wheaton, Maryland. The Nissan fled the initial stop and briefly eluded the officers, but they were able to locate the Nissan again on Bucknell Drive a short time later. At that time, the Nissan fled again, striking a marked MCPD cruiser and then drove away at a high rate of speed. Other officers began pursuing the car, and it drove onto Georgia Avenue and traveled northbound for approximately 1.5 miles. At the intersection of Georgia Avenue and Henderson Avenue, the Nissan struck the median, lost control, and entered the southbound lanes of Georgia Avenue against the flow of traffic. The Nissan collided with two cars. Two occupants were found in the Nissan after the collision. Mr. Randall, the driver, was taken to an area hospital with non-life-threatening injuries. The front seat passenger of the Nissan, a juvenile male,<sup>1</sup> was pronounced dead on scene. After completing its investigation and evaluating all available evidence, the Office of the Attorney General has determined that none of the subject officers committed a crime under Maryland law. Accordingly, the Attorney General has declined to prosecute any of the subject officers in this case.

The IID’s investigation focused exclusively on potential criminal culpability relating to the subject officers’ conduct. By statute, the IID only has jurisdiction to investigate the actions of police officers, not those of any other individuals involved in the incident. Therefore, the IID’s investigation did not specifically examine any criminal culpability of Mr. Randall, the driver of the Nissan, or the Juvenile in this incident. Moreover, the IID’s analysis does not consider issues of civil liability or the department’s administrative review of officers’ conduct. Certain information—specifically, compelled statements by subject officers—may be considered in civil or administrative processes but may not be considered in criminal investigations or prosecutions due to the subject officers’ Fifth Amendment rights. If any compelled statements exist in this case, they have not been considered in the IID’s investigation.

This report is composed of a factual narrative followed by a legal analysis. Every fact in the narrative is supported by the evidence obtained in this investigation, including forensic and autopsy reports, police radio transmissions, dispatch records, police, and EMS reports, several hours of police body-worn camera footage, dozens of photographs, and interviews with multiple

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<sup>1</sup> Because the decedent in this matter was under the age of 18, in order to protect his privacy, he will be referred to only as “Juvenile” throughout the report.

civilian and law enforcement witnesses. The legal analysis explains why the IID cannot bring charges under the Maryland statutes that could be relevant here.

This investigation involved the driver of the Nissan, the juvenile, and six subject officers:

- A. Antione Terrell Randall, Jr, the driver of the Nissan Maxima, is a Black man who was 19 years old at the time of the collision. He lived in Arlington, Virginia.
- B. Juvenile was a Black male who was under 18 years old at the time of the collision. He lived in Maryland.
- C. Sergeant Jeffrey Brewer is a White man who was 46 years old at the time of the collision. He has been employed by MCPD since May 2000. Sargeant Brewer, who was wearing a body-worn camera, was driving a marked cruiser which was equipped with a dashboard camera.
- D. Officer Aaron Bachofsky is a White man who was 41 years old at the time of the collision. He has been employed by MCPD since January 2007. Officer Bachofsky was not wearing a body-worn camera. He was driving an unmarked gray Dodge Ram that was not equipped with a dashboard camera.
- E. Officer Andrew Synan is a White man who was 31 years old at the time of the collision. He has been employed by MCPD since October 2014. Officer Synan, who was wearing a body-worn camera, was driving a light gray Honda Ridgeline that was not equipped with a dashboard camera.
- F. Officer Kevin Martinez is a Hispanic man who was 28 years old at the time of the collision. He has been employed with MCPD since January 2019. Officer Martinez, who was wearing a body-worn camera, was driving a marked cruiser which was equipped with a dashboard camera.
- G. Officer Michael Chatlin is a White man who was 26 years old at the time of the collision. He has been employed with MCPD since August 2019. Officer Ruiz, who was wearing a body-worn camera, was driving a marked cruiser which was equipped with a dashboard camera.
- H. Officer Antonio Ruiz is a Hispanic man who was 24 years at the time of the collision. He has been employed with MCPD since July 2021. Officer Ruiz, who was wearing a body-worn camera, was driving a marked cruiser which was equipped with a dashboard camera.

