



INDEPENDENT INVESTIGATIONS DIVISION

Report Concerning the Police-Involved
Fatal Incident in Baltimore City on November 7, 2023

January 11, 2024

Declination Report Concerning the Officer-Involved Death of Hunter Jessup, on November 7, 2023

The Independent Investigations Division of the Maryland Office of the Attorney General (the “IID”) is charged with investigating “police-involved incidents that result in the death of individuals or injuries likely to result in death.” Md. Code, State Gov’t § 6-602 (c)(1). For incidents that occur after October 1, 2023, if the Attorney General determines that the investigation provides sufficient grounds for prosecution, then the IID “shall have exclusive authority to prosecute the offense.” State Gov’t § 6-604 (a)(1).

I. Introduction

On November 7, 2023, at approximately 12:35 p.m., District Action Team (“DAT”) officers with the Baltimore Police Department (“BPD”) were on patrol in the 500 block of Brunswick Street when they observed a man they believed to be armed, later identified as Hunter Jessup. Officers briefly spoke with Mr. Jessup from their patrol car before he began running away from them. While running, Mr. Jessup held a handgun in his right hand, then fired it seven times at the officers. In response, four officers—Brandon Columbo, William Healey, Brittany Routh, and Justin Oliva—fired their service handguns at Mr. Jessup, striking him several times. Mr. Jessup was transported to and later pronounced dead at a nearby hospital. After completing its investigation and evaluating all of the available evidence, the Office of the Attorney General has determined that none of the subject officers committed a crime under Maryland law. Accordingly, the Attorney General has declined to prosecute any of the subject officers in this case.

The IID’s investigation focused exclusively on potential criminal culpability relating to the officers’ conduct. By statute, the IID only has jurisdiction to investigate the actions of police officers, not those of any other individuals involved in the incident. Certain information—specifically, compelled statements by subject officers—may be considered in civil or administrative processes but may not be considered in criminal investigations or prosecutions due to the subject officers’ Fifth Amendment rights. If any compelled statements exist in this case, they have not been considered in the IID’s investigation. The subject officers in this case chose not to make statements to the IID.

This report is composed of a factual narrative, followed by a legal analysis. Every fact in the narrative is supported by the evidence obtained in this investigation, including autopsy reports, police radio transmissions, dispatch records, police reports, body-worn camera footage, photographs, and interviews with civilian and law enforcement witnesses. The legal analysis explains why the IID will not bring charges under the Maryland statutes that would be relevant here.

This investigation involved one decedent and four subject officers:

- A. Hunter Jessup, the decedent, was a 27-year-old Black man who lived in Baltimore, Maryland.

- B. BPD Detective Brandon Columbo is a White man who was 28 years old at the time of the shooting. He has been employed by BPD since August 2020. He most recently completed use of force training on January 27, 2022, and firearms training on June 7, 2023.
- C. BPD Detective William Healey is a White man who was 28 years old at the time of the shooting. He has been employed by BPD since March 2016. He most recently completed use of force training on November 18, 2021, and firearms training on March 31, 2023.
- D. BPD Detective Brittany Routh is a White woman who was 30 years old at the time of the shooting. She has been employed by BPD since September 2019. She most recently completed use of force training on March 13, 2022, and firearms training on March 17, 2023.
- E. BPD Detective Justin Oliva is a White man who was 32 years old at the time of the shooting. He has been employed by BPD since June 2020. He most recently completed use of force training on November 23, 2021, and firearms training on April 24, 2023.

The IID reviewed any disciplinary records and criminal history of all five individuals, where they existed, and determined none were relevant to this investigation.

II. The Facts

On November 7, 2023, two three-person teams of the BPD Southwest DAT unit were proactively patrolling the 500 block of Brunswick Street in two separate unmarked patrol cruisers.¹ Detective Antonio Johnson drove DAT Car 1, while Detective Justin Oliva sat in the front passenger seat and Detective Brittany Routh sat in the back passenger seat. Detective Elijah Ragin drove DAT Car 2, with Detective William Healey in the front passenger seat and Detective Brandon Columbo in the back seat. The officers in DAT Car 1 were the first to see Hunter Jessup and another man standing on the corner of Brunswick and Saint Benedict Street.



