



INDEPENDENT INVESTIGATIONS DIVISION

Report Concerning the Police-Involved
Death in Anne Arundel County on
May 13, 2024

February 6, 2025

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Declination Report Concerning the Police-Involved Death of a Juvenile on May 13, 2024

The Independent Investigations Division of the Maryland Office of the Attorney General (the “IID”) is charged with investigating “police-involved incidents that result in the death of individuals or injuries likely to result in death.”¹ If the Attorney General determines that the investigation provides sufficient grounds for prosecution, then the IID “shall have exclusive authority to prosecute the offense.”²

I. Introduction

On May 13, 2024, during the overnight hours, deputies with the Calvert County Sheriff’s Office (“CCSO”) responded to calls for multiple vehicle break-ins in the Huntingtown area. While investigating, deputies were alerted to a white Hyundai driving in the area believed to be associated with the break-ins. CCSO deputies pursued the white Hyundai until the driver crashed into a fence in Neeld Estates. Multiple individuals fled on foot, prompting the deputies to set a perimeter around the development to search for the individuals.

While the search was being conducted, two blue Hyundai sedans exited the development at a high rate of speed. At approximately 5:35 a.m., a subject officer positioned at the exit of the development attempted to stop both vehicles. The subject officer was unsuccessful, and two separate pursuits resulted.³ Subject officers pursued the subject car for approximately twenty-five miles into Anne Arundel County, where it collided with a pick-up truck at the intersection of Birdsville Road and Maryland Route 2. The driver of the pick-up truck was taken to an area hospital with non-life-threatening injuries. There were three occupants in the subject vehicle, and they all were taken to an area hospital. The front seat passenger, a juvenile female, was later pronounced dead. The driver of the subject vehicle suffered critical injuries, and the rear passenger suffered non-life-threatening injuries.

After completing its investigation and evaluating all available evidence, the Office of the Attorney General has determined that none of the subject officers committed a crime under Maryland law. Accordingly, the Attorney General has declined to prosecute any of the subject officers in this case.

The IID’s investigation focused exclusively on potential criminal culpability relating to the subject officers’ conduct. By statute, the IID only has jurisdiction to investigate the actions of police officers⁴, not those of any other individuals involved in the incident. Therefore, the IID’s investigation did not specifically examine any criminal culpability of the driver or passengers of the blue Hyundai. Moreover, the IID’s analysis does not consider issues of civil liability or the department’s administrative review of officers’ conduct.

¹ Md. Ann. Code, State Gov’t § 6-602 (c)(1).

² Md. Ann. Code, State Gov’t § 6-604 (a)(1).

³ This report is in reference to the pursuit of the blue Hyundai that crashed at the intersection of Maryland Route 2 and Birdsville Road in Anne Arundel County (“the subject vehicle”). The actions of CCSO deputies pursuing the second vehicle were not examined, as it was a separate incident that did not result in a fatality.

⁴ “Police officer” is defined in Md. Ann. Code, Public Safety § 3–201(f)(1)(ii) 9 to include deputy sheriffs who are members of “the office of the sheriff of a county”.

Compelled statements by subject officers may be considered in civil or administrative processes but may not be considered in criminal investigations or prosecutions due to the subject officers' Fifth Amendment rights. If any compelled statements exist in this case, they have not been considered in the IID's investigation.

This report is composed of a factual narrative followed by a legal analysis. Every fact in the narrative is supported by the evidence obtained in this investigation, including forensic and autopsy reports, police radio transmissions, dispatch records, police and EMS reports, police body-worn camera footage, photographs, department policy, and interviews with multiple civilian and law enforcement witnesses. The subject officers chose not to provide a voluntary statement in this case, which has no impact on the prosecutorial decision.

The legal analysis explains why the IID will not bring charges under the relevant Maryland statutes.

This investigation involved the driver of the Hyundai, the decedent, and two subject officers:

- A. Driver⁵ was 18 years old at the time of the incident. He is a White male who lives in Pasadena, Maryland.
- B. The decedent, Juvenile⁶, was under 18 years old at the time of the incident. She is a White female who lived in Pasadena, Maryland.
- C. Deputy First Class Michael Lewis has been employed by Calvert County Sheriff's Office since June 2017. He is a White male, and at the time of the incident, he was 29 years old.
- D. Detective Wyatt McDowell has been employed by Calvert County Sheriff's Office since December 2016. Detective McDowell spent three years as a Correctional Officer and has been a Police Officer with the department since 2020. He is a White male and at the time of the incident, he was 25 years old.

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

⁵ To avoid compromising any potential collateral criminal investigation(s) by the Calvert County State's Attorney's Office and the Anne Arundel County State's Attorney's Office, the driver's name will be withheld, and they will be referred to as "Driver" throughout the report.

