



INDEPENDENT INVESTIGATIONS DIVISION

Declination Report Concerning the Police-Involved
Use of Force Incident in Anne Arundel County on
October 29, 2023

April 15, 2024

**Declination Report Concerning the
Police-Involved Use of Force Incident on October 29, 2023
Resulting in the Death of Lavaughn Coleman**

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 For incidents that occur after October 1, 2023, 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 October 29, 2023, at approximately 4:30 p.m., Anne Arundel County Police Department officers responded to the 900 block of Waugh Chapel Way in Gambrills, Maryland in response to a report of two men in a vehicle with guns and drugs. When officers arrived at that location, they ordered the two men out of the vehicle. The first individual, an adult man, complied and an officer placed him in handcuffs. The second individual, Lavaughn Coleman, complied with commands to exit the car, walk backward toward officers, and kneel on the ground, but when an officer attempted to place him in handcuffs, Mr. Coleman stood up and ran, striking that officer, knocking off his body-worn camera and sending the officer to the ground. Corporal Andrew Stallings, who had given Mr. Coleman the initial commands to exit the car, ran after Mr. Coleman on foot and told him to stop before discharging his taser, which struck Mr. Coleman. Mr. Coleman fell to the ground, hitting his head on the cement pavement. Officers provided medical aid and requested emergency medical services. Mr. Coleman was taken to a local hospital and then an area trauma center.

The IID was notified of the incident two hours after it occurred and assumed the investigation on December 7, 2023, after receiving a series of updates on Mr. Coleman’s medical condition. On December 14, 2023, Mr. Coleman died from the injuries he sustained on October 29, 2023. Upon receiving the written autopsy report on March 29, 2024, and after evaluating all available evidence, the Office of the Attorney General has determined that Cpl. Stallings, the subject officer, did not commit a crime under Maryland law. Accordingly, the Attorney General has declined to prosecute him in this case.

The IID’s investigation focused exclusively on the potential criminal culpability relating to Cpl. Stallings’ conduct. By statute, the IID has jurisdiction only to investigate the actions of police officers, not those of any other individuals involved in the incident. Certain information—specifically, compelled statements by a subject officer—may be considered in civil or administrative processes but may not be considered in criminal investigations or prosecutions due to the subject officer’s Fifth Amendment rights. If any compelled statement exists in this case, the IID has not considered it in this investigation. The subject officer in this case chose not to make statements to the IID, which did not impact the prosecutorial decision.

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

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

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 autopsy reports, police radio transmissions, dispatch records, police reports, body-worn camera footage, photographs, and interviews with civilian and law enforcement witnesses. The legal analysis explains why the IID will not bring charges under the Maryland statutes that could be relevant here.

This investigation involved one decedent and one subject officer.

- A. Lavaughn Coleman, the decedent, was a 21-year-old Black man who lived in Crofton, Maryland.
- B. Anne Arundel County Police Officer Andrew Stallings, the officer who tased Mr. Coleman, is a White man who was 32 years old at the time of the incident and assigned to the patrol bureau. He was hired by the Anne Arundel County Police Department in April 2015 from the Annapolis Police Department where he began in 2013.

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

II. The Facts

On Sunday, October 29, 2023, at 4:23 p.m., a person called Anne Arundel County Police and reported “a possible drug deal and firearms deal” in a business park behind a commercial shopping center in the 900 block of Waugh Chapel Way. The caller said they saw a “young black male” who “was selling . . . doing an exchange” with another “black male” inside of a black Hyundai. The caller added they could see an “assault rifle” in the inside “holder” of the driver’s door and a handgun in “his” waistband. The caller said there was a second car on scene. Dispatchers radioed the details to officers, and three of them—Corporal Andrew Stallings, Officer Cullen Loughrey, and Officer Alec Hodges—responded to the area.

Cpl. Stallings, the first officer on scene, arrived about 15 minutes after the initial call. He stopped his patrol cruiser in front of a black Hyundai Elantra that was parked in front of a closed business. The Elantra was backed into the parking spot, and two black men were sitting in its front seats. Cpl. Stallings got out of his cruiser, then drew his handgun, and pointed it toward the Elantra while commanding the occupants to turn off the car and put their hands up. Shortly afterward, he also told them, “You’ve been stopped right now” and “everything is going to be OK.”

