



INDEPENDENT INVESTIGATIONS DIVISION

Interim Report Concerning the Police-Involved Death in
Baltimore City on October 8, 2022

March 24, 2023

**Interim Report of the Independent Investigations Division of the Maryland
Office of the Attorney General Concerning the Officer-Involved Death of
Kweli Murphy Al-Mateen on October 8, 2022**

Pursuant to Md. Code, State Gov't § 6-602, the Office of the Attorney General's Independent Investigations Division (the "IID") provides this interim report to Baltimore City State's Attorney Ivan Bates regarding the officer-involved death of Kweli Murphy Al-Mateen on October 8, 2022, in Baltimore City, Maryland.

The IID is charged with "investigat[ing] all police-involved incidents that result in the death of a civilian or injuries that are likely to result in the death of a civilian" and "[w]ithin 15 days after completing an investigation ... transmit[ing] a report containing detailed investigative findings to the State's Attorney of the county that has jurisdiction to prosecute the matter." Md. Code, State Gov't § 6-602(c)(1), (e)(1). Due to the continued delay in receiving an autopsy report from the Office of the Chief Medical Examiner (the "OCME") and resulting delay in receiving a final crash report from the Baltimore Police Department ("BPD"), in contrast to the finality of all other aspects of this investigation, the IID and the State's Attorney agreed that an interim report would be useful. This interim report is being provided to State's Attorney Bates on March 24, 2023. The IID will supplement this interim report when it receives the autopsy report from the OCME and final crash report from BPD.

I. Introduction

Mr. Murphy Al-Mateen died on October 8, 2022, after attempting to flee from Baltimore Police Department officers in his car. At 6:22 p.m. on October 8, BPD Officers Cesar Gonzalez and Cierra Thurmond began following a black Honda CR-V in the area of Chelsea Terrace and Fairview Avenue in Baltimore. The officers, driving together in a marked patrol car, stayed one to two blocks behind the CR-V without lights or sirens on. After approximately half a mile, the CR-V drove through a stop sign at the intersection of Liberty Heights Avenue and Grantley Road and crashed with two other vehicles, one of which struck a fourth vehicle. The driver of the CR-V, Mr. Murphy Al-Mateen, received medical aid on scene before being taken to a local hospital, where he was pronounced dead. The occupants in two of the other vehicles were taken to the hospital with non-life-threatening injuries. The occupants in the fourth vehicle declined medical treatment.

The IID and BPD have entered a Memorandum of Understanding ("MOU") stating that the parties will each investigate all officer-involved deaths. The MOU recognizes that BPD entered a federal consent decree on January 12, 2017, which imposes certain obligations to investigate officer-involved fatalities. In order for BPD to meet its obligations under the consent decree and the IID to meet its obligations under state law, the MOU states that the agencies' investigators will cooperate and communicate during the investigation. If at any point the IID determines that BPD cannot maintain the level of impartiality required to conduct a thorough investigation, the IID may take over sole investigative responsibility for the case. In the present case, the IID and BPD have collaborated throughout the investigation.

This interim report details the IID's investigative findings and includes an analysis of Maryland law that could be relevant in an incident of this nature. The IID considered the legal elements of possible criminal charges, the relevant departmental policies, and Maryland caselaw to assess whether any charge could be supported by the facts of this incident. Because the Baltimore City State's Attorney's Office—not the Office of the Attorney General—retains prosecution authority in this case, this interim report does not make recommendations as to whether any individuals should or should not be charged.

II. Factual Findings

The following findings are based on a forensic examination of the crash scene as well as review of body-worn camera video, radio transmissions, and interviews with civilian and law enforcement witnesses. BPD cars are not equipped with dashboard cameras. All materials reviewed in this investigation are being provided to the Baltimore City State's Attorney's Office with this interim report and are listed in Appendix A.

The events described below occurred during daylight with clear weather.

A. Events Preceding the Crash

At 6:22 p.m. on October 8, 2022, BPD Officers Cesar Gonzalez and Cierra Thurmond began following a black Honda CR-V in the area of Chelsea Terrace and Fairview Avenue in Baltimore City. Officer Gonzalez was driving; Officer Thurmond was in the passenger seat. Dispatch records and radio transmissions do not indicate why the officers began following the CR-V. When asked by a supervisor on scene after the subsequent crash, Officer Thurmond said she did not remember why they began following the CR-V. There is no indication that Officer Gonzalez either was asked or voluntarily offered why they began following the CR-V. A third BPD officer in the area, Officer Israel Lopez, who briefly followed behind Officers Gonzalez and Thurmond and arrived at the crash scene immediately after them, said the officers first noticed the CR-V parked facing the wrong way on the 3200 block of Chelsea Terrace without a front license plate. Officer Lopez said that this area is a common location for drug and gun activity, in his experience. He said that as officers drove past the CR-V, it suddenly sped away, so Officer Gonzalez did a U-turn with his cruiser to follow it.

The driver of the CR-V was later identified as 17-year-old Kweli Murphy Al-Mateen, though there is no evidence to suggest that Officers Gonzalez, Thurmond, and Lopez were aware of the driver's identity either before or after the crash. On body-worn camera video, they do not refer to Mr. Murphy Al-Mateen by name or give any other indication—by words or action—that they recognize him or know his name. When later interviewed by BPD and IID investigators, Officer Lopez said he did not recognize either the driver or the car, though he did recognize other people who had been standing near the car when it was parked on Chelsea Terrace.

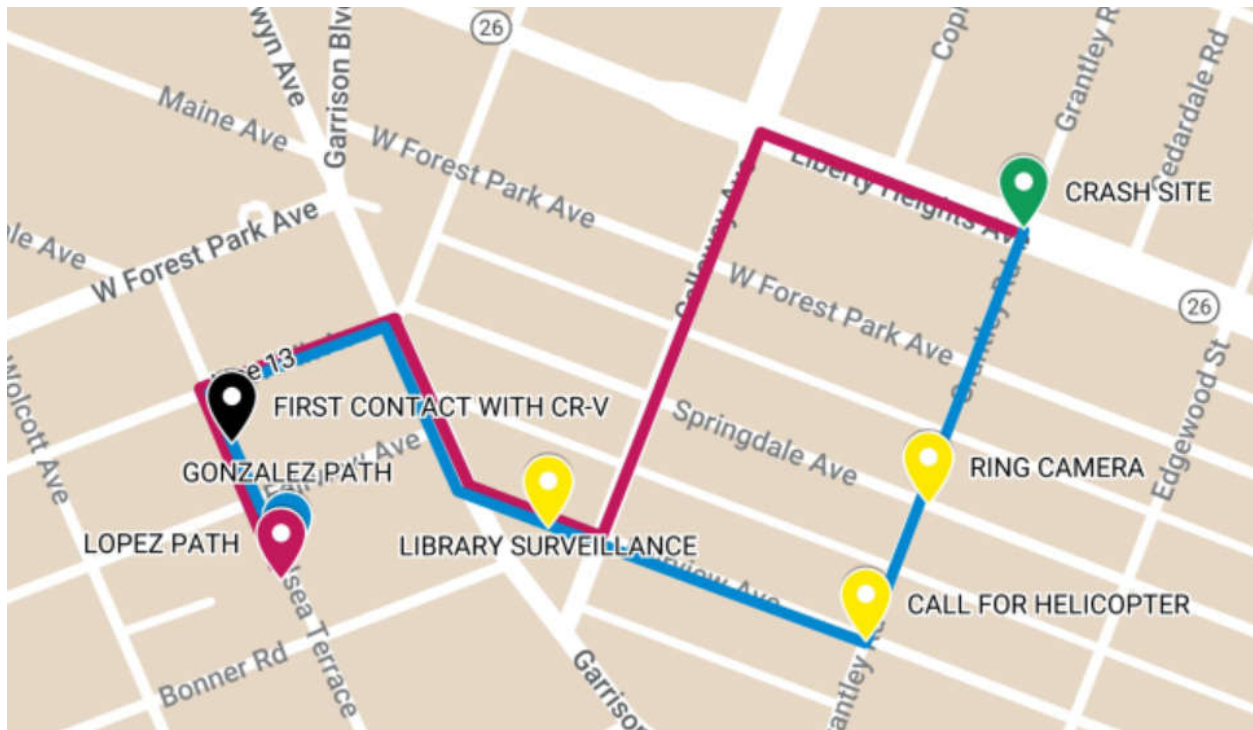


Image 1: Approximate paths of the two BPD cruisers, as determined by surveillance camera video, officers’ body-worn camera footage, and Officer Lopez’s interview. The blue path shows the route of Officers Gonzalez and Thurmond. The purple path shows the route of Officer Lopez.

Officers Gonzalez and Thurmond followed behind Mr. Murphy Al-Mateen’s CR-V for just over half a mile before it crashed. Body-worn camera footage and civilian security video from buildings in the area shows that Officers Gonzalez and Thurmond followed the CR-V from the area of Chelsea Terrace and Fairview Avenue, right onto Norfolk Avenue, right onto Garrison Boulevard, left onto Fairview Avenue, and left onto Grantley Road. Officer Lopez began following behind Officers Gonzalez and Thurmond after they passed him near Norfolk Avenue, though he did not follow the path of the other officers and Mr. Murphy Al-Mateen, instead turning left onto Callaway Avenue and right onto Liberty Heights Avenue. Dispatch records show that Officers Gonzalez and Thurmond requested a helicopter to follow the CR-V when they were near the intersection of Fairview Avenue and Grantley Road. Mr. Murphy Al-Mateen’s crash occurred a few blocks later, before helicopter assistance arrived.

Security video from the corner of Garrison Boulevard and Fairview Avenue shows the CR-V turn onto Fairview Avenue at 6:22:57 p.m., followed by Officers Gonzalez and Thurmond at 6:23:03 p.m. and Officer Lopez at 6:23:09 p.m. Neither police cruiser had its emergency lights activated. A separate security video, which is not timestamped, shows the CR-V traveling down Grantley Road near Springdale Avenue with Officers Gonzalez and Thurmond seven seconds behind, again without their lights activated. Officer Lopez did not drive down Grantley Road, so his cruiser was not seen on this video.

Neither the security videos nor body-worn camera footage clearly shows how fast Mr. Murphy Al-Mateen or the officers were driving. A civilian witness estimated that Mr. Murphy Al-Mateen was traveling 70 to 90 miles per hour before the crash; he did not estimate the

officers' speeds. Another witness said Mr. Murphy Al-Mateen was traveling 40 to 50 miles per hour when he entered the intersection of Grantley Road and Liberty Heights Avenue; she also did not estimate officers' speeds. A third witness said Mr. Murphy Al-Mateen was traveling "fast," and officers were going somewhat slower; he did not estimate specific speeds.

At the intersection of Grantley Road and Liberty Heights Avenue, the CR-V passed through a stop sign and crashed into two other vehicles. One of those vehicles then struck a fourth car. Two civilian witnesses reported that Mr. Murphy Al-Mateen did not slow down before entering the intersection.



Image 2: View from Officer Thurmond's body-worn camera upon arriving at the crash scene. The CR-V is in the foreground. Mr. Murphy Al-Mateen's body has been blurred for privacy.