⁶ Under Md. Ann. Code, Courts and Judicial Proceedings § 3-8A-27(a), a police record concerning a child is confidential information that may not be distributed. Accordingly, the IID will refer to the decedent, who was under 18 years old at the time of this incident, as Juvenile throughout this report.

II. Factual Summary

On May 13, 2024, between 1:00 a.m. and 2:15 a.m., the Calvert County Sheriff's Office ("CCSO") was alerted of a string of vehicle break-ins in several residential subdivisions in Huntingtown, Maryland. Emergency dispatchers received multiple 911 calls from residents, indicating that a group of masked individuals in a white sedan were walking up to homes and breaking into cars within these subdivisions. CCSO Deputies were dispatched to each of the subdivisions to investigate the vehicle break-ins. All the subdivisions involved were within a nine-mile radius of one another.

At approximately 2:30 a.m., CCSO deputies responding to break-ins in the Queensberry subdivision observed a white Hyundai traveling at a high rate of speed exiting the subdivision. CCSO Deputy Michael Cress,⁷ activated his emergency lights and sirens in an attempt to stop the white Hyundai. Deputy Cress confirmed that the white Hyundai was stolen as he pursued the vehicle. During the pursuit, the occupants of the white Hyundai threw multiple items out of both sides of the vehicle.

At approximately 2:36 a.m., the Hyundai entered the Neeld Estates subdivision of Huntingtown, located on Plum Point Road, Maryland Route 263, and crashed into a fence. Three individuals fled on foot. One was apprehended, while CCSO deputies set up a perimeter around the subdivision to locate the other two individuals. A CCSO sergeant was on scene in the subdivision and other supervisors were monitoring the incident. At approximately 5:30 a.m., CCSO Deputy Michael Lewis was alerted over the radio that two suspicious vehicles were heading out of the subdivision at a high rate of speed. Deputy Lewis stood outside of his marked patrol vehicle, which was parked on the side of Ridge Road, the only exit out of the subdivision.

At approximately 5:32 a.m., headlights from two vehicles approached Deputy Lewis, who held his patrol rifle in his right hand and his cell phone in his left hand. As the vehicles approached, he motioned for them to stop with his left hand, then briefly raised his rifle, pointing it toward the two vehicles. At that point, both vehicles, described as blue Hyundai sedans, passed Deputy Lewis, drove through a field and exited the subdivision. Deputy Lewis then entered his patrol vehicle and activated his emergency lights and sirens. Deputy Lewis radioed to dispatch, "they were in the field and going out of the neighborhood." Deputy Lewis pursued one of the blue Hyundai vehicles out of the subdivision, making a right turn onto northbound Maryland Route 263.

At approximately 5:34 am, CCSO Detective Wyatt McDowell was operating his patrol car with his lights and sirens activated. Detective McDowell had received radio transmissions about the Neeld Estates subdivision search, and based on dispatch records was aware of the pursuits involving the two blue Hyundai sedans.

At approximately 5:38 a.m., Deputy Lewis advised dispatch that the subject vehicle was going around traffic, and informed units with stop sticks that the vehicle was driving extremely fast. At approximately 5:42 a.m., the driver of the Hyundai ran a red light on Maryland Route

⁷ Deputy Michael Cress is a CCSO Deputy who was involved in the initial investigation related to the 911 calls for service. However, Deputy Cress is not a subject officer in this investigation.

263. Deputy Lewis advised dispatch that the Hyundai was traveling at speeds up to 120 m.p.h. Deputy Lewis' emergency lights and sirens remained activated. At approximately 5:43a.m., Deputy Lewis radioed that Driver was passing cars in the opposite lane, driving at 117 m.p.h.

The speed limit was 50 m.p.h. on most stretches of the roadway traveled by the subject vehicle. The traffic was light, and the weather was clear. The roadways had moderate curves and few traffic lights. During the pursuit, Deputy Lewis continued to drive with his emergency lights and sirens activated and provided multiple updates to dispatch with his locations and speeds.

At approximately 5:44 a.m., the vehicle pursuit entered Anne Arundel County, Maryland. Deputy Lewis radioed to dispatch that he was entering into Anne Arundel County in pursuit of the Hyundai. Calvert County dispatch notified Anne Arundel County dispatch, and the two maintained communication throughout the remainder of the pursuit.

