



INDEPENDENT INVESTIGATIONS DIVISION

Report Concerning the Police-Involved
Death in Baltimore on May 12, 2025

September 15, 2025

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The Declination Report Concerning the Police-Involved Death of Jai Marc Howell on May 12, 2025

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 Monday, May 12, 2025, at approximately 1:25 p.m., Baltimore Police Department (BPD) officers encountered a man in the 4600 block of York Road in the city of Baltimore, and as they approached him, the man ran away. Three officers engaged in a foot chase, and one pursued him in a vehicle. During the chase, the man displayed a gun. The officers ordered the man to put the gun down multiple times, but he failed to comply. There was an exchange of gunfire, and the man was wounded. Officers rendered emergency medical aid on scene and requested emergency medical services (“EMS”). A handgun was recovered near the man. The man was transported to an area hospital where he was pronounced dead a short time later. No officers were injured in the shooting.

After completing its investigation and evaluating all the available evidence, the Office of the Attorney General has determined that the subject officers did not commit a crime under Maryland law. Accordingly, the Attorney General has declined to prosecute any of the subject officers in this case.

The IID’s investigation focused exclusively on potential criminal culpability relating to the subject officers’ conduct. By statute, the IID only has jurisdiction to investigate the actions of police officers, not those of any other individuals involved in the incident. Moreover, the IID’s analysis does not consider issues of civil liability or the department’s administrative review of the subject officers’ conduct. Compelled statements by subject officers may be considered in civil or administrative proceedings 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, the IID has not considered them in this 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, private surveillance video, photographs, department policy, and interviews with civilian and law enforcement witnesses. The subject officers in this case chose not to make statements to the IID, which had no impact on the prosecutorial decision.

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

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

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

This investigation involved one decedent and three subject officers:

- A. The decedent, Jai Marc Howell, was 27 years old at the time of the incident. He was a Black male who lived in Parkville, Maryland.
- B. Detective Steven Foster has been employed by BPD since September of 2013. He is a Hispanic male, and at the time of the incident was 33 years old.
- C. Detective Enger Jimenez has been employed by BPD since October of 2020. He is a Hispanic male, and at the time of this incident was 25 years old.
- D. Detective Tony Tiburzi has been employed by BPD since October 2019. He is a White male, and at the time of the incident was 37 years old.

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

II. Factual Summary

On May 12, 2025, at approximately 1:25 p.m., BPD Detectives Steven Foster, Enger Jimenez, and Tony Tiburzi, and Sergeant John Wallace were on routine patrol in the 4000 block of York Road traveling in a marked black Dodge Durango police cruiser.³ Sergeant Wallace was the driver, Detective Foster, was the front passenger, Detective Jimenez and Detective Tiburzi were seated in the left and right rear respectively. The subject officers all wore plain clothes and department issued tactical vests marked "POLICE".

While patrolling in the 4600 block of York Road, the officers observed a male, later identified as Jai Marc Howell, sitting on a moped. When another civilian approached Mr. Howell, he turned away from the police cruiser and lifted his shirt as if to hide his waistband.

At approximately 1:26 pm, the subject officers exited the cruiser and approached Mr. Howell. Mr. Howell immediately got off the moped and ran down the sidewalk in the 4600 block of York Road. The three subject officers pursued Mr. Howell on foot, as Sergeant Wallace followed in the cruiser. Mr. Howell pulled a handgun from his waistband. Detective Foster yelled multiple times "put it down, I'm going to shoot you bro." At 1:26:25 p.m., Mr. Howell raised the handgun and fired one shot in the rear passenger window of the cruiser. Mr. Howell then fired a second shot at the cruiser, which struck the cruiser's front windshield. Sergeant Wallace immediately exited the vehicle, dropped to the ground and took cover. The subject officers fired their service weapons at Mr. Howell. During their discharges, Detective Foster stood on the sidewalk behind Mr. Howell, Detective Tiburzi was positioned near the rear driver's side of the cruiser, and Detective Jimenez was in the middle of York Road. Mr. Howell fell on the sidewalk and dropped the handgun.