Officers Gonzalez and Thurmond arrived at the crash scene at 6:23 p.m.; Officer Lopez arrived several seconds later. Officer Thurmond immediately radioed that there had been a crash and requested medics. The three officers then went to each of the four cars involved in the crash to assess occupants' injuries. All of the occupants were conscious except Mr. Murphy Al-Mateen, who was lying partially out of the driver's door of the CR-V with his feet on the ground. Within a minute of arriving, Officer Lopez requested additional assistance by radio, reporting, "This is a major, major accident here." The dispatcher assured him that emergency medical personnel were on their way.

Officer Gonzalez reported by radio that Mr. Murphy Al-Mateen was unconscious, and he said multiple times in the minutes after arriving that he did not want to move him. Body-worn camera video shows that the officers looked closely at Mr. Murphy Al-Mateen and lightly touched his shoulder and arm, but they did not provide medical aid. Officer Gonzalez told other officers that he had originally seen that Mr. Murphy Al-Mateen had a pulse and was breathing, but at 6:27 p.m. he said he could no longer see either. Another officer checked for a pulse and began lightly shaking Mr. Murphy Al-Mateen's shoulder without getting any reaction. Two

minutes later, Baltimore Fire Department personnel arrived at Mr. Murphy Al-Mateen's side, and Officer Gonzalez informed them, "we couldn't get a pulse on him." Mr. Murphy Al-Mateen was still lying partially in the vehicle and partially on the street. Before moving him, Fire Department personnel put a brace on Mr. Murphy Al-Mateen's neck; they then carried him away from the car to begin CPR. Mr. Murphy Al-Mateen was transferred into an ambulance at 6:40 p.m. He was taken to a nearby hospital, where he was pronounced dead at 6:57 p.m.

The occupants of the two cars struck by Mr. Murphy Al-Mateen were taken to a hospital with non-life-threatening injuries. The occupants of the fourth car declined medical treatment.

B. Civilian Witness Statements

IID and BPD investigators interviewed the drivers of the two cars struck by Mr. Murphy Al-Mateen, residents of three nearby homes who had seen the CR-V and cruisers pass, and a driver who had seen the crash and called 911. Their accounts are incorporated into the factual findings above and elaborated upon here.

1. Other Drivers Involved in the Crash

The two other drivers involved in the accident did not see the events before the crash. One driver said she knew it was the CR-V that had struck her, and she said the CR-V had been driving fast when they collided. The other said she had not seen anything unusual before the collision and did not know which car hit her because everything happened so quickly.

2. Neighbors Who Saw the CR-V

The neighbors who had seen the CR-V and officers pass all had slightly different accounts. An individual at the corner of Grantley Road and Fairview Avenue said the officers were 75 to 100 yards behind the CR-V and that this distance increased after they turned on Grantley Road. Another neighbor a block farther down Grantley Road, two blocks from the crash scene, estimated that the police cruiser was two to three seconds behind the CR-V. A third neighbor another block down Grantley Road, one block from the crash scene, said officers were "less than 30 seconds" behind the CR-V, which was going 70 to 90 miles per hour. Surveillance videos showed Officers Gonzalez and Thurmond six to seven seconds behind the CR-V; they showed Officer Lopez twelve seconds behind the CR-V. Two of the three civilian witnesses said officers had neither lights nor sirens on when they passed, though one said he thought they had their lights on. The two surveillance videos that captured the cruisers did not show either with its lights activated. All three civilian witnesses said the CR-V was accelerating down Grantley Road, and none said they saw or heard it brake.

3. Driver Who Saw the Crash

The driver who had seen the crash and called 911 said the CR-V had gone through the stop sign at the corner of Grantley Road and Liberty Heights Avenue. She estimated it was traveling 40 to 50 miles per hour. She said the police cruiser arrived 20 to 30 seconds later, adding, "In my opinion, the police were not chasing him."

C. Paramedic Statements

Paramedic Tishanna Lowery wrote a report documenting paramedics' treatment of Mr. Murphy Al-Mateen before he was taken to the hospital. She wrote that paramedics arrived at 6:39 p.m. and found other emergency personnel performing CPR. Mr. Murphy Al-Mateen [REDACTED] Paramedics [REDACTED] and transported him to Sinai Hospital.

D. Law Enforcement Officers' Statements

Baltimore Police Department policy requires that officers who engaged in a pursuit "complete an Incident Report detailing the facts providing probable cause for the pursuit." The pursuing officers must also document why the benefits of the pursuit outweighed its inherent risks. No such report is required if officers were not involved in a pursuit. BPD leadership told IID investigators that BPD did not consider this incident to be a pursuit, so no report was required of the officers besides the crash reporting form discussed below.

All subjects of criminal investigations—including police officers—have a right under the Fifth Amendment not to make any statement. That right also applies to written statements. Thus, if a statement is directly ordered, the result of threat, or otherwise compelled (*i.e.*, not voluntary), it cannot be used against an officer in a criminal investigation and should not be considered by criminal investigators. *Garrity v. State of N.J.*, 385 U.S. 493 (1967) (holding that officers' statements made under threat of termination were involuntary); *Department of Public Safety and Correctional Services v. Shockley*, 142 Md. App. 312, 325 (2002) ("the dispositive issue is whether [the supervisor] **demanded** that the appellee answer the questions") (emphasis in original).

1. Officer Thurmond

Officer Thurmond declined to be interviewed after the crash. However, while on scene, she made statements about what had happened and completed a BPD crash reporting form. When asked what had happened, Officer Thurmond told a supervisor: "We lit him up [activated their patrol car lights to initiate a traffic stop]. We asked for Fox [BPD helicopter]. We were a few blocks away from him. We didn't have lights or sirens on. And he just came out." She continued that the CR-V "flew through the intersection." Several minutes later, again talking about what had happened, Officer Thurmond said officers actually "didn't light him up. We got behind him." When asked what the initial stop was for, Officer Thurmond responded: "I don't remember. I can't say right now."

Officer Thurmond's written statement said only what she saw when she approached the crash scene, not what happened previously. This is likely because the form officers were asked to complete is titled "Statement of Collision"; it is not a complete incident report. Body-worn camera video shows that a supervisor on scene instructed the officers: "All they really need is what you physically observed." Officer Thurmond wrote that officers were coming from

Fairview Avenue onto Grantley Road when she saw smoke from a vehicle collision at the intersection of Grantley Road and Liberty Heights Avenue.

2. Officer Gonzalez

Officer Gonzalez also declined to be interviewed after the crash. However, while on scene, he also made statements about what had happened and completed a BPD crash reporting form. Officer Gonzalez reported to a supervisor on scene that, “We never even got a chance to stop him.” He said that officers had done a U-turn to begin following the CR-V, then requested assistance from the BPD helicopter. He later recounted that they first saw the CR-V at Chelsea Terrace and Norfolk Avenue, saying: “He was facing the other way. I banged a U-turn. I was trying to get a tag, but I couldn’t.” He continued, “We never got a chance to light him up, get close enough behind him to get a tag,” because “he just took off.” He said that officers “tried to keep eyes on it” as the car drove away. He said he did not see the accident itself; he just saw “dust” as he turned [onto Grantley Road] and “figured it was going to be an accident.”

Officer Gonzalez’s written statement, similar to Officer Thurmond’s described above, said only what he saw when he approached the crash scene, not what happened previously. He wrote that officers were turning left from Fairview Avenue onto Grantley Road when he saw “a lot of smoke and debris 3 blocks away,” at the intersection of Liberty Heights Avenue and Grantley Road. He wrote that, “Upon my arrival at this intersection I observed a 4 car accident and multiple injured persons.”

3. Officer Lopez

Officer Lopez was interviewed by BPD and IID investigators on November 8, 2022, and had previously completed the Statement of Collision form on scene. As discussed in the factual findings above, Officer Lopez said that the three officers—himself in one car and Officers Gonzalez and Thurmond in the other—were driving on Chelsea Terrace when they saw the CR-V parked facing the wrong way and missing its front plates. As they drove past the car, it sped away in the opposite direction. Officer Gonzalez did a U-turn to follow the CR-V, and Officer Lopez then followed behind him. He said he lost sight of both the CR-V and the cruiser until he saw them again at the crash scene. Officer Lopez also said he did not recognize either the CR-V or its driver, though he did recognize some of the people who had been standing by the CR-V on Chelsea Terrace. In his written statement, Officer Lopez said that he saw “a large cloud of smoke” as he turned onto Liberty Heights Avenue, and that he then saw the crash as he approached the intersection of Liberty Heights Avenue and Grantley Road.

III. Involved Parties’ Backgrounds

As part of its standard investigative practice, the IID obtained information regarding all involved parties’ criminal histories and the departmental internal affairs records and relevant training of the involved officers. To the extent it exists, any criminal history is being provided to the State’s Attorney’s Office with this interim report.

In this case, this information did not affect the analysis of potential criminal charges.

A. Kweli Murphy Al-Mateen

Mr. Murphy Al-Mateen was a 17-year-old Black juvenile who lived in Baltimore, Maryland.

B. BPD Officer Cesar Gonzalez

Officer Gonzalez is a white man who was 42 years old at the time of this incident. He was hired by BPD on April 18, 2012. [REDACTED] Officer Gonzalez has not been the subject of any prior Internal Affairs complaints or investigations relevant to this incident.

C. BPD Officer Cierra Thurmond

Officer Thurmond is a Black woman who was 24 years old at the time of this incident. She was hired by BPD on July 27, 2020. [REDACTED] Officer Thurmond has not been the subject of any prior Internal Affairs complaints or investigations relevant to this incident.

IV. Applicable Policies

BPD has the following policies that are relevant to this incident. The complete policies are attached as Appendix B.

A. Policy 1112: Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches

This policy states that officers may conduct a vehicle stop when they have probable cause that the driver of the vehicle has committed a traffic violation or reasonable articulable suspicion that the driver or an occupant has committed, is committing, or is about to commit a crime.

B. Policy 1503: Emergency Vehicle Operation and Pursuit Policy

This policy states that officers driving with lights and sirens activated may:

- 6.1. Exceed the speed limit, so long as members do not endanger life or property.
- 6.2. Proceed through a red light or stop signal, a stop sign, or a yield sign, but only after slowing down as necessary for safety.
- 6.3. Disregard regulations governing turning or movement in a specified direction.

These rules are consistent with Section 21-106 of the Transportation Article, which also states that vehicles not “using audible and visual signals” may not violate the listed traffic rules.

Furthermore, Policy 1503 defines a vehicle pursuit as, “When a member operating a law enforcement vehicle attempts to keep pace and/or to immediately apprehend one or more occupants of an eluding vehicle.” Pursuits are permissible when:

- 1.1. The vehicle contains a felony suspect and failure to immediately apprehend poses an immediate threat of death or serious bodily injury to the member or others; and
- 1.2. Before the pursuit is initiated, there exists probable cause to believe the fleeing suspect committed a felony which resulted, or could have resulted, in death or serious bodily injury.

An officer deciding whether to engage in or continue a pursuit must weigh factors such as safety to the public based on the setting and conditions, whether the identity of the suspect is known, and the “availability of other resources, such as air support assistance.”

The policy prohibits officers from initiating a pursuit when the risks outweigh the value of apprehending the driver, or when a vehicle is not equipped with working lights and sirens. It also prohibits pursuits for crimes against property, misdemeanors, or traffic violations where there is no imminent danger.