Ofc. Loughrey arrived on scene about a minute after Cpl. Stallings, parked his cruiser alongside Cpl. Stallings’ cruiser, then got out with his handgun drawn. The officers agreed to get the driver out of the Elantra first. After the driver confirmed the Elantra was turned off, Cpl. Stallings instructed him to step out of the car. As the driver exited the car with his hands over his head, Ofc. Loughrey holstered his handgun and asked Cpl. Stallings if he had the Elantra, where

the passenger, later identified as Lavaughn Coleman, was still sitting, “cover[ed].” Cpl. Stallings answered in the affirmative and continued to point his handgun at the Elantra. Ofc. Loughrey then ordered the driver to walk toward him with his hands out in front. The driver complied, and Ofc. Loughrey patted him down for weapons and then handcuffed him. At this time, Officer Alec Hodges arrived on the scene.



Image 1. Still frame from Officer Loughrey’s body-worn camera footage depicting the Elantra that was the subject of the call for service. The front passenger side of Cpl. Stallings’ cruiser is visible in the far left of the image. The vehicle on the right, a Mazda, was registered to Mr. Coleman.

Once the driver’s handcuffs were secure, Cpl. Stallings asked Mr. Coleman if anyone else was in the car. Cpl. Stallings began ordering Mr. Coleman out of the Elantra with a series of detailed instructions. First, he ordered Mr. Coleman to step out of the car, hold his hands up, and face away from the sound of the commands. Then Cpl. Stallings ordered Mr. Coleman to take several steps to the left of the Elantra, and then walk backward toward the sound of the commands. Once he had stepped several feet backward, Cpl. Stallings ordered Mr. Coleman to stop, get down onto his knees, and put his hands on top of his head. Mr. Coleman complied with all the orders he had received up to this point.

As Mr. Coleman got to his knees, Ofc. Hodges approached him and took over the commands. Ofc. Hodges ordered Mr. Coleman to cross his ankles, put his hands together behind his back, and to interlock his fingers, and initially, Mr. Coleman complied with those instructions. However, when Ofc. Hodges began to place a handcuff on one of his wrists, Mr. Coleman began to resist; he pulled both of his hands forward, stood up, and struck Ofc. Hodges in the chest, knocking off his body-worn camera in the process. Immediately afterward, Mr. Coleman began running away from the officers, and Ofc. Hodges fell forward on the pavement, suffering a small laceration to his bottom lip.



Image 2. Still frame from Cpl. Stallings' body-worn camera footage the moment after Mr. Coleman stood up and struck Ofc. Hodges in the chest. Ofc. Hodges' body-worn camera (in red circle) fell to the ground.

As Mr. Coleman began to run and Ofc. Hodges fell, Cpl. Stallings holstered his handgun and ran after Mr. Coleman. Over the next few seconds, Mr. Coleman ran around the corner of the business park, through a small grassy area abutting the building, across a sidewalk and into a roadway which bordered several large retail stores. Cpl. Stallings continued to run after Mr. Coleman, staying within several feet of him the entire time.



Image 3. Still frame from Cpl. Stallings' body-worn camera footage as he ran after Mr. Coleman.

As Mr. Coleman reached the roadway, Cpl. Stallings unholstered his taser with his right hand, pointing it at Mr. Coleman’s back as the pair continued running. Cpl. Stallings then raised the taser higher and yelled, “stop or I’ll tase you.” Mr. Coleman’s pace did not change, and immediately after giving this verbal warning, Cpl. Stallings deployed the taser, which ejected prongs that struck Mr. Coleman in the back. About ten seconds had elapsed between when Mr. Coleman had begun running and when he was tased by Cpl. Stallings.



Image 4. Still frame from Cpl. Stallings’ body-worn camera footage when he unholstered his taser and gave a command for Mr. Coleman to stop.

Mr. Coleman fell to the ground face forward after being hit with the taser prongs, striking his forehead on the cement. Within seconds, Cpl. Stallings caught up to him and began to handcuff him. Ofc. Hodges reached the area a few seconds later and helped Cpl. Stallings handcuff Mr. Coleman and sit him upright. Right after the taser deployment, a police sergeant who was watching a live feed of Cpl. Stallings body-worn camera footage from the police precinct called for emergency medical services to respond. Cpl. Stallings also used his police radio to call for emergency medical services several times. He instructed Ofc. Hodges to get a medical kit from his cruiser. Both officers provided Mr. Coleman with medical aid until paramedics arrived and took over his care.

