



INDEPENDENT INVESTIGATIONS DIVISION

Amended Report Concerning the Police-Involved Shooting
Death in Anne Arundel County on September 17, 2022

August 2, 2023

Amended Report of the Independent Investigations Division of the Maryland Office of the Attorney General Concerning the Officer-Involved Death of Anthony Maurice Hopkins on September 17, 2022

Pursuant to Md. Code, State Gov't § 6-602, the Office of the Attorney General's Independent Investigations Division (the "IID") provides this report to Anne Arundel County State's Attorney Anne Colt Leitess regarding the officer-involved death of Anthony Maurice Hopkins Sr. on September 17, 2022, in Harwood, Maryland.

The IID is charged with "investigat[ing] all police-involved incidents that result in the death of a civilian or injuries that are likely to result in the death of a civilian" and "[w]ithin 15 days after completing an investigation ... transmit[ing] 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). The IID completed its investigation on April 10, 2023. An earlier version of this report was provided to State's Attorney Anne Colt Leitess on April 11, 2023. The IID subsequently made minor changes to the report to better reflect its understanding of the Maryland Use of Force Statute. This amended report is being provided to State's Attorney Anne Colt Leitess on August 2, 2023.

I. Introduction

Anthony Maurice Hopkins Sr. died after being shot by Anne Arundel County Police Department ("AACoPD") officers on September 17, 2022. At 2:16 a.m., 911 dispatchers received a call from a woman saying her husband, Mr. Hopkins, had tried to kill her by choking her with a string. Mr. Hopkins's adult son also called 911 and reported that Mr. Hopkins was outside the home with a gun; while talking to dispatchers, he said he heard shots fired outside. Three AACoPD officers arrived at the home approximately two minutes later and proceeded slowly down the long wooded driveway to the Hopkins's home. As they did so, they heard several gunshots behind them, along the driveway. The officers turned and walked toward where the shots had come from; they did not see Mr. Hopkins, but they did notice a bullet hole near the driver's door of a police cruiser that had been left unattended in the driveway. Approximately nine minutes later, after three additional officers had arrived, Mr. Hopkins emerged from the woods across the street from the driveway; he was armed with a long-barreled pistol. Officers gave him commands to drop the gun and get on the ground, but Mr. Hopkins did not comply. Instead, he raised the gun towards officers. Officers fired at him, but he did not drop the gun or go to the ground. Mr. Hopkins again aimed his gun towards officers, and officers again fired at him. Five officers fired their service weapons. Mr. Hopkins fell to the ground, and officers approached to secure his gun and provide medical aid until paramedics arrived. Paramedics pronounced Mr. Hopkins dead on scene at 3:02 a.m.

This report includes an analysis of Maryland statutes that could be relevant in a case of this nature. The IID considered the elements of each possible criminal charge, the relevant departmental policies, and Maryland case law to assess whether any charge could be supported by the facts of this incident. Because the Anne Arundel County State's Attorney's Office—the Attorney General's Office—retains prosecution authority in this case, this report does not make recommendations as to whether any individuals should or should not be charged.

II. Factual Findings

The following findings are based on an examination of the shooting scene as well as a review of body-worn camera video, radio transmissions, ballistic analysis, the autopsy report, and interviews with civilian and law enforcement witnesses. All materials reviewed in this investigation are being provided to the Anne Arundel County State's Attorney's Office with this report and are listed in Appendix A.

The events described below occurred during darkness in an area with no streetlights; the weather was clear on the night of the incident.

A. Events Preceding the Shooting

At 2:16 a.m., 911 dispatchers received a call from [REDACTED] stating that her husband, Anthony Hopkins, had tried to kill her by strangling her with a string.¹ [REDACTED] said that she had fled to a neighbor's house, but that her son and mother-in-law were still at her home. [REDACTED] gave the family's address as [REDACTED] in Harwood, Maryland.

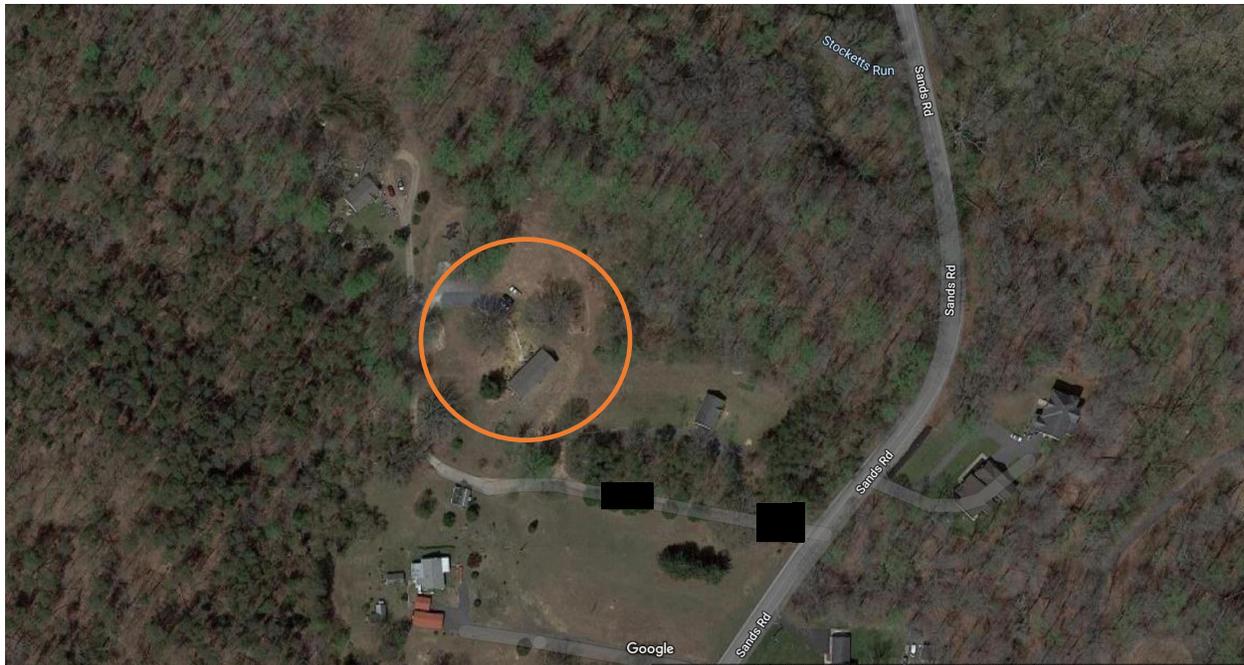


Image 1: Aerial view of the Hopkins family's home in Harwood, Maryland. The home is circled. The driveway, which also serves two other homes, is labeled on this map as [REDACTED]

At 2:22 a.m., the Hopkins's 19-year-old son, [REDACTED] also called 911. He said his father, Mr. Hopkins, was now outside the house. While on the phone, he said that Mr. Hopkins was at the back door to the home and had a gun in his hand. The son did not let Mr. Hopkins back in the house. Approximately three minutes later, the son said he heard gunshots

¹ Investigators later discovered that Mr. Hopkins had strangled [REDACTED] with a long cell phone charging cord.

outside the house, but he could not see where Mr. Hopkins was. Written and recorded police dispatch records indicate that this information was conveyed to responding officers by radio.

B. Police Response

The first AACoPD officer on scene, Corporal Zachary Devers, arrived at 2:28 a.m. Two other officers, Corporal Brian Dehn and Corporal Kalin Slayton, arrived two minutes later. The three officers parked near the end of the driveway to the Hopkins's home. All officers present for this incident activated their body-worn cameras. Unless otherwise noted, the following events are reflected in body-worn camera footage.



Image 2: Approximate positions of (A) Cpl. Devers's patrol SUV, (B) Cpl. Slayton's patrol SUV, (C) Cpl. Dehn's patrol SUV, and (D) where Mr. Hopkins ultimately emerged from the woods. The Hopkins's home is circled.

The officers spent several minutes in the driveway discussing how to approach the house. Based on the 911 call from Mr. Hopkins's son, officers knew that Mr. Hopkins was armed and outside the home. The home was approximately 200 yards down the driveway, which was lined by trees on both sides. The officers agreed to approach using a patrol SUV as a barrier. Cpl. Slayton began driving slowly down the driveway in the SUV, with Cpl. Devers and Cpl. Dehn walking behind.

One minute after they began moving toward the house, officers heard a series of gunshots coming from behind them. Cpl. Devers immediately said the shots were, "coming from the driveway back where the cars are parked." Officers radioed "shots fired" and began moving slowly back toward Sands Road. On officers' body-worn camera videos, approximately 14

gunshots can be heard. The officers on scene reported to other officers arriving later that they had heard approximately five to seven shots. Investigators later found two .22 caliber casings in Cpl. Slayton's empty patrol SUV and another four .22 caliber casings directly outside it. This SUV had remained parked and unattended in the driveway while officers moved toward the house. Ballistic analysis conducted after the shooting showed that the recovered casings matched Mr. Hopkins's .22 caliber pistol. None of the officers were equipped with .22 caliber weapons.

In the minutes following these shots, three additional AACoPD officers—Private First Class (“PFC”) Marina Hanlon, Corporal Jonathan Metcalf, and Sergeant Edward Burgstahler—arrived on scene. Cpl. Slayton began updating Sgt. Burgstahler on the situation when he noticed that his SUV had been hit by a bullet.² The officers said that the bullet holes led them to believe Mr. Hopkins was through the trees on the south side of the driveway, so they moved to focus their attention on that area.



Image 3: Photo of gunshot damage to Cpl. Slayton's patrol SUV. This photo was taken after the fatal shooting.