Image 1. Still photograph from Detective Routh's body-camera showing the other man lifting his shirt and showing the officers he was unarmed. Mr. Jessup is not visible on camera in this photograph.

According to Detective Johnson, he and the other members of DAT Car 1 saw a “non-anatomical bulge” that they believed could be a handgun in Mr. Jessup’s waistband area, so they

¹ Officers from the DAT unit engage in proactive patrols by driving around in unmarked cars, wearing plain clothes and ballistic vests marked with “POLICE,” proactively looking for drug activity and associated crimes in their assigned neighborhoods.

decided to approach him to investigate further. Detective Johnson drove DAT Car 1 to the sidewalk next to Mr. Jessup and the other man and then stopped, and Detective Oliva rolled his window down and spoke to them. Though this part of the encounter is visually recorded on body-worn camera, there is no audio because the recording was buffering.²

While speaking to Detective Oliva, both men pulled their shirts up slightly to show the officers that they were not carrying guns. The other man³ pulled up his shirt first and exposed his waistband and white undershirt. Detective Johnson told investigators that when Mr. Jessup lifted his shirt their suspicions that Mr. Jessup had a gun were confirmed; from up close, the detectives could see the outline of where the barrel of a handgun met the handle. Detective Johnson recalled saying, “Oh yeah,” when he recognized the gun, and he believed that Mr. Jessup heard him, because Mr. Jessup quickly dropped his shirt and began running southbound on Brunswick Street away from DAT Car 1, towards Wilkens Avenue. Immediately afterward, Detective Oliva got out of DAT Car 1 and began chasing Mr. Jessup on foot.

Meanwhile, Detectives Ragin, Healey, and Columbo had been parked across the street on Brunswick Street in DAT Car 2. When Mr. Jessup ran away from DAT Car 1, Detectives Healey and Columbo joined Detective Oliva in the foot pursuit. The three detectives chased after Mr. Jessup down Brunswick Street, then left on to Wilkens Avenue, while Detectives Johnson, Routh, and Ragin followed behind in the DAT Cars.

About halfway down the 2600 block of Wilkens Avenue, Mr. Jessup pulled a handgun from his waistband and held it in his right hand as he continued running. Detective Healey yelled, “he’s holding, he’s holding, he’s got it in his hand,” then shouted at Mr. Jessup, “Drop the gun! Drop it! Drop it!” Detective Oliva also ordered Mr. Jessup to drop the gun, yelling “Get on the ground! I’ll shoot you! Drop the gun!” Around the same time, Detective Johnson stopped DAT Car 1 near the pursuing officers, and Detective Routh jumped from the car and tried to tackle Mr. Jessup. She missed the tackle and fell to the ground, and Mr. Jessup continued running down the street with the handgun. Detective Routh’s body camera clearly showed Mr. Jessup with a gun in his hand just prior to the attempted tackle.

² When BPD’s BWC’s are activated, there is a period of sixty seconds that records prior to capturing audio.

³ The IID identified and interviewed this man. While much of what he said to investigators was corroborated by other evidence and incorporated into this narrative, the available evidence contradicted some of his statements. Specifically, while the man told investigators that Mr. Jessup was not armed, the video showed that he was.



Images 2 and 3. Still photographs from Detective Routh's body camera immediately before she attempted to tackle Mr. Jessup. The handgun can be seen in his right hand (circled in green).

About a second later, Mr. Jessup turned and pointed the handgun at Detective Healey and fired at least one shot. That shot was the first round fired during the incident, and it missed Detective Healey but struck the rear spoiler of a nearby black Ford sedan. While only Mr. Jessup's first shot was caught on body-worn camera, ballistics evidence recovered on scene indicated that Mr. Jessup fired his handgun a total of seven times. Detectives Columbo, Healey, Routh, and Oliva returned fire with their service handguns, striking Mr. Jessup numerous times.⁴

⁴ The medical examiner determined Mr. Jessup sustained twenty gunshot wounds, and she recovered eight projectiles during the autopsy. Because a single bullet can create multiple wounds, the number of wounds is not necessarily indicative of the number of times he was struck.