There were no weapons or other contraband found on Mr. Coleman’s person. A search of the Elantra revealed suspected marijuana, cash, and a loaded 9 mm handgun. Parked directly next to the Elantra was a black Mazda 6, registered to Mr. Coleman, and there was a black handgun in plain view on the passenger side floorboard, which was later found to be loaded and reported as stolen.



Image 5. Still frame from Cpl. Stallings' body-worn camera footage showing Mr. Coleman sitting upright. Cpl. Stallings' hand is on Mr. Coleman's shoulder and the taser prong is visible. The blood shows the location where Mr. Coleman struck his head.



Image 6: Satellite image from October 2023, depicting the approximate locations of where: (A) police encountered Mr. Coleman and attempted to place him in handcuffs, and (B) Mr. Coleman struck his head.

Mr. Coleman was taken to a local hospital and then transferred to an area trauma center. He died on December 14, 2023, 46 days after the incident. The next day, December 15, 2023, the Maryland Office of the Chief Medical Examiner performed an autopsy examination on Mr.

Coleman's body. On March 29, 2024, the IID received a copy of the written autopsy report, which concluded Mr. Coleman died of "complications of blunt force head injuries ... after taser deployment by law enforcement." The autopsy certified the manner of death as "homicide."³

III. Supplemental Information

In addition to their general use of force policy, the Anne Arundel County Police Department has a written policy specifically governing the use of tasers by its officers.⁴ The policy provides, in part, that a taser may be used by an officer "when verbal dialogue, if possible, has failed to bring about a person's compliance" and "the person is fleeing or [is a] flight risk from a serious offense." The policy cautions, however, "A fleeing person will not be the sole justification for the use of the taser. Severity of the offense and other circumstances will be considered before officers use a taser on a fleeing person." The policy also provides several situations that require "additional justification" for an officer to deploy their taser. This includes "person running (fleeing)" and "person standing or running on hard surface such as concrete or asphalt." Additional justification is required "because the risks of foreseeable direct or secondary injuries are elevated" in these scenarios.

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 that 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* an affirmative 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.

There are several criminal offenses that were considered in this case, including Maryland's Use of Force Statute, which makes it a crime for officers to intentionally use excessive force; second degree assault; reckless endangerment; and involuntary manslaughter. Second degree murder and manslaughter were not analyzed because the evidence shows Cpl. Stallings' intent was to apprehend Mr. Coleman and he did not act with the intent to kill or seriously injure Mr. Coleman, an essential element of both offenses.⁵

³ 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. "Homicide" applies when death results from a volitional act committed by another person to cause fear, harm, or death. This term is not a legal determination; rather, it is 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.

⁴ Anne Arundel County Police Department Written Directive, "Conducted Energy Weapon," Index Code 406, Eff. March 27, 2023, available [here](#).

⁵ MPJI-Cr 4:17.2, Homicide, MPJI-Cr 4:17.2 (2d ed. 2021); *see also Beckwitt v. State*, 249 Md. App. 333, 373 (2022).

The evidence in this case shows that Cpl. Stallings did not violate any of these statutes. Accordingly, the IID will not pursue criminal charges against him. Below, this report explains in further detail why, based on the evidence, a prosecutor could not prove beyond a reasonable doubt that Cpl. Stallings committed a crime.

A. Maryland Use of Force Statute

To convict an officer for violating the Use of Force Statute in this case, prosecutors would have to prove that an accused person: (1) was a police officer; (2) used force; (3) 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; (4) intended to use excessive force; and (5) used force that resulted in serious bodily injury to Mr. Coleman or caused his death.⁶ Because it is undisputed in this case that Cpl. Stallings was acting as a police officer, that he discharged his Taser, and that discharging his Taser caused Mr. Coleman to fall and injure himself, prosecutors would need to establish two things to secure a conviction. To begin, they would need to establish that tasing Mr. Coleman was an act of excessive force by Cpl. Stallings, meaning that it was not necessary and proportional under the circumstances. Second, prosecutors would need to establish that Cpl. Stallings *intentionally* used excessive force.