If officers engage in a pursuit, the policy requires that they complete an Incident Report detailing the facts that caused them to initiate the pursuit and the reasons they determined the value of the pursuit outweighed its risks. A use of force report is required only if the officers intentionally make contact with another vehicle.

V. Applicable Law & Analysis

The IID analyzed criminal offenses that could be relevant in a vehicle crash incident of this nature. Relevant potential offenses include manslaughter by vehicle, criminally negligent manslaughter by vehicle, and reckless or negligent driving. The charge of involuntary manslaughter could also be considered with respect to officers’ response to the crash. This section will discuss those potential charges and any likely defenses the State would have to overcome to prove a charge beyond a reasonable doubt.

These potential charges share two central questions: (1) Did the officers act recklessly or with gross or criminal negligence? And, specifically with respect to the two manslaughter by vehicle charges: (2) Did the officers’ actions cause the death of Mr. Murphy Al-Mateen? This section will address those questions in turn.

A. Did the officers act recklessly or with gross or criminal negligence?

Recklessness, gross negligence, and criminal negligence are elements of the crimes of manslaughter by vehicle, criminally negligent manslaughter by vehicle, involuntary manslaughter, reckless driving, and negligent driving. Criminal Law § 2-209(b); Criminal Law §

2-210(b); MPJI-Cr 4:17.9 Homicide—Involuntary Manslaughter (Grossly Negligent and Unlawful Act), MPJI-Cr 4:17.9 (2d ed. 2021); Transportation Article § 21-901.1.

Negligent driving is that which is “careless or imprudent” and “endangers any property or the life or person of any individual.” Transportation Article § 21-901.1(b). Reckless driving is that which shows a “wanton or willful disregard for the safety of persons or property.” Transportation Article § 21-901.1(a). Grossly negligent conduct, similarly, is that which “amount[s] to a wanton and reckless disregard for human life.” *Duren v. State*, 203 Md. 584, 588 (1954) (citing *State of Maryland v. Chapman, D.C.*, 101 F. Supp. 335, 341 (D. Md. 1951); *Hughes v. State*, 198 Md. 424, 432 (1951)). Factors such as “[s]peed, erratic driving, disregard of the red light, [and] force of impact . . . can be taken as evidence of wanton or reckless disregard of human life.” *Taylor v. State*, 83 Md. App. 399, 404 (1990) (citing *Boyd v. State*, 22 Md. App. 539 (1974); *State v. Kramer*, 318 Md. 576, 590 (1990)); *see also Duren*, 203 Md. at 584 (grossly negligent driving consists of “a lessening of the control of the vehicle to the point where such lack of effective control is likely at any moment to bring harm to another”).

In this incident, the potential recklessness or negligence could be the product of the officers’ driving, their choice to follow the CR-V in the first instance, or their response upon arriving at the crash scene.

1. Officers’ Driving

The available evidence would make it difficult for the State to prove that Officer Gonzalez’s driving was itself reckless or negligent, though he may have violated BPD policy by driving above the speed limit without his emergency lights and sirens activated. BPD policy, reflecting state law, requires that officers follow traffic laws when they are driving without their emergency equipment activated. Officer Gonzalez did not do so, instead driving at speeds that appear to have exceeded the posted limits, based on surveillance videos and civilian witness observations. That said, speeding alone likely does not constitute recklessness or gross or criminal negligence. *See Khawaja v. Mayor & City Council, City of Rockville*, 89 Md. App. 314, 326 (1991) (finding an officer was not grossly negligent when she struck another car while traveling 25 miles per hour over the speed limit and passing through a red light without her siren on). Officer Gonzalez maintained control of his vehicle, slowed around corners, and left ample distance between himself and the CR-V by remaining six to seven seconds and one to two blocks behind it. While Officer Gonzalez exceeded the speed limit on residential roads, there is no indication that he did so in such a way as to create a risk to any other person or property.

2. Deciding to Follow the CR-V

Beyond the driving itself, the officers’ decision to follow Mr. Murphy Al-Mateen, and whether they complied with BPD policy in doing so, could potentially be the basis for a finding of gross negligence, criminal negligence, or recklessness. “[A] violation of police guidelines *may* be the basis for a criminal prosecution.” *State v. Pagotto*, 361 Md. 528, 557 (2000) (citing *State v. Albrecht*, 336 Md. 475, 502-03 (1994)) (emphasis in original). “[W]hile a violation of police guidelines is not negligence *per se*, it is a factor to be considered in determining the reasonableness of police conduct.” *Id.* (citations omitted). Maryland courts have considered

officers' policy violations as evidence of negligence, recklessness, unreasonableness, and corrupt intent. 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)¹; *Mayor and City Council of Baltimore v. Hart*, 395 Md. 394, 398 (2006) (civil litigation). However, a “hypertechnical” violation of policy, without more, is not sufficient to establish gross negligence. *State v. Pagotto*, 127 Md. App. 271, 304 (1999), *aff'd*, 361 Md. 528 (2000).

As an initial matter, it is unclear whether the officers were engaged in a vehicle pursuit under BPD policy. The relevant policy defines a pursuit as: “When a member operating a law enforcement vehicle attempts to keep pace and/or to immediately apprehend one or more occupants of an eluding vehicle.” BPD leadership told IID investigators that they did not consider this incident to be a pursuit. Talking to a supervisor after the incident, Officer Gonzalez said that the officers were not pursuing the CR-V but rather were trying “to keep eyes on it.” This is consistent with the officers having maintained a gap of several seconds and one to two blocks from the CR-V and having not activated their emergency lights or sirens. On one hand, this lack of an attempt to directly stop or engage Mr. Murphy Al-Mateen suggests officers had not initiated a pursuit. On the other hand, “keep[ing] eyes on” the CR-V may require roughly keeping pace with it, which could bring this incident within BPD’s definition of a pursuit. It is unclear how a factfinder—a judge or jury—would resolve this question.

It is unlikely the State could prove that the officers’ decision to follow Mr. Murphy Al-Mateen would rise to the level of recklessness, criminal negligence, or gross negligence. As discussed in the preceding section, it is likely Officer Gonzalez violated BPD policy by exceeding the speed limit while driving without his emergency lights and sirens activated. Additionally, if Officer Gonzalez engaged in a vehicle pursuit—as this section will assume without finding, for purposes of providing a complete analysis—that would also be a likely violation of BPD policy, as there is no available evidence that Mr. Murphy Al-Mateen had committed a violent felony or posed an imminent safety threat. However, these violations do not, without more, amount to a willful, wanton, or reckless disregard for human life. The available evidence does not indicate that officers took other actions—such as pursuing Mr. Murphy Al-Mateen from a close distance or through particularly dangerous conditions—that would have made the pursuit so inherently dangerous as to create a reckless disregard for human life. Therefore, even if a factfinder found that the officers’ actions violated BPD policy, it is unlikely the State could prove that their decision to engage Mr. Murphy Al-Mateen in that manner was reckless or grossly or criminally negligent.

3. Response to the Crash

Likewise, the available evidence makes it unlikely the State could prove that officers’ response to the crash constituted gross negligence, criminal negligence, or recklessness. Upon seeing the crash, officers immediately called for paramedics and then radioed again to emphasize

¹ Pursuant to General Provisions § 1-104, unreported opinions shall not be used as either precedential or persuasive authority in any Maryland court. They are included here solely for illustrative purposes.

the severity of the collision. Officer Gonzalez said he first saw that Mr. Murphy Al-Mateen had a pulse and was breathing. When Officer Gonzalez no longer saw a pulse or breathing, he said multiple times to other officers that he did not want to move Mr. Murphy Al-Mateen. Though Officer Gonzalez did not say so explicitly, this fear of moving Mr. Murphy Al-Mateen was presumably due to possible head, neck, or spine injuries, given the severity of the crash. When emergency medical personnel arrived, they stabilized Mr. Murphy Al-Mateen's neck with a brace before moving him, lending credence to Officer Gonzalez's apparent concerns. Given these circumstances, it is unlikely the State could prove officers acted with gross negligence, criminal negligence, or recklessness in their response to the crash.

B. Did the officers' actions cause the death of Mr. Murphy Al-Mateen?

As noted above, the potential charges in an incident of this nature share two central questions. The first, whether the officers acted recklessly or with gross or criminal negligence, is discussed above. The second, whether the officers' actions caused Mr. Murphy Al-Mateen's death, as a matter of law, is discussed here.

Causation is an element of both manslaughter by vehicle and criminally negligent manslaughter by vehicle. MPJI-Cr 4:17.10 Homicide—Manslaughter by Motor Vehicle, MPJI-Cr 4:17.10 (2d ed. 2021). This element requires the State prove “but-for causation” (*i.e.*, but for the defendant's conduct, the death would not have occurred) and “legal causation” (*i.e.*, the ultimate harm was reasonably foreseeable given the defendant's actions and was reasonably related to those actions). *State v. Thomas*, 464 Md. 133, 152 (2019) (citing *Palmer v. State*, 223 Md. 341, 352-53 (1960)). The chain of causation may be broken by an “unforeseen and intervening event” that more immediately causes the death. *Pagotto*, 127 Md. App. at 364.

Whether there has been sufficient attenuation to break the causal chain is a fact-specific inquiry. In *Pagotto*, an officer was charged with involuntary manslaughter when his gun accidentally discharged during a traffic stop, killing the car's driver. *Id.* at 358. The Appellate Court found that the officer had not legally caused the driver's death because the driver's attempted flight from the stop, which may have caused the officer's gun to discharge, constituted an intervening cause. *Id.* However, in *Goldring v. State*, the Appellate Court held that one street racer was criminally liable for his co-racer's death, even though it was the decedent who lost control of his car, because the conditions of the race were so inherently dangerous that death was reasonably foreseeable. 103 Md. App. 728, 739 (1995).

In the present case, it is unlikely the State could prove that any officer's actions caused Mr. Murphy Al-Mateen's death. As discussed above, the only potentially reckless or negligent conduct by the officers was the decision to follow Mr. Murphy Al-Mateen's vehicle at speeds above the posted speed limit. While speeding could, under some sets of facts, be deemed a causal factor that led to another's death, it is unlikely a factfinder would find it to be so here. Officer Gonzalez maintained control of his car and kept a significant distance between himself and Mr. Murphy Al-Mateen's car. There is no legal precedent suggesting that such conduct is so inherently dangerous that death would be the likely result, as is necessary to find that the officers' actions legally caused Mr. Murphy Al-Mateen's death. Rather, it is likely a factfinder would analogize this case to *Pagotto*, finding that Mr. Murphy Al-Mateen's flight from the

officers was an intervening cause that led to his own death, breaking the causal connection between his death and the officers' actions.

C. Other Charges & Considerations

Transportation Article § 20-104(a) states: "The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall render reasonable assistance to any person injured in the accident and, if the person requests medical treatment or it is apparent that medical treatment is necessary, arrange for the transportation of the person to a physician, surgeon, or hospital for medical treatment." As discussed above, officers immediately called for medics and emphasized to dispatchers that the crash was serious. Officer Gonzalez stated that he did not want to move Mr. Murphy Al-Mateen, which would likely be found reasonable given that emergency personnel later braced Mr. Murphy Al-Mateen's neck before moving him. For those reasons, it is unlikely the State could prove that officers failed to render reasonable aid.

