



INDEPENDENT INVESTIGATIONS DIVISION

Report Concerning the Trooper-Involved Fatal Incident in
Cecil County on December 31, 2022

May 1, 2023

**Report of the Independent Investigations Division of the
Maryland Office of the Attorney General Concerning the
Trooper-Involved Death of Julie Elizabeth Clark on December 31, 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 Cecil County State's Attorney James A. Dellmyer regarding the trooper-involved death of Julie Elizabeth Clark on December 31, 2022, in Cecil County, 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 27, 2023. This report is being provided to State's Attorney Dellmyer on May 1, 2023.

I. Introduction

On December 31, 2022, beginning at about 11:30 a.m., Maryland State Police ("MSP") received multiple 911 calls from members of the public who were driving northbound on Interstate 95 in Harford County and Cecil County. The callers reported that a white minivan was driving erratically on the interstate. At approximately 12:10 p.m., MSP Trooper First Class Kurtis Manuel, who was driving an unmarked patrol car that was stopped in a crossover area on I-95, pulled out and behind a white Honda Odyssey minivan that was driving at high rates of speed and crossing into different lanes of travel. Trooper Manuel turned on his patrol car's emergency lights and siren. The driver of the minivan, later identified as Julie Clark, failed to stop. Trooper Manuel continued to pursue the minivan northbound on I-95 for about nine miles. At exit 109, Ms. Clark lost control of the minivan on the exit ramp and crashed into a tree. Ms. Clark was pronounced dead on scene. She was the only occupant of the minivan, and no other vehicles were involved in the collision.

This report details the IID's investigative findings based on a review of dashboard and body-worn camera footage, crash scene analysis, autopsy report, witness interviews, police reports and recordings, and personnel records for the involved trooper, among other items. All materials reviewed in this investigation are being provided to the Cecil County State's Attorney's Office with this report and are listed in Appendix A.

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

Finally, because the involved police officer in this incident was an MSP trooper, the IID employed its protocol for MSP-involved incidents. That protocol provides that, as soon as

possible after MSP's initial response, MSP will make every reasonable effort to staff the investigation with MSP personnel who are assigned to a different region of the state. It further provides that MSP will conduct a comprehensive inquiry to ensure no MSP personnel involved in the investigation have a conflict of interest. MSP and the IID followed this protocol in this case.

II. Factual Findings

A. 911 Calls

On Saturday, December 31, 2022, at 11:31 a.m., MSP's JFK Memorial Highway Barrack, which is located in Perryville and is staffed with troopers who are responsible for patrolling the 50-mile stretch of I-95 through Baltimore, Harford and Cecil Counties, received a 911 call from an individual who reported a "very dangerous or hazardous driver" on I-95 North, around mile marker 71 or 72. The caller described the vehicle as a "white minivan" and said the driver was "throwing things out of her car and screaming and swerving into different lanes." Immediately after receiving this call, a police dispatcher broadcast the information over the radio.

MSP did not receive any other communication relevant to this incident until 12:07 p.m., when a second 911 call was transferred to the JFK Barrack. In this call, an individual reported that at around mile marker 88 on I-95 North, a "white female in a white van" was "pulled over on the shoulder, hanging outside her vehicle, screaming, waiving around." The caller added, "She looks like she needs help," and "I had to swerve to get out of the way because she's literally hanging outside her vehicle" on the right shoulder. At 12:09 p.m., the barrack received a third call about the minivan. This caller reported that around mile marker 93 on I-95 North there was a "white Honda Odyssey minivan with a female driver holding a beer bottle out the window, swerving in and out of traffic." A police dispatcher immediately broadcast this information over the radio.

As these 911 calls came into MSP, Trooper Manuel was assisting another trooper with a call for service at the Chesapeake House Travel Plaza, which is on I-95 North at mile marker 97, between exit 93 and exit 100. At around 12:10 p.m., Trooper Manuel was dispatched to locate the white minivan that was the subject of the 911 calls. He left the Chesapeake House and drove to the crossover area on I-95 near mile marker 95, just prior to Winch Road, and faced his patrol car toward northbound traffic.

At 12:11 p.m. a fourth 911 call was transferred to the JFK Barrack. This caller reported driving behind a "drunk driver" at around mile marker 93. He described the vehicle as a white Honda Odyssey with Florida tags. A police dispatcher kept this caller on the line and instructed the caller to turn on his car's hazard lights when he reached mile marker 94 to aid Trooper Manuel in locating the minivan.