² After the shooting of the decedent, officers and investigators identified additional gunshot damage to Cpl. Slayton's patrol vehicle. Rounds had struck the upper corner of the windshield, the in-car computer screen, and the inside of the front passenger door. There is no indication officers were aware of this additional damage before the fatal shooting, though some of the damage can be seen on officers' body-worn camera videos while they looked for Mr. Hopkins.

For more than eight minutes after hearing the series of shots near the driveway, officers used flashlights to try to find Mr. Hopkins. They stood or walked slowly in the driveway or on Sands Road, looking into wooded areas where they believed the shots had come from.

C. The Shooting

At 2:45 a.m., PFC Hanlon noticed movement in the woods along Sands Road, opposite the end of the driveway. She began yelling commands to “come out” and “put your hands up,” which can be heard on her body-worn camera footage. Other officers began yelling similar commands. Mr. Hopkins can then be seen on camera walking out of the woods carrying the long-barreled pistol, prompting officers to yell for him to “drop it” and “get on the ground.”



Image 4: Image from PFC Hanlon’s body-worn camera as Mr. Hopkins walked out of the woods. The dog in this image is one of the Hopkins’s family dogs and was not injured.



Image 5: Image from PFC Hanlon's body-worn camera immediately before officers first fired.

Mr. Hopkins did not comply with officers' commands to drop the weapon or get on the ground. Instead, body-worn camera footage shows that he raised his gun towards officers. When he did so, officers fired. It appears based on body-worn camera video that PFC Hanlon, Cpl. Dehn, Cpl. Devers, Cpl. Metcalf, and Cpl. Slayton all fired at this time.



Image 6: Image from PFC Hanlon's body-worn camera after officers' first round of fire and before their second round of fire. Mr. Hopkins's gun can be seen in his right hand as he faces the driveway, where Cpl. Dehn, Cpl. Devers, Cpl. Slayton, and Sgt. Burgstahler stood.

This first series of shots began at 2:46:06 a.m. and continued for approximately five seconds. Officers then stopped firing, but Mr. Hopkins did not drop his weapon or go to the ground; it is not possible to determine whether he had been struck by officers' shots at this point. While officers paused, body-worn camera footage shows that Mr. Hopkins again raised his gun towards them. The same five officers that appear to have initially shot responded by firing again. AACoPD Sergeant Edward Burgstahler, who was also on scene, and Corporal Nicholas DiPietro, who arrived as officers first fired, did not fire.



Image 7: Enlarged image from Cpl. Dehn's body-worn camera as officers began their second round of fire. Mr. Hopkins's gun can be seen in his right hand, aimed in the direction of PFC Hanlon and Cpl. Metcalf on Sands Road.

Mr. Hopkins fell to the ground at 2:46:18 a.m., and officers stopped shooting. Cumulatively, the five officers had fired 47 times. The officers then approached Mr. Hopkins slowly with their weapons raised. They confirmed with each other that Mr. Hopkins had no access to weapons, then handcuffed him and began providing medical aid. Officers rolled Mr. Hopkins onto his back, identified his gunshot wounds, [REDACTED] and began chest compressions. Paramedics arrived approximately four minutes after the shooting and took over medical aid. After loading Mr. Hopkins into an ambulance, paramedics declared him dead at 3:02 a.m. Mr. Hopkins had been shot 11 times.

D. Medical Examination

Mr. Hopkins's autopsy was conducted by Dr. Babatunde Stokes of the Maryland Office of the Chief Medical Examiner on September 18, 2022. The IID received the autopsy report on April 5, 2023.

Dr. Stokes identified Mr. Hopkins's cause of death as multiple gunshot wounds and the manner of death as homicide.³ Mr. Hopkins sustained 11 gunshot wounds: to the face, right shoulder, back, left hand, right hand, left thigh, and right thigh, and two each to the right buttock and chest. None of the wounds showed evidence that they were fired from close range.

Toxicology testing showed that Mr. Hopkins had the hallucinogenic drug phencyclidine, also known as PCP, in his blood at the time of his death.

E. Ballistic Analysis

The Maryland State Police ("MSP") Forensic Sciences Division conducted a forensic examination of all five discharging officers' service weapons; 2 bullets, 1 bullet fragment, and 47 casings recovered from the shooting scene; 4 bullets and 2 bullet fragments recovered from Mr. Hopkins's body during the autopsy; and 3 bullet fragments recovered from the dog.

Analysts determined that Cpl. Dehn fired 14 shots, Cpl. Devers fired 9 shots, PFC Hanlon fired 8 shots, Cpl. Metcalf fired 11 shots, and Cpl. Slayton fired 5 shots. The shots to Mr. Hopkins's chest and face were fired by Cpl. Dehn. One shot to Mr. Hopkins's right buttock was fired by Cpl. Devers. And the shot to Mr. Hopkins's left hand was fired by Cpl. Metcalf. Testing on the bullet recovered from Mr. Hopkins's right thigh was inconclusive. The remaining shots were "through-and-through" injuries, meaning the bullet passed through Mr. Hopkins's body; these rounds were not recovered.

Analysts also determined that 6 bullet casings were fired from Mr. Hopkins's .22 caliber pistol. The casings were found near Cpl. Slayton's patrol SUV; two were in the back seat of the car and four were immediately outside the driver's side.

The three fragments recovered from the dog were not sufficient for ballistic analysis.

F. DNA Analysis

DNA from Mr. Hopkins was found on the .22 caliber pistol recovered next to his body after the shooting and on the drum magazine recovered near the edge of the wooded area from which Mr. Hopkins emerged before officers fired.

G. Civilian Witness Statements

IID investigators spoke to Mr. Hopkins's wife, son, mother, and neighbors following the shooting. None of these individuals reported seeing the shooting, but several said they saw the

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 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. These terms are not considered a legal determination, rather they are largely used to assist with public health statistics. "A Guide for Manner of Death Classification," First Edition, National Association of Medical Examiners, February 2002.

events leading up to it. Mr. Hopkins's family members also shared initial accounts with AACoPD officers and investigators shortly after the shooting; those statements were captured on officers' body-worn cameras. The statements at that time were consistent with their later, more detailed interviews.

1. [REDACTED] (Mr. Hopkins's Wife)

Mr. Hopkins's wife, [REDACTED] was interviewed by a Maryland State Police ("MSP") investigator at 5:26 a.m. on the morning of the shooting. [REDACTED] reported that shortly before the shooting, she was woken up by Mr. Hopkins choking her with a string or thin rope. She said Mr. Hopkins was behind her on the couple's bed, pulling the string so hard that she could not scream and ultimately lost consciousness. [REDACTED] said that her son and mother-in-law helped get Mr. Hopkins off her and that she then ran to a neighbor's house to call 911. [REDACTED] added that Mr. Hopkins is known to use PCP but she said she had not seen symptoms of him using it on the night of the incident. [REDACTED] reported that she did not hear any gunshots or see the shooting. Photographs of [REDACTED] taken by investigators on the day of the shooting and several days later show ligature marks around her neck, burst blood vessels in her eyes, and some bruises and scrapes to her knees, arms, and back.

2. [REDACTED] (Mr. Hopkins's Son)

Mr. Hopkins's son, 19-year-old [REDACTED] was interviewed by IID and MSP investigators at 8:59 a.m. on the morning of the shooting. He lives at the home with his parents and sleeps in a room beneath their bedroom. [REDACTED] said that at about 2:00 a.m., he heard a "yelp" or "moaning" from his parents' bedroom, as well as "shuffling" or "kicking," so he ran upstairs to find their bedroom door locked. When he asked if everything was okay, his father responded calmly that it was. But [REDACTED] said he still felt something was wrong, so he forced the door open with his shoulder. He found his mother being choked by his father with a long phone-charging cord; his father was on the bed and his mother was laying partially off the bed. [REDACTED] said he started hitting his father in the head with his fists, then bit him and grabbed his testicles to get him off his mother. He reported that his mother then left the bedroom and fled out of the house. [REDACTED] said his father put clothes on, then got a shotgun from a closet, which [REDACTED] took back out of his hands. His father then got a knife and went outside, where [REDACTED] saw him retrieve a Ruger pistol from the trunk of his car. [REDACTED] said that his father refused to calm down, so [REDACTED] went back inside, locked the door, and called 911. He said that while he was on the phone with 911, he heard about 20 gunshots, but he did not see any shots fired. [REDACTED] also said that his father had used PCP and cocaine in the past; he had not seen signs that his father had used drugs that day, but he said his father was "sneaky" about his drug use.

3. [REDACTED] (Mr. Hopkins's Mother)

Mr. Hopkins's mother, 68-year-old [REDACTED]⁴ was interviewed by IID and MSP investigators at 7:54 a.m. on the morning of the shooting. [REDACTED] lives at the

⁴ [REDACTED]
[REDACTED]

home. She said she was home with Mr. Hopkins all day prior to the incident and did not notice anything out of the ordinary. That night, she was in her bedroom when she heard her grandson, [REDACTED], saying, "open the door," outside his parents' bedroom. She said that when the door opened, she saw her son, Mr. Hopkins, choking his wife. [REDACTED] reported that her grandson got Mr. Hopkins off his wife by punching him near his jaw and then grabbing his testicles. She said they then got Mr. Hopkins's wife out of the house. [REDACTED] then went looking for her outside, including driving up and down Sands Road, but did not find her. [REDACTED] said that Mr. Hopkins was outside when she pulled back in the driveway, and that he told her to go inside. She did not see him with a weapon, but she later heard gunshots while her grandson was on the phone with 911.