The crime of misconduct in office requires that the State prove: (1) that the defendant was a public officer; (2) that the defendant acted in their official capacity or took advantage of their public office; and (3) that the defendant corruptly did an unlawful act (malfeasance), corruptly failed to do an act required by the duties of their office (nonfeasance), or corruptly did a lawful act (misfeasance). MPJI-Cr 4:23 Misconduct in Office (Malfeasance, Misfeasance, and Nonfeasance), MPJI-Cr 4:23 (2d ed. 2021). "[T]he conduct must be a willful abuse of authority and not merely an error in judgment." Comment to *id.* (citing Hyman Ginsberg and Isidore Ginsberg, *Criminal Law & Procedure in Maryland* 152 (1940)). As discussed above, there is no evidence that any officer willfully abused their authority by pursuing Mr. Murphy Al-Mateen.

The charge of reckless endangerment is not applicable with respect to the crash itself because the relevant subsection of that statute "does not apply to conduct involving . . . the use of a motor vehicle." Criminal Law § 3-204(c)(1)(i). While it is possible reckless endangerment could be considered with respect to the officers' actions after the crash, it would be difficult to prove the officers acted recklessly for the reasons discussed above.

VI. Conclusion

This interim report has presented factual findings and legal analysis relevant to the fatal vehicle crash that occurred on October 8, 2022, in Baltimore City, Maryland. The IID will supplement this report when it receives the autopsy report from the OCME and final crash team analysis from BPD, but feel free to contact the IID if you would like us to supplement this report in any other way through further investigation or analysis.



INDEPENDENT INVESTIGATIONS DIVISION

Supplemental Report Concerning the Officer-Involved Death
of Kweli Murphy Al-Mateen on October 8, 2022

September 21, 2023

**Supplemental Report of the Independent Investigations Division of the Maryland
Office of the Attorney General Concerning the Officer-Involved Death of
Kweli Murphy Al-Mateen on October 8, 2022**

The Office of the Attorney General’s Independent Investigations Division (the “IID”) is charged with “investigat[ing] all police-involved incidents that result in the death of a civilian” and “[w]ithin 15 days after completing an investigation ... transmit[ting] a report containing detailed investigative findings to the State’s Attorney of the county that has jurisdiction to prosecute the matter.” Md. Code, State Gov’t § 6-602(c)(1), (e)(1).

In this case, due to the delay in receiving the autopsy report and resulting delay in receiving a final crash report from the Baltimore Police Department (“BPD”), in contrast to the finality of all other aspects of the investigation, the IID and the Baltimore City State’s Attorney’s Office agreed that an interim report would be useful. The IID agreed to supplement the interim report upon receipt of the autopsy report and crash report. On March 24, 2023, the IID transmitted its interim report to the State’s Attorney’s Office. This supplemental report is being sent to the State’s Attorney’s Office on September 21, 2023. This supplemental report concludes the IID’s investigation.

I. Autopsy Examination

Kweli Murphy Al-Mateen’s autopsy was conducted by Dr. John A. Stash, Deputy Chief Medical Examiner, on October 12, 2022. The IID received the final autopsy report on July 5, 2023. Dr. Stash identified Mr. Murphy Al-Mateen’s cause of death as: “Multiple Injuries.” Dr. Stash determined that Mr. Murphy Al-Mateen’s manner of death was: “Accident.”¹

Dr. Stash concluded that Mr. Murphy Al-Mateen died due to multiple injuries to his head, neck, torso, and extremities. Those injuries included: bleeding between the brain and skull, a fractured vertebra, two fractured ribs, a fractured clavicle, lacerations and contusions to the lungs, pelvic fractures, and accumulations of blood and air in the chest.

Dr. Stash also identified “bullets or bullet fragments” in Mr. Murphy Al-Mateen’s right thigh and right buttock. He did not identify any gunshot wounds during the autopsy, indicating that the bullets and bullet fragments were the result of a prior incident. Police reports reflect that Mr. Murphy Al-Mateen was shot in the right leg on June 21, 2022.

II. Crash Report

The BPD Accident Investigation Unit (“AIU”) prepared a detailed report analyzing this incident. The IID received this report on September 6, 2023. The AIU concluded that Mr.

¹ Manner of death is a classification used to define whether a death is from intentional causes, unintentional causes, natural causes, or undetermined causes. The Office of the Chief Medical Examiner of Maryland 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.

Murphy Al-Mateen's Honda CR-V was traveling 69 miles per hour at the time of the crash. It had been traveling 60 miles per hour five seconds prior and continued accelerating without braking as it drove down Grantley Road toward Liberty Heights Avenue. At that intersection, the CR-V failed to stop at the stop sign and was struck on the driver's side by a Honda Ridgeline traveling eastbound on Liberty Heights Avenue. The Ridgeline then struck another car while a fourth vehicle, a GMC Sierra, struck the passenger side of Mr. Murphy Al-Mateen's CR-V that had been traveling westbound on Liberty Heights Avenue. All four vehicles came to rest at that intersection.

This supplemental report has presented additional factual findings relevant to the investigation into the officer-involved death of Kweli Murphy Al-Mateen in Baltimore, Maryland. Nothing in this supplemental report alters the legal analysis provided in the IID's interim report. This report concludes the IID's investigation into this matter. Please contact the IID if you would like us to undertake any additional investigative steps.

Appendices

Appendix A – Materials Reviewed

911 Calls (3 audio recordings)
Body-Worn Camera Video (4 recordings)
CAD Reports (1 item)
Civilian Witness Statements (3 audio recordings)
Communications Audio (3 audio recordings)
Decedent Documents (1 item)
Departmental Policies (2 item)
IA History and Training Records (51 items)
Medical Records (5 items)
OAG Reports (18 items)
Officer Witness Statements (1 recording and 1 officer form)
Other Video (2 items)
Photographs (103 items)
Police Reports (8 items)
Search Warrant (2 items)
Subpoenas (10 items)

All materials reviewed have been shared with the Baltimore City State's Attorney's Office via a secure filesharing service.

Appendix B – Relevant Baltimore City Departmental Policies

See attached policies.

Appendix B
Relevant Baltimore City Departmental Policies

Policy 1112



Subject

FIELD INTERVIEWS, INVESTIGATIVE STOPS, WEAPONS PAT-DOWNS & SEARCHES

Date Published

26 August 2017

Page

1 of 12

By Order of the Police Commissioner

POLICY

It is the policy of the Baltimore Police Department (BPD) to conduct any interaction with individuals in a respectful manner and within the confines of the law, while maintaining public and officer safety. The BPD will accomplish this policy objective by adhering to the following guidelines:

1. **Constitutional Stops.** Following the United States Supreme Court decision in *Terry v. Ohio*, 392 U.S. 1 (1968), which established that law enforcement officers can, consistent with the 4th Amendment to the Constitution, stop individuals when there is reasonable articulable suspicion to believe that they have committed, are committing, or are about to commit a crime, and can perform a weapons pat-down of their outer garments for weapons when there is reasonable articulable suspicion to believe they are armed and dangerous.
2. **Reasonable Articulable Suspicion and Probable Cause.** Understanding that an investigative stop, weapons pat-down, and a search are distinct and separate actions. Officers must be able to clearly document reasonable articulable suspicion for an investigative stop, the reasonable articulable suspicion for a weapons pat-down, and the probable cause for a search. An investigative stop does not automatically justify a weapons pat-down or a search.
3. **Documentation.** Properly documenting all investigative stops, weapons pat-downs, and searches, in accordance with state and federal law.

DEFINITIONS

Field Interview — Conduct that places the officer in a consensual face-to-face communication with a person under circumstances in which the person does not have to respond to questions and is free to leave.

Investigative Stop — A physical or verbal action that involves the delay, hindrance, or holding of a person. Investigative stops can only be done if an officer has reasonable articulable suspicion that the individual has committed, is committing, or is about to commit a crime. This suspicion can be based on facts observed by the officer, observations reported by trustworthy informants, and other factors that take into account the totality of the circumstances of the investigative stop.

Weapons Pat-Down — A hand pat-down of a person's outer-garments for weapons. A weapons pat-down should be done only if the officer has reasonable articulable suspicion that the individual has a concealed weapon and poses a threat to the public or the officer. This type of search is confined in scope to an intrusion reasonably designed only to discover weapons.

Search — More intrusive than a weapons pat-down and done only if probable cause exists.

Reasonable Articulate Suspicion (RAS) – Reason to believe, based on the officer’s training and experience, that an individual has committed, is committing or is about to commit a crime. RAS requires articulable facts (more than a hunch), but less than probable cause.

Probable Cause – Where facts and circumstances, known to the officer and taken as a whole, would lead a reasonable person to believe that a particular individual has committed, is committing or is about to commit a crime.

REQUIRED ACTION

Required Actions for Members

Officers must act professionally and respectfully during all encounters with members of the public and must properly document these interactions. A quick reference chart is provided below to assist officers in determining the legal and minimum reporting requirements for each type of contact.

TYPE OF CONTACT	LEGAL REQUIREMENTS		MINIMUM FORMS REQUIREMENT		
	Reasonable Articulate Suspicion	Probable Cause	Citizen/Police Contact Receipt	Form 309	Incident Report
Field Interview			X		
Vehicle Stop	X		X		
Investigative Stop	X			X	X
Weapons Pat-Down	X			X	X
Searches		X		X	X
Arrest		X			X

1. Field Interviews

- 1.1. An officer may initiate consensual field interviews when he/she reasonably believes that an investigation is warranted. Examples of field interviews include, but are not limited to:
 - 1.1.1. A witness who is questioned by an officer regarding observations of, and circumstances surrounding, a crime.
 - 1.1.2. When an officer approaches an individual and asks his/her name, address, purpose for being at a certain location, and any pertinent follow-up questions.
- 1.2. The following guidelines should be followed when conducting a field interview:

- 1.2.1. While an officer may initiate a field interview for any legitimate, police-related purpose, interviews shall not be conducted in a hostile or aggressive manner, or as a means of harassing any individual or attempting to coerce an individual to do anything (e.g. leave the area, consent to a search, etc.). The individual is free to end the interview at any time and to refuse to answer the officer's questions.
- 1.2.2. When an individual refuses to answer questions during a field interview, he/she must be permitted to leave. Furthermore, refusal to answer questions cannot be used as the basis to escalate the encounter into an investigative stop, weapons pat-down, or search.
- 1.2.3. Officers must remember that individuals are neither required to carry any means of identification nor can individuals be required to account for their presence in a public place.
- 1.2.4. The duration of the field interview should be as brief as possible. The success or failure of a meaningful interview rests on the officer's ability to put the individual at ease and establish a rapport.
- 1.2.5. All field interviews require the completion and issuance of a Citizen/Police Contact Receipt (See Appendix A).

NOTE: A traffic stop is not considered a field interview because the operator, who has been stopped for reasonable suspicion, is not free to leave until the completion of the traffic stop. The driver shall be issued a Citizen/Police Contact Receipt in keeping with this policy.