³ BPD Sergeant Wallace was present during the incident and while he is named within this report, Detective Wallace is not a subject of this investigation.

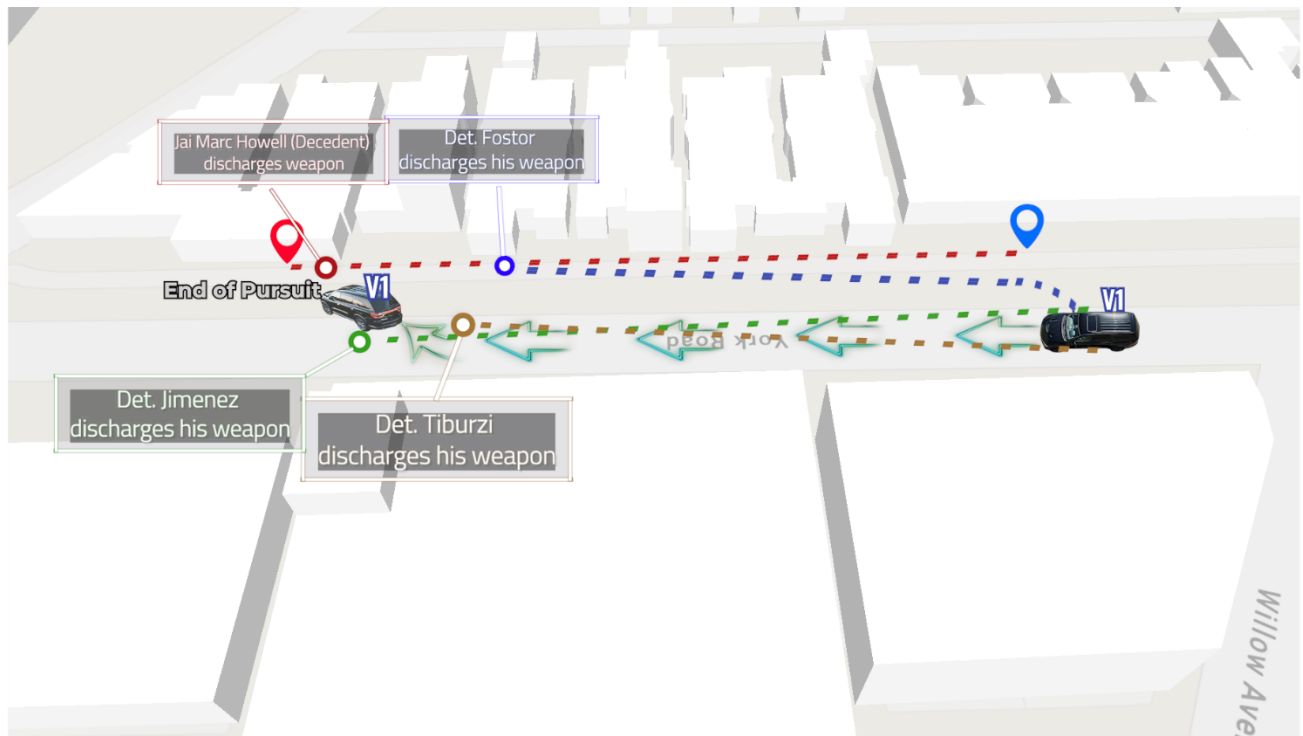


Image 1: A demonstrative map of the foot and vehicle pursuit. The blue pin marks the start of the pursuit. The blue dashed line marks Detective Foster's foot pursuit pathway. The brown dashed line marks Detective Tiburzi's foot pursuit pathway. The green dashed line marks Detective Jimenez's foot pursuit pathway. The red dashed line traces Mr. Howell's path, while a red location pin denotes the end of the pursuit and the site of the fatal shooting.



Image 2: A still image from Detective Jimenez's body-worn camera footage showing Mr. Howell pointing a gun toward the police cruiser. [Click here](#) for the video clip. Also shown to the left is an uninvolved BPD cruiser.