At 5:45:16 a.m., Deputy Lewis pursued the blue Hyundai into a traffic circle and attempted a Precision Immobilization Technique maneuver ("PIT" maneuver),⁸ hitting the Hyundai with his patrol vehicle. However, the maneuver was not effective, as Deputy Lewis indicated to dispatch on body worn camera, "attempted PIT, had positive contact and regained control." Deputy Lewis' emergency lights and sirens remained activated. At 5:45:55 a.m., Detective McDowell operating as backup to Deputy Lewis, radioed to Deputy Lewis, "it's just me and you."

At 5:46:06, Deputy Lewis radioed that there were multiple occupants in the vehicle, including a male in the rear passenger seat wearing a mask and black hoodie. Detective McDowell provided dispatch multiple updates of his location and vehicle speeds while participating in the pursuit. On Maryland Route 2 Detective McDowell's speeds ranged between 105 m.p.h. and 115 m.p.h. The speed limits on Maryland Route 2 in Anne Arundel County range between 40 m.p.h. and 55 m.p.h. During the pursuit, Detective McDowell adjusted his manner of driving and speed according to the traffic and roadway pattern, which included his approach to traffic devices and traffic circles.

At approximately 5:48 a.m., Detective McDowell advised dispatch that the Hyundai was passing other cars in the opposite lane, approaching oncoming traffic. Deputy Lewis continued to provide updates on the officers' speed, location and the traffic patterns. The pursuit continued for approximately 13.5 miles within Anne Arundel County.

⁸ The U.S. Department of Justice defines the Precision Mobile Technique Maneuver as a technique used by law enforcement personnel to force a fleeing vehicle to abruptly turn 180 degrees, causing the vehicle to stall and stop. CCSO policy 11-310 defines Precision Immobilization Technique as the intentional act of using a CCSO vehicle to physically force a fleeing vehicle from a course of travel to stop it. During the investigation, it was confirmed that Deputy Lewis received practical and in-class training on the PIT Maneuver.

At approximately 5:52 a.m., Driver reached the intersection of Maryland Route 2 and Birdsville Road, driving northbound in the southbound lane of Maryland Route 2. The subject vehicle then collided into the driver's side of a white Ford F-450; a heavy-duty pick-up truck occupied by one person. At the time of the collision the F-450 was in the left turn lane and making a left turn from northbound Maryland Route 2 onto Birdsville Road. Deputy Lewis advised dispatch of the collision at Birdsville Road and requested emergency services.