B. The Pursuit

This area of I-95 is a divided highway. On the northbound side, there is a left shoulder, three lanes of travel, and a right shoulder¹. According to a report produced by the MSP Crash Team, this stretch of highway is relatively level with no significant change in elevation. The posted speed limit is 65 miles per hour. At the time of the four 911 calls, it was raining with foggy conditions, and vehicle traffic was classified by MSP as moderate.

As noted above, Trooper Manuel was stationed in the crossover area on I-95 near mile marker 95. He was in an unmarked MSP patrol car that was equipped with a dashboard camera that recorded the car's external view, speed, and audio from inside the car. According to this dashboard camera footage, at 12:14:22 p.m., the minivan drove past the crossover on the right shoulder. Trooper Manuel immediately pulled onto the roadway and began driving northbound on the left shoulder.



Image 1. Still frame from Trooper Manuel's dashboard camera footage as he is stopped in the crossover area prior to Winch Road, facing I-95 North. The white Honda Odyssey minivan (in red circle) is driving on the right shoulder.

Over the next 25 seconds, Trooper Manuel went from the left shoulder and crossed through the three travel lanes to catch up to the minivan, which was still driving on the right shoulder. At 12:14:50 p.m., Trooper Manuel entered the right shoulder and, according to the dashboard camera data, was driving 84 miles per hour, remaining several car lengths directly behind the minivan, which was pulling away. At 12:14:51 p.m., the patrol car's siren was audible on the dashboard camera footage and, based on a visible reflection on the mile marker signs, Trooper Manuel had turned on his emergency lights as well.

¹ For purposes of this report, the travel lane closest to the left shoulder is referred to as lane one; the middle lane is referred to as lane two; and the travel lane closest to the right shoulder is referred to as lane three.

Trooper Manuel continued to pursue the minivan on the right shoulder. At this point, the dashboard camera data indicates he reached a speed of 98 miles per hour as the minivan continued to widen the gap between the two vehicles. At 12:15:01 p.m., Trooper Manuel said on the radio, "She's all over the place. She's not stopping. She's speeding up, 100 miles on the shoulder." The minivan then crossed over from the right shoulder into lane three, and then immediately into lane two, and then lane one. Based on Trooper Manuel's recorded speed, the minivan reduced its speed but then began to accelerate once it was in lane one. Trooper Manuel followed behind the minivan into lane one. At 12:15:20 p.m., Trooper Manuel told dispatch that the minivan had "switched to lane one," and he said he was going 84 miles per hour. The dispatcher acknowledged this update.

Over the next several seconds, the minivan stayed in lane one going at a slower speed with its left blinker activated, before crossing over into lane two and swerving within the lane. She then crossed over into lane three. At 12:16:00 p.m., Trooper Manuel provided his location and told dispatch, "She's just jerking the wheel all over the place" and traveling 60 miles per hour in lane three. The dispatcher also acknowledged this update.

For the next minute, the minivan continued driving in this manner, and Trooper Manuel followed several car lengths behind with no cars in between. At 12:17:02 p.m., Trooper Manuel gave dispatch his mile marker and said, "Lane three, she's accelerating again, back up to 100. Back to lane one." This update was acknowledged by the dispatcher and the barrack duty officer, Corporal Saul Martinez. While in lane one, according to the dashboard camera data, Trooper Manuel reached a speed of 108 miles per hour, and the minivan continued to accelerate, moving farther ahead and into lane two, becoming barely visible on the dashboard camera given the foggy conditions. At 12:17:24 p.m., Trooper Manuel told dispatch, "She's veering back and forth. If she doesn't 10-50 [MSP code for crash], I'll be surprised." Cpl. Martinez acknowledged this statement.

At this point in the pursuit, Trooper Manuel reached a speed of 104 miles per hour, and the minivan was still not visible on the dashboard camera footage. At 12:17:53 p.m., Trooper Manuel crossed from the right shoulder into lane three, passing exit 100 (Maryland Route 272), before crossing back into the right shoulder and accelerating to 114 miles per hour. At 12:18:16 p.m., he told dispatch, "She's in and out of traffic," which the duty officer acknowledged. As Trooper Manuel moved into lane one and accelerated, several cars moved onto the left shoulder. He then crossed over the highway all the way to the right shoulder, reaching a speed of 109 miles per hour, right after he crossed over the Little Northeast Creek. The fog looked thicker, and although the minivan was not clearly visible on the camera footage, at 12:19:19 p.m., Trooper Manuel told dispatch, "She's at approximately 110." About 45 seconds later, as the pursuit continued, Trooper Manuel was driving 125 miles per hour as he moved back and forth from the left shoulder to lane one. He closed the distance between himself and the minivan, which was then visible on the camera footage.