Detective Foster immediately directed the officers to cease fire. As Detectives Tiburzi and Jimenez handcuffed Mr. Howell, Detective Foster recovered a semiautomatic handgun with an extended magazine from the sidewalk, approximately two feet from where Mr. Howell lay on the ground. Detective Foster reported the shooting over the police radio and requested EMS. After securing the weapon, Detective Foster removed the magazine and cleared the handgun by ejecting a round from the chamber.⁴ Simultaneously, Detectives Jimenez and Tiburzi quickly cut off Mr. Howell's shirt and began rendering medical aid until medics arrived on scene. Medics transported Mr. Howell to the hospital, where he was pronounced dead shortly after arrival.

III. Supplemental Information

A. Autopsy

On May 13, 2025, the Office of the Chief Medical Examiner (the "OCME") performed an autopsy of Jai Marc Howell. The Medical Examiner concluded that multiple gunshot wounds caused Jai Marc Howell's death and determined that the manner of his death was "Homicide."⁵

Mr. Howell sustained seven gunshot wounds including entrance wounds to the head, left arm, torso, left elbow, left buttock, left thigh, and left lower leg.

B. Firearms Recovery and Ballistics Information

BPD Crime Scene Unit technicians responded to the scene, and while processing the scene, recovered each of the subject officer's department-issued service weapons, all Glock 22, .40 caliber semi-automatic handguns.⁶ Technicians also recovered the handgun possessed by Mr. Howell, a Polymer 80, 9mm handgun.

The BPD Forensic Laboratory Section conducted a firearms analysis, including the weapons, cartridges, and bullets recovered from the scene. Each of the subject officers' service weapons and the Polymer 80 handgun were submitted for analysis, and forensic testing confirmed that they were operable.

⁴ A fifth uninvolved witness officer was present and managed the scene as aid was rendered to Mr. Howell.

⁵ Manner of death is a classification used to define whether a death is from intentional causes, unintentional causes, natural causes, or undetermined causes. The OCME uses five categories of manner of death: natural, accident, suicide, homicide, and undetermined. "Homicide" applies when death results from a volitional act committed by another person to cause fear, harm, or death. This term is 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.

⁶ The IID and BPD have entered a Memorandum of Understanding ("MOU"), recognizing that on January 12, 2017, BPD entered a federal consent decree, which imposed certain obligations to investigate officer-involved fatalities. Given the IID's statutory obligations pursuant to Maryland law, and for BPD to meet its obligations under the federal consent decree, the MOU states that both agencies' investigators will investigate all officer-involved deaths while cooperating and communicating with one another. The MOU further states that if 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.

Based on the evidence recovered at the scene by crime scene technicians, BPD concluded that Detective Foster fired ten rounds from his service weapon; Detective Jimenez fired nine rounds from his service weapon; and Detective Tiburzi fired five rounds from his service weapon. Technicians further determined that twenty-one cartridge cases located at the scene were identified as being fired from the subject officers' service weapons.