2. **Investigative Stops**

- 2.1. In determining whether reasonable articulable suspicion exists to justify an investigative stop, officers should include but not be limited to consideration of the following factors under the totality of the circumstances:
 - 2.1.1. Visual indications that suggest the individual is carrying a firearm or other deadly weapon, such as a bulge under the individual's clothing.
 - 2.1.2. Informant tips and information.
 - 2.1.3. Observations of what appears to be criminal conduct based on experience.
 - 2.1.4. Furtive behavior.
 - 2.1.5. Lateness of hour.
 - 2.1.6. Presence in a high crime area.
 - 2.1.7. Evasive conduct or unprovoked flight.

NOTE: One factor alone is often not sufficient to establish reasonable suspicion. This list is not all inclusive and circumstances will vary in each case.

- 2.2. When conducting an investigative stop, officers must:
 - 2.2.1. Remain courteous and respectful at all times, but maintain caution and vigilance.
 - 2.2.2. Before approaching more than one suspect, determine whether the circumstances warrant a request for backup assistance and whether the investigative stop can and should be delayed until such backup arrives.
 - 2.2.3. Limit questions to those concerning the suspect's identity, place of residence, and other inquiries necessary to resolve the officer's suspicions.
 - 2.2.4. Ensure that the person is stopped for only that period of time necessary to effect the purpose of the stop.
 - 2.2.5. Notify a supervisor if the individual is:
 - 2.2.5.1. Injured during the investigative stop or complains of injury;
 - 2.2.5.2. Transported from the initial place of contact;
 - 2.2.5.3. Stopped more than 20 minutes; or
 - 2.2.5.4. Handcuffed and/or subjected to an arrest and control technique.
 - 2.2.6. If the individual stopped is to be released:
 - 2.2.6.1. Immediately release the individual and explain the reason for the investigative stop and the release.
 - 2.2.6.2. Provide transportation if the individual was taken from the initial scene of the stop.
- 2.3. Following an investigative stop:
 - 2.3.1. A central complaint number must be issued from the Communications Unit, and a Crime Incident Report must be completed. Officers should describe in detail the circumstances which led to the investigative stop (See Appendix B and C).
 - 2.3.2. The officer must provide the individual with an explanation of the purpose of the stop, and provide Form 309 to the individual with the officer's name, the date, and central complaint number.

3. **Weapons Pat-Down**

- 3.1. If, during a field interview or an investigative stop, reasonable articulable suspicion exists that the individual has a concealed weapon and poses a threat to the public or the officer, the officer may conduct a weapons pat-down.
- 3.2. In determining whether reasonable articulable suspicion exists sufficient to support the weapons pat-down, an officer should consider the following factors:

- 3.2.1. The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
 - 3.2.2. The number of individuals to be handled by a single officer.
 - 3.2.3. The hour of the day and the location where the stop takes place.
 - 3.2.4. Prior knowledge of the individual's criminal history and propensity to use force or carry deadly weapons.
 - 3.2.5. The appearance and demeanor of the individual.
 - 3.2.6. Visual indications that suggest the individual is carrying a firearm or other deadly weapon, such as a bulge under the individual's clothing.
 - 3.2.7. Furtive behavior.
- 3.3. Officers must follow these guidelines when performing a weapons pat-down:
- 3.3.1. A weapons pat-down shall not be used to conduct full searches designed to produce evidence or other incriminating material. Full searches of individuals conducted without probable cause are illegal and prohibited by this policy.
 - 3.3.2. Whenever possible, weapons pat-downs should be conducted by at least two officers: one who performs the pat-down and another who provides protective cover.
 - 3.3.3. Whenever practicable, weapons pat-downs should be performed by officers of the same gender of the individual who is stopped.
 - 3.3.4. Officers are permitted only to pat the outer clothing of the individual. Officers may not place their hands in pockets unless they feel an object that could reasonably be a weapon, such as a firearm, knife, club, or other item. The officer may not manipulate an object underneath clothing in an effort to determine the nature of the object.
 - 3.3.5. If the officer feels an item and believes it could be a weapon used to harm the officer or others, the officer may reach into the article of clothing and remove the item.
 - 3.3.5.1. If, during the process of removing the suspected weapon, the officer discovers other items which are contraband or evidence of a crime, the officer may lawfully seize those items, and the items may be considered when establishing probable cause to make an arrest or to conduct a search of the individual.
 - 3.3.6. If the individual is carrying an object such as a handbag, suitcase, briefcase, sack, or other object that may conceal a weapon, the officer should not open the object but instead place it out of the individual's reach.

Policy 1112	FIELD INTERVIEWS, INVESTIGATIVE STOPS, WEAPONS PAT-DOWNS & SEARCHES	Page 6 of 12
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- 3.3.6.1. If the officer reasonably suspects that harm may result if the unsearched object is returned to the individual, the officer may briefly feel the exterior of the object in order to determine if the object contains a weapon or other dangerous item. The officer may not manipulate the exterior or search the interior of the object in question.
- 3.4. The officer must notify a supervisor if the stopped individual is:
 - 3.4.1. Injured during the investigative stop or weapons pat-down or complains of injury;
 - 3.4.2. Transported from the initial place of contact;
 - 3.4.3. Stopped more than 20 minutes; or
 - 3.4.4. Handcuffed and/or subjected to an arrest and control technique.
- 3.5. If the individual stopped is to be released because no weapon was found, and there is no probable cause for a search or an arrest, the officer must:
 - 3.5.1. Immediately release the person and explain the reason for the investigative stop, the weapons pat-down, and the release.
 - 3.5.2. Obtain a central complaint number from the Communications Unit and complete a Crime Incident Report. The officer must describe in detail the circumstances which lead to the weapons pat-down (See Appendix B and D).
 - 3.5.3. Provide Form 309 to the individual with the officer's name, the date and central complaint number.
- 3.6. If the individual stopped is arrested because a weapon was found, a search, incident to arrest, may be conducted in accordance with departmental training and procedures.
 - 3.6.1. The officer must complete any related incident reports and submit to a supervisor. The completed reports should make it clear that the arrest was the result of an investigative stop/weapons pat-down.

Required Actions for Superiors

- 1. A Supervising Officer will:
 - 1.1. Review and sign all Incident Reports and Citizen/Police Contact Receipts, and review the factors the officer used to support his or her reasonable articulable suspicion and/or probable cause statements.
 - 1.2. Submit all Incident Reports and Citizen/Police Contact Receipts through the proper channels.
 - 1.3. Provide training to any officer under your supervision who does not complete the proper reporting as required by this policy.

Policy 1112	FIELD INTERVIEWS, INVESTIGATIVE STOPS, WEAPONS PAT-DOWNS & SEARCHES	Page 7 of 12
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- 1.4. Document evidence of negligence or repeated failures to accurately complete applicable reporting in Blue Team for progressive discipline.
2. A Commanding Officer will:
 - 2.1. Provide training and conduct audits of Crime Incident Reports and Citizen/Police Contact Receipts, as necessary, to ensure members understand and apply appropriate legal standards when conducting field interviews, investigative stops, weapons pat-downs, and searches.
 - 2.2. Ensure all Citizen/Police Contact Receipts are forwarded to the Records Management Section for entry into the "Stop Ticket" database on a timely basis.
 - 2.3. Forward all hard copies of all Incident Reports and Citizen/Police Contact Receipts to the Records Management Section.
3. The Commanding Officer, Records Management Section, will:
 - 3.1. Whenever a pat-down was conducted without recovering a firearm, and an Incident Report was received, complete a Maryland State Police Firearms Report and forward the report to:

Superintendent Maryland State Police
Pikesville, Maryland. 21208-3899
 - 3.2. Collect and forward, on a daily basis, copies of all reports relating to recovered firearms to the Director, Crime Laboratory Section.
 - 3.3. Ensure Citizen/Police Contact Receipts are entered into the Stop Ticket database in a timely manner.
 - 3.4. Retain copies of all Citizen/Police Contact Receipts indefinitely.
4. The Director, Crime Laboratory Section, will ensure a Maryland State Police Firearms Report is completed for each firearm recovered and forwarded daily to:

Superintendent Maryland State Police
Pikesville, Maryland. 21208-3899
5. The Commanding Officer, Professional Development and Training Academy, will:
 - 5.1. Ensure that the procedures of this policy are consistent with entrance level and in-service training curricula.
 - 5.2. Provide ongoing roll call training on the contents and subject of this policy.

Policy 1112	FIELD INTERVIEWS, INVESTIGATIVE STOPS, WEAPONS PAT-DOWNS & SEARCHES	Page 8 of 12
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APPENDICES

- A. Citizen/Police Contact Receipt
- B. Incident Report, Form 14/008
- C. Incident Report – Investigative Stop, Form 14/008
- D. Incident Report – Weapons Pat Down, Form 14/008

RESCISSION

Removed and destroyed/recycled Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*, dated 1 July 2016.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Commanders are responsible for informing their subordinates of this policy and ensuring compliance.

APPENDIX A

Citizen/Police Contact Receipt

Baltimore Police Department				
Citizen/Police Contact Receipt				
<input type="checkbox"/> Vehicle	Date	Time	Duration	CC# (if applicable)
<input type="checkbox"/> Pedestrian				
Block	Full Street Address (Location of F.I., Stop, etc.)		Post / Sector	
Officer's Name (Last, First)			Seq #	
Officer's Signature		Assignment	Unit #	
CITIZEN INFORMATION				
Citizen Name (Last, First, MI)				DOB
Race: <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Native American/Alaskan Native <input type="checkbox"/> Other Ethnicity: <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Unknown Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female Primary Language Spoken (Other than English) _____				
Block	Full Street Address		Phone	
City, State		<input type="checkbox"/> Not Baltimore City Address	Zip	
Identification <input type="checkbox"/> Driver's License <input type="checkbox"/> State Issued ID <input type="checkbox"/> None <input type="checkbox"/> Other _____				
State	License/D Number			
VEHICLE INFORMATION				
Stop Involved		Registration/License Plate	State	Exp.
<input type="checkbox"/> Radar <input type="checkbox"/> VASCAR <input type="checkbox"/> Laser				
Year	Make	Model	Color	
PRIMARY REASON FOR CONTACT (Mark only one.)				
<input type="checkbox"/> Field Interview <input type="checkbox"/> Investigative Stop <input type="checkbox"/> Weapons Pat-down <input type="checkbox"/> Vehicle Safety Equipment Violation <input type="checkbox"/> Traffic Violation				
INCIDENT/VIOLATION:				
Article	Section	Description (Traffic Stops MUST INCLUDE the Primary Violation)		
ACTION(S) TAKEN (Mark all that apply.)				
<input type="checkbox"/> None <input type="checkbox"/> Repair Order <input type="checkbox"/> Traffic Citation <input type="checkbox"/> Civil Citation <input type="checkbox"/> Criminal Citation <input type="checkbox"/> Warrant Check <input type="checkbox"/> Arrest <input type="checkbox"/> Warning <input type="checkbox"/> Other: _____				
Primary Charge <input type="checkbox"/> Criminal <input type="checkbox"/> Civil <input type="checkbox"/> Traffic				
Article	Section	Description		
Supervisor's Name (Last, First)		Reviewer		
Supervisor's Signature		RMS Data Entered By		
Seq #	Date	Seq #	Date	Time