The IID reviewed all available departmental disciplinary records and criminal histories of these involved parties and where they existed, determined none were relevant to the legal analysis.

## II. The Facts

In the evening hours of December 13, 2023, MCPD Special Assignment Team (“SAT”)<sup>2</sup> Sergeant Kevin McGlamary, along with Officers Andrew Synan, Ian Hamilton, Daniel Garcia, and Aaron Bachofsky, each used their individual unmarked patrol vehicles to surveil a white Nissan Maxima that they believed was suspicious behind a shopping center on the 2200 block of Bel Pre Road in Wheaton, Maryland,<sup>3</sup> According to the SAT officers, the Nissan was parked and its occupants, later identified as Antione Terrell Randall, Jr and Juvenile, appeared to be looking for something inside and outside of the car. Officers reported that after approximately ten minutes, Mr. Randall and Juvenile got back into the Nissan and drove to a gas station in front of the shopping center; there, they parked for a few minutes but did not leave the car.

From there, the SAT officers said that they watched the Nissan drive away from the gas station and make a series of stops. First, the Nissan drove down Bel Pre Road to the back of an apartment complex, parked for a few moments, then left. Next, the Nissan drove along Bel Pre Road and parked at a metro station, where it briefly stayed before driving away again. At its third stop, a nearby fast-food restaurant, Juvenile exited the car and walked around it, then got back into the passenger’s side of the Nissan before it drove away. Officer Hamilton told IID investigators that the individual he saw driving the Nissan was Mr. Randall and the passenger was Juvenile.

After the third stop, the SAT officers requested that members of the MCPD District Community Action Team (“DCAT”),<sup>4</sup> who had marked patrol cruisers, attempt to stop the Nissan. At approximately 10:14 p.m., DCAT Officers Anders Johnson and Alexander Saviano, who were in a single marked cruiser driven by Officer Johnson, saw the Nissan traveling 55 m.p.h. in a 25-m.p.h. zone on Georgia Avenue. They conducted a registration check of the Nissan’s license plate which revealed that it was suspended, Officer Johnson activated the cruiser’s lights and sirens and tried to conduct a traffic stop. Approximately ten seconds later, the Nissan did not stop, instead, it ignored a red light and turned left onto Pliers Mill Road. On Pliers Mill Road, the Nissan immediately accelerated at a high rate of speed, and about 25 seconds after the attempted stop began, turned left onto Bucknell Drive, a dead-end road. Sargeant McGlamary said, “Anders, if he’s runnin’ from you, cut your lights.” Officer Johnson deactivated his emergency equipment and continued straight on Pliers Mill Road, passing Bucknell Drive.

About thirty seconds later, at 10:15 p.m., the SAT officers and Officer Johnson began driving down Bucknell Drive. Officer Johnson reactivated his emergency equipment and then pulled to the side of the road to allow an unmarked black pickup truck to pass. At the same time, Officer Garcia said he observed the Nissan at the dead-end of Bucknell Drive attempting to make

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<sup>2</sup>SAT is a unit of officers that are in plainclothes and drive unmarked cars. This covert team engages in proactive policing at a district level, by identifying common community nuisance crimes such as street level narcotics.

<sup>3</sup> Because of the covert nature of SAT, officers customarily communicate on secondary, recorded channels.