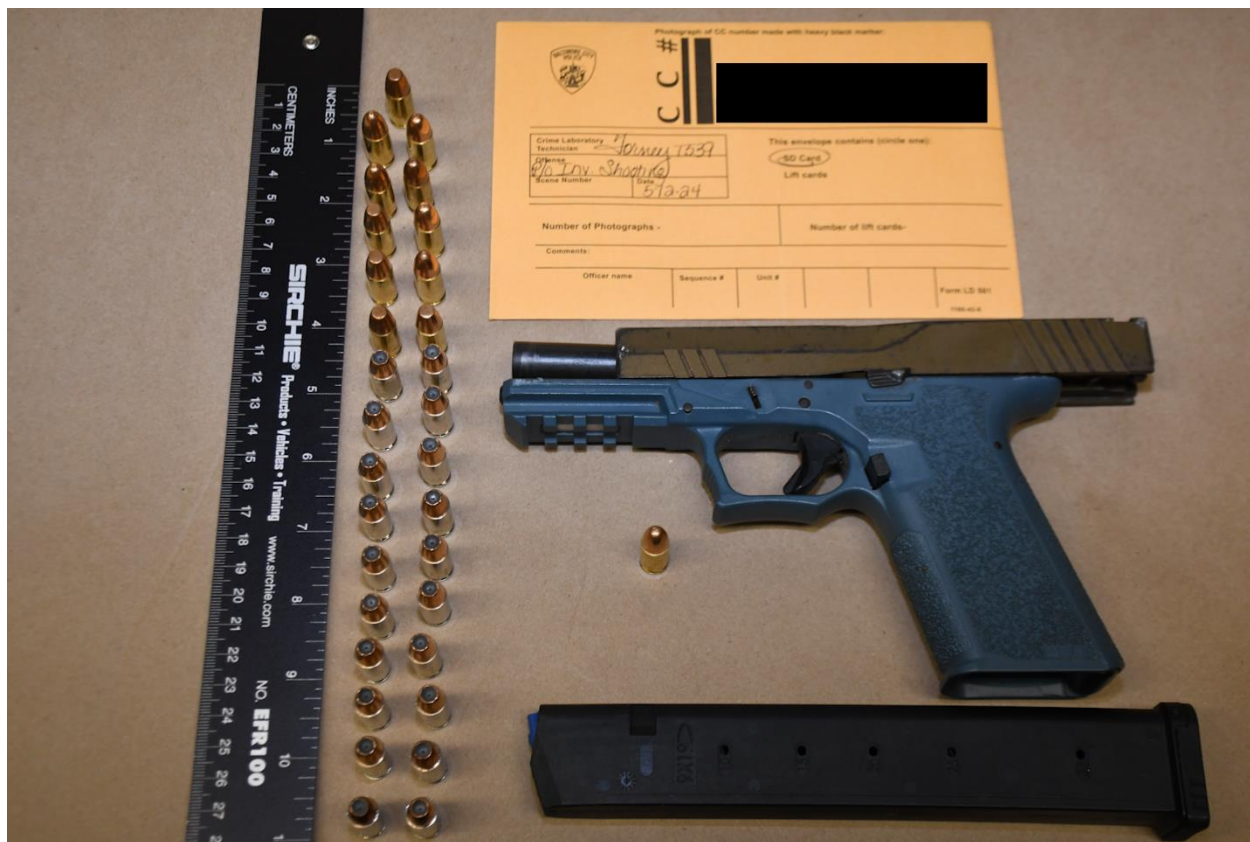


Image 3: A photograph of the Polymer 80, extended magazine, and ammunition removed from the handgun recovered by BPD and analyzed by the Forensic Laboratory Section.

Technicians determined that the Polymer 80 handgun was loaded with thirty-two rounds in the extended magazine. Two 9mm luger cartridge cases located at the scene were identified as being fired from the Polymer 80 handgun.

C. Department Policy

BPD provides officers with written policies and procedures, as well as practical training in the use of force. The BPD policies and training materials encompass the written policies and procedures for its sworn officers, which include several written policies relevant to this investigation.

BPD use of force policy includes the use of deadly force (Policy 1115) and the use of firearms (Policy 409). These two policies state that an officer “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.”

The policies define those terms as follows:

- Reasonable: “A member uses Reasonable Force when the member uses no more force than required to perform a lawful purpose.”
- Necessary: “Force is necessary only when no reasonably effective alternative exists.”
- Proportional: “Proportionality measures whether the force used by the member is rationally related to the level of resistance or aggression confronting the member.”

The use of force policy specifies that “[t]he use of Deadly Force/Lethal Force shall always be the last resort,” and shall occur only when officers “reasonably believe such action is immediately necessary to protect a member or another person from an Imminent Threat of Death or Serious Physical Injury.” Before using deadly force, officers “shall consider environmental considerations such as field of fire, backdrop.”

IV. Legal Analysis

After a criminal investigation, prosecutors must determine whether to bring criminal charges against a person to hold them accountable pursuant to Maryland law. 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 that crime beyond a reasonable doubt. Prosecutors must also determine whether the accused person could raise an affirmative defense. In those cases, prosecutors not only need to prove the crime, but they also must 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 those standards.

Based on the evidence, three relevant offenses were considered in this case. First is the violation of Maryland’s Use of Force Statute, which makes it a crime for officers to intentionally use excessive force.⁷ The second and third offenses are homicide related charges due to the intentional killing of a person.