Images 4 and 5: Still photos from Detective Healey's body-worn camera showing the first shot fired in the incident. In the top photo, when Mr. Jessup turns and points the handgun at Detective Healey, the unmarked area of the Ford sedan's spoiler is circled in blue. The bottom photo, less than a second later, shows a defect circled in yellow. That defect was caused by a bullet from Mr. Jessup's handgun exiting the sedan's spoiler. The place where the bullet entered the spoiler—from side of the car closest to Mr. Jessup—is shown in the inset photo, also circled in yellow.

When the shooting stopped, the officers approached Mr. Jessup and moved his handgun out of his reach. Within seconds, Detective Oliva radioed, "shots fired, shots fired," to dispatch

and requested that they send a medic. Approximately one minute after the shooting while the officers were securing Mr. Jessup, one of the officers said that he believed he had been shot in the leg and received medical aid from Detective Oliva. About a minute later, Detective Oliva had finished tending to the officer and he and others provided medical aid to Mr. Jessup. Less than six minutes after the shooting, paramedics arrived and took Mr. Jessup to a local hospital; Mr. Jessup was pronounced dead a little over an hour after the shooting and after he arrived at the hospital.



Image 8: A crime scene photo of the handgun Mr. Jessup had been holding.

A short while later, crime scene investigators responded to the area and processed the scene, collecting evidence and taking photographs. They recovered Mr. Jessup's firearm—a .40 caliber Glock 23 pistol with an extended capacity magazine that could hold up to thirty bullets. Although the gun's magazine appeared to have been damaged in the shooting, the weapon underwent forensic analysis and was determined to be operable.

A review of the four shooting officers' firearms determined that they fired a total of thirty-six rounds; Officer Columbo fired his weapon eight times, Officer Healey fired his weapon fourteen times, Officer Routh fired her weapon three times, and Officer Oliva fired eleven times.

III. Legal Analysis

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

There are two relevant offenses that were considered in this case. First, and applicable in every Maryland police shooting, is the violation of Maryland's Use of Force Statute, which makes it a crime for officers to intentionally use excessive force.⁵ The second offense is manslaughter, which is an intentional killing, but not a murder, because the defendant acted in partial self-defense.⁶ Manslaughter is the baseline charge that a prosecutor can bring in a

⁵ See Md Statutes, Public Safety §3-524(d)(1).

⁶ Partial self-defense exists when the accused person was not the aggressor and actually believed that they were in imminent danger of death or bodily harm, but their belief was unreasonable, or they used more force than a reasonable person would have used. See *id.*

homicide case; if a prosecutor cannot prove manslaughter based on the available evidence, then they could not prove murder either.

Before proceeding to the more in-depth analysis, it is important to note two things. First, if a defendant acted in complete, rather than partial self-defense, then no criminal charges are appropriate. And secondly, any potential charges would be filed against individual officers based on their own actions, rather than for the conduct of the group as a whole.

The evidence in this case shows that the subject officers did not violate either of the aforementioned statutes because they were acting either in complete self-defense or in complete defense of others. Accordingly, the IID will not be pursuing charges against any of the subject officers. Below, this report explains in further detail why, based on the evidence, a prosecutor could not prove beyond a reasonable doubt that any officer committed a crime, and could not disprove any of the relevant affirmative defenses: complete self-defense or complete defense of others.

A. Maryland Use of Force Statute

To convict an officer for violating the Use of Force Statute in this case, prosecutors would have to prove that an accused person: (1) was a police officer; (2) used force; (3) used force that was not necessary and proportional to prevent an imminent threat of physical injury to themselves or another person, or to accomplish a legitimate law enforcement objective; (4) intended to use excessive force; and (5) used force that resulted in serious bodily injury to Mr. Jessup or caused his death.⁷ Because it is undisputed in this case that the subject officers were acting as police, that they fired their weapons, and that firing those weapons killed Mr. Jessup, prosecutors would need to establish two things to secure a conviction. To begin, they would need to establish that shooting Mr. Jessup was an act of excessive force by one or more officers, meaning that it was not necessary and proportional under the circumstances. Second, prosecutors would need to establish that each individual officer charged *intentionally* used excessive force.