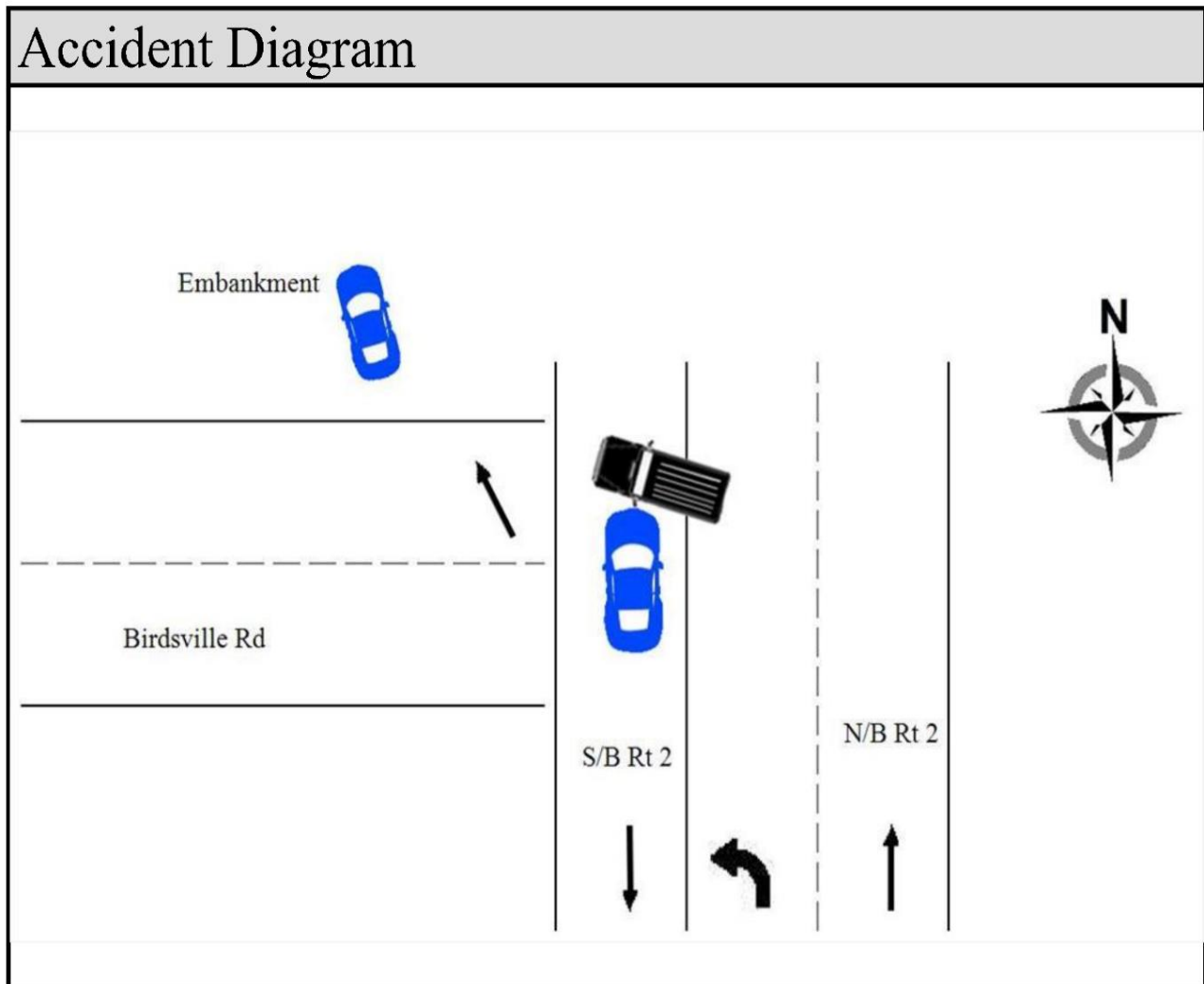


Image 1: A diagram of the accident from the Maryland State Police Crash Investigation Report. This image shows the direction of travel, the location of impact, and the resting place of the blue Hyundai.



Image 2: An aerial picture of the crash scene taken by the Maryland State Police Crash Team. The green circle marks the location of the white pick-up truck after the collision and the orange circle marks the resting place of the blue Hyundai.

Deputy Lewis and Detective McDowell approached the vehicle with their firearms drawn. Driver and the rear seat passenger were removed from the vehicle and handcuffed. The front seat passenger, Juvenile, was unresponsive. Deputy Lewis and additional CCSO deputies that arrived on scene within minutes confirmed that Driver and the rear seat passenger were stable and responsive. Multiple CCSO deputies attempted to remove Juvenile from the front passenger seat. At approximately 6:00 a.m., the Anne Arundel County Fire Department arrived on scene. They assisted with the removal of Juvenile from the vehicle and provided medical care to everyone involved in the collision. The driver of the Ford F-450, Driver and rear passenger of the subject vehicle were taken to a local hospital and treated for their injuries. Juvenile was also transported to the local hospital and later pronounced dead.

The pursuit was 25.2 miles from the time that the pursuit was initiated at Ridge Road in Huntingtown, Calvert County, Maryland to its end, at Birdsville Road and southbound Maryland Route 2, Solomons Island, Anne Arundel County, Maryland. While on scene, CCSO responding deputies determined that the subject vehicle was stolen. No other officers from CCSO or Anne Arundel County participated in the pursuit.