<sup>4</sup>DCAT is unit of uniformed officers that drive marked cruisers. They conduct high-intensity patrol in portions of the community that may be experiencing higher levels of criminal activity. They provide support to covert units that may need a uniformed officer.

a three-point turn. Officer Garcia said that he then, “observed that vehicle jump a curb” and begin to drive on the sidewalk. The unmarked pickup truck pulled onto the sidewalk in front of the Nissan’s path in an attempt to block the car. In response to the impending blockade, The Nissan drove off of the sidewalk toward Officer Johnson’s cruiser striking its rear left quarter panel before continuing to flee.<sup>5</sup> Officer Johnson’s marked cruiser was disabled in the collision, but Officer Synan immediately began pursuing the Nissan in his unmarked vehicle that was equipped with emergency equipment to include four corner strobes, a dash light and siren. Officer Synan notified dispatch, on a recorded channel, that officers were pursuing the Nissan after striking Officer Johnson’s cruiser. In response, Sargeant McGlamary requested a helicopter.



*Image 1: Still photo from Officer Johnson’s dashboard camera footage showing the Nissan (in red circle) approaching the marked cruiser immediately before striking it.*

The IID was unable to corroborate the exact path of the pursuit because Officer Synan’s unmarked vehicle was not equipped with a dashboard camera and there was no other evidence available. However, Officer Synan continuously called out street names to dispatch throughout the incident, and at 10:17:18 p.m., the Nissan and Officer Synan reached the intersection of Fern Street and University Boulevard, where Officer Antonio Ruiz, occupying a marked patrol cruiser, was stopped in the eastbound lanes. The Nissan then turned westbound into the eastbound lanes of University Boulevard and began driving against the flow of traffic for approximately three seconds before crossing into the westbound lanes at a break in the median. Officer Synan followed directly behind. A moment later, Officer Ruiz turned his car around and joined in the pursuit. The three vehicles then turned right onto the northbound lanes of Georgia Avenue.

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<sup>5</sup> According to Officer Garcia’s interview with IID investigators, there was room for Mr. Randall to drive between Officer Bachosky’s and Officer Johnson’s cruiser without striking either vehicle; Officer Garcia believed that Mr. Randall “intentionally rammed” the cruiser. Intentionally ramming a patrol cruiser would constitute felony assault, which is one of the circumstances that would allow officers to enter and sustain a pursuit under MCPD policy discussed in Section III of this report. However, there was no additional evidence to corroborate Officer Garcia’s impression.

As the Nissan and Officer Synan turned onto Georgia Avenue, at 10:17:34 p.m., three marked cruisers driven by Officers Jeffrey Brewer, Kevin Martinez, and Michael Chatlin joined the pursuit, and Officer Bachofsky's unmarked car caught up seconds later. At 10:18:01 p.m., Officer Synan radioed, "Patrol, get in front of me. My car is messin' up," and in response, Officers Brewer, Martinez, and Ruiz pulled ahead of him. Officers Chatlin and Bachofsky continued to drive behind Officer Synan.