APPENDIX B

Incident Report, page 1

INCIDENT REPORT Form 04/008 1100-25-66				POLICE DEPARTMENT BALTIMORE, MARYLAND				1 Crime / Incident		Attempt <input type="checkbox"/>		2 Complaint Number							
<input type="checkbox"/> Person <input type="checkbox"/> Property <input type="checkbox"/> Vehicle <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Domestic Related <input type="checkbox"/> Gang Related <input type="checkbox"/> Juvenile Related <input type="checkbox"/> Hate Crime				3 Location of Offense / Incident (Exact Street Address)				4 Date / Time Occurred		5 Date / Time Reported		Page 1 of							
6 Unit		7 Post of Occurrence		8 Reporting Area		9 Street Code		10 CAD Number		11 Location Given by Dispatcher		12 Companion Report No							
13 Case Status <input type="checkbox"/> Open <input type="checkbox"/> Closed		14 Case Disposition <input type="checkbox"/> Cleared <input type="checkbox"/> Not Cleared		15 Follow-up <input type="checkbox"/> Yes <input type="checkbox"/> No		16 Crime Code		17 Crime Classification		18 Describe Location of Offense or Type of Premise		19 Reported by Crime Watcher <input type="checkbox"/> Yes <input type="checkbox"/> No							
20 Complainant / Victim Name (Last, First, MI), or Firm Name if Business				Residence / Address (Include City, County, State, Zip)				Sex		Race		Age		DOB					
Where Employed or School Attending (include City Located)				Occupation				Hours of Employment		Residence Phone		Other Phone		Sobriety					
21 Injuries and Location on Body				Victim's Condition <input type="checkbox"/> Yes <input type="checkbox"/> No				22 Victim / Assailant Relationship		23 Current / Former Cohabitant <input type="checkbox"/> Yes <input type="checkbox"/> No									
24 Reporting Person Name (Last, First, MI)		Sex		Race		Age		DOB		Address (Include City, County, State, Zip)		Residence Phone		Other Phone					
25 Witness Parent/Guardian <input type="checkbox"/>		Name (Last, First, MI)		Address (Include City, County, State, Zip)		Residence Phone		Other Phone											
26 Suspect Name (Last, First, MI)		Address (Include City, County, State, Zip)		Sex		Race		Age		DOB		Height		Weight					
Complexion		Hair Color/Length/Style		Hat		Eyes		Facial Hair		Teeth		Shirt/Coat		Pants					
Shoes		Additional Descriptors (Tattoos, Piercings, Scars, Marks, Accent, etc.)		Arrest Number															
27 Trademarks of Suspect(s) (Action / Conversation)				28 Point of Entry				29 Location Last Seen				30 Manner of Escape		31 Direction of Escape					
32 Weapon / Means of Attack				33 Method Used to Commit Crime				34 Type of Property Taken				35 Total Loss Value							
36 Vehicle Information <input type="checkbox"/> Suspect <input type="checkbox"/> Victim <input type="checkbox"/> Stolen <input type="checkbox"/> Towed <input type="checkbox"/> Other		Tag Number		State		Expiration		Vehicle Year/Make		Model		Body Style/Color		Mileage					
Vehicle Identification Number (VIN)				Ignition Locked <input type="checkbox"/> Yes <input type="checkbox"/> No		Keys in Ignition <input type="checkbox"/> Yes <input type="checkbox"/> No		Doors Locked <input type="checkbox"/> Yes <input type="checkbox"/> No		Windows Closed <input type="checkbox"/> Yes <input type="checkbox"/> No		Radio in Car <input type="checkbox"/> Yes <input type="checkbox"/> No		Battery in Car <input type="checkbox"/> Yes <input type="checkbox"/> No		Spare Tire in Car <input type="checkbox"/> Yes <input type="checkbox"/> No		Trunk Locked <input type="checkbox"/> Yes <input type="checkbox"/> No	
37 Registered Owner Name (Last, First, MI)				Sex		Race		Age		DOB		Address (Include City, County, State, Zip)							
38 Recovered by				39 Method of Theft				40 Evidence of Stripping / Tampering				41 Repo. Check <input type="checkbox"/> Yes <input type="checkbox"/> No		42 Tow List Check <input type="checkbox"/> Yes <input type="checkbox"/> No		43 Owner Notified <input type="checkbox"/> Yes <input type="checkbox"/> No			
44 Tow Information Location Towed From		Location Towed To		Towed by		Tow Truck Operator Signature													
45 Detective Notified				Sequence No. / Assignment		Unit Number		Date		Time		46 Medical Examiner Notified		Date		Time			
47 Crime Lab Technician Name				Unit Number		Time		48 Hot Desk Person Notified				Time							
49 Communications Supervisor Notified <input type="checkbox"/> Yes <input type="checkbox"/> No				50 Citywide Broadcast <input type="checkbox"/> Yes <input type="checkbox"/> No				51 Victim Assistance/Incident Information/Explanation Form(s) Provided <input type="checkbox"/> Yes <input type="checkbox"/> No											
52 Copies Forwarded To																			
Conf & Sections Narrative: (1) Continuation of any preceding items. (2) Property Listing, to include property taken and seized/submitted evidence/property. List property inventory number(s) when applicable. (3) Describe details of incident. Include all steps taken in preliminary investigation. (4) List all additional notifications, including name, agency or assignment, unit number, telephone number, date, time. (5) List all arrests, including Arrest numbers and charges.																			
"INVESTIGATIVE STOP" OR "WEAPONS PAT-DOWN" PROPERTY LISTING SEE PAGE 2 FOR CONTINUATION AND ADDITIONAL REPORTING REQUIREMENTS																			
Continued <input type="checkbox"/>																			
53 Reporting Officer Name (PRINT CLEARLY)				Sequence No. / Assignment				Signature											
54 Approving Supervisor Rank and Name				Sequence No. / Assignment				Signature											
55 RMS Data Entered By				Sequence No. / Date / Time				56 Reviewer				57 Referred To							

REPORT SHOULD BE TYPED OR LEGIBLY PRINTED IN BLACK INK

APPENDIX C

Incident Report, page 2 for Investigative Stop

SUPPLEMENT REPORT Form 04/007 1160-25-23		POLICE DEPARTMENT BALTIMORE, MARYLAND		1 Crime / Incident		Attempt <input type="checkbox"/>		2 Complainant Number	
<input type="checkbox"/> Continuation		<input type="checkbox"/> Follow Up		3 Location of Offense / Incident (Street Address, Zip)		Page		of	
Person <input type="checkbox"/>		Property <input type="checkbox"/>		Miscellaneous <input type="checkbox"/>		Vehicle <input type="checkbox"/>		Missing Person <input type="checkbox"/>	
Custody <input type="checkbox"/>		4 Date / Time of This Report		5 Arrest / Custody Number		6 Unit		7 Post of Occurrence	
8 Reporting Area		9 Street Code		10 CAD Number		11 Original Report Date / Time		12 Offense / Incident Changed From	
13 Case Status <input type="checkbox"/> Open <input type="checkbox"/> Closed		14 Multiple Clearance <input type="checkbox"/> Yes <input type="checkbox"/> No		15 Case Disposition <input type="checkbox"/> Cleared <input type="checkbox"/> Not Cleared		16 Follow-up <input type="checkbox"/> Yes <input type="checkbox"/> No		17 Crime Code	
18 Crime Classification		19 Complainant Name (Last, First, MI), or Firm Name if Business		Residence / Address (Include City, County, State, Zip)		Sex		Race	
Age		DOB		20 Copies Forwarded To		21 Reporting Person's Signature		Date	
<p>INVESTIGATIVE STOP</p> <p>Person stopped for an investigative stop is the complainant.</p> <p>Reporting person is the officer.</p> <p>Person arrested (if any) is the suspect.</p> <p>You must write an "investigative stop report" for every "investigative stop" performed, whether or not an arrest is made, and whether or not the subject stopped cooperates by identifying himself/herself to you. The incident for which the investigative stop was made must be placed in box #1 of the report. For example, if the subject is stopped for a robbery investigation, then the incident will read "robbery" in box #1 of the report. The first line of the narrative must read "investigative stop."</p> <p>NARRATIVE REQUIREMENTS</p> <p>Property listing at the beginning of the narrative if a weapon and/or other contraband is recovered.</p> <p>Date, time and location of the investigative stop.</p> <p>The reasonable articulable suspicion that existed to justify the investigative stop, including but not limited to:</p> <ul style="list-style-type: none"> - Visual indications that suggest the individual is carrying a firearm or other deadly weapon, such as a bulge under the individual's clothing. - Informant tips and information. - Observations of what appears to be criminal conduct based on experience. - Furtive behavior. - The hour of the day and the location where the stop takes place. - Presence in a high crime area. - Evasive conduct or unprovoked flight. 									
<p>21 I affirm and declare that the statements above are true to the best of my knowledge:</p> <p>22 Reporting Officer Name (PRINT CLEARLY) Sequence No. Assignment Signature</p> <p>23 Approving Supervisor Rank and Name Sequence No. Assignment Signature</p> <p>24 RMS Date Entered By Sequence No. Date Time 25 Reviewer 26 Referred To</p>									
REPORT SHOULD BE TYPED OR LEGIBLY PRINTED IN BLACK INK									

APPENDIX D

Incident Report, page 2 for Weapons Pat-Down

SUPPLEMENT REPORT Form 04/007 1160-26-23		POLICE DEPARTMENT BALTIMORE, MARYLAND			1 Crime / Incident <input type="checkbox"/> Attempt <input type="checkbox"/> 2 Complainant Number 3 Location of Offense / Incident (Street Address, Zip) _____ Page _____ of _____ 4 Date / Time of This Report _____ 5 Arrest / Custody Number _____			
<input type="checkbox"/> Continuation <input type="checkbox"/> Follow Up								
Person <input type="checkbox"/> Property <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Vehicle <input type="checkbox"/> Missing Person <input type="checkbox"/> Custody <input type="checkbox"/>								
6 Unit	7 Post of Occurrence	8 Reporting Area	9 Street Code	10 CAD Number	11 Original Report Date / Time	12 Offense / Incident Changed From		
13 Case Status <input type="checkbox"/> Open <input type="checkbox"/> Closed		14 Multiple Clearance <input type="checkbox"/> Yes <input type="checkbox"/> No		15 Case Disposition <input type="checkbox"/> Cleared <input type="checkbox"/> Not Cleared		16 Follow-up <input type="checkbox"/> Yes <input type="checkbox"/> No	17 Crime Code	18 Crime Classification
19 Complainant/ Victim Name (Last, First, MI), or Firm Name if Business		Residence / Address (Include City, County, State, Zip)			Sex	Race	Age	DOB
20 Copies Forwarded To _____								
Court's Sections: Narrative (1) Continuation of any preceding items. (2) Property Listing, to include property taken and seized/submitted evidence/property; list property inventory number(s) when applicable. (3) Record all activity and all developments in case subsequent to last report. Include names and arrest numbers of all persons arrested. Explain any crime/incident classification change. (4) List all additional notifications, including name, agency or assignment, unit number, telephone number, date, time. (5) Recommend case status when applicable. (6) If Multiple Clearance, include all affected complaint/case numbers.								
WEAPONS PAT-DOWN								
Person stopped for a weapons pat-down is the complainant. Reporting person is the officer. Person arrested (if any) is the suspect. You must write a "weapons pat-down report" for every "weapons pat-down" performed, whether or not an arrest is made or a weapon is found, and whether or not the subject stopped cooperates by identifying himself/herself to you. The incident for which the weapons pat-down was made must be placed in box #1 of the report. For example, if the subject is stopped for a robbery investigation, then the incident will read "robbery" in box #1 of the report. The first line of the narrative must read "weapons pat-down."								
NARRATIVE REQUIREMENTS								
Property listing at the beginning of the narrative if a weapon and/or other contraband is recovered. Date, time and location of the weapons pat-down. The reasonable articulable suspicion that existed to justify the weapons pat-down, including but not limited to:								
<ul style="list-style-type: none"> - The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved. - The hour of the day and the location where the stop takes place. - Prior knowledge of the individual's criminal history and propensity to use force or carry deadly weapons. - The appearance and demeanor of the individual. - Furtive behavior. - Visual indications that suggest the individual is carrying a firearm or other deadly weapon, such as a bulge under the individual's clothing. 								
						Continued <input type="checkbox"/>		
21 I affirm and declare that the statements above are true to the best of my knowledge:						Reporting Person's Signature _____ Date _____		
22 Reporting Officer Name (PRINT CLEARLY)			Sequence No./Assignment		Signature			
23 Approving Supervisor Rank and Name			Sequence No./Assignment		Signature			
24 RMS Data Entered By			Sequence No./Date/Time		25 Reviewer		26 Referred To	