4. [REDACTED]

Mr. Hopkins's neighbors, [REDACTED] who lived at [REDACTED] were interviewed by IID and MSP investigators at 1:25 p.m. on the day of the shooting. The [REDACTED] are the neighbors whose home [REDACTED] fled to after being strangled. They said that [REDACTED] was barefoot and in her nightgown when she arrived. The [REDACTED] reported that she kept saying, "he was trying to kill me," and saying that if it were not for her son, she would not be alive. The [REDACTED] said that after officers arrived in the area, they heard a rapid burst of gunshots; they said they had not heard any gunshots before officers arrived. After the gunshots, the [REDACTED] said EMTs came and took [REDACTED] to the hospital.

5. [REDACTED]

Mr. Hopkins's other neighbors, [REDACTED] who lived at [REDACTED] were interviewed by MSP investigators at 8:03 a.m. on the day of the shooting. The [REDACTED] home is directly in front of Mr. Hopkins's home, closer to Sands Road. They said they thought they heard a knock on their door, then saw police officers and cars in the area. They opened their front door around 2:40 a.m. and an officer told them to stay inside because someone was outside with a weapon. Less than ten minutes later, they said they heard officers yelling, "drop your weapon," and then heard "multiple" shots fired within a 15- to 20-second period. [REDACTED] also said that Mr. Hopkins had been "acting strange" the past two weeks, including repeating himself multiple times when they spoke; [REDACTED] thought he could have been using drugs.

H. Paramedic Statements

IID investigators spoke to the paramedic, John Browning, and EMT, Paul Kaler, who provided aid to Mr. Hopkins after the shooting. Mr. Browning and Mr. Kaler reported that they had been called for an assault but were told to wait a couple blocks away because the scene was not secure. While they waited, they were told a suspect had been shot. They continued to the scene and saw Mr. Hopkins on the ground with officers around him. Mr. Browning said that he saw gunshot wounds [REDACTED]. Both paramedics said officers were [REDACTED] and then began chest compressions. Mr. Browning's written report said Mr. Hopkins was pulseless when paramedics arrived, which body-worn camera video shows to have been 2:50 a.m., four minutes after the shooting. Mr. Browning and Mr. Kaler had officers

remove the handcuffs from Mr. Hopkins, then moved him onto a stretcher and put him in the ambulance. There, they continued CPR for two minutes before pronouncing him dead at 3:02 a.m. Neither paramedic reported that anyone told them anything about what had happened leading up to the shooting.

I. Law Enforcement Officers' Statements

Under Maryland law effective July 1, 2022, a police officer must “fully document all use of force incidents that the officer observed or was involved in.” Public Safety § 3-524(e)(4). The law does not provide further guidance about what “fully document” means. Under AACoPD policy, officers involved in deadly force incidents do not need to submit reports. *See* Appendix B, XI(B)(2)(a), (b). Instead, an Incident Report must be written by another officer and a Use of Force report must be written by the involved officer’s supervisor. *Id.*

All subjects of criminal investigations—including police officers—have a right under the Fifth Amendment not to make any statement. That right also applies to written statements. Thus, if a statement is directly ordered, the result of threat, or otherwise compelled (*i.e.*, not voluntary), it cannot be used against an officer in a criminal investigation and should not be considered by criminal investigators. *Garrity v. State of N.J.*, 385 U.S. 493 (1967) (holding that officers’ statements made under threat of termination were involuntary); *Department of Public Safety and Correctional Services v. Shockley*, 142 Md. App. 312, 325 (2002) (“the dispositive issue is whether [the supervisor] **demand**ed that the appellee answer the questions”) (emphasis in original).

1. Discharging Officers

None of the five discharging officers in this incident provided written or verbal statements. AACoPD supervisors told IID investigators that the discharging officers were not asked to write reports because the Department had concerns that such an order would violate the officers’ Fifth Amendment protections. Cpl. DiPietro, a witness officer, and Sgt. Burgstahler, a witness officer and the discharging officers’ supervisor, did complete reports.

While the involved officers declined to be interviewed following the shooting, several of them made statements about the shooting while on scene that were captured on body-worn camera video. All of the officers’ statements are consistent with other evidence and body-worn camera video.

a. Private First Class Hanlon

Approximately eight minutes after the shooting, PFC Hanlon spoke to other officers about certain elements of what had happened. She said, “None of us were even looking that way,” referring to the woods Mr. Hopkins emerged from. She said she “heard a noise, looked over, seen him, started yelling at him.” Referring to how Mr. Hopkins had gotten to that section of woods, PFC Hanlon said the other officers “were still down that way down the drive when you [Cpl. Metcalf] and I pulled up, so he [Mr. Hopkins] probably ran across the road.” She also

said, “I’m surprised he didn’t start shooting at us already because he had to be watching us for a minute at least.”

b. Corporal Slayton

At about the same time PFC Hanlon made these statements, Cpl. Slayton spoke to Cpl. Devers and other officers near Cpl. Slayton’s patrol SUV. The officers looked at the bullet holes in Cpl. Slayton’s cruiser, and Cpl. Slayton indicated the bullet hole above his door was from when the officers were farther down the driveway, not when officers fired at the decedent. A few minutes later, Cpl. Slayton said to another officer that the decedent had been hit “multiple” times, in the “torso and extremities.” He and Cpl. Devers then revisited the bullet holes to the SUV, with Cpl. Slayton saying, “He came up through the field here [the yard to the south of the driveway]; shot at our vehicles while we were staged.” Cpl. Devers commented that, “I knew this driveway was going to be a problem,” and Cpl. Slayton responded that it was a “nasty area.” Later, Cpl. Slayton answered another officer’s question about where Mr. Hopkins was when they fired at him: “He came out somewhere between where that yellow sign and those trees are, into the roadway [Sands Drive]; was advancing toward officers here. And we had four on a line at least; four or five, six of us. Between here [near Cpl. Slayton’s SUV in the driveway] and where the ambo [ambulance] is parked [on Sands Drive].” Cpl. Slayton also told Sgt. Burgstahler and another officer that he and the other initial officers on scene never made it to the Hopkins’s home because they heard shots behind them as they were going down the driveway, so they turned back around.

c. Corporal Devers

Cpl. Devers was part of the conversation described above with Cpl. Slayton. In addition to those statements, Cpl. Devers told Cpl. Slayton, “We were at my car [deeper down the driveway] when you all started yelling. And then we came up here and that’s when he started waving the gun.” Talking to another officer on a small hill next to the driveway, Cpl. Devers said he thought Mr. Hopkins was up on that hill near the entrance of the driveway, shooting at Cpl. Slayton’s SUV, while the officers were moving down the driveway toward the home. Later, Cpl. Devers said the officers had heard “five, six, seven” shots from Mr. Hopkins while they were farther down the driveway.

d. Corporal Dehn

Approximately twenty-five minutes after the shooting, Cpl. Dehn spoke briefly with Cpl. Devers. Cpl. Dehn said that soon after they arrived, he had heard something in the tree line along the driveway, which must have been the decedent. Cpl. Dehn said, “He must’ve been in there [the tree line] then. And thought someone was still in the car [Cpl. Slayton’s cruiser].” Cpl. Dehn did not make any comments about the shooting itself that were captured on body-worn cameras.

e. Corporal Metcalf

Cpl. Metcalf did not make any statements about the incident that were captured on body-worn cameras.

2. Witness Officers

The IID interviewed the two AACoPD officers who were present for the shooting but did not fire. Both officers also completed written reports. Several other AACoPD officers also wrote reports describing their response after the shooting, but none had seen the shooting itself or the preceding events. All officers' verbal and written statements were consistent with other evidence and body-worn camera video.

a. Sergeant Burgstahler

AACoPD Sergeant Edward Burgstahler was interviewed by an IID investigator at 8:45 a.m. on the morning of the shooting. He reported that Corporals Dehn, Devers, and Slayton were the initial officers reporting to the call for a domestic incident. While they were driving to the scene, the officers were told that shots had been fired outside the home. When Sgt. Burgstahler arrived, the three officers were coming back toward Sands Road from farther down the driveway; they said they had heard approximately five shots fired from the side of the driveway. Sgt. Burgstahler said that PFC Hanlon and Cpl. Metcalf arrived after he did, and he positioned them on Sands Road. Sgt. Burgstahler said that while he spoke to Cpl. Slayton next to Cpl. Slayton's cruiser, they saw a bullet hole "right above his driver window," so they moved to take cover on the other side of the SUV.

Sgt. Burgstahler said that while they were taking cover there, paying attention to the woods where that shot would have come from, he heard PFC Hanlon yelling on Sands Road. He then saw Mr. Hopkins come out of the woods with a firearm, lowering it and raising it several times. PFC Hanlon and Cpl. Metcalf gave Mr. Hopkins commands, but Mr. Hopkins "just held [the gun] at them." He said officers—he was not sure exactly who—fired at Mr. Hopkins. The shots appeared to not affect Mr. Hopkins, and officers fired again. Sgt. Burgstahler did not fire his weapon. Sgt. Burgstahler said the officers approached Mr. Hopkins after the shooting, saw he did not still have a weapon, handcuffed him, and then provided aid until paramedics arrived.

b. Corporal DiPietro

AACoPD Corporal Nicholas DiPietro was interviewed by IID and MSP investigators at 6:30 a.m. on the morning of the shooting. He said he arrived at the scene of the shooting around the same time officers first fired at Mr. Hopkins. He reported that he had heard on the radio that Mr. Hopkins had a gun and had fired shots while officers were present. Cpl. DiPietro arrived and immediately heard "a lot of gunshots." He radioed, "shots fired," then took cover behind a car and heard officers yelling, "show us your hands," to Mr. Hopkins. Officers approached Mr. Hopkins, and Cpl. DiPietro said they visually ensured Mr. Hopkins was not armed. He then called for paramedics, who arrived fairly quickly. Cpl. DiPietro said he checked in with other officers to ensure they were alright.