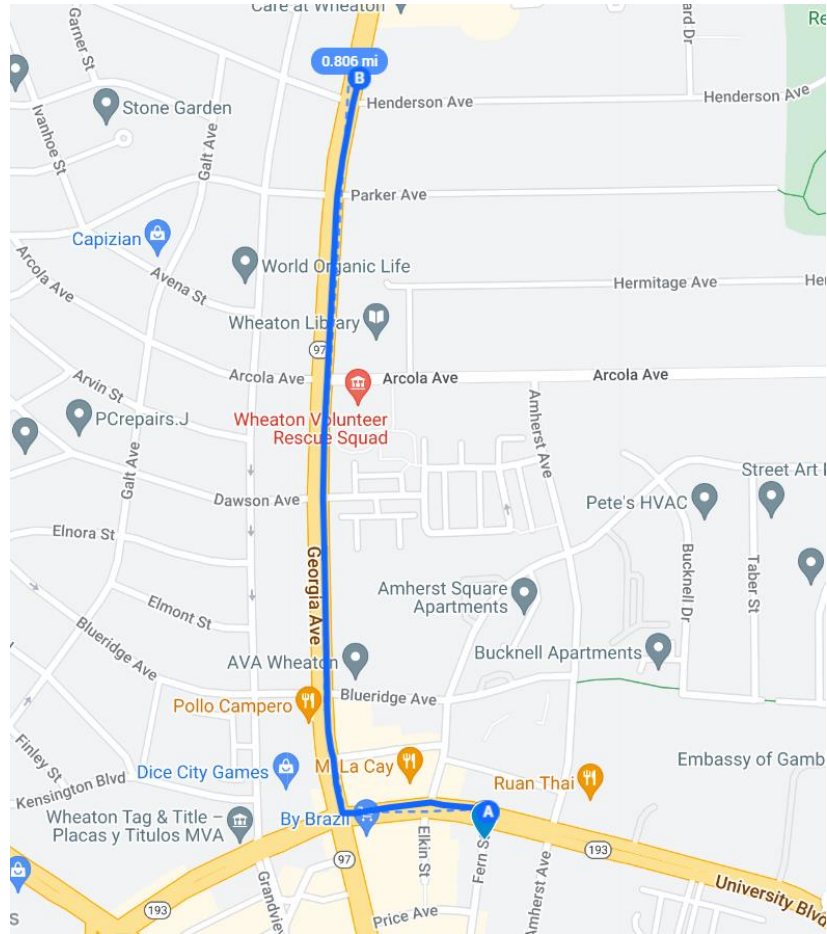


Image 2: Map showing the path of the pursuit. Point A indicates where the Nissan and Officer Synan turned onto University Boulevard. Point B, the intersection of Georgia Avenue and Henderson Street, indicates the scene of the crash.

At 10:18:11 p.m., near the intersection of northbound Georgia Avenue and Henderson Street, Mr. Randall lost control of the Nissan striking the center median separating Georgia Avenue's north- and southbound lanes. It went airborne before entering the southbound lanes and striking a Toyota Corolla, which was traveling on Georgia Avenue. The Nissan then fell into the southbound lanes and collided with a Honda Pilot. According to a report by the Maryland State Police Crash Team, the Nissan began to "rotate clockwise while overturning onto its right side." The report noted the Nissan was traveling at 87 m.p.h. at the time of impact; that section of Georgia Avenue has a speed limit of 25 m.p.h.



*Image3: Still Photo from Officer Chatlin's body-worn camera footage showing the immediate aftermath of the crash. Officer Chatlin has his gun drawn. The Nissan is positioned on its right side. The Honda Pilot has front-end damage.*

The pursuing officers arrived at the crash scene within seconds, radioed for “fire and rescue,” then approached the Nissan with their guns drawn. The officers extracted Mr. Randall, who was conscious and responsive, from the Nissan through its sunroof, and medics transported him to an area hospital shortly afterward. Officers also located the Juvenile unresponsive in the Nissan’s front passenger seat and could not move him because of damage from the collision; he was pronounced dead on scene a short time later. The occupants of the Honda and Toyota were also taken to area hospitals.

The Office of the Chief Medical Examiner performed the Juvenile’s autopsy on December 14, 2023. The medical examiner determined that the Juvenile died of multiple injuries sustained in the crash and determined the manner of death was an “accident.”<sup>6</sup>

### **III. Supplemental Information**

Montgomery County Police Department has a written policy governing when officers are authorized to engage in vehicle pursuits. General Orders FC No.: 135, which went into effect on May 22, 2009, defines a vehicular pursuit as, “an active attempt by an officer in a vehicle to apprehend an occupant of a moving motor vehicle who exhibits clear intention to avoid apprehension...” The policy goes on to state that, “Pursuit of a vehicle is authorized only when

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<sup>6</sup> Manner of death is a classification used to define whether a death is from intentional causes, unintentional causes, natural causes, or undetermined causes. The Maryland Office of Chief Medical Examiner uses five categories of manner of death: natural, accident, suicide, homicide, and undetermined. “Accident” applies when injuries caused the death in question and there is little or no evidence that the injuries occurred with the intent to harm or cause death. These terms are not considered a legal determination, rather they are largely used to assist with public health statistics. “A Guide for Manner of Death Classification,” First Edition, National Association of Medical Examiners, February 2002

the offense for which the suspect is being pursued is [a] felony or the officer has reason to believe a felony has occurred or is occurring.”