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

⁷ See Md. Code, Public Safety §3-524(d)(1).

A. Maryland Use of Force Statute

Proving a violation of the Use of Force Statute requires a prosecutor to establish beyond a reasonable doubt that a subject officer:

- (1) used force that was not necessary and proportional to prevent an imminent threat of physical injury to themselves or another person, or to accomplish a legitimate law enforcement objective;
- (2) intended to use force that was excessive, *i.e.* not necessary and proportional under the circumstances; and
- (3) the use of excessive force resulted in serious bodily injury or death;⁸

As it is undisputed that the subject officers fired their weapons and shot Mr. Howell, which resulted in his death, only the first two elements are at issue.

Determining whether an officer's use of force is "necessary and proportional" to prevent an imminent threat of physical injury to someone or accomplish a legitimate law enforcement objective is a fact-specific inquiry. Generally, a use of force is considered "necessary and proportional" when an officer had no reasonable alternative available to the officer under the circumstances, the kind and degree of force was appropriate in light of the officer's legitimate law enforcement objective, and it was not likely to result in harm that was out of proportion or too severe in relation to the officer's law enforcement objective, given the context in which it was used.⁹ When a factfinder—either a judge or a jury - conducts this analysis, they must consider the totality of the circumstances, including, but not limited to, the nature of the call for service, what occurred in the moments before force was used, what the subject officers knew at the time force was used, and the time and distances involved.¹⁰

Based on the totality of the circumstances, there is no evidence that the subject officers used force beyond what was necessary and proportional to prevent Mr. Howell from posing a danger to themselves or others. With respect to whether the use of force was necessary, Mr. Howell's behavior posed a threat to the safety of the subject officers. Despite Detective Foster's repeated requests to drop the weapon, Mr. Howell intentionally fired two shots into the police cruiser, including the shot fired directly into the windshield as Sergeant Wallace drove the police cruiser. Sergeant Wallace exited the cruiser and dropped to the ground to avoid being shot by Mr. Howell. The subject officers fired at Mr. Howell in response to the deadly force used by Mr. Howell. In short, Mr. Howell's behavior required that the subject officers fire their service weapons at him for the safety of Sergeant Wallace, as well as their own.

With respect to whether the kind and degree of force used by the subject officers was proportional to the imminent threat of harm presented by Mr. Howell, evidence shows that the force used by the subject officers was appropriate. As previously mentioned, Mr. Howell refused to comply with the subject officer's commands to drop the weapon and instead fired shots directly

⁸ MPJI-Cr 4:36 (3d ed.2024).

⁹ For a more detailed discussion of the "necessary and proportional" standard, see [this opinion](#) written by the Office of the Attorney General. 107 Op. Atty. Gen. Md. 33

¹⁰ *Id.*

at the police cruiser with Sergeant Wallace in the driver's seat. Because shooting at the police cruiser presented an imminent threat of serious harm or death to Sergeant Wallace, the subject officers' uses of force were proportionate under the circumstances.

Based on the evidence, a prosecutor could not prove beyond a reasonable doubt that the subject officers' use of force was not necessary and proportional to prevent an imminent threat of physical injury to themselves or another person. Accordingly, the Office of the Attorney General will not charge the subject officers with a violation of the Use of Force Statute in this case.

B. Homicide Offenses

When a person is killed, there are four homicide charges that a prosecutor may consider in the State of Maryland:

- First Degree Murder: the willful, deliberate, and premeditated killing of another.¹¹
- Second Degree Murder: when the defendant intended to kill or inflict such serious injury that death would be the likely result and there was no justification or mitigating circumstances.¹²
- Voluntary Manslaughter: an intentional killing that is not murder because the defendant acted in partial self-defense.¹³
- Involuntary Manslaughter: when the defendant acted with gross negligence and that conduct caused the death of another.¹⁴

First Degree Murder was not considered in this case because there is no evidence to support that the shooting of Mr. Howell was premeditated. Premeditation requires a prosecutor to prove that “the design to kill must have preceded the killing by an appreciable length of time, that is, time enough to be deliberate.”¹⁵ While this inquiry requires a fact-specific evaluation, a factfinder should consider the totality of the circumstances including whether an individual is defending themselves against deadly force.¹⁶ As the shooting of Mr. Howell was intentional but not premeditated, Second Degree Murder and Voluntary Manslaughter are the homicide offenses that remain for consideration.