J. The Injured Dog

Fifteen minutes after the shooting, Cpl. Slayton and Sgt. Burgstahler noticed an injured dog in the front passenger footwell of Cpl. Slayton's patrol SUV. Sgt. Burgstahler opened the passenger door and then reported by radio that the dog had been shot. Communications records show that dispatchers made arrangements for the dog to be taken to an animal hospital. After examining the dog and taking x-rays, a veterinarian identified bullet fragments in the dog's spine and the decision was made to euthanize the dog. The dog belonged to Mr. Hopkins's family.

After the dog was euthanized, it was taken to the Office of the Chief Medical Examiner for recovery of the bullet that struck it. The Office of the Chief Medical Examiner recovered several bullet fragments, but the MSP Forensic Sciences Division determined the fragments were not sufficient for ballistic analysis.

Nonetheless, the available evidence indicates that Mr. Hopkins shot the dog. After the shooting, investigators found bullet casings matching Mr. Hopkins's gun in and outside the SUV where the dog was found; two casings were inside the SUV and four were immediately outside it on the driver's side. Body-worn camera videos show that officers left the SUV unattended when they walked down the driveway toward the Hopkins's home. They then heard gunshots from the area of the SUV, and the driver's door of the SUV was open when they returned. Additionally, officers' body-worn camera videos show that the shots fired by officers—which all occurred during their confrontation with Mr. Hopkins—were directed away from this SUV. Therefore, the available evidence indicates that Mr. Hopkins, not officers, shot the dog.

It is not possible to determine how or when the dog got into Cpl. Slayton's SUV, but it could have entered the open SUV door and then been shot by Mr. Hopkins, or Mr. Hopkins could have shot it immediately outside the cruiser and then placed it inside. Another family dog, which can be seen on the video and in some of the still images above, was not injured.

III. Involved Parties' Backgrounds

As part of its standard investigative practice, the IID obtained information regarding all involved parties' criminal histories, and the departmental internal affairs records and relevant training of the involved officers. To the extent it exists, any criminal history is being provided to the State's Attorney's Office with this report.

In this case, this information did not affect the analysis of potential criminal charges.

A. Anthony Maurice Hopkins

Mr. Hopkins was a 48-year-old Black man who lived in Harwood, Maryland.

B. Corporal Brian Dehn

Corporal Dehn is a white man who was 30 years old at the time of this shooting. He was hired by AACoPD on September 12, 2013, and graduated from the police academy on April 3,

2014. [REDACTED] Cpl. Dehn has no prior Internal Affairs investigations for the use of force. He has not been involved in any shootings prior to this incident.

C. Corporal Zachary Devers

Corporal Devers is a white man who was 32 years old at the time of this shooting. He was hired by AACoPD on September 27, 2012, and graduated from the police academy on April 11, 2013. [REDACTED] Cpl. Devers was the subject of two prior Internal Affairs investigations for the use of force, as required by AACoPD policy after any use of force incident. His actions were found to be “within policy” in each incident. The IID reviewed these incidents and concluded that they had no bearing on this investigation. Cpl. Devers has not been involved in any shootings prior to this incident.

D. Private First-Class Marina Hanlon

PFC Hanlon is a white woman who was 25 years old at the time of this shooting. She was hired by AACoPD on October 18, 2018, and graduated from the police academy on May 13, 2019. [REDACTED] PFC Hanlon was the subject of three prior Internal Affairs investigations for the use of force, as required by AACoPD policy after any use of force incident. Her actions were found to be “within policy” in each incident. The IID reviewed these incidents and concluded that they had no bearing on this investigation. PFC Hanlon has not been involved in any shootings prior to this incident.

E. Corporal Jonathan Metcalf

Corporal Metcalf is a white man who was 33 years old at the time of this shooting. He was hired by AACoPD on August 11, 2016, as a lateral hire from the Laurel Police Department (“LPD”). He was hired by LPD on August 12, 2012, graduated from the police academy on April 19, 2013, and resigned from LPD on August 10, 2016. [REDACTED] Cpl. Metcalf has no prior Internal Affairs investigations for the use of force, with either AACoPD or the Laurel Police Department. He has not been involved in any shootings prior to this incident.

F. Corporal Kalin Slayton

Corporal Slayton is a white man who was 32 at the time of this shooting. He was hired by AACoPD on May 9, 2013, and graduated from the police academy on November 21, 2013. [REDACTED] Cpl. Slayton has no prior Internal Affairs investigations for the use of force. He has not been involved in any shootings prior to this incident.

IV. Applicable Policies

AACoPD has the following policy concerning officers’ use of force and duty to render medical aid. The complete policy is attached as Appendix B.

A. AACoPD Use of Force Policy

This policy, which was last updated July 1, 2022, states that officers “may only use force which, under the totality of the circumstances, is necessary and proportional to protect against an imminent threat of physical injury to a person or effectuate a legitimate law enforcement objective.” It states that force is necessary when “there are no reasonable or feasible non-force alternatives” to accomplish the same legitimate law enforcement ends. It states that force is proportional when “reasonably required” to accomplish a legitimate end and not “too severe in relation to the value of the interest that the officer seeks to protect.”

The policy further provides that officers “may use deadly force when the officer reasonably believes that the action is in defense of human life, including the officer’s own life, or in defense of any person who is in immediate danger of serious physical injury.”

The policy states that “officers are responsible for obtaining medical aid for individuals who complain of, or show signs of[,] injury as a result of any use of force. Officers will request an ambulance and begin medical evaluation and care of such individuals as soon as practical.”

Regarding officers’ obligations to report uses of force, the policy provides that officers will report any firearm discharge and any action that results in injury or death. However, when an officer uses deadly force, “[a]nother officer will complete the incident report” and “[a] supervisor will complete the Use of Force Report.”

V. Applicable Law & Analysis

The IID analyzed Maryland statutes that could be relevant in a shooting of this nature. This section presents the elements of each possible criminal charge, analyzes these elements, and reviews any potential defenses considering the findings discussed above.

A. Excessive Force

Effective July 1, 2022, the Maryland Use of Force Statute makes it a crime for officers to intentionally use force that is not, “under the totality of the circumstances . . . necessary and proportional to: (i) prevent an imminent threat of physical injury to a person; or (ii) effectuate a legitimate law enforcement objective.” Public Safety § 3-524(d)(1). The statute also requires that “when time, circumstances, and safety allow, [officers shall] take steps to gain compliance and de-escalate conflict without using physical force.” Public Safety § 3-524(e)(1).

To prove excessive force, the State must prove: (1) that the defendant was a police officer;⁵ (2) that the defendant used force against Mr. Hopkins; (3) that the force used was not necessary and proportional to prevent an imminent threat of physical injury to the defendant or another person, or to effectuate a legitimate law enforcement objective; (4) that the defendant intended to use such force; and (5) that the use of force resulted in serious bodily injury or death

⁵ A “police officer” includes any police officer as defined in Public Safety § 3-201 or a special police officer as defined in Public Safety § 3-301. Public Safety § 3-524(b)(3)(i), (ii).

to Mr. Hopkins. MPJI-Cr 4:36 Unlawful Use of Force by a Police Officer, MPJI-Cr 4:36 (2d ed. 2022). In determining whether the defendant’s use of force was necessary and proportional, the factfinder should consider all the surrounding circumstances. *Id.*

Before the Use of Force Statute was enacted, Maryland had no specific crime punishing officers’ use of excessive force. Instead, officers could be charged with the same crimes as any civilian, including force-related crimes such as murder, manslaughter, and assault. Officers could not be convicted of these offenses if they had acted reasonably; that is, if they acted as a reasonable officer would given the circumstances. Now, with the Use of Force Statute, officers may still face these traditional charges, but they may also face the specific charge of using excessive force if the force they used was not necessary and proportional given the totality of the circumstances.

The third element of the jury instruction requires the State to prove that the force used by the officers was not necessary and proportional to prevent an imminent threat of physical injury to officers or other individuals, or to effectuate a legitimate law enforcement objective. Public Safety § 3-524(d)(1). The terms “necessary” and “proportional” are not defined by statute or by Maryland caselaw. However, [an opinion](#) issued by the Office of the Attorney General concluded that the “necessary and proportional” standard “involves three core principles”:

First, the use of force is not “necessary” unless there is no reasonable alternative to using force that, under the circumstances would safely and effectively achieve the same legitimate ends. Second, even when the use of some force is necessary, the degree and amount of force must correspond to, and be appropriate in light of, the objective that the officer aims to achieve. Third, the proportionality requirement further prohibits an officer from using force if the harm likely to result is too severe in relation to the value of the interest that the officer seeks to protect.

107 Md. Op. Att’y Gen. 33, 66 (Feb. 25, 2022) (emphasis added).

As mentioned above, the statute provides that the use of necessary and proportional force may be appropriate to “prevent an imminent threat of physical injury to a person” or to “effectuate a legitimate law enforcement objective.” Public Safety § 3-524(d)(1)(i), (ii). “Imminent” is defined as “likely to occur at any moment; impending.” *Howell v. State*, 465 Md. 548, 564 n. 15 (2019).⁶ Officers must have probable cause to believe that an individual poses such an imminent threat. *Estate of Blair*, 469 Md. at 23. Probable cause “means something less than ‘more likely than not.’” *Whittington v. State*, 474 Md. 1, 41 n. 29 (2021) (quoting *Freeman v. State*, 249 Md. App. 269, 301 (2021) (cleaned up)).