Except for violent felonies, the policy further requires approval “from a sworn supervisor” to continue. Some considerations the supervisor must consider are the reasons officers are pursuing, the seriousness of the crime committed, and any safety concerns that the pursuit may present to the officers and civilians on the road.

During the pursuit, officers cannot “pursue at a speed so great as to render their vehicles uncontrollable.”<sup>7</sup> They must maintain radio communications with consistent updates about the location and direction of the pursuit. They are required to use emergency equipment, including lights, strobes, and sirens. Unmarked police vehicles are subject to special restrictions, given their lesser visibility. Unmarked cars with full emergency equipment (“a minimum of department-authorized-and-installed four corner strobes, a dash light, and a siren”) are permitted to initiate pursuits with the same criteria as marked police cars, and they must withdraw from active pursuit and serve in a support role at the earliest possible time whenever two or more marked police vehicles become engaged.

#### **IV. Legal Analysis**

After a criminal investigation, prosecutors must determine whether to bring criminal charges against someone. When making that determination, prosecutors have a legal and ethical duty to only charge a person with a crime when they can meet the State’s burden of proof; that is, when the available evidence can prove each element of the alleged crime beyond a reasonable doubt. Ultimately, the decision to bring any charges rests on whether the available evidence is sufficient for prosecutors to meet that standard.

The relevant offense that was considered in this case which is applicable in most fatal police pursuits is criminally negligent manslaughter by vehicle. This offense requires proving that an accused person caused the death of another person by operating a vehicle in a criminally negligent manner.<sup>8</sup> It is the baseline homicide charge that a prosecutor can bring in an officer-involved pursuit case.

If a prosecutor cannot prove criminally negligent manslaughter by vehicle based on the available evidence, they cannot prove the more severe charge of manslaughter by vehicle, which requires a prosecutor to prove that the defendant drove with gross negligence, a level above criminal negligence. Both of these offenses require proof of causation—the evidence must show that the defendant’s actions were the legal cause of the death or harm at issue.

The evidence in this case shows that the subject officers did not violate the aforementioned statutes because there is insufficient evidence to prove that they drove their vehicles in a criminally negligent manner. Accordingly, the IID will not pursue criminal charges against any of the subject officers. This report explains below in further detail why, based on the

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<sup>7</sup> MCPD Gen. Or. F.C. 135-VII.

<sup>8</sup> Criminal Law § 2-210.



evidence, a prosecutor could not prove beyond a reasonable doubt that any officer committed a crime.<sup>9</sup>

#### A. Criminally Negligent Manslaughter by Vehicle

Proving criminally negligent manslaughter by vehicle requires a prosecutor to establish three elements beyond a reasonable doubt: 1) that the accused drove a motor vehicle; 2) in a criminally negligent manner; 3) and in doing so caused the death of Juvenile.<sup>10</sup> Criminal negligence requires proof that the accused “should have been aware, but failed to perceive that his or her conduct created a ‘substantial and unjustifiable risk’ to human life and that the failure to perceive that risk was a ‘gross deviation’ from the standard of care that a reasonable person would exercise.”<sup>11</sup> In Maryland, negligence is measured on a spectrum – with simple negligence on one end, criminal negligence in the middle, and gross negligence on the other end.<sup>12</sup> In Maryland, where alleged negligence involves a law enforcement officer, the “reasonable person” perspective is replaced with a “reasonably prudent police officer” perspective, which must also account for the fact that an officer is permitted to violate some traffic laws under certain circumstances.<sup>13</sup>

