

Police Involved Shooting

Date: 11-25-2016

Location of Shooting: 3300 Greenmount Avenue

Investigated by: Baltimore Police Department

Factual Scenario:

On November 25, 2016, at approximately 9:20 a.m., officers from the Northern District of the Baltimore Police Department (BPD) were called to the area of the 3300 block of Greenmount Avenue for a report of an armed man who was harassing people.

Officers responded to the location in full uniform and in marked patrol cars. Law Enforcement Officer #1(LEO #1) was outfitted with a Body Worn Camera (BWC) and a taser. Law Enforcement Officer #2 (LEO #2) was outfitted with a BWC. Three additional officers arrived on the scene (LEO #3, LEO #4, and LEO #5) as well.

On arrival, officers observed the suspect standing on the sidewalk near the corner of Greenmount Avenue and 33rd Street holding two (2) knives. Officers made repeated orders (10) to the suspect to drop the knives and he refused. The suspect can be heard on BWC footage saying “I’ve got one life to live and I’m not afraid to give it.” LEO#1 utilized his taser. At the moment that he fired his taser, LEO#3 fired two (2) shots at the suspect. Both the taser and the shots missed. The suspect moved to the corner of Greenmount Avenue and 33rd Street. The suspect continued to ignore commands for him to drop the knives. The suspect then moved from the corner back towards the officers. LEO#2 then fired his weapons at the suspect, striking him. Both knives were recovered on the ground.

LEO Witness Statement Summary:

LEO Witness #4:

I received a call to respond to the area because of a report of an armed person. I arrived and was advised that the suspect had knives. I began to approach the suspect and said "Hey," at which point the suspect dropped his cane and pulled two (2) open knives from his pockets. He had one in each hand. I ordered the suspect to drop the knives. LEO #3 began to approach from the side. I observed some women inside of a nearby car. I asked for a taser and LEO#1 complied. LEO#1 fired the taser and the suspect ran. LEO#3 fired two shots, but did not strike the suspect. The suspect began approaching them again, while he was holding the knives. He ignored multiple orders to drop the knives. Nothing was effective in stopping him. I heard three (3) more shots. The suspect fell to the ground and I approached him. I kicked the knives away from the suspect. None of the officers said anything after the shooting. The suspect was moving side to side but then moved towards the officers. I believed the suspect was going towards LEO#1 at the time of the shots, stating "He was going to attack LEO#1".

LEO Witness #1:

I was within 15 feet of the suspect prior to the shooting. I was armed with my taser and fired it when the suspect ignored commands to drop the knives. I heard two (2) gunshots when I deployed my taser but did not know which officer fired his gun. In utilizing the taser, I used only one (1) standard cycle. When the taser had no effect, I was scared and dropped the taser in order to pull out my gun. I believed that the suspect was going to stab me. I further believe that the actions of the shooting officers prevented him from being injured. I do not recall the suspect saying anything during the incident but know he had at least one (1) knife. The second round of gunshots occurred when the suspect came back towards the officers with the knives in hand.

LEO Witness #5

I responded to a KGA call for an armed person harassing people with two (2) knives and a cane. I was assigned the call. On arrival, I saw LEO #2, LEO#3 and LEO#4 on the scene. The suspect was on the sidewalk with two (2) knives. They had him at gunpoint. I parked my car in the middle of the road to stop traffic. The suspect was erratic and jumping around. I don't recall the suspect saying anything. I pulled my taser but then saw LEO#1 get out of his car with taser in hand. I switched to my handgun for backup. I yelled, "Sir, drop the knives," a couple of times. I heard other officers telling him the same. The suspect was jumping around and making jerking motions with knives in hand. I noted that LEO#3 and LEO#4 were close to the suspect, so I stayed back. I told LEO#1 to use the taser. The taser didn't work. That seemed to surprise the suspect, and he appeared to move towards LEO#1. I heard two (2) shots. I did not fire because the suspect dropped to the ground. LEO#4 kicked the knives away from the suspect. This officer cuffed him and checked for weapons. A crowd began to form.

Civilian Witness (CW) Statement Summaries

CW#1:

I was across the street, near the gas station, at the time of the incident. I saw the man moving around and heard him acting crazy. People said he had knives in his hands. The police asked him several times to drop the knives. There were pedestrians nearby. The man was talking loud. He said something like, "do what you need to do," and was telling people to be scared while flashing the knives. Police tased him and he didn't go down. He was still up and with the knives and everything. I didn't see the shooting, but heard it. Police didn't want to shoot him, but he was still there with the knives and the people around. After the police shot at him, he was still standing up, holding the knives and telling police to do what they had to do. The police kept asking him to stop and put the knives down, but he wouldn't. He was acting crazy before the incident, telling people to go to hell and that he was going to hurt someone. I have seen the man before, but never acting crazy like he was that day.