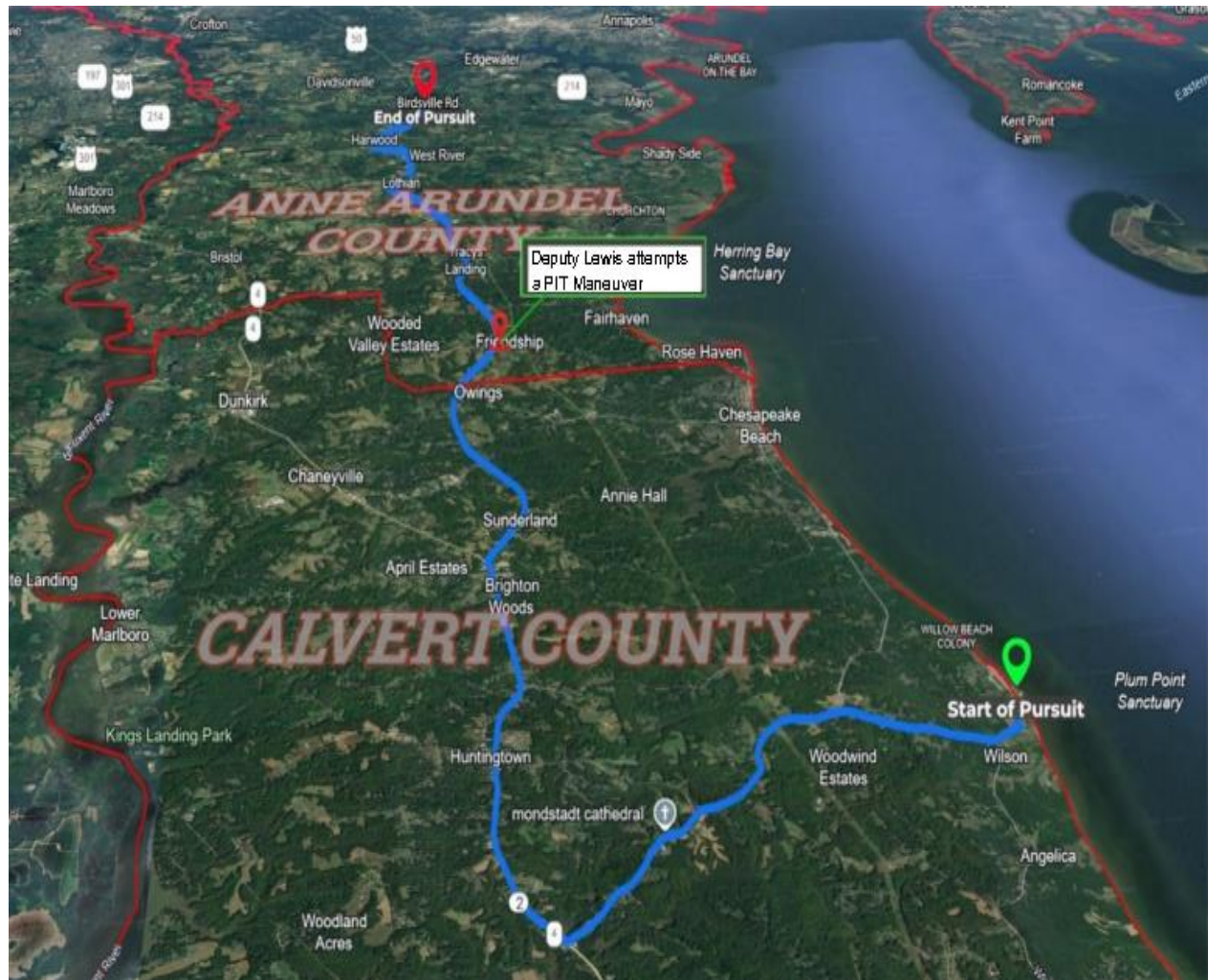


Image 3: Map showing the path of the pursuit. The green marker indicates where the pursuit began. The red marker indicates where the collision occurred. The blue line indicates the pathway and direction traveled by the Hyundai and subject officers; the red outline indicates the borders between different Maryland counties, including the horizontal red line that separates Calvert County and Anne Arundel County.

III. Supplemental Information

A. Autopsy

The Office of the Chief Medical Examiner performed an autopsy on Juvenile on May 14, 2024. The Medical Examiner determined that Juvenile died from multiple blunt force injuries sustained from the crash and the manner of death was an “accident”⁹

B. Maryland State Police Crash Investigation Report

Maryland State Police completed a detailed Crash Investigation Report regarding this incident. The report confirmed that the driver of the blue Hyundai was traveling northbound on Maryland Route 2 at approximately 114 m.p.h. in the southbound lane near Birdsville Road, and that before the Hyundai came to rest in a field, it collided into the driver’s side of a Ford F-450. At the time of the collision, the Ford F-450 was turning left onto Birdsville Road from the left northbound lane of Maryland Route 2. After the collision, both vehicles went off the roadway.

C. Department Policy

The Calvert County Police Administrative and Operational Manual are written policies outlining the circumstances under which officers are authorized to engage in vehicle pursuits.

Section 11-301 of the policy defines two types of vehicle pursuits:

- (1) a Normal Pursuit, which is the pursuit of a violator after a violation has been observed, and the violator is signaled to stop and complies; and
- (2) Extended /High Speed Pursuits, where a violator attempts to avoid arrest by fleeing in his vehicle and ignores or fails to comply with deputy’s signal to stop.

According to section 11-301 of the policy, the Calvert Country Sheriff’s Office permits deputies to engage in extended high-speed vehicle pursuits when it is necessary to apprehend a violator of the laws. However, high-speed pursuits should be “used with discretion and after conscious deliberation and not as a product of the deputy’s emotions.” Further, deputies are permitted “wide latitude in deciding to pursue and after pursuit has begun, in choosing the manner and methods of conducting and ending the pursuit. A pursuit is permitted when the deputy knows, or has reasonable suspicion to believe, that a suspect has committed or is attempting to commit a crime: or traffic infraction where the suspect refuses to stop when given a signal to do so, and the necessity of immediate apprehension for a traffic infraction outweighs

⁹ Manner of death is a classification used to define whether a death is from intentional causes, unintentional causes, natural causes, or undetermined causes. The Maryland Office of Chief Medical Examiner uses five categories of manner of death: natural, accident, suicide, homicide, and undetermined. “Accident” applies when injuries caused the death in question and there is little or no evidence that the injuries occurred with the intent to harm or cause death. These terms are not considered a legal determination, rather they are largely used to assist in the collection of public health statistics. “A Guide for Manner of Death Classification,” First Edition, National Association of Medical Examiners, February 2002

the level of danger created by the pursuit.” Additionally, officers must continue to assess the risk of death or serious injury created by the pursuit as well the continued actions of the suspect.