REPORT SHOULD BE TYPED OR LEGIBLY PRINTED IN BLACK INK



Policy 1503

Subject	
EMERGENCY VEHICLE OPERATION AND PURSUIT POLICY	
Date Published	Page
24 November 2019	1 of 12

By Order of the Police Commissioner

POLICY

The purpose of this policy is to provide guidance on conducting safe emergency vehicle operations and pursuits. Members shall use sound judgement and discretion while upholding the sanctity of human life in all instances of emergency response and pursuit.

While members must at all times comply with the minimum legal requirements governing the use of force, they must also comply with even stricter standards set forth by Departmental Policy.

CORE PRINCIPLES

1. **Member and Public Safety.** Members shall operate all vehicles with the utmost care and caution, and will comply with all traffic regulations. While operating in Emergency Response Mode, members shall comply with Maryland State Law governing emergency vehicle operations. Members shall weigh the risks of driving in Emergency Response Mode against the nature of the emergency.
2. **Sanctity of Human Life.** Members shall make every effort to preserve human life in all situations.
3. **Value and Worth of All Persons.** All human beings have equal value and worth and members shall respect and uphold the value and dignity of all persons at all times.
4. **Peaceful Resolutions.** Members shall avoid the Use of Force unless it is not possible to do so.
5. **De-Escalation.** Members shall use de-escalation techniques and tactics to reduce any threat or gain compliance to lawful commands without the Use of Force or with the lowest level of force possible (See Policy 1107, *De-Escalation*).
6. **Avoiding Escalation.** Members shall not do or say anything that escalates an encounter unless necessary to achieve a lawful purpose.
7. **Assessment.** Members shall continuously assess each situation and change the member's response as the circumstances change. Members may be justified in using force in one instance, but not justified in using force an instant later. This duty to assess includes the continuous assessment of circumstances before and after the member uses force.
8. **Use of Force: Reasonable, Necessary, and Proportional.** Members shall use only the force reasonable, necessary, and proportional to respond to the threat or resistance to effectively and

safely resolve an incident, and will immediately reduce the level of force as the threat or resistance diminishes.

9. **Reporting Use of Force.** Each member who uses force, or observes another member or members use force, shall immediately notify their supervisor, and will accurately and completely report the Use of Force by the end of their tour of duty (See Policy 725, *Use of Force Reporting, Review, and Assessment*).
10. **Duty to Intervene.** Members shall intervene to prevent abusive conduct or the use of excessive force by another member (See Policy 319, *Duty to Intervene*).
11. **Duty to Provide Medical Assistance.** After any Use of Force incident, members shall immediately render aid to any injured person consistent with the member's training and request medical assistance. If restrained, persons are not to be positioned facedown as it may cause positional asphyxia, and placing restrained persons on their back may lead to radial nerve damage to the wrists and forearms. Restrained persons are to be placed in a seated position or on their sides.
12. **Accountability.** Members shall be held accountable for uses of force that violate law or policy.
13. **Sound Judgement and Discretion.** The BPD recognizes it is better to allow a suspect to temporarily escape apprehension than to jeopardize anyone's safety in a Vehicle Pursuit. No member shall be criticized or disciplined for a decision not to engage in a Vehicle Pursuit or to terminate an ongoing Vehicle Pursuit based on the risk involved, even in circumstances where this policy would permit the commencement or continuation of a pursuit.
14. **Retaliatory Force.** Members are prohibited from using force against persons engaged in First Amendment protected activities or to punish persons for fleeing, resisting arrest or assaulting a member, or for any other reason (See Policy 804, *First Amendment Protected Activity*).

DEFINITIONS

Emergency Response Mode — Driving with emergency lights and siren activated.

Eluding — An Eluding driver increases speed, takes evasive action, and/or refuses to stop despite a member's signaling to stop by hand, voice, emergency lights, and/or siren even after a reasonable amount of time to yield or stop has passed.

Primary Unit — The law enforcement vehicle driven by a member who initiates a pursuit, or any unit that assumes control of the pursuit as the lead vehicle (the first police vehicle immediately behind the eluding vehicle).

Secondary Unit — Any law enforcement vehicle which becomes involved as a backup to the Primary Unit and follows the Primary Unit at a safe distance.

Street Paralleling — Driving a law enforcement vehicle on a street parallel to a street on which a pursuit is occurring.

Terminate – To discontinue the pursuit of an eluding vehicle.

Trail – Following the path of the pursuit while obeying all traffic laws and without activating emergency lights or sirens. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle Pursuit – When a member operating a law enforcement vehicle attempts to keep pace and/or to immediately apprehend one or more occupants of an eluding vehicle.

DIRECTIVES

Emergency Response Mode

1. Driving in Emergency Response Mode is only permitted in law enforcement vehicles equipped with emergency lights and siren.
2. Officers shall not drive in Emergency Response Mode when transporting civilians or prisoners.
3. Before operating a law enforcement vehicle in an Emergency Response Mode, members shall consider the following:
 - 3.1. The nature or seriousness of the offense or the call for service.
 - 3.2. Current road or environmental conditions.
 - 3.3. Familiarity with the route and destination.
 - 3.4. Pedestrian and vehicular density.
4. When responding to an emergency call for service, such as an in-progress incident with the potential for injury, or armed person calls, members are authorized but not required to respond in an Emergency Response Mode.
5. When responding to an assist an officer call (Signal 13) as either the primary or backup unit assigned by dispatch, members shall drive in Emergency Response Mode in such a manner as to minimize the risk of injury to members of the BPD and the public (See Policy 705, *Procedure for Assist an Officer Call*).
6. When operating in an Emergency Response Mode, in keeping with Maryland Code, Transportation Section 21-106, "Privileges for Drivers of Emergency Vehicles", members may:
 - 6.1. Exceed the speed limit, so long as members do not endanger life or property.
 - 6.2. Proceed through a red light or stop signal, a stop sign, or a yield sign, but only after slowing down as necessary for safety.
 - 6.3. Disregard regulations governing turning or movement in a specified direction.

Vehicle Pursuit Authorization

1. Members may pursue an eluding vehicle when:
 - 1.1. The vehicle contains a felony suspect and failure to immediately apprehend poses an immediate threat of death or serious bodily injury to the member or others; and
 - 1.2. Before the pursuit is initiated, there exists probable cause to believe the fleeing suspect committed a felony which resulted, or could have resulted, in death or serious bodily injury.
2. Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit, include, but are not limited to:
 - 2.1. The safety of the public, including: the type of area, such as a school zone; time of day and lighting; weather, road conditions, and density of vehicular and pedestrian traffic; and the speed of the pursuit relative to these factors.
 - 2.2. The pursuing members' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and dispatchers/supervisors, and the driving capabilities of the pursuing member(s) under the conditions of the pursuit.
 - 2.3. Whether or not the identity of the suspect has been verified.
 - 2.4. The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
 - 2.5. Other persons in or on the eluding vehicle, such as passengers, suspects, and hostages.
 - 2.6. The availability of other resources, such as air support assistance.
 - 2.7. The likelihood of apprehension at a later time.
3. Upon notification that a pursuit has been initiated, supervisors shall at their discretion approve or disapprove the continuation of the pursuit, and may direct additional units to join the pursuit.

Vehicle Pursuit Prohibitions

Members are prohibited from initiating a Vehicle Pursuit when:

1. Transporting passengers (including arrestees) other than on-duty police officers.
2. The initial violation is a crime against property (including auto theft), misdemeanor, a traffic offense without imminent danger, or is a non-violent warrant.
3. The vehicle (marked or unmarked) is not equipped with lights and siren, or the lights and siren are malfunctioning.
4. The risk of a Vehicle Pursuit outweighs the need to stop the Eluding driver, including:

- 4.1. Underlying reason for pursuit.
 - 4.2. Traffic conditions (density of pedestrians and vehicles).
 - 4.3. Weather and road conditions.
 - 4.4. Speed and capabilities of the Eluding vehicle.
 - 4.5. Geographic considerations (e.g., direction of travel, location density, terrain).
5. Member has not completed Emergency Vehicle Operations course at Education and Training (E&T).

Vehicle Pursuit Considerations

1. The decision to use specific driving tactics requires the same assessment of safety factors that a member considers when determining whether to initiate and/or terminate a pursuit.
2. Members must space themselves from other involved vehicles to enable them to see and avoid hazards or react safely to unusual maneuvers by any vehicle involved in the pursuit.
3. Because intersections present a high risk of collisions, members shall exercise due caution and slow down, as necessary, when proceeding through intersections, especially controlled intersections.
4. Members shall not pursue a vehicle driving the wrong direction on a roadway. In the event the eluding vehicle drives in the wrong direction, members shall maintain visual contact with the eluding vehicle by paralleling the vehicle while driving on the correct side of the roadway.
5. Members shall not attempt to pass other pursuing vehicles unless requested to do so by the Primary Unit, and there is a clear understanding between all members involved that a member will be passing the other vehicles.

Primary Unit Responsibilities

1. The Primary Unit is responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the eluding vehicle. The highest responsibility of the Primary Unit is the preservation of life and public safety.
2. At the earliest practical time when the member anticipates that a pursuit might be required, the member should activate his or her body-worn camera in compliance with Policy 824, *Body-Worn Cameras*.
3. The Primary Unit shall notify the dispatcher that a Vehicle Pursuit has been initiated, commencing with a request for priority radio traffic, and for the Aviation Unit to respond. As soon as practicable, the Primary Unit shall provide information including, but not limited to:
 - 3.1. Location, direction of travel, and estimated speed of the eluding vehicle.