CW #2:

I arrived in the block prior to police. I was told to stay in my car because there was man acting crazy with a knife. The police arrived. I got out to flag down the police, but the man ran towards me and asked me if I were scared. I think he may have been on drugs. He was hitting the tree with his cane. The officer told me to get in my car. The officer looked like he was afraid and called for backup. The officers asked the man about five (5) times to drop the weapon and he wouldn't. They tased him twice. It didn't do anything. He was like a zombie. He was dancing around. They shot him twice, then he ran to the bus stop and ran back. The officers had their guns out and were yelling drop it. He held the knives up and yelled "you're going to have to take me, I've lived my life, you can do this, just take me." I heard the shots but didn't look. I was watching other people running from the area. I heard some people saying that the officers weren't wrong. I looked over at the officers and they were crying. I do not believe the officers had a choice. It was like he was suicidal. The police weren't wrong. They warned him to put the knives down; they didn't want to hurt him. He wouldn't stop and he wouldn't drop anything.

CW#3:

The man walked pass my car several times talking aloud. He wasn't bothering anyone. He went around the corner and then police arrived— two (2) cars and then another car. I heard two (2) shots and got out of my car to go to the corner. The man was standing there and there were three (3) officers. One officer shot three (3) to four (4) more times and hit the man. The man dropped to the ground. A white officer had blood on him, they went through his pockets. He stopped breathing. Another white officer pulled up, ran over and started CPR. Other officers responded. The ambulance took a while to get there. The officer did CPR on him the whole time. I saw the same man the day before walking up and down the sidewalk, and talking out loud. He wasn't bothering anyone. I see him in the area when I go to the salon. He never bothered me. I didn't feel threatened by him. He had a cane in his hand. He was banging the cane on the ground.

CW#4:

The man was walking back and forth from the corner to 3302 Greenmount Avenue with his cane. He was swinging the cane, hitting a pole, shop doors and tree. He hit a bus as it drove by. He stood near my car, using the cane to hit the tree and asked if I was sitting in my car because I was scared. I saw him yell at another woman. I saw him with two (2) knives. I called the police. I told the officer what happened and he waited for back up. Officers approached the man. When he saw the police, he raised the cane and became more irate. Police were yelling drop the cane and get on the ground. I saw a spark, nothing happened. He “danced” and I heard two (2) shots. He went to the bus stop and then came back. I heard more commands and then he pulled out the knives. He held them up and was yelling that he had lived his life. I heard the officers telling him to drop the knives, then the shots. He wanted to die. The officers didn't want to shoot him. They had no choice. He didn't go down when the officers shot him. Officers did CPR. The officers tried to do everything they could not to shoot him. Two (2) of the officers were crying. It was like they had no choice. The man was unpredictable. You couldn't tell what he was going to do next.

CW#5:

I was in a store close to where the incident happened. When I got there, the man was outside hitting things with his cane. I did not see the man holding knives. I assumed the man was high or drunk, possibly with a mental health issue. I was working and had a customer in the store when I heard shots fired. I saw the man on the ground with three (3) to four (4) cops approximately five (5) to 10 feet away.

**CW#6:
(Not recorded)**

CW#6 was interviewed because the witness was quoted in the news coverage of the case as being a possible witness. She said she did not hear the officers speak and questioned why they had to shoot the man. When located, she would not give the police a full statement but told detectives that no taser was deployed during the incident. She refused to speak further because she said officers were lying about the use of a taser in the news.

SUMMARY OF BODY WORN CAMERA FOOTAGE

LEO#2:

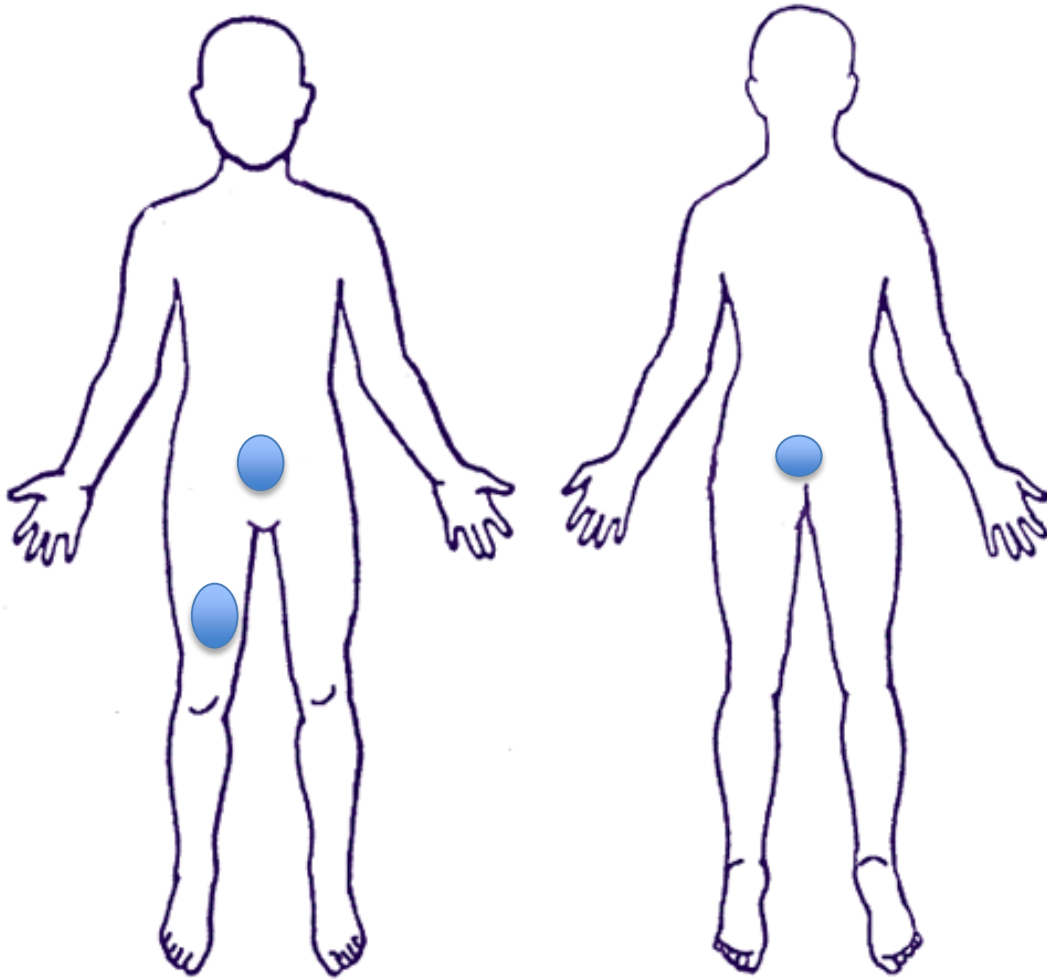
LEO#2's BWC is activated as LEO#2 is walking north on the sidewalk towards the suspect. There are three (3) vehicles parked along the same side of the street—a patrol car, a sports utility van and a black sedan. The suspect is seen near a vehicle and walking towards the officers with his cane in hand. He drops the cane to the ground and begins walking away from the officers, then pulls objects (the knives) out of his pockets and begins yelling to officers with his arms raised out to the side. He says, "I'm not going nowhere," and then a few moments later yells, "I've got one life to live, I'm ready to give it." LEO#4 can be heard (not seen) in the background repeating a command for the suspect to drop the knives or put the knives down five (5) times. LEO#2 is under the sign for the Tax business and the suspect is standing at the old movie theater. LEO#2 is accompanied by a second uniformed officer. LEO#2 raises his gun. The suspect can be heard making odd noises and seen dancing around. LEO#4 continues telling him to drop the knives. LEO #2 moves into the street and is in line with the black sedan's driver's side door. LEO#4 tells him to drop the knives three (3) more times. A taser is heard firing. A uniformed officer fires 2 shots. The suspect runs north toward the corner. A uniformed officer moves closer and he is now in line with the movie theater. LEO#4 orders the suspect to drop the knives three (3) times. The suspect moves from the corner back to the movie theatre. LEO#2 appears to order the suspect to put the knives down. The suspect takes multiple steps in the direction of a uniformed officer. A uniformed officer fires three (3) shots. Then, two (2) additional shots are heard. The suspect falls to the ground. LEO#4 kicks the knives away from the suspect.