Section 11-302 of the policy outlines other limiting factors that officers should consider when engaging in a pursuit which includes: the nature of the offense, the characteristics of the roads, and the deputies’ ability to control their vehicles. Per section 11-302, deputies are required to use sirens and emergency lights, radio in a pursuit to dispatch, explaining the reasons for the pursuit and notifying a supervisor as soon as practical. Supervisor approval is required for deputies to participate in high-speed pursuits. In those instances, any participating deputy must have supervisor approval, and any unmarked vehicles should pull out of pursuit once there is a sufficient number of marked cruisers involved, unless otherwise directed by a supervisor. Pursuits should be discontinued when the risks to the officers or the public is unnecessarily high, and deputies are “responsible for driving with due regard for others,” throughout the pursuit. Deputies assigned as secondary units should be assisting the primary officer, maintaining a safe distance, handling communications to dispatch, assist securing suspects when pursuit is terminated and assume the role of primary if necessary.

Section 11-310 of the policy allows deputies with specialized training to use the PIT maneuver, wherein they use their cruiser to make contact with a fleeing vehicle to end the pursuit, at their discretion. The IID interviewed a CCSO lieutenant responsible for training and a CCSO Patrol Bureau Commander. Both separately confirmed that Deputy Lewis received practical and in-class training on the PIT Maneuver. They further explained that the technique was appropriately used at a traffic circle where a driver of the subject vehicle slows down.

Sections 11-401 through 11-403 of the policy addresses vehicle pursuits into other jurisdictions within Maryland. Deputies may extend their pursuits into other jurisdictions, as long as they inform the Calvert County Control Center¹⁰ about the pursuit direction. The Control Center will forward the information to the neighboring jurisdiction. Policy 11-403 specifically states that “except in extraordinary circumstances, unmarked vehicles will not pursue into another jurisdiction, unless the unmarked vehicle is being operated by a supervisor.” The number of vehicles entering another jurisdiction should be limited to what is necessary to support the pursuit.

According to policy section 11-304, “the decision to end a pursuit primarily falls within the discretion of the pursuing deputy.” The policy indicates that in determining whether to end a pursuit, the deputy should consider the risk to the public, the severity of crime, and the roadway conditions when making this determination.

¹⁰ The Calvert County Control Center is Calvert County’s Emergency Communications, responsible for dispatching 911 calls for emergency services within Calvert County.

IV. Legal Analysis

After a criminal investigation, prosecutors must determine whether to bring criminal charges against someone. When making that determination, prosecutors have a legal and ethical duty to only charge a person with a crime when they can meet the State's burden of proof; that is, when the available evidence can prove each element of the alleged crime beyond a reasonable doubt. Prosecutors also need to determine whether the person accused of the crime could raise an affirmative defense. In those cases, prosecutors not only need to prove the crime, but they also need to determine whether the evidence could *disprove* the defense beyond a reasonable doubt. Ultimately, the decision to bring any charges rests on whether the available evidence is sufficient for prosecutors to meet that standard.

The relevant offense that was considered in this case is criminally negligent manslaughter by vehicle. This offense requires proving that an accused person caused the death of another person by operating a vehicle in a criminally negligent manner.¹¹ It is the baseline homicide charge that might be applicable in an officer-involved pursuit case.

If a prosecutor cannot prove criminally negligent manslaughter by vehicle based on the available evidence, they cannot prove the more severe charge of manslaughter by vehicle,¹² which requires a prosecutor to prove that the defendant drove with gross negligence, a level above criminal negligence. Both offenses require proof of causation – the evidence must show that the defendant's actions were the legal cause of death or harm at issue.

There is insufficient evidence to prove that the subject officers drove their vehicles in a criminally negligent manner. Accordingly, the IID will not pursue criminal charges against any of the subject officers. This report explains below in further detail why, based on the evidence, a prosecutor could not prove beyond a reasonable doubt that any officer committed a crime.¹³

A. Criminally Negligent Manslaughter by Vehicle

Proving criminally negligent manslaughter by vehicle requires a prosecutor to establish three elements beyond a reasonable doubt: (1) that the accused drove a motor vehicle; (2) in a criminally negligent manner; and (3) in doing so caused the death of Juvenile.¹⁴ Criminal negligence requires proof that the accused “should have been aware, but failed to perceive that his or her conduct created a ‘substantial and unjustifiable risk’ to human life and that the failure to perceive that risk was a ‘gross deviation’ from the standard of care that a reasonable person was would exercise.”¹⁵

¹¹ Md. Ann. Code Criminal Law § 2-210.