- 3.2. Description of the eluding vehicle including the license plate number, if known.
 - 3.3. Reason for the pursuit.
 - 3.4. Use of firearms, threat of force, violence, injuries, hostages, or other safety hazards.
 - 3.5. Number, identity, and description of occupants in the eluding vehicle.
 - 3.6. Weather, road, and traffic conditions.
 - 3.7. Need for any additional resources or equipment.
 - 3.8. Identity of other law enforcement agencies involved in the pursuit.
4. Until relieved by a supervisor or a Secondary Unit, the Primary Unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the Primary Unit shall relinquish the responsibility of broadcasting the progress of the pursuit to a Secondary Unit or to Air Support to minimize distractions and allow the Primary Unit to concentrate foremost on safe pursuit tactics.

Secondary Unit Pursuit Responsibilities

1. Immediately notify the dispatcher of entry into the pursuit and continue pursuit at supervisor's discretion.
2. At the earliest practical time when the member anticipates that a pursuit might be required, the member should activate his or her body-worn camera in compliance with Policy 824, *Body-Worn Cameras*.
3. Use a different siren sound (e.g., wail or yelp) than the Primary Unit.
4. Remain a safe distance behind the Primary Unit, unless directed to assume the role of Primary Unit.
5. Assume broadcast responsibilities from the Primary Unit until the Aviation Unit assumes this responsibility.
6. Serve as backup to the Primary Unit once the eluding vehicle has been stopped.

Pursuit Trailing

1. In the event that the Primary Unit relinquishes control of the pursuit to another agency, the Primary Unit and/or any Secondary Units may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and in reporting the incident.
2. While trailing, regardless of the jurisdiction, members must continue to follow this policy.

Pursuit Ending Tactics

1. The use of a departmental vehicle to deliberately strike another vehicle or to act as a roadblock is strictly limited to exigent circumstances and may only be used when:
 - 1.1. The Eluding vehicle is being operated in such a manner as to pose an imminent threat of death or serious bodily injury to members or others; and
 - 1.2. Insufficient time exists to resort to other alternatives.

NOTE: The use of non-departmental vehicles in Pursuit Ending Tactics is strictly prohibited.

2. At no time will a roadblock be established until:
 - 2.1. Authorized by the Shift Commander; and
 - 2.2. All pursuing police vehicles are made aware of the existence of the roadblock and its location, and have acknowledged this awareness via radio communications.

NOTE: Members may not remain inside vehicles acting as blocking vehicles.

3. Intentional vehicle-to-vehicle contact is a use of force that members must report as directed in Policy 725, *Use of Force Reporting, Review, and Assessment*.
4. The stationary placement of a BPD vehicle to protect an accident or crime scene shall not be considered a roadblock.

Terminating a Pursuit

1. When a supervisor directs the pursuit to be terminated, members shall immediately terminate the pursuit and advise the Communications Section dispatcher of their location.
2. Members may terminate a pursuit when the pursuing member believes that the danger to the member(s) or the public outweighs the necessity for immediate apprehension of the Eluding driver, even if not directed to terminate the pursuit.
3. Factors that shall be considered, both individually and collectively, when deciding to terminate a pursuit, include, but are not limited to:
 - 3.1. If there is a person(s) injured during the pursuit and there are no other personnel able to render immediate medical assistance.
 - 3.2. The distance between the pursuing vehicle and the eluding vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
 - 3.3. The eluding vehicle's location is no longer definitively known.
 - 3.4. The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

- 3.5. The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- 3.6. When the identity of the Eluding driver is known and it does not reasonably appear that the safety needs for immediate capture outweigh the risks associated with continuing the pursuit.
- 3.7. When pursuit requires that the member(s) drive in a manner which exceeds the performance capabilities of the pursuing vehicles or the member(s) involved in the pursuit.
4. When terminating a pursuit, Primary and Secondary Units will call out the location and last known direction of Eluding vehicle.
5. Primary and Secondary Units shall terminate the pursuit by:
 - 5.1. Calling out their location and mileage to dispatch,
 - 5.2. Turning off the vehicle's lights and sirens, and
 - 5.3. Immediately pulling over or taking the nearest right turn in order to safely pull over.

Use of Firearms

1. Members shall not fire any weapon from or at a moving vehicle, except:
 - 1.1. To counter an immediate threat of death or serious physical injury to the member or another person, by a person in the vehicle using means other than the vehicle.
 - 1.2. To counter a situation where the officer or another person is unavoidably in the path of the vehicle and cannot move to safety. Members shall not position themselves in the path of a moving vehicle where they have no option but to use deadly force/lethal force (See Policy 1115, *Use of Force*).

Air Support Assistance

1. Air support should be requested at the onset of the pursuit. Once the air support crew establishes visual contact with the eluding vehicle, air support should video record the pursuit and assume communication control over the pursuit.
2. The air support crew should coordinate the activities of resources on the ground, report on the progress of the pursuit, and provide members with details of upcoming traffic congestion, road hazards, or other pertinent information to assist in evaluating whether to continue the pursuit.
3. At any time, air support can recommend terminating the pursuit. If members on the ground are not within visual contact of the eluding vehicle, and the air support crew determines that it is unsafe to continue the pursuit, the air support crew shall recommend terminating the pursuit.

Inter-Jurisdictional Considerations

1. Due to communications limitations between local law enforcement agencies, a request for an outside agency's assistance requires the outside agency to assume responsibility for the pursuit once the pursuit enters a foreign jurisdiction.

NOTE: BPD will only assist outside jurisdictions with pursuits when they meet BPD pursuit criteria.

2. Members should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor, except when a single vehicle from the initiating agency is in pursuit. Under this circumstance, a member may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.
3. When a request is made to assist or take over a pursuit that has entered Baltimore City, the supervisor should consider all of the factors this policy requires for initiating a pursuit, including, but not limited to:
 - 3.1. The public's safety.
 - 3.2. The safety of members and officers from other jurisdictions.
 - 3.3. The seriousness of the offense and whether the suspect seriously injured or attempted to injure someone.
 - 3.4. The sufficiency of staffing to maintain the pursuit.
4. As soon as practicable, a supervisor or the Shift Commander should review a request for pursuit assistance from an outside agency. The Shift Commander or supervisor, after considering the above factors, may assist or decline to assist with the outside agency's pursuit.
5. In the event that the termination point of a pursuit from an outside agency is within the City, members shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports, and any other assistance requested or needed.

Members Not Involved In the Pursuit

1. Members not involved in or assigned to the pursuit shall remain in their assigned areas, shall not parallel the pursuit route, and shall not become involved with the pursuit unless directed otherwise by a supervisor.
2. When authorized by a supervisor, uninvolved members may use police vehicles and emergency equipment along the pursuit path to keep intersections clear of vehicular and pedestrian traffic to protect the public. Those members shall account for the tactical positioning of their vehicle to avoid additional collisions and collateral damage from the pursuit.

Reporting Requirements

1. The Primary Unit who initiated the pursuit must complete an Incident Report detailing the facts providing probable cause for the pursuit.
2. All members and supervisors who participate in a pursuit shall tag and download body-worn camera data in accordance with Policy 824, *Body-Worn Cameras*. Members who did not activate their body-worn camera during the pursuit shall submit a supplemental report detailing their actions.
3. The Primary Unit must also document the facts that caused the member to believe the safety risks of the pursuit were outweighed by the risks that the Eluding driver might seriously injure someone if not immediately apprehended.

REQUIRED ACTION**Supervisor**

1. Ensure that members under their supervision maintain a valid state issued driver's license.

NOTE: Members are required to immediately notify the BPD if their license is suspended or revoked.

2. Manage control over all Vehicle Pursuits involving supervised members.
3. Closely monitor the emergency response driving of BPD personnel, and, when necessary, cancel or alter the conduct of the emergency response.
4. The first-line supervisor of the Primary Unit, or if unavailable, the nearest supervisor, shall:
 - 4.1. Engage in the pursuit, when appropriate. If engaging, supervisors shall activate their body-worn cameras.
 - 4.2. Exercise management control of the pursuit, including assigning additional units to join the pursuit.
 - 4.3. Ensure that no more than three law enforcement vehicles are pursuing the Eluding vehicle (not to include Street Paralleling drivers or intersection control drivers).
 - 4.4. Direct the pursuit to be terminated at any time.
 - 4.5. When driving on a highway, request other members to monitor exits available to the eluding vehicle.
 - 4.6. Determine if the pursuit violates this policy.
 - 4.7. Determine whether the danger of injury to members or others outweighs the danger that the Eluding driver will injure or kill someone if not immediately apprehended. In making

this determination, supervisors shall weigh the factors listed in **Vehicle Pursuit Authorization** for initiating or terminating a pursuit.

- 4.8. Ensure that assistance from air support, canine, or additional resources are requested when appropriate.
- 4.9. Ensure that the Shift Commander is notified of the pursuit as soon as practicable.
- 4.10. Control and manage BPD Members when a pursuit enters another jurisdiction.
- 4.11. Prepare a post-pursuit review and ensure all incident reports and other required documentation are completed and entered into BlueTeam.

NOTE: Supervisors will be held strictly accountable for maintaining command and control of a pursuit and for the emergency response conduct of their subordinates.

Shift Commander

1. Upon becoming aware that a pursuit has been initiated, monitor and continually assess the pursuit and ensure it is conducted within the requirements of this policy. The Shift Commander has the final responsibility for the coordination, control, and termination of a Vehicle Pursuit and shall be in overall command.
2. Approve/Disapprove requests by members or supervisors to establish a roadblock.
3. When the order to terminate a pursuit is given, notify the Primary Unit and any Secondary Units that they are prohibited from continuing to follow or remain behind the eluding vehicle.

Communications Section

1. If the pursuit is confined within City limits, radio communications will be conducted on the primary channel, unless instructed otherwise by a supervisor or dispatcher. If the pursuit is approaching a different jurisdiction, or once it leaves the City's jurisdiction, involved members should respond when dispatch directs them to switch radio communications to a tactical or emergency channel most accessible to participating agencies.
2. Upon notification that a pursuit has been initiated, the dispatcher shall:
 - 2.1. Clear the radio of non-emergency communications.
 - 2.2. Notify a supervisor of the pursuit.
 - 2.3. Coordinate pursuit communications of the involved members.
 - 2.4. Broadcast pursuit updates as well as other pertinent information, as necessary.
 - 2.5. Notify and coordinate with other involved and affected agencies.
 - 2.6. Notify the Shift Commander of the pursuit.

- 2.7. Ensure all members participating in the pursuit are logged into Computer Aided Dispatch (CAD).
3. Communications shall notify the Maryland State Police and/or other law enforcement agencies if it appears that the pursuit may enter another jurisdiction.

Education and Training (E&T) Section

1. E&T shall ensure that all members have successfully completed the Emergency Vehicle Operations course.
2. When necessary, E&T shall provide a remedial Emergency Vehicle Operations course for members.

ASSOCIATED POLICIES

Policy 319, *Duty to Intervene*
Policy 705, *Procedure for Assist an Officer Call*
Policy 725, *Use of Force Reporting, Review, and Assessment*
Policy 804, *First Amendment Protected Activities*
Policy 824, *Body-Worn Cameras*
Policy 1107, *De-Escalation*
Policy 1115, *Use of Force*

RESCISSION

Remove and destroy/recycle Policy 1503, *Emergency Vehicle Operation and Pursuit Policy*, dated 13 September 2017.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.