Determining whether a use of force is “necessary and proportional” to defend someone is a fact-specific inquiry. But generally speaking, an officer’s use of force is considered “necessary and proportional” when he had no reasonable alternative under the circumstances, was appropriate in light of the officer’s objective, and was not likely to result in overly severe harm given the context in which it was used.⁷ In some cases, this evaluation might also include examining whether an officer violated or complied with department policies.⁸ However, violation of a policy is not, by itself, a crime. When a factfinder—a judge or a jury—conducts this analysis, they must bear in mind the totality of the circumstances, including the nature of the call for service, what occurred in the moments before force was used, what officers knew at the time force was used, and the time and distances involved.⁹

In this case, officers were dispatched to investigate a report of two individuals in possession of firearms, specifically with what the 911 caller said was an assault rifle in a car and a handgun in one of their waistbands. When Cpl. Stallings arrived at the location, he encountered cars and two people that generally matched the description given to the police by the civilian

⁶ MPJI-Cr 4:36, Unlawful Use of Force by a Police Officer, MPJI-Cr 4:36 (2d ed. 2022).

⁷ For a more detailed discussion of the “necessary and proportional” standard, see [this opinion](#) written by the Office of the Attorney General.

⁸ Officers’ policy violations may be evidence of negligence, recklessness, unreasonableness, and corrupt intent. See *State v. Pagotto*, 361 Md. at 557 (citing *Albrecht*, 336 Md. at 502-03) (“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.”); see also *e.g.*, *Albrecht*, 336 Md. at 503; *Pagotto*, 361 Md. at 550-53; *Koushall v. State*, 249 Md. App. 717, 728-29 (2021), *aff’d*, No. 13, Sept. Term, 2021 (Md. Feb. 3, 2022)

⁹ See *e.g.*, *Randall v. Peaco*, 175 Md. App. 320, 331 (2010) (citing *Graham v. Connor*, 490 U.S. 386, 396 (1989)) (“The test of reasonableness under the Fourth Amendment [...] requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.”).

complainant. Officers gave both the driver of the Elantra and Mr. Coleman commands to exit the car to place them in custody to further investigate the call for service. While the driver followed the instructions provided, Mr. Coleman failed to comply as Officer Hodges was attempting to place him in handcuffs, knocking Ofc. Hodges to the ground, and running away. At this point, believing Mr. Coleman had committed a crime and was now fleeing the scene, potentially armed with a handgun, Cpl. Stallings had a legitimate law enforcement reason to apprehend Mr. Coleman, and thus, a legitimate reason to use some level of force to do so.

When Mr. Coleman first began to flee, Cpl. Stallings made the appropriate decision to holster his firearm, affirmatively discarding purposeful deadly force during this incident. To apprehend Mr. Coleman, Cpl. Stallings needed to rely on less-lethal means available to him. Cpl. Stallings could not reasonably use his hands or feet as Mr. Coleman was quickly running away from him. Additionally, while Cpl. Stallings was equipped with both chemical spray and a baton, pursuant to departmental policy, neither item would have been remotely effective because Mr. Coleman's back was facing Cpl. Stallings, and he was too far away.¹⁰ Cpl. Stallings' taser was the only less-lethal weapon available under the circumstances. In deploying it, Cpl. Stallings complied with the department's written policy on tasers. Because Mr. Coleman was actively fleeing from officers and running on a hard surface, the policy required Cpl. Stallings to have "additional justification" to use the taser. Although the policy does not specifically define this term or provide examples of what may constitute such justification, the severity of the crime for which Mr. Coleman was suspected of and the danger he posed to the public as he ran toward a shopping center would likely suffice. Additionally, it is notable that Mr. Coleman fled from officers prior to any pat-down search, and given what was known to Cpl. Stallings at the time, it was reasonable for him to believe Mr. Coleman had a handgun. Accordingly, prosecutors could not prove that tasing Mr. Coleman was an act of excessive force.

Because the force used was not excessive, there would be no way to prove that Cpl. Stallings *intentionally* used excessive force. Therefore, he did not violate Maryland's Use of Force statute.