If the evidence indicates that there is legal justification or certain mitigating circumstances involved, such as self-defense, then a prosecutor could not prove the remaining homicide offenses

¹¹ MPJI-Cr. 4:17 (3d ed.2024)

¹² *Id.*

¹³ MPJI-Cr 4:17.2 (3d ed.2024)

¹⁴ MPJI-Cr. 4:17.8 (3d ed. 2024)

¹⁵ *Tichnell v. State*, 287 Md. 695, 717 (1980)

¹⁶ See *Purnell v. State*, 250 Md. App 703, 714-715 (2021).

against the subject officers.¹⁷ A police officer's use of deadly force is legally justified if it is in complete self-defense, defense of others, or in furtherance of law enforcement related duties.¹⁸

Complete self-defense, also known as perfect self-defense, exists when the accused: (1) was not the initial aggressor (or did not raise the level of force to deadly force); (2) believed that they were in immediate or imminent danger of serious harm or death; (3) had a reasonable belief; and (4) used force that was not more than what was reasonably necessary in light of the threat or actual force.¹⁹ Complete self-defense is an affirmative defense, which means that a prosecutor must prove beyond a reasonable doubt that one of the elements of self-defense is not applicable.

When an officer has sufficient probable cause to believe that a person poses a "threat of serious physical harm," then the officer may use deadly force,²⁰ and the reasonableness of that decision must be viewed from "the perspective of a reasonable police officer similarly situated."²¹ In practice, this means that a factfinder must consider that police officers often work under rapidly changing circumstances and that what constitutes a reasonable use of force may change from moment to moment.²²

The evidence shows that Mr. Howell was the aggressor. Mr. Howell was armed with a handgun. After multiple commands to drop the handgun, Mr. Howell refused and fired the weapon at the marked police vehicle occupied by Sergeant Wallace. These facts provide a basis for the subject officers to reasonably believe that their lives were in danger. Since the subject officers faced the threat of deadly force from Mr. Howell, their use of deadly force against him was reasonably necessary.

Based on the investigation, the actions of the subject officers do not constitute the crime of Second-Degree Murder. Prosecutors are unable to overcome any of the elements of complete self-defense. Moreover, because complete self-defense also applies to Voluntary Manslaughter²³, a prosecutor would be unable to prove any homicide offense in this matter. Accordingly, the Office of the Attorney General will not charge the subject officers with a homicide offense.

VI. Conclusion

This report has presented factual findings, legal analysis, and conclusions relevant to the March 12, 2025, police-involved death of Jai Marc Howell in Baltimore, Maryland. The Office of the Attorney General has declined to pursue charges in this case because, based on the evidence obtained in its investigation, the subject officers did not commit a crime.

¹⁷ If a defendant possesses the requisite *mens rea* to uphold a claim of complete self-defense or defense of others—specifically, a subjective belief that their or another's life was in imminent danger that was objectively reasonable under the circumstances, then the claims are valid regardless of any unintended consequences. *Malaska v. State*, 216 Md. App. 492, 517-522 (2014).

¹⁸ *Id.*; MPJI-Cr 4:17.3 (3d ed. 2024).

¹⁹ *Porter v. State*, 455 Md. 220, 234-36 (2017); MPJI-Cr 4:17.2, *supra*.

²⁰ *Estate of Blair v. Austin*, 469 Md. 1, 24 (quoting *Tennessee v. Garner*, 471 U.S. 1, 11 (1985)).

²¹ *State v. Albrecht*, 336 Md. 475, 501 (1994); *State v. Pagotto*, 361 Md. 528, 555-556 (2000) (quoting *Graham v. Conner*, 490 U.S. 386, 397 (1989)).

²² *Id.*

²³ *State v. Faulkner*, 301 Md. 482, 485 (1984).