The Use of Force Statute does not define “legitimate law enforcement objective,” but other sections of the Public Safety Article provide some guidance. For example, Section 3-701 defines “legitimate law enforcement objective” as “the detection, investigation, deterrence, or

⁶ “Imminent” differs from “immediate,” which means “occurring or accomplished without lapse of time; instant; of or relating to the present moment.” *Howell*, 465 Md. at 564 n. 15. However, imminence still requires a reasonable degree of proximity and specificity; a threat that may occur “sometime in the future” is not imminent. *Madrid v. State*, 474 Md. 273, 339 (2021).

prevention of crime, or the apprehension and prosecution of a suspected criminal.” Public Safety § 3-701(a)(7); *see also* Public Safety § 3-509(a)(8) (defining a “legitimate law enforcement purpose” as “the investigation, detection, or analysis of a crime or a violation of the Maryland vehicle laws or the operation of terrorist or missing or endangered person searches or alerts”).

The Use of Force Statute specifically provides that an officer must cease the use of force when either of the above conditions is no longer met, or when the target of the force is under the officer’s control. Physical restraint is not a prerequisite to “control.” *Michigan v. Long*, 463 U.S. 1032, 1051 (1983) (“During any investigative detention [*i.e.*, a *Terry* stop], the suspect is ‘in the control’ of the officers in the sense that he may be briefly detained against his will.”) (cleaned up). An individual who is complying with an officer’s commands without physical restraint is under the officer’s control because the officer has a “directing influence” over them. *See Bryant v. State*, 229 Md. 531, 537 (1962) (citations omitted) (applying dictionary definitions of “control,” *i.e.*, “to exercise restraining or directing influence over”); *cf. Bailey v. State*, 412 Md. 349, 371 (2010) (“Although the display of force often involves placing the individual who is seized in handcuffs, application of handcuffs is not a necessary element of an arrest.”); *Henderson v. State*, 89 Md. App. 19, 23 (1991) (suspect was not seized where he “was neither under the physical control of the officers, nor was he acquiescing to their authority”).

The fourth element of the jury instruction requires that the officers intended to use force. While it is possible the General Assembly meant only that the officer’s actions must have been intentional, it is more likely the General Assembly meant to require that the officer knew the level of force that would have been permissible and intentionally crossed that threshold. The Office of the Attorney General’s Opinions Division stated in a January 18, 2023, [advice letter](#) to the Prince George’s County State’s Attorney’s Office that this latter interpretation was better supported by the plain language of the statute.⁷ Letter of Assistant Attorney General Rachel A. Simmons to State’s Attorney Aisha N. Braveboy, Prince George’s County State’s Attorney’s Office (Jan. 18, 2023).

In this case, based on the available evidence, it is unlikely the State could prove any officer’s force intentionally exceeded that which was necessary and proportional. Regarding necessity, officers attempted to resolve the situation by giving Mr. Hopkins verbal commands to drop the gun and get on the ground, but he did not comply. Instead, he aimed his pistol towards them. Officers had reason to believe the gun was loaded and operational because Mr. Hopkins had fired it before they arrived and again at their unoccupied patrol SUV. They also had specific reason to believe Mr. Hopkins would use deadly force against them because he had shot at the patrol SUV. Because of their distance and the imminence of the threat posed, officers had neither the opportunity to use non-lethal force, such as a Taser or OC (oleoresin capsicum) spray, nor the opportunity to de-escalate the situation. Regarding proportionality, Mr. Hopkins aimed his pistol towards officers, presenting a deadly threat. Particularly given the lack of reasonable alternatives, the use of deadly force was proportional to the threat posed and the officers’ interest in protecting the physical safety of themselves and other officers. Regarding their obligation to

⁷ The Opinions Division is a unit within the Office of the Attorney General that is responsible for answering significant legal questions involving Maryland law or other law that governs the actions of Maryland public officials. The Division issues both formal opinions and less formal advice letters; neither serves as binding precedent, though they may be used as persuasive authority.

timely cease using force, officers initially stopped firing after Mr. Hopkins lowered his gun. They resumed firing when he again raised the gun, but they stopped when he fell to the ground. Based on this evidence, it would be difficult for the State to prove that officers' use of deadly force violated the Maryland Use of Force Statute.

B. Homicide Charges

In addition to the new excessive force charge, officers may still be charged with traditional statutory and common law offenses. There are two charges related specifically to officers killing Mr. Hopkins that could be relevant given the facts of this incident: intentional second-degree murder and voluntary manslaughter.⁸

Intentional second-degree murder is a killing done with "either the intent to kill or the intent to inflict such serious bodily harm that death would be the likely result," but which is not "willful, deliberate, and premeditated." MPJI-Cr 4:17.2 Homicide—First Degree Premeditated Murder, Second Degree Specific Intent Murder and Voluntary Manslaughter (Perfect/Imperfect Self-Defense and Perfect/Imperfect Defense of Habitation), MPJI-Cr 4:17.2 (2d ed. 2022). To prove this charge, the State must establish: "(1) that the defendant caused the death of [Mr. Hopkins]; (2) that the defendant engaged in the deadly conduct either with the intent to kill or with the intent to inflict such serious bodily harm that death would be the likely result; (3) that the killing was not justified; and (4) that there were no mitigating circumstances." *Id.* "If a man voluntarily and wil[l]fully does an act, the natural and probable consequences of which is to cause another's death, an intent to kill may be inferred from the doing of the act." *Lindsay v. State*, 8 Md. App. 100, 105 (1969); *see also Chisum*, 227 Md. App. at 133, 136.

An officer's use of deadly force may be legally justified or mitigated if it is done in self-defense, in defense of others, or pursuant to law-enforcement justification.

Self-defense and defense of others may be either complete (*i.e.*, the use of deadly force was completely justified) or partial (*i.e.*, the use of deadly force was partially, but not completely, justified). If the defendant acted in complete self-defense or complete defense of others, no assaultive charge, including murder and manslaughter, is appropriate. MPJI-Cr 4:17.2; MPJI-Cr 4:17.3 Homicide—First Degree Premeditated Murder, Second Degree Specific Intent Murder and Voluntary Manslaughter (Perfect/Imperfect Defense of Others), MPJI-Cr 4:17.3 (2d ed. 2022). If the defendant acted in partial self-defense or partial defense of others, the appropriate charge is voluntary manslaughter rather than second-degree murder. *Id.* To prove voluntary manslaughter, the State must prove that the defendant: (1) caused the death of Mr. Hopkins; and (2) intended to kill Mr. Hopkins. MPJI-Cr 4:17.2; MPJI-Cr 4:17.3. The State must also disprove the defenses of complete self-defense and complete defense of others.

Complete self-defense exists where: "(1) the defendant was not the aggressor"; "(2) the defendant actually believed that [they were] in immediate or imminent danger of death or serious bodily harm; (3) the defendant's belief was reasonable; and (4) the defendant used no more force

⁸ First-degree murder is not analyzed because there is no evidence that officers' killing of Mr. Hopkins was premeditated. Unintentional ("depraved heart") second-degree murder and involuntary manslaughter are not analyzed because there is no dispute that officers intended to fire at Mr. Hopkins.

than was reasonably necessary to defend [themselves] in light of the threatened or actual force.” MPJI-Cr 4:17.2; *see also Porter v. State*, 455 Md. 220, 234-36 (2017). Partial self-defense exists where the first two of these elements are present, but the defendant either unreasonably believed danger to be imminent or unreasonably believed the amount of force they used was necessary. MPJI-Cr 4:17.2.

Complete defense of others exists where: “(1) the defendant actually believed that the person [they were] defending was in immediate or imminent danger of death or serious bodily harm; (2) the defendant’s belief was reasonable; (3) the defendant used no more force than was reasonably necessary in light of the threatened or actual force; and (4) the defendant’s purpose in using force was to aid the person [they were] defending.” MPJI-Cr 4:17.3. Partial defense of others exists where the first and fourth of these elements are present, but the defendant either unreasonably believed the person they were defending was in immediate or imminent danger or unreasonably believed the amount of force they used was necessary. *Id.*

Law-enforcement justification exists where an officer uses “only that amount of force reasonably necessary under the circumstances to discharge his duties.” *Wilson v. State*, 87 Md. App. 512, 520 (1991). The defense provides that in using reasonably necessary force, officers are “not liable civilly or criminally for the assault or battery that may result, including, if necessary, the use of deadly force.” *Id.* at 519. The rationale for this justification is that officers’ duties are “markedly different” from those of ordinary citizens, requiring that officers “threaten deadly force on a regular basis.” *Koushall*, 249 Md. App. at 728-29. To use deadly force, an officer must have “probable cause to believe that the suspect poses a threat of serious physical harm.” *Estate of Blair*, 469 Md. at 23-24 (quoting *Tennessee v. Garner*, 471 U.S. 1, 11 (1985)).

Each of these defenses is viable only if an officer acted reasonably. The reasonableness of an officer’s actions “must be evaluated not from the perspective of a reasonable civilian but rather from the perspective of a reasonable police officer similarly situated.” *State v. Albrecht*, 336 Md. 475, 501 (1994). A court will consider “the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *State v. Pagotto*, 361 Md. 528, 555 (2000) (quoting *Graham*, 490 U.S. at 397). However, “an objectively reasonable officer would use deadly force *only* when threatened with serious physical harm.” *Estate of Blair*, 469 Md. at 24 (emphasis in original). Violations of departmental policy are one “factor to be considered in determining the reasonableness of police conduct.” *Pagotto*, 361 Md. at 557 (citations omitted).

There has not yet been any judicial analysis of how the new Maryland Use of Force Statute, discussed above, affects this common law reasonableness analysis. It is possible that the new “necessary and proportional” standard supplants reasonableness as the benchmark against which officers’ conduct should be measured. But it is also possible that the new standard applies only to the new excessive force offense created by the Maryland Use of Force Statute, leaving reasonableness as the appropriate standard for other offenses. The Office of the Attorney General’s Opinions Division concluded that this latter interpretation is more likely for several reasons, including the fact that the General Assembly did not express an intent to supersede the existing reasonableness standard for offenses other than the newly created excessive force crime.