¹² Md. Ann. Code, Criminal Law § 2-209.

¹³ Because there is insufficient evidence to establish that the subject officers acted with criminal negligence, this report does not analyze whether the subject officers caused the death of Juvenile.

¹⁴ MPJI-Cr 4:17.10 (3d ed. 2024)

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

In Maryland, negligence is measured on a spectrum – with simple negligence on one end, criminal negligence in the middle, and gross negligence on the other end.¹⁶ In Maryland, where alleged negligence involves a law enforcement officer, the “reasonable person” perspective is replaced with a “reasonably prudent police officer” perspective, which must also account for the fact that an officer is permitted to violate some traffic laws under certain circumstances.¹⁷

Determining whether an officer’s actions constitute criminal negligence must take into consideration the totality of the circumstances, including relevant factors such as department policies, use of warning devices, traffic conditions, speed, yielding to traffic signals, and erratic driving.¹⁸ When examining the weight given to the violation of departmental policy, the Supreme Court of Maryland has held that, “a violation of police guidelines *may* be the basis for a criminal prosecution.”¹⁹ The Court clarified that, “while a violation of police guidelines is not negligence *per se*, it is a factor to be considered in determining the reasonableness of police conduct.” Maryland courts have considered officers’ policy violations as evidence of negligence, recklessness, unreasonableness, and corrupt intent.²⁰ However, a “hyper technical” violation of policy, without more, is not sufficient to establish gross negligence.²¹ Applying these principles to the present matter, prosecutors must analyze each subject officer’s decision to pursue the Hyundai, and their actions while the cruisers were in pursuit.

The subject officers used similar reasoning to engage in this pursuit so that decision to engage will be discussed collectively. While Deputy Lewis initiated the pursuit of the subject vehicle, Detective McDowell entered the pursuit as backup to Deputy Lewis. As each officer had different responsibilities during the pursuit, their actions will be discussed individually.

1. Subject Officers’ Pursuit Decision

Regarding the decision to engage in the pursuit, CCSO and its deputies, including the subject officers, were aware of the reported vehicle break-ins in the various subdivisions of Huntington as well as the developing situation in Neeld Estates that involved the search for fleeing suspects from the white sedan. Deputy Lewis was parked on the side of the road, positioned at the only exit out of the subdivision. At approximately 5:30 a.m., when other

¹⁶See *Beattie v. State*, 216 Md. App. 667, 683 (2014) (explaining “a gross deviation from the standard of care” by comparing it with a similar Kansas statute that used the “material deviation” standard, stating: “a ‘material deviation’ from the standard of care require[s] ‘something more than ordinary or simple negligence yet something less than gross and wanton negligence.’”).

¹⁷ *Boyer v. State*, 323 Md. 558, 589 (1991).

¹⁸ See, e.g. *Boyer*, 323 Md. at 591; *Taylor v. State*, 83 Md. App. 399, 404 (Ct. Sp. App. Md. 1990).

¹⁹ *State v. Pagotto*, 361 Md. 528, 557 (2000) (citing *State v. Albrecht*, 336 Md. 475, 502-03 (1994)) (emphasis in original).

²⁰ See, e.g., *Albrecht*, 336 Md. at 503; *Pagotto*, 361 Md. at 550-53; *Koushall v. State*, 249 Md. App. 717, 729-30 (2021), *aff’d*, No. 13, Sept. Term, 2021 (Md. Feb. 3, 2022); *Kern v. State*, No. 2443, Sept. Term 2013, 2016 WL 3670027, at *5 (Md. Ct. Spec. App. Jul. 11, 2016) (unreported); *Merkel v. State*, No. 690 Sept. Term 2018, 2019 WL 2060952, at *8 (Md. Ct. Spec. App. May 9, 2019) (unreported); *Mayor and City Council of Baltimore v. Hart*, 395 Md. 394, 398 (2006) (civil litigation).

²¹ *State v. Pagotto*, 127 Md. App. 271, 304 (1999), *aff’d*, 361 Md. 528 (2000).

deputies radioed that two suspicious vehicles were exiting the development at a high rate of speed, Deputy Lewis was prepared to stop the vehicles. Based on the heavy police presence within the nine-mile radius, the light traffic conditions, the speed of the two vehicles, and Driver's manner of exiting the subdivision, there was reasonable suspicion to believe that the suspects involved in the reported vehicle break-ins were in the subject vehicles.