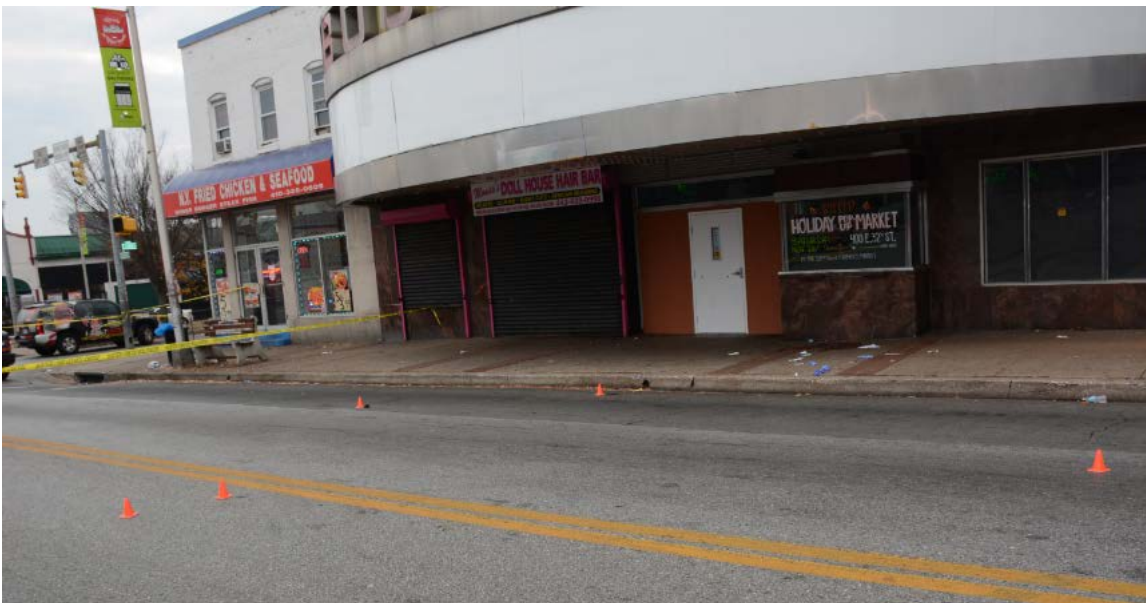
LEO#1:

LEO#1's BWC is activated as he exits his vehicle. He has his taser drawn and pointed at the suspect. LEO#1 is standing in the street across from the theater. Visibility is limited because the camera shows his arm and the taser. LEO#4 can be seen on the camera approaching the suspect and trying to get him to drop the knives. The suspect ignores multiple orders to drop the knives. The suspect steps forward and LEO#1 deploys his taser, drops the taser and switches to his handgun. Two gunshots are heard. There was no effect on the suspect from the taser, and it is unclear whether it struck him at all. The two gunshots do not strike the suspect. The suspect runs to the corner and then comes back. The suspect is moving around on the sidewalk, dancing and yelling while holding the knives out. Multiple officers are heard ordering the suspect to drop the knives. The suspect steps forward and additional gunshots are heard. The suspect falls to the ground.

Suspect's Injuries (approximate)

The suspect was shot twice. The buttock's wound is an exit wound.





The orange cones indicate where evidence is located.