Letter of Assistant Attorney General Rachel A. Simonsen to State's Attorney Aisha N. Braveboy, Prince George's County State's Attorney's Office (Jan. 18, 2023).

The Opinions Division noted, however, that necessity and proportionality may still be salient factors in the reasonableness determination because the new standard has now been incorporated into law enforcement policies and training statewide. *Id.* The [advice letter](#) states: “Maryland’s appellate courts have often considered an officer’s compliance with police department policies or training guidelines when assessing the reasonableness of the officer’s use of force.” *Id.* (citing *Koushall*, 479 Md. at 152, 156 & n.11 (non-compliance with departmental policy “highlight[ed] the [officer’s] unreasonable use of force under the circumstances”); *Albrecht*, 336 Md. at 477-78, 487, 502-03 (noting that “the record [was] replete with evidence . . . that [the officer] did not comply with . . . departmental guidelines, procedures or practices” and, thus, did not “act as a reasonable police officer under the circumstances” but, rather acted “in a grossly negligent and reckless manner”); *Pagotto*, 361 Md. at 550-53 (considering three departmental guidelines about how to approach a suspect when analyzing convictions for involuntary manslaughter or reckless endangerment)).

In this case, the available evidence would make it difficult to prove that any officer’s use of deadly force was not in complete self-defense, in complete defense of others, or pursuant to law-enforcement justification. As discussed in the Excessive Force section above, the officers attempted to end the confrontation by giving Mr. Hopkins verbal commands, but he instead aimed his gun at them. They did not have less-than-lethal force options available and knew that Mr. Hopkins had already fired outside his home and at the police SUV. Given the threat Mr. Hopkins posed when he aimed his gun at officers, the available evidence would make it difficult to prove that any officer was not legally justified when they used deadly force.

As an additional note, none of the five discharging officers wrote a report following this incident. Public Safety § 3-524(e)(4) requires that officers “fully document” use of force incidents that an officer witnessed or was involved in. The statute does not, however, define what “fully document” means. In this case, AACoPD leadership told IID investigators that the five discharging officers were not instructed to complete reports. The primary concern voiced by AACoPD leadership was that such an instruction could violate the officers’ Fifth Amendment protections against self-incrimination, thus rendering any statements made by the officers compelled. *See Garrity*, 385 U.S. 493; *State v. Martin*, 113 Md. App. 190, 228 (1996); *Shockley*, 142 Md. App. at 235. Instead, consistent with AACoPD policy, uninvolved officers completed reports about this incident.

C. Other Charges

There are additional potential charges that are not discussed further because they would merge with the homicide charges discussed above. Those charges include: first-degree assault, *Sifrit v. State*, 383 Md. 116, 137 (2004); and reckless endangerment, *Williams v. State*, 100 Md. App. 468, 490-91 (1994). The analysis of these charges would parallel that of the charges above.

There are other charges which could not be proven unless the State proved one of the charges above as a requisite predicate offense. Those charges include: use of a firearm in the

commission of a crime of violence, Criminal Law § 4-204(b); and misconduct in office, a common law offense. For the reasons discussed above, it is unlikely the State could prove that officers used force unreasonably, unnecessarily, or disproportionately, as would be required to prove either of these charges. Also, specifically regarding misconduct in office, there is no evidence the officers acted with the “depravity, perversion, or taint” necessary to establish the required corrupt intent. *Sewell v. State*, 329 Md. App. 571, 604 (2018) (citation omitted).

VI. Conclusion

This report has presented factual findings and legal analysis relevant to the fatal shooting of Anthony Hopkins that occurred on September 17, 2022, in Anne Arundel County, Maryland. Please feel free to contact the IID if you would like us to supplement this report through any further investigation or analysis.

Appendices

Appendix A – Materials Reviewed

911 Calls (3 audio recordings)
Body-Worn Camera Video (63 recordings)
CAD Reports (5 items)
Civilian Witness Documents (3 items)
Civilian Witness Statements (9 interviews, 2 interview session reports, and 2 screenshots)
Communications Audio (1 recording)
Decedent Documents (4 items)
Departmental Policies (3 policies)
IA History and Training Records (124 items)
Lab Reports (58 items)
Medical Records (6 items)
MSP Reports (1 Brief and 16 supplements)
OAG Reports (12 reports)
OCME Report (1 report)
Officer Witness Statements (3 interviews and 1 sketch)
Other Video (2 recordings)
Photographs (665 photos)
Police Reports (8 reports and 48 photos)
Search Warrant (3 items)
Subpoenas (4 items)

All materials reviewed have been shared with the Anne Arundel County State's Attorney's Office via a secure filesharing service.

Appendix B – Relevant Anne Arundel Departmental Policies

See attached policies.

Appendix B
Relevant Anne Arundel Departmental Policies



USE OF FORCE

INDEX CODE: 401
EFFECTIVE DATE: 07-01-22

Contents:

- I. Purpose
- II. Policy
- III. *Necessary Force*
- IV. *Proportional Force*
- V. Deadly Force
- VI. Firearms Regulations
- VII. Less-Lethal Force
- VIII. Non-Lethal Force
- IX. Medical Aid
- X. Weapons & Ammunition
- XI. Reporting Uses of Force
- XII. Department Response
- XIII. Disclaimer
- XIV. Proponent Unit
- XV. Cancellation

I. PURPOSE

The purpose of this policy is to provide police officers with guidelines on the use of force, including deadly, less-lethal, and non-lethal force. A reverence and respect for the dignity of all persons and the sanctity of human life shall guide all training, leadership, and procedures, as well as guide officers in the use of force. This policy adheres to all applicable Federal, State, and Local laws.

II. POLICY

It is the policy of the Anne Arundel County Police Department that police officers may *only* use force *which, under the totality of the circumstances, is necessary and proportional to protect against an imminent threat of physical injury to a person or effectuate a legitimate law enforcement objective. "Totality of circumstances" analysis includes:*

- A. the nature and seriousness of the alleged offense committed; the size, strength, condition, and mental state of the suspect;*
- B. whether the suspect is actively resisting arrest; the suspect's violent history (if known);*
- C. whether the suspect appears to have access to a weapon; whether the suspect appears to be under the influence of drugs or alcohol that may impact the suspect's mobility or tolerance for pain;*
- D. whether there is a hostile crowd present at the scene;*
- E. the potential for officers or bystanders to be injured by the suspect's or responding officers' use of force;*
- F. the circumstances leading up to the moment of a use of force and the officer's actions in response to those circumstances; and*
- G. any other relevant factors.*

III. NECESSARY FORCE

A use of force is necessary when there are no reasonable or feasible non-force alternatives which would accomplish the legitimate law enforcement objective or protect against an imminent threat of physical injury. Officers are not required to use non-force options which would jeopardize safety or would fail to accomplish the law enforcement objective. Officers are also not required to use a non-force option when there is no time to attempt or consider the non-force option in a dynamic, rapidly evolving situation, or when the officer is not reasonably aware of the non-force option. Force may not qualify as necessary when an officer needlessly escalates the situation and fails to use non-force options that are reasonable.

When time, circumstances and safety permit, officers should take steps to gain compliance and de-escalate conflict without using physical force. Examples include:

- A. The use of verbal advisements, warnings, and persuasion.
- B. Attempts to slow down or stabilize the situation so that more time, options and resources are available.
- C. *Consideration of* whether a subject's lack of compliance is a deliberate attempt to resist or is caused by an inability to comply.
- D. *Repositioning or using barriers to create time and space.*

IV. PROPORTIONAL FORCE

Proportional force is a degree of force that is the amount reasonably required to protect a person from physical injury or to accomplish a legitimate law enforcement objective. An officer must consider all information known to the officer regarding the subject and circumstances. An officer must balance the seriousness of the law enforcement objective against the harm the use of force would cause. An officer is prohibited from using force if the harm likely to result from the force is too severe in relation to the value of the interest that the officer seeks to protect.

- A. *An analysis of proportionality includes examining the level of threat or resistance presented by the subject, whether the subject is posing an immediate threat to officers or a danger to the community, and a recognition of the need for rapid or split-second decision-making. If the officer is resisted, the officer may overcome force with force. Proportionality to a threat or resistance does not mean the officer should use only the force that is equivalent to what they encounter. Proportionality does not limit an officer to using force that is equal in type or amount to the threat the officer is presented with, nor does it require lesser or alternative forms of force to be used first.*
- B. Any officer who observes another officer using force that is clearly beyond that which is **necessary and proportional** under the circumstances **must** intercede, when feasible **and safe**, to prevent the use of such excessive-force. Officers **must** immediately report these observations to a supervisor, and document the observations prior to the end of **the reporting officer's** shift.

V. DEADLY FORCE

- A. A police officer may use deadly force when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person who is in immediate danger of serious physical injury.
- B. A police officer may use deadly force to prevent the escape of a suspect fleeing from a felony of violence that the officer has probable cause to believe will pose an immediate threat to human life should escape occur.
- C. A police officer may not use an intentional chokehold, neck hold, stranglehold, lateral vascular neck restraint, carotid restraint or any other use of physical force that restricts oxygen or blood flow to the head or neck except in the case of the use of deadly force in the defense of human life **or serious bodily injury** as authorized by this index code.

- D. The circumstances surrounding every use of deadly force will be *thoroughly* examined during post-incident review.