B. Second Degree Assault

To prove second degree assault, prosecutors must show that the accused person recklessly or intentionally made offensive physical contact with a victim without legal justification. Police officers have an affirmative defense making offensive physical contact with another person: the "law enforcement justification defense." This defense acknowledges that every police officer "must commit a 'technical' battery in order to make an arrest" and has legal justification to do so, so long as the force used is not excessive.¹¹ Therefore, in order to convict a subject officer of second degree assault, prosecutors would have to *disprove* the law enforcement justification defense.

For many of the same reasons detailed in Section IV (A) above, there is no evidence to prove that Cpl. Stallings did not act pursuant to the law enforcement justification. As previously

¹⁰ Anne Arundel County Police Department Written Directive, "Uniforms, Equipment, & Grooming and Appearance Standards," Index Code 500, Eff. March 22, 2024.

¹¹ *French v. Hines*, 182 Md. App. 201, 264-65 (2008).

stated, officers had a legitimate reason to stop Mr. Coleman. Cpl. Stallings and other officers were attempting to place Mr. Coleman in custody as they investigated a call for service that referenced the presence of two firearms and possible narcotics. Mr. Coleman, however, fled from the officers, striking Ofc. Hodges in the process. The force Cpl. Stallings used to apprehend Mr. Coleman was neither excessive nor disproportionate under the circumstances. Further, there is no evidence that, for example, Mr. Coleman was already under police control when he was tased or that Cpl. Stallings displayed any animus toward Mr. Coleman.

Accordingly, Cpl. Stallings did not commit second degree assault during the incident.

C. Reckless Endangerment and Involuntary Manslaughter

Reckless endangerment and involuntary manslaughter are applicable to both Cpl. Stallings' use of force in deploying his taser and the medical treatment that Cpl. Stallings provided to Mr. Coleman after he struck his head. These two offenses require prosecutors to show that an accused person's actions were "gross" deviations from the standard of care that a reasonable person would use. Due to these commonalities, the analysis of both offenses is grouped together here.

To prove reckless endangerment, a prosecutor would need to show that Cpl. Stallings: (1) engaged in conduct that created a substantial risk of death or serious physical injury to another; (2) that a reasonable person would not have engaged in that conduct; and (3) that he acted recklessly. An accused person acts recklessly if they were aware that their conduct would create an unreasonable risk of death or serious injury to another person but consciously disregards that risk and does the act anyway.¹² Maryland courts state that the test for recklessness is whether an accused person's behavior constituted a "gross departure from the standard of conduct that a law-abiding person would observe."¹³

To prove involuntary manslaughter, a prosecutor would need to show that Cpl. Stallings acted in a grossly negligent manner, and that his gross negligence caused Mr. Coleman's death.¹⁴ Gross negligence is conduct that demonstrates a "wanton and reckless disregard for human life."¹⁵

With that in mind, there is insufficient evidence to suggest that Cpl. Stallings acted recklessly or with gross negligence. As discussed above in Section IV (A), Cpl. Stallings had no other reasonable alternatives to using this level of force, and he acted consistent with his department's taser policy, including the need for "additional justification" in this particular case. Furthermore, Cpl. Stallings immediately requested emergency medical care for Mr. Coleman once he had been apprehended and provided medical care for Mr. Coleman until medics arrived.

¹² MPJI-Cr 4:26B Reckless Endangerment, MPJI-Cr 4:26B (2d ed. 2022).

¹³ *Minor v. State*, 326 Md. 436, 443 (1992).

¹⁴ MPJI-Cr 4:17.9 Homicide—Involuntary Manslaughter (Grossly Negligent Act and Unlawful Act), MPJI-Cr 4:17.9 (2d Ed. 2021).

¹⁵ *Duren v. State*, 203 Md. 584, 588 (1954).

In sum, there is insufficient evidence to suggest that Cpl. Stallings' actions were reckless or grossly negligent during the incident. Accordingly, he did not commit reckless endangerment or involuntary manslaughter.

V. Conclusion

This report has presented factual findings and legal analysis relevant to the October 29, 2023, use of force incident in Anne Arundel County that resulted in the death of Lavaughn Coleman on December 14, 2023. 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 officer did not commit a crime.