CCSO departmental policies permit deputies to engage in high-speed chases when it necessary to apprehend a suspect that has violated the law. Deputies are granted broad discretion in determining whether a high speed extended pursuit is appropriate. The deputies are to consider such factors as the nature of the offense, if the suspect's identity is known, the deputy's ability to operate the vehicle at high speeds, the characteristics of the roadways, traffic patterns, and general dangers to the public. Here, the subject officers had reason to believe the suspect car was involved in the vehicle break-ins in the community and knew the identities of the fleeing subjects were unknown. In addition, A CCSO sergeant had approved Detective Lewis' position at the entrance of Neeld Estates.

Deputy Lewis's decision to initiate the pursuit of Driver was based on his presence at the Neeld Estates subdivision and directly related to an active investigation, which included his own observations of the subject vehicle. Based on radio communications and dispatch records, it is also clear that Detective McDowell was aware of the actions of Driver, the ongoing pursuit, and therefore joined as backup to Deputy Lewis. The roadways involved in this pursuit were long with relatively few curves and traffic lights. The weather was clear, and the traffic was relatively light. Both subject officers announced the pursuit to dispatch. CCSO supervisors were aware of the pursuit and gave no orders to disengage.

Based on the foregoing, each of the subject officers' decisions to engage in this pursuit did not create an unjustifiable risk that was a gross deviation from the reasonable standard of care. Therefore, the subject officers were not criminally negligent in their decision to engage in the pursuit.

2. Subject Officers Pursuit Conduct

Deputy Lewis and Detective McDowell had several responsibilities: immediately notifying a supervisor of the pursuit; using emergency lights and sirens; updating dispatch with relevant information about the pursuit, including the direction of travel, speed, and road conditions; and stopping the pursuit if the risk factors increased beyond the immediate need for apprehension. According to the evidence, including computer dispatch records and body-worn camera footage, both Deputy Lewis and Detective McDowell fulfilled all these responsibilities. While the subject officers did travel at high speeds during the pursuit—both reaching speeds around 115 m.p.h., where speed limits were generally 50 m.p.h.—body-worn camera footage shows that the subject officers maintained control of their vehicles throughout the pursuit, including adjusting their speeds to account for curves, traffic circles and devices.

In this case, both subject officers continued the pursuit into Anne Arundel County. Calvert County guidelines require officers to report to dispatch that they are pursuing into an outlying jurisdiction so that notification can be made to the county they are entering. Calvert

County dispatchers were made aware that pursuit continued into Anne Arundel County. Anne Arundel County dispatch was notified and dispatched AAPD officers to the scene.

Regarding the PIT maneuver performed by Deputy Lewis, CCSO departmental policy allows for the use of the PIT maneuver by deputies who have received proper training. Deputy Lewis received in-class and practical training on conducting the PIT maneuver. Further, the use of the PIT maneuver at a traffic circle comports with their training as a safe place to employ the maneuver as the driver has slowed down around the circle. Further, Deputy Lewis complied with CCSO departmental policy by immediately informing the CCSO dispatcher that the technique was ineffectively performed.

As to the unmarked vehicle driven by Detective McDowell, CCSO departmental policy indicates that extraordinary circumstances must exist for an unmarked vehicle to pursue into another jurisdiction. Detective McDowell's entry into Anne Arundel County was reasonably necessary, as he was aware that Deputy Lewis was the only other deputy involved in the pursuit of the subject vehicle, and that multiple suspects were in the subject vehicle - including a male in the rear seat wearing a black hoodie and mask. Initially as a secondary vehicle, he maintained a safe distance, helped facilitate communications to dispatch, and assisted the primary officer. Detective McDowell had his lights and sirens activated during the entire pursuit. CCSO supervisors were aware of his participation in the pursuit and his entry into Anne Arundel County. CCSO supervisors did not order Detective McDowell to terminate the pursuit at any time. Detective McDowell also assisted in securing the suspects when the pursuit concluded.

In sum, Deputy Lewis' and Detective McDowell's actions did not create an unjustifiable risk that was a gross deviation from the reasonable standard of care. Accordingly, the Office of the Attorney General will not charge them with criminally negligent manslaughter by motor vehicle in this case.

V. Conclusion

This report has presented factual findings and legal analysis relevant to the May 13, 2024, police-involved fatal vehicle pursuit in Anne Arundel County that resulted in the death of the juvenile. The Office of the Attorney General has declined to seek charges in this case because, based on the evidence obtained in its investigation, the subject officers did not commit a crime.