VI. FIREARMS REGULATIONS

- A. Before discharging a firearm for a law enforcement purpose, police officers shall identify themselves and state their intent to shoot, *when* feasible.
- B. Warning shots are prohibited.
- C. Police officers should refrain from discharging firearms at or from moving vehicles, unless a person in the vehicle is immediately threatening the officer or another person with deadly force and innocent persons would not be unduly jeopardized by the officer's action. Police officers *must* avoid tactics that *intentionally* place them in a position *where* a vehicle could be used against them.
- D. Officers may not carry firearms when consuming alcoholic beverages unless participating in a covert investigation as authorized by a Captain or above, or the Commanders of the Narcotics and Special Investigations Section or Organized & Economic Crimes Section.
- E. Officers may not carry firearms when under the influence of alcohol or drugs, or when under the influence of medication that may hinder judgment or motor coordination.
- F. Firearms may not be discharged when it appears likely that an innocent person may be injured.
- G. A police officer may discharge a firearm to destroy an animal that represents a threat to public safety, or as humanitarian gesture where the animal is seriously injured.
- H. A police officer may discharge a firearm during range practice and/or qualification.

VII. LESS-LETHAL FORCE

Police Officers, who are properly trained and certified, are authorized to use departmental issued less-lethal weapons (See Index Code 402.2, 404, 406, and 407). Less-lethal weapons are designed to provide officers with options during use of force incidents. Less-lethal weapons may be used to resolve incidents in a less-lethal manner, to protect officers and other persons from harm, to protect a suspect/subject from self-inflicted injury, or to end incidents involving combative, or violent suspects. Officers shall not interpret this policy to mean that a less-lethal weapon replaces the use of deadly force when deadly force is justified. During situations where less-lethal weapons are deployed and deadly force is justifiable, lethal cover must be provided for the less-lethal weapon operator.

VIII. NON-LETHAL FORCE

Police officers are authorized to use department approved non-lethal force techniques/personal weapons to protect themselves or others from physical harm, to restrain or subdue a resistant individual, and to bring an unlawful situation safely and effectively under control. This does not authorize the use of non-lethal force/personal weapons because a subject is resistant through mere non-compliance unless the subject's actions present an obvious safety threat.

Officers must assess each incident to determine which non-lethal force technique will best deescalate the situation and bring it under control in a safe manner.

IX. MEDICAL AID

Police officers are responsible for obtaining medical aid for individuals who complain of, or show signs of injury as a result of any use of force.

Officers will request an ambulance and begin medical evaluation and care of such individuals as soon as practical. Fire Department emergency medical personnel at the scene of an incident will assess the need for further medical care beyond that provided at the scene.

X. WEAPONS & AMMUNITION

Only weapons and ammunition meeting department specifications may be used by police officers carrying out law enforcement responsibilities, both on or off duty. A list of all such weapons and ammunition appears in Index Code 402.2.

XI. REPORTING USES OF FORCE

A. Incidents Requiring a Use of Force Report

A Use of Force report entered into Blue Team is required whenever:

1. An employee discharges a firearm, except in the following circumstances:
 - a. The firearm was discharged for training purposes.
 - b. The firearm was discharged for recreational purposes.
 - c. The firearm was discharged for destroying an aggressive or seriously injured animal.
 - d. The firearm was unintentionally discharged;
2. An employee takes an action that results in (or is alleged to have resulted) any injury or death of another person;
3. An employee applies force through the use of a lethal, less-lethal, non-lethal, personal weapon (i.e., punches, elbow strikes, knee strikes, kicks), or a weapon of opportunity.
4. *It becomes necessary for an employee to apply physical force, due to met resistance, which may include utilizing hands-on methods such as control and restraint techniques or pain compliance, even if no injury occurs or is evident.*

NOTE: The following are not considered to be a reportable use of force:

1. *Escorting or touching a subject or arrestee with minimal or no resistance to:*
 - a. *Ensure officer safety or the safety of others; or*
 - b. *Accomplish a legitimate law enforcement objective.*
 2. *Routine handcuffing/similar restraining (e.g., with flex cuffs, etc.) with minimal or no resistance;*
 3. *Displays of an officer's authority/ability to use force without the physical use of force (i.e., shows of force).*
5. A department canine bites or inflicts injury to an individual.

The Use of Force report does not replace the Incident Report or revoke any current reporting requirements. It is to be submitted in addition to any reports that are currently required.

B. Officers' Responsibilities

1. Officers will immediately report to their supervisor any use of force or firearm discharge. Exception: Firearm discharge during range practice or qualification.
2. Officers will complete or provide information for the completion of the following documents before the end of their tour of duty, ***unless the officer is disabled.***
 - a. Incident Report. Each officer is required to complete their own original or supplemental report to document their explanation and articulation of the specific facts, and reasonable inferences from those facts, which justify their individual use of force. Exception: An officer who uses deadly force, force that causes death or serious injury, or discharges their firearm in any other incident other than destroying seriously injured or aggressive wildlife, will not complete an incident report. Another officer will complete the incident report in these cases.
 - b. Use of Force Report as outlined in Section A. The Use of Force Report will be completed as an entry in Blue Team by the officer using force. A separate Use of Force Report entry in Blue Team is required for each involved citizen. In cases involving more than one officer using force, the officer who applied the initial use of force is responsible for initiating the Use of Force Report entry in Blue Team. Each involved officer, who used force on the same citizen, will sit with the initiating officer and add themselves & their force applied diagram, to the Blue Team Entry of the initiating officer. The single Blue Team report will be routed through the initiating officer's chain of command. If any issues arise regarding same time submission, the supervisor will make arrangements to have the subsequent officer(s) complete their portion ASAP. The officer's justification will be reviewed to determine whether or not the force used was in or out of policy. (Exception: A supervisor will complete the Use of Force Report entry in Blue Team in cases involving the use of deadly force or force that results in death or serious injury.)
 - c. Charging documents, if applicable. Exception: An officer who uses deadly force or force that results in death or serious injury will not complete any charging documents. Another officer will complete charging documents in these cases, as directed by a supervisor.

3. Officers who are off-duty or working secondary employment, who are involved in a reportable use of force incident, will immediately report the event to the on-duty supervisor of the patrol district of occurrence, and are required to fulfill all the reporting requirements of this directive. The officer will submit their Use of Force Report to their own chain of command for review.
4. Officers will ensure that photos are taken, and submitted as attachments into the records management system, of any injury or alleged injury location on a suspect due to a use of force, unless the Evidence Collection Unit is already required to do so under this or another index code. Officers will also ensure that photos are taken, and submitted as attachments into the records management system, of any impact location on a suspect resulting from a use of force, even if no injury is suspected or alleged. A full body photo will also be taken of the suspect. If an officer is injured or has property damaged (ie. clothing) during a use of force incident, the officer will ensure that photos are taken and submitted as attachments into the records management system, of the injury and/or damaged property.
5. Enter all pertinent reports, all relevant URL/hyperlink(s) to all Evidence.com files, and photos into Blue Team.

C. Supervisors' Responsibilities

A supervisor is responsible for the following actions:

1. ***Must*** respond to the scene of any ***incident involving a*** use of force ***which causes serious physical injury***. ***Must also*** respond to the scene of any incident involving a use of force which causes a ***non-serious physical*** injury, unless exigent circumstances exist which prohibit the notified supervisor from responding directly to ***that*** scene.
2. Gather and review any known video of the use of force incident, including Body Worn Camera Video, business surveillance video, and other sources. If the video source is not immediately available, the supervisor will make arrangements to obtain a copy as soon as possible. External video footage should be forwarded through the chain of command to Staff Inspections. With the exception of digital evidence stored in Evidence.com (i.e. Body Worn Camera recordings, etc.), all video will be uploaded into Blue Team, if possible. The URL/hyperlink(s) to all Evidence.com files will be copied to the Blue Team record in the attachments section.
3. Ensure that any officer involved in a reportable use of force event fulfills the requirements of this directive. Complete or have another officer complete the required incident reports if the officer is unable or is involved in a deadly force or a firearms discharge incident as described in Section A. The supervisor will complete the Use of Force report in these situations.
4. Ensure that all witness officers complete a written report documenting all activities/actions taken.
5. Review all reports and charging documents for accuracy and completeness. Approve completed reports in the records management system. Ensure that all pertinent finalized reports have been entered into Blue Team. Render a policy determination in the "Task" section of Blue Team, approve the Blue Team Report, and forward up the chain of command within three workdays. Any delay in submission requires approval of their immediate supervisor.
6. If the use of force event occurs while an officer is off-duty or working secondary employment, a patrol supervisor in the district of occurrence is responsible for satisfying the supervisors' responsibilities and ensuring that a copy of the incident report is routed to the officer's assigned commander. The Use of Force Report, however, will be completed and/or reviewed by the initiating officer's chain of command. If an officer who subsequently uses force is not in the initial officer's chain of command, then the Blue Team report will be sent to their Captain using the cc function.
7. If the Use of Force report was initiated on an incident involving deadly force or an internal affairs investigation has commenced before the supervisory review process in Blue Team has begun, it will be routed directly to the Office of Professional Standards commander without determining if the incident was "in" or "out" of policy.

8. Notify the Internal Affairs Section, if the use of force appears to be excessive or in violation of this policy.
9. If the officer is injured, complete the First Report of Injury report, authorization for medical treatment form, and any other required workers' compensation or administrative reports.

XI. DEPARTMENT RESPONSE

A. Aggressive or Seriously Injured Wildlife Firearm Discharge

A patrol supervisor in the district of occurrence will be notified prior to discharging a firearm, where feasible.