Determining whether a use of force is “necessary and proportional” to defend someone is a fact-specific inquiry. But generally speaking, an officer’s use of force is considered “necessary and proportional” when he or she had no reasonable alternative under the circumstances, was appropriate in light of the officer’s objective, and was not likely to result in overly severe harm given the context in which it was used.⁸ When a factfinder—i.e., a judge or a jury—conducts this analysis, they must bear in mind the totality of the circumstances, including, but not limited to, the nature of the call for service, what occurred in the moments before force was used, what officers knew at the time force was used, and the time and distances involved.⁹

⁷ MPJI-Cr 4:36 Unlawful Use of Force by a Police Officer, MPJI-Cr 4:36 (2d ed. 2022).

⁸ For a more detailed discussion of the “necessary and proportional” standard, see [this opinion](#) written by the Office of the Attorney General.

⁹ See e.g., *Randall v. Peaco*, 175 Md.App. 320, 331 (2010) (citing *Graham v. Connor*, 490 U.S. 386, 396 (1989)) (“The test of reasonableness under the Fourth Amendment [...] requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an

In this case, the officers' entire interaction with Mr. Jessup lasted less than two minutes and the shooting itself lasted less than four seconds. During the foot pursuit, numerous officers told Mr. Jessup to "drop the gun," and he can be seen on body camera video with the gun in his right hand. Further, it was only when Mr. Jessup turned, pointed, and fired his gun at Detective Healey, after ignoring repeated commands to drop his weapon, that all four officers fired at him. The officers stopped firing after the initial four seconds and ballistics evidence from the scene determined Mr. Jessup fired seven rounds, although only one can be seen on video. Because the officers had no reasonable alternative to using deadly force at the moment they fired, a prosecutor could not prove that the shootings constituted excessive force. And because the force used was not excessive, there would be no way to prove that any officer *intentionally* used excessive force. Therefore, the subject officers did not violate the Maryland Use of Force statute.

B. Manslaughter

For related reasons, the subject officers did not commit manslaughter in this case. Unlike the Use of Force Statute, manslaughter is subject to several affirmative defenses that are relevant here: self-defense and defense of others. That means that a prosecutor would need to *prove* the elements of manslaughter *and disprove* the elements of the affirmative defenses to secure a conviction. As indicated above, if an officer acted in complete self-defense or defense of others, as occurred here, no charge is appropriate.

Complete self-defense and defense of others exist when the accused was not the aggressor, actually and reasonably believed that they or another person were in imminent danger of death or serious bodily harm, and used no more force than reasonably necessary under the circumstances.¹⁰ In cases where these affirmative defenses are raised by police officers, the reasonableness of the accused person's actions must be viewed from "the perspective of a reasonable police officer similarly situated."¹¹ This means that the fact-finder must keep in mind that police officers often work under rapidly changing circumstances, and that what constitutes a reasonable amount of force may change from moment to moment.¹² Bearing that in mind, and in light of the facts highlighted in the Use of Force Statute analysis, a prosecutor could not *disprove* complete self-defense or complete defense of others beyond a reasonable doubt here.

In this case, the available evidence cannot disprove the elements of complete self-defense and defense of others. The evidence shows that Mr. Jessup, rather than the officers, was the aggressor when he pointed and fired a handgun at Officer Healey. There is evidence that the officers believed they or their co-workers' lives were in danger, and that belief was reasonable given the circumstances. During the pursuit Mr. Jessup was armed, ignored commands to drop his weapon, and ultimately pointed and fired his gun at Officer Healey. All of those facts support

immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.").

¹⁰ *Porter v. State*, 455 Md. 220, 234-36 (2017); MPJI-Cr 4:17.2.

¹¹ *State v. Albrecht*, 336 Md. 475, 501 (1994).

¹² *State v. Pagotto*, 361 Md. 528, 555 (2000) (quoting *Graham* 490 U.S. at 397).

an argument in favor of complete self-defense and defense of others, and there is no evidence to contradict them. Finally, for the reasons already mentioned, the evidence shows that deadly force was reasonably necessary given the circumstances. In summary, the actions of the officers do not constitute the crime of manslaughter.

VI. Conclusion

This report has presented factual findings and legal analysis relevant to the November 7, 2023, death of Hunter Jessup in Baltimore, Maryland. The Office of the Attorney General has declined to press charges in this case because based on the evidence obtained in its investigation, none of the subject officers committed a crime.