In order to determine whether the subject officers’ actions were criminally negligent, prosecutors must examine both the decision to engage in the pursuit and the officers’ driving itself. Criminal negligence must be analyzed by considering the totality of the circumstances, but relevant factors in evaluating an officer’s actions include consideration of department policies, use of warning devices, traffic conditions, speed, yielding to traffic signals, and erratic driving.<sup>14</sup> When examining the weight given to the violation of departmental policy, the Supreme Court of Maryland has held that, “a violation of police guidelines *may* be the basis for a criminal prosecution.”<sup>15</sup> The Court clarified that, “while a violation of police guidelines is not negligence *per se*, it is a factor to be considered in determining the reasonableness of police conduct.” Maryland courts have considered officers’ policy violations as evidence of negligence,

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<sup>9</sup> Because there is insufficient evidence to establish that the subject officers acted with criminal negligence, this report does not analyze whether the subject officers caused the death of Juvenile.

<sup>10</sup> MPJI-Cr 4:17.10 (3d ed. 2024)

<sup>11</sup> 96 Md. Op. Atty. Gen. 128, 138, Dec. 21, 2011 (*available at* <https://www.marylandattorneygeneral.gov/Opinions%20Documents/2011/96oag128.pdf>)

<sup>12</sup> See *Beattie v. State*, 216 Md. App. 667, 683 (2014) (explaining “a gross deviation from the standard of care” by comparing it with a similar Kansas statute that used the “material deviation” standard, stating: “a ‘material deviation’ from the standard of care require[s] ‘something more than ordinary or simple negligence yet something less than gross and wanton negligence.’”).

<sup>13</sup> *Boyer v. State*, 323 Md. 558, 589 (1991).

<sup>14</sup> See, e.g. *Boyer*, 323 Md. at 591; *Taylor v. State*, 83 Md. App. 399, 404 (Ct. Sp. App. Md. 1990).

<sup>15</sup> *State v. Pagotto*, 361 Md. 528, 557 (2000) (citing *State v. Albrecht*, 336 Md. 475, 502-03 (1994)) (emphasis in original).

recklessness, unreasonableness, and corrupt intent.<sup>16</sup> However, a “hypertechnical” violation of policy, without more, is not sufficient to establish gross negligence.<sup>17</sup>

Regarding the decision to engage in the pursuit, Officer Synan, who was in an unmarked car with full emergency equipment, began pursuing Mr. Randall after Officer Johnson’s attempt to stop him was unsuccessful and Mr. Randall struck a marked police cruiser. As mentioned previously, at least one officer said that he believed that Mr. Randall intentionally struck the cruiser, a felony assault that would allow officers with the same belief to initiate a pursuit of the Nissan under MCPD General Orders FC No.: 135. The subject officers have a Fifth Amendment right to remain silent and chose not to speak with IID investigators, so there is no way to determine their subjective individual beliefs regarding that collision. However, Officer Synan immediately notified dispatch that he was pursuing the car and, in response, Sergeant McGlamary, a present ranking officer, requested a helicopter, implicitly giving approval for the pursuit to continue. Relying on the information provided by Officer Synan, and the implied authorization given by Sergeant McGlamary, the other subject officers joined in the pursuit. Accordingly, the subject officers’ decision to engage in the pursuit did not create an unjustifiable risk that was a gross deviation from the reasonable standard of care and therefore, not criminally negligent.

