

Police Involved Shooting

Date: 5-27-2017

Location of Shooting: 2700 block of West Baltimore Street

Investigated by: Baltimore Police Department

**(THIS POSTING WILL BE UPDATED AFTER THE
CHARGES AGAINST THE DEFENDANTS HAVE BEEN
RESOLVED)**

Factual Scenario:

On May 26, 2017 under cover ATF agents met with a confidential informant. The informant made arrangements for the ATF agents to meet with Cornelius Moore (hereinafter referred to as Moore) who had two partners, Dante Smith (hereinafter referred to as Smith) and Maynard Hazelwood (hereinafter referred to as Hazelwood).

The undercover agents were operating an unmarked sports utility vehicle. The informant was seated in the rear of the vehicle. At approximately 3:07 p.m. the agents and the informant arrived in the 2700 block of W. Baltimore Street where they met Moore, Smith and Hazelwood. Smith approaches from the driver's side of the vehicle. Moore and Hazelwood are standing on the passenger's side of the vehicle. A conversation ensues and Hazelwood announces a robbery. He demands money and presses the barrel of a handgun against the chest of an agent. Smith produces a handgun and points his weapon at the other agent.

The undercover agents were being trailed by other ATF agents called the React Team. The React Team is alerted to the robbery attempt as the unmarked vehicle is equipped with audio and video.

The React Team approaches in order to assist. Subsequently Smith was shot by members of the React Team. He was taken to Shock Trauma. Moore and Hazelwood fled on foot.

Legal Analysis

In Graham v. Connor, 490 U.S. 386 (1989), the Supreme Court set the standard for when a police officer's use of force is justified. If the officer's actions are "objectively reasonable" in light of the facts and circumstances confronting the officer, without regard to their underlying intent or motivation, the force is justified. See *Graham v. Connor*.

Maryland law also recognizes self-defense as a complete defense to a crime. An officer acts in self-defense if all of the following factors are present:

1. The officer was not the aggressor;
2. The officer believed that he was in immediate and imminent danger of bodily harm;
3. The officer's belief was reasonable; and
4. The officer used no more force that reasonably necessary to defend himself.

AFT Agents #1, 3 and 4 meet the four legal factors listed above to justify the shooting of Smith as well as the standard set forth by the Supreme Court. Both agents were clearly in immediate and imminent danger of being shot.

Conclusion

Given that (1) Smith and Hazelwood had guns, (2) Hazelwood announced a robbery, and (3) both Smith and Hazelwood pointed their guns at the agents, it would be objectively reasonable for the agents to conclude that their safety was at risk leading them to protect themselves by utilizing force.

Furthermore, the decision to use force was likely justified under the Maryland law of self-defense and the standard put forth by the Supreme Court in *Graham v. Connor*.

The agent's actions in this case did not rise to a level of criminal culpability. Therefore, the State declines to prosecute the agents.

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