



# INDEPENDENT INVESTIGATIONS DIVISION

Supplemental Report Concerning the Officer-Involved  
Death in Baltimore City on August 4, 2022

June 10, 2023

**Supplemental Report of the Independent Investigations Division of the Maryland  
Office of the Attorney General Concerning the Officer-Involved Death of  
Eugene Douglas, on August 4, 2022**

The Office of the Attorney General’s Independent Investigations Division (the “IID”) is charged with “investigat[ing] all police-involved incidents that result in the death of a civilian” and “[w]ithin 15 days after completing an investigation ... transmit[ting] a report containing detailed investigative findings to the State’s Attorney of the county that has jurisdiction to prosecute the matter.” Md. Code, State Gov’t § 6-602(c)(1), (e)(1).

Due to the delay in receiving the results of the autopsy examination, in contrast to the finality of all other aspects of the investigation, the IID and the Baltimore City State’s Attorney (“SAO”) agreed that an [interim report](#) would be useful. The IID agreed to supplement the interim report upon receipt of the autopsy examination. On February 28, 2023, the IID transmitted its interim report to the SAO, who issued a declination of prosecution on March 24, 2023.

This supplemental report provides the results of the previously outstanding examination and concludes the IID’s investigation.

**I. Autopsy Examination**

Eugene Douglas’ autopsy was conducted by Dr. Edernst Noncent, associate pathologist at the Office of Chief Medical Examiner, on August 5, 2022. The IID received the final autopsy report on May 15, 2023. Dr. Noncent found abrasions on the top of Mr. Douglas’ head, both elbows, knees, legs, ankles and feet. There was also an intramuscular hemorrhage near his right scapula. Of note, was that there was no evidence of injury to Mr. Douglas’ neck, spine or respiratory system. The opinion states:

This 58-year-old, adult black male, EUGENE DOUGLAS..., died of Fentanyl and Cocaine Intoxication with Cardiovascular disease. Reportedly, Mr. Douglas was acting erratically and was putting himself in harm’s way when bystanders attempted to restrain him for his safety. When police arrived, a bystander was already restraining him. Autopsy revealed no significant injury and toxicology positive for Fentanyl and Cocaine. Investigation to date only provides witness statements from police, fire and EMS personnel that were on scene after the bystander interaction/restraint with Mr. Douglas was initiated. The bystanders left the scene once EMS arrived. Since their accounts of the incident could play a significant role with regards to exactly what took place prior to and during police, fire and EMS presence, the extent to which restraint played a role cannot be definitively determined. Therefore, the manner of death is best certified as **COULD NOT BE DETERMINED.**<sup>1</sup>

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<sup>1</sup> 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. “Undetermined,” is used when the information pointing to one manner of death is no more compelling than one or more other competing manners of death. “A Guide for Manner of Death Classification”, First Edition, National Association of Medical Examiners, February 2002.

A comprehensive toxicology report was also provided. This report indicated that Mr. Douglas had both fentanyl and cocaine in his system.

## **II. Legal Analysis**

In the interim report, the IID conducted its legal analysis using the evidence available at that time, which did not include the autopsy report. The IID report made clear that the legal analysis would be reexamined if necessary once the autopsy report was final. While the discussion of the controlling law remains the same from the initial report, and the vast majority of facts as applied to the law remain the same, the addition of the autopsy report in this case does provide some additional information applicable to the legal analysis; that information is discussed below.

The autopsy report concluded that Mr. Douglas died of Fentanyl and Cocaine intoxication coupled with cardiovascular disease. This matches the assumption made in the interim report, and thus does not affect the legal analysis. However, the autopsy report's conclusion that manner of death is undetermined and its discussion of restraint are new facts that need to be considered in the legal analysis. More specifically, the autopsy report states that the fact that civilian witnesses could not be located for interviews left the medical examiner unable to conclusively determine to what degree the restraint of Mr. Douglas contributed to his death. Given that there is video evidence of everything that occurred once police arrived, the medical examiner's uncertainty seems to focus more on what took place prior to police presence, i.e. restraint by the civilian passersby. If the autopsy report is referring to the extent to which the civilians restrained Mr. Douglas, then the legal analysis in the interim IID report would not change.

On the other hand, the medical examiner's language leaves open the possibility that Officer Vilchez' restraint of Mr. Douglas was also a contributing factor in Mr. Douglas' death. If the autopsy report is referring to the actions of Officer Vilchez, those new facts affect the following analysis in the IID interim report. In the Excessive Force charge, the question of whether restraint was a contributory factor in the death is a component of whether the use of force itself was proportional. In the homicide and assault charges, it would be an aspect of whether the officer's conduct was objectively reasonable. Because there is strong documentation of Officer Vilchez's conduct via video, and given the very slight level of force used by Officer Vilchez, these new facts are unlikely to significantly change the prior analysis. If anything, the medical examiner's concerns about what occurred prior to police arrival would point away from finding culpability for Officer Vilchez. Ultimately, a factfinder would need to determine in each of those charges whether the medical examiner's inability to determine whether restraint was a contributing factor was a significant enough factor to change its determination as to whether charges were appropriate.

### **III. Conclusion**

This supplemental report has presented additional factual findings relevant to the investigation into the officer-involved death of Eugene Douglas in Baltimore, Maryland. This report concludes the IID's investigation into this matter. Please contact the IID if you would like us to undertake any additional investigative steps.