Regarding the driving of Officer Synan, because he was driving an unmarked car with full emergency equipment, departmental policy allows him to engage in a pursuit under the same conditions as marked cruisers. Departmental policy does, however, require him to withdraw from active pursuit and serve in a support role once two or more marked police cars become engaged. At the time the Nissan turned onto University Boulevard going against traffic for approximately three seconds, Officer Synan was the only police car following. After moving into the correct lanes of travel and turning right onto Georgia Avenue, Officer Ruiz had caught up to them and they were joined by three other officers in marked cruisers. Twenty-four seconds after turning onto Georgia Avenue, Officer Synan slowed down and allowed the officers with marked cruisers, who were using their lights and sirens throughout the pursuit, to immediately follow Mr. Randall’s car, which alerted other drivers to their presence even though Officer Synan remained in the pursuit. Four seconds after marked cars passed Officer Synan, the Nissan crashed. Although it can be argued that Officer Synan could have taken a support role earlier on Georgia Avenue, his actions during the pursuit did not create an unjustifiable risk that was a gross deviation from the reasonable standard of care. In addition, although Officer Synan also traveled at speeds higher than the posted limit, he maintained control of his car and drove with his emergency equipment activated to caution others on the road. Accordingly, the Office of the Attorney General will not charge Officer Synan with criminally negligent manslaughter by motor vehicle in this case.

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<sup>16</sup> See, e.g., *Albrecht*, 336 Md. at 503; *Pagotto*, 361 Md. at 550-53; *Koushall v. State*, 249 Md. App. 717, 729-30 (2021), *aff’d*, No. 13, Sept. Term, 2021 (Md. Feb. 3, 2022); *Kern v. State*, No. 2443, Sept. Term 2013, 2016 WL 3670027, at \*5 (Md. Ct. Spec. App. Jul. 11, 2016) (unreported); *Merkel v. State*, No. 690 Sept. Term 2018, 2019 WL 2060952, at \*8 (Md. Ct. Spec. App. May 9, 2019) (unreported); *Mayor and City Council of Baltimore v. Hart*, 395 Md. 394, 398 (2006) (civil litigation).

<sup>17</sup> *State v. Pagotto*, 127 Md. App. 271, 304 (1999), *aff’d*, 361 Md. 528 (2000).

Regarding Officers Ruiz, Brewer, Martinez and Chatlin, these officers were all in marked vehicles and joined the pursuit when the Nissan turned onto Georgia Avenue. During the pursuit, these officers drove above the posted speed limit, but they maintained control of their vehicles and drove with reasonable caution regarding civilian traffic in clear weather conditions, which is consistent with their training and policies.<sup>18</sup> Per Officer Synan's request, Officers Ruiz, Brewer and Martinez took the lead in the pursuit. In sum, the subject officers' actions during the pursuit were consistent with departmental policy and did not create an unjustifiable risk that was a gross deviation from a reasonable standard of care. Accordingly, the Office of the Attorney General will not charge them with criminally negligent manslaughter by motor vehicle in this case.

Regarding the actions of Officer Bachofsky, who was also in an unmarked vehicle, he was following Officers Ruiz, Brewer, Martinez and Chatlin and arrived on scene seconds after Officer Chatlin. Because his vehicle was not equipped with dashboard camera, and because his car is not visible in the other dashboard cameras, no determination can be made as to whether Officer Bachofsky's driving was negligent. The available evidence indicates that he never took the lead in the pursuit and was, at all times, behind all other subject officers. As a result, there is insufficient evidence to prove that Officer Bachofsky created an unjustifiable risk that was a gross deviation from a reasonable standard of care. Accordingly, the Office of the Attorney General will not charge him with criminally negligent manslaughter by motor vehicle in this case.

## **V. Conclusion**

This report has presented factual findings and legal analysis relevant to the December 13, 2023, police-involved fatal vehicle pursuit in Montgomery County that resulted in the death of Juvenile. The Office of the Attorney General has declined to seek charges in this case because, based on the evidence obtained in its investigation, the subject officers did not commit a crime.

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<sup>18</sup> *Cf. Khawaja v. Mayor & City Council, City of Rockville*, 89 Md. App. 314, 318 (1991) (finding that an officer was not grossly negligent even though they sped 25 m.p.h. over the speed limit through a red light without using lights and sirens and directly caused a collision).