B. Unintentional Discharge of Firearm

1. A patrol supervisor and a platoon commander in the district of occurrence will respond to the scene of any unintentional discharge of a firearm (if the platoon commander is not available from the district of occurrence, then a platoon commander from another district will respond), secure the scene, and will make contact with the District Detective Supervisor of the district of occurrence and the Evidence Collection Unit. If the incident occurs outside of the County, a patrol supervisor and platoon commander of the closest district to the location will respond to the scene.
2. A District Detective will respond to the scene to conduct the critical incident investigation. The District Detective will complete an Offense/Incident Report with the Incident Type, "Miscellaneous/Non-Criminal Incident." If the unintentional discharge occurred during an incident where an Offense/Incident is already being written, the discharge will be mentioned in the Offense/Incident Report of that incident and the District Detective will complete an Investigative Report Supplement.
3. An Evidence Collection Technician will respond and fully process the scene.
4. A member of the Firearms/Specialized Training Unit will respond to the scene to assist in the investigation.
5. Within 24 hours the Internal Affairs Section will be notified and an email titled "Unintentional Discharge of Firearm" will be sent to the Staff Inspections Unit (staff-inspections@aacounty.org), including a URL/hyperlink to the Offense/Incident Report in the records management system, all relevant URL/hyperlink(s) to all Evidence.com files, and a list of all responding department units (ECU, Training, etc.) Staff Inspections will complete the Firearms Discharge Report in Blue Team.
6. The affected officer must be immediately scheduled remedial training with the Training Division by the officer's chain of command or the responding platoon commander, if the officer was not working with their platoon/section at the time of the incident. The affected officer will not return to his/her normal duty until the training is completed and their Bureau Commander approves their return to normal duty.

C. Discharge of Firearm on a Domestic Animal

1. A patrol supervisor and a platoon commander in the district of occurrence will respond to the scene of any discharge of a firearm on a domestic animal (if the platoon commander is not available from the district of occurrence, then a platoon commander from another district will respond); secure the scene, initiate a crime scene log, and will make contact with the District Detective Supervisor, the Evidence Collection Unit, the PIO, and a member of Peer Support (if requested). If the incident occurs outside of the County, a patrol supervisor and platoon commander of the closest district to the location will respond to the scene
2. A District Detective will respond to the scene to conduct the critical incident investigation.
3. An Evidence Collection Technician will respond and fully process the scene.
4. The PIO will be notified.
5. A member of Peer Support will respond to the scene if requested by the involved officer.

6. The district Executive Officer of the district of occurrence will conduct an administrative review of the incident. If the incident occurs outside of the County, the District Executive Officer of the closest district to the location will conduct the administrative review.
 7. Within 24 hours the Internal Affairs Section will be notified and an email titled “Discharge of Firearm on a Domestic Animal” will be sent to the Staff Inspections Unit (staff-inspections@aacounty.org), including a URL/hyperlink to the Offense/Incident Report in the records management system, all relevant URL/hyperlink(s) to all Evidence.com files, and a list of all responding department units (ECU, Training, etc.) Staff Inspections will complete the Firearms Discharge Report in Blue Team.
- D. Use of Deadly Force or Force that Results in Death or Serious Injury Incidents** (To include Deadly Force which does not cause injury)
1. The patrol supervisor and platoon commander in the district of occurrence will respond and do the following:
 - a. Secure the scene pending arrival of investigators (if the platoon commander is not available from the district of occurrence, then a platoon commander from another district will respond).
 - b. Locate and isolate any witnesses for the arrival of investigators.
 - c. Render assistance to the affected officer.
 - d. Initiate a crime scene log.
 - e. Immediately take photo of affected officer at scene, then secure all weapons used in the incident for the follow-up investigator. Firearms will be placed, as is, in an “Officer Involved Weapon Collection Kit”. Firearms will not be rendered “safe” and no magazines or rounds will be removed from the firearm.
 - f. Complete the Use of Deadly Force Investigation Guide (PD 401) and submit a written report of their activities.
 - g. Notify the District Commander (or Night Commander if applicable) on-call CID supervisor, the Training Division Commander, the Evidence Collection Unit, the PIO, FOP representative, and a member of Peer Support.
 - h. If no other police officer or other credible witness is available to provide the following information, the platoon commander will ensure that brief public safety information is collected individually from the involved officer(s) (who used deadly force or force that resulted in death or serious injury) on the scene, covering only information necessary to focus initial police response. This includes information on:
 1. type of force used;
 2. direction and approximate number of shots fired by officers and suspects;
 3. location of injured persons;
 4. description of at-large suspects and their direction of travel;
 5. time elapsed since any suspects were last seen and any suspect weapons;
 6. any other information necessary to ensure officer and public safety and to assist in the apprehension of at-large suspects.
 2. A Homicide Detective and Homicide Supervisor will respond to the scene.
 3. In all cases involving a Use of Force resulting in death *or likelihood of death*, the Homicide Supervisor will notify the Maryland State Police Headquarters Duty Officer (410-653-4474) of the incident. The Homicide Supervisor will brief the Office of the Attorney General’s Independent Investigations Division (IID)/Maryland State Police Investigators of the incident upon call back. The IID/MSP investigators will determine if they will respond out to investigate the incident.
 4. The Criminal Investigation Division Homicide Unit will conduct a criminal investigation of any other deadly force incident not investigated by IID/MSP. A report of the criminal investigation will be submitted to the State’s Attorney’s Office and the Staff Inspections Unit within 30 days. The State’s Attorney will decide whether the officer’s actions were lawful or unlawful, and whether to initiate criminal action against officers whose actions are deemed unlawful.
 4. An Evidence Collection Technician will respond and fully process the scene, unless directed otherwise.

5. A member of the Firearms/Specialized Training Unit will respond to the scene to assist in the investigation.
6. The PIO will respond to the scene.
7. A member of Peer Support will respond to the scene. Mobile Crisis and/or the department chaplain, are also available if needed to respond to the scene of a traumatic incident and provide counseling to employees. The decision to request these services rests with an on-scene patrol supervisor of the rank of Police Lieutenant or above. Communications should be notified if either or both of these resources are needed at the scene. It is the responsibility of the affected employee's immediate supervisor to set a Traumatic Incident Counseling appointment for the employee with the Departmentally-contracted psychologist per Index Code 403.
8. If the incident occurs outside of the County, a patrol supervisor and platoon commander of the closest district to the location will respond to the scene. They will render assistance to the affected officer and notify the designated representative of FOP Lodge 70 and Peer Support. They will also notify the PIO, assist the investigating agency, and submit a written report of their activities. The investigating agency will be responsible for the criminal investigation.
9. The Staff Inspections Unit will conduct a detailed administrative investigation of every use of deadly force or force by a police officer that results in death or serious injury of a person. This report will be completed and submitted to the Chief of Police within 20 working days of the Staff Inspections Unit receipt of the criminal investigative report requiring review. The report will include the relevant facts and circumstances surrounding the incident and a conclusion as to whether the officer's actions were in violation of any policy. Actions deemed to be in violation of policy will be referred to the Internal Affairs Section for investigation. The Office of Professional Standards commander will make the final determination if the incident was "in" or "out" of policy at the conclusion of the administrative investigation.
10. When a police officer uses deadly force against a person or uses force that causes death or serious injury to a person, the officer shall be placed on administrative leave by their Bureau Commander, after completing all on-scene investigative and reporting requirements, until they complete all "Post Incident Requirements" as soon as feasible, preferably within 10 days of the incident:
 - a. The officer completes Traumatic Incident Counseling. See Index Code 403 for details and procedures; and
 - b. The officer completes firearm re-qualification and judgmental shooting training at the Police Academy.
11. The officer may not return to line duty until an administrative review is conducted by the Senior Command Staff and the Chief of Police approves the return to line duty.
12. In the event that employees are involved in situations in which they, in the performance of their duties, use deadly force which seriously injures or kills another person, the department/County will provide a weapon and/or radio to the employee if either is retained by the investigating agency (unless the employee is suspended from duty).
13. Agency personnel responsible for conducting criminal and administrative investigations of Use of Deadly Force or any police action that results in death or serious injury will receive training for conducting and managing these investigations.
14. All agency personnel potentially impacted by Use of Deadly Force or any police action that results in death or serious injury will receive awareness training regarding the process of investigating and managing these incidents.

E. Less-Lethal Use of Force Incidents

Refer to Index Codes 406 and 407.

F. Uses of Force

All reported uses of force will be reviewed to determine whether:

1. Department rules, policies, or procedures were violated;
2. The relevant policy was clearly understandable and effective to cover the situation.

This initial administrative review is conducted by the affected officer's chain of command, ending at the level of Bureau Commander. Each supervisory officer in the chain will:

1. Thoroughly review all submitted reports, documentation and photographs.
2. Review all known video of the incident.
3. Request additional information and/or documentation if needed.
4. Based on the facts and information available at the time of review, make a determination if the use of force was in policy by making proper notation in Blue Team.
5. Sign the Use of Force form and promptly submit the entire file to the next officer in the chain of command.

If the initial administrative review determines that the use of force violated department policy, the Bureau Commander will refer the case to Internal Affairs for investigation and promptly notify the respective Deputy Chief.

The Staff Inspections Unit will prepare an annual analysis of reportable uses of force by police officers, as well as use of force policies and practices, for the Chief's review. The analysis will identify the date and time of incidents, types of encounters resulting in use of force, trends or patterns related to race, age, and gender of subjects involved, trend or patterns resulting in injury to any person including employees, and impact of findings on policies, practices, equipment, and training. The Staff Inspections Unit will also conduct an annual review of all assaults on employees to determine trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues. The Staff Inspections Unit will coordinate with the Training Division to address any training issues.

XIII. DISCLAIMER

The Anne Arundel County Police Department's policy on the use of force is for department use only and does not apply in any criminal or civil proceeding. The department's policy will not be construed as the establishment of a higher legal standard of safety or care with respect to third party claims.

XIV. PROponent Unit: Training Division & Staff Inspections.

XV. CANCELLATION: This directive cancels Index Code 401, dated **03-04-22**.