Yellow markers replaced the orange cones

The two knives that the suspect had in his hands





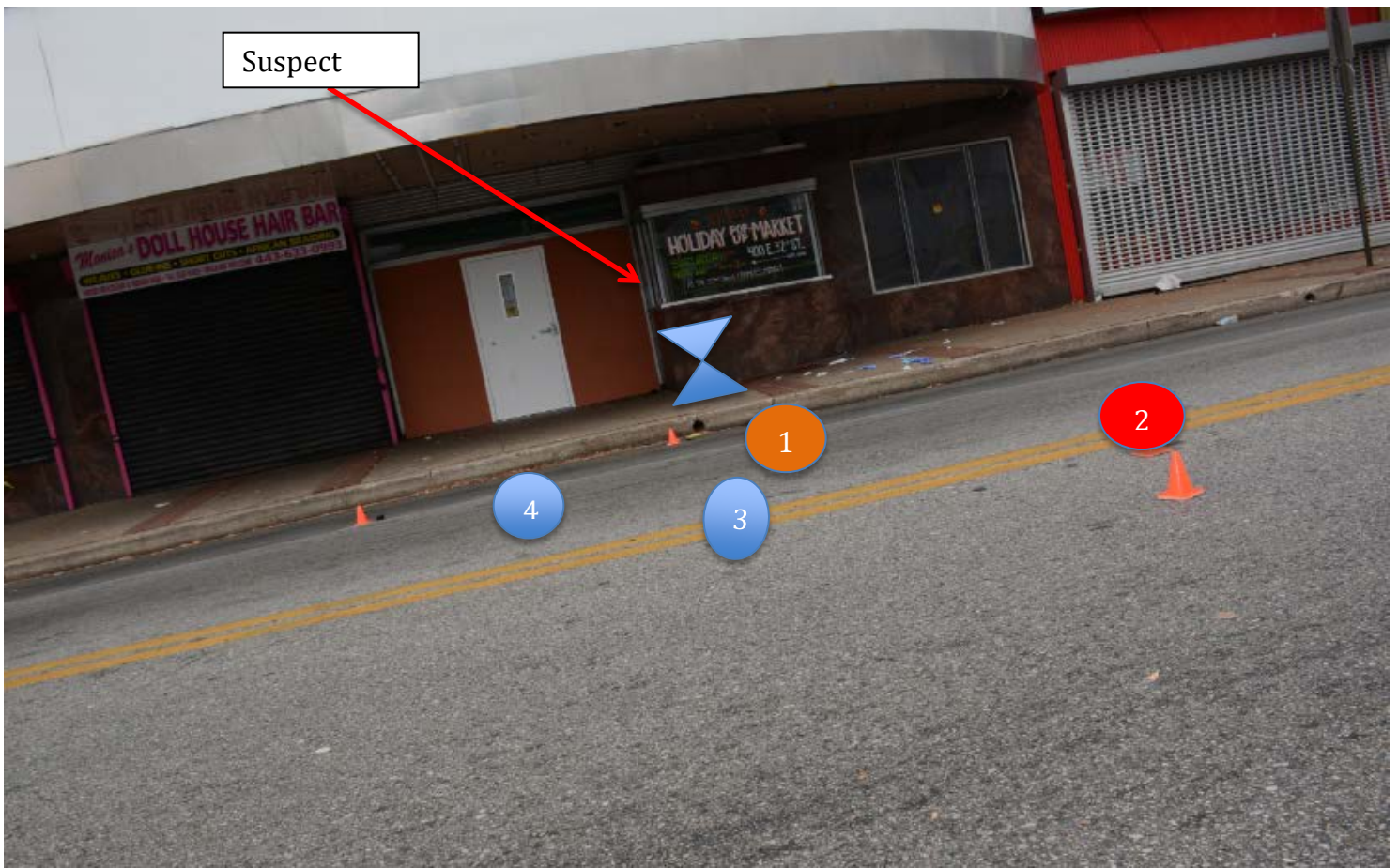
Taser which was deployed



Taser wires showing it was deployed



The cane that the suspect was swinging



Position of police officers at the time the suspect was shot
(the circles represent the officers)

The suspect steps toward the officer represented by the orange circle.
The red circle indicates the position of the officer who initially discharges
his weapon when the suspect steps toward the officer represented by the
orange circle.

Legal Standard and Analysis

The reasonableness of a particular use of force by an officer must be judged from the perspective of a reasonable officer on the scene. When calculating the reasonableness of the use of force, the analysis must include the fact that police officers are often forced to make split second judgments. The "reasonableness" inquiry in a use of force case is an objective one. The question is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Graham v. Connor*, 490 U.S. 386 (1989).

In this case, the BPD officers were called to 3300 Greenmount Avenue for a report of an armed man who was harassing people. Soon after arrival, BPD officers observed the suspect armed with a knife in each hand and standing on the sidewalk. The suspect was told repeatedly by officers to put the weapons down. When the suspect refused to put down the weapons, BPD officers attempted to use a taser to subdue him and almost immediately afterwards fired shots at the suspect. The actions taken by BPD appeared to have further agitated the suspect. He began dancing and moving along the sidewalk in the direction of the officers with the knives still in his hands. The suspect continued to ignore the commands of the officers to drop the weapons. The suspect moved from the corner of the sidewalk towards the officers. LEO#4 saw the suspect take a step toward LEO#1. LEO#4 said he believed that the suspect was going to attack LEO#1. LEO#1 said he believed the suspect was going to stab him. LEO#2 discharged his weapon when the suspect took a step toward LEO#1.

It was not unreasonable for LEO#2 to believe that the suspect was going to attack LEO#1 based on the following facts: (1) the suspect was armed with two knives, one in each hand; (2) the suspect had both a taser and a gun discharged at him but neither action subdued him or induced him to comply with the officers' orders to drop his weapons;(3) the suspect continued to move in the direction of the officers and finally took a step toward the closest officer with the knives in his hands; and (4) the suspect

had been told repeatedly to drop his weapons and refused to comply with the officers orders. The use of force exerted by LEO#2 was justifiable under the law.

Conclusion

Considering that: the suspect had refused to surrender his weapons even though a taser and a gun had been discharged at him in an effort to subdue him; that the suspect was advancing toward the officers, refusing to obey their commands, and finally taking a step toward the closest officer; it was objectively reasonable for the officers to conclude that their safety and the community's safety was at risk, leading them to make a decision to discharge their weapons, striking the suspect.

Given the circumstances and the need to protect both the community and the officers, the force used by the officer did not rise to a level of criminal culpability. Therefore, the State declines to prosecute the officer.