Image 2. Still frame from Trooper Manuel's dashboard camera footage as he was driving 125 miles per hour in lane one. The minivan (in red circle) is in lane three.

For the next couple of minutes, the pursuit continued in a similar fashion with Trooper Manuel driving in excess of 100 miles per hour on the left shoulder and in lane one. At around 12:22:40 p.m., Trooper Manuel pulled closer to the minivan, and the two vehicles approached a sign indicating exit 109A-B (Maryland Route 279) was 0.5 miles away and was the last exit before a toll at the Delaware line. The minivan quickly cut over from the left shoulder all the way to the right shoulder and accelerated. Trooper Manuel followed onto the right shoulder.

At 12:22:59 p.m., as Trooper Manuel was going 103 miles per hour in lane three, he told dispatch, "Alright, we're actually taking the Elkton exit, on south . . . 10-50, 10-50 on the exit. 10-50." Because of the fog, the actual collision is not visible on the camera footage. Dispatch acknowledged the crash, as Trooper Manuel slowed his speed and pulled over to the left of the exit ramp just in front of where the minivan came to a rest among trees. At 12:23:11 p.m., as smoke was coming from the minivan, Trooper Manuel told dispatch, "Vehicle's on fire, start fireboard," which was a request for fire and emergency medical services to respond to the scene. Trooper Manuel immediately stepped out of his patrol car and dispatch repeated, "start fireboard, vehicle is on fire."

From the time Trooper Manuel first saw the minivan driving on the shoulder and pulled out behind it until the time the minivan crashed was approximately nine minutes and 14 miles.



Image 3. Aerial photograph showing the approximate site of the collision (in red circle), exit 109A (Maryland Route 279 South) off I-95 North.

C. After the Crash

According to his body-worn camera footage, when Trooper Manuel stepped out of his patrol car, he ran toward the minivan, which had come to a stop on its driver's side with the top of the vehicle wrapped around the trunk of a tree. He went straight to the minivan's windshield and yelled, "Can you hear me?" He then walked around the minivan and while facing the underneath of the vehicle, radioed, "Vehicle is wrapped around a tree. I can't get to her, the engine is on fire from below. Get fireboard here." He ran back to his patrol car just as Trooper First Class Wilson Plaisimond arrived on scene. Trooper Manuel asked Trooper Plaisimond for a fire extinguisher, and Trooper Plaisimond handed him one from his car's trunk. Trooper Manuel quickly reapproached the minivan and sprayed the extinguisher toward the smoke, telling Trooper Plaisimond, "She's in the car, I can't get to her." Additional troopers arrived on scene and began to speak with several civilians who had stopped along the right shoulder of I-95 North just past the exit ramp. Trooper Manuel confirmed on the radio that it was "looking like a likely 10-7 [MSP code for out of service] but... can't get to her, the car is wrapped around the tree."



Image 4. MSP photograph showing the minivan where it came to a final stop.

About eight minutes after the collision, paramedics began to arrive on scene. Given the condition of the minivan and the position of Ms. Clark within the minivan, paramedics were unable to physically reach her. Once the field investigator from the Office of the Chief Medical Examiner (“OCME”) arrived on scene, fire personnel worked to detach the vehicle from the tree and move it to the exit ramp where they were able to remove Ms. Clark’s body from the minivan. She was pronounced dead at 12:53 p.m.

The field investigator located what appeared to be Ms. Clark’s purse, [REDACTED] [REDACTED] During a search of the minivan, investigators located an empty six-pack Coors Light cardboard carton on what would have been the front passenger side floorboard of the minivan.

The Maryland State Fire Marshal’s Office also responded and inspected the scene. Investigators noted that Ms. Clark’s body and both the exterior and interior of the vehicle were free from any smoke, soot, or thermal damage. They concluded that Ms. Clark’s death was not related to fire.

D. Collision Reconstruction

Cpl. James Lantz of MSP’s statewide Crash Team responded to the scene to complete a collision reconstruction for the IID. Because the officer involved in the pursuit was a trooper, IID personnel confirmed that Cpl. Lantz was not assigned to the JFK barrack and that he did not

know Trooper Manuel in any capacity. IID determined that Cpl. Lantz did not have any actual or perceived conflicts of interest that could undermine public confidence in the impartiality and independence of the investigation.

As part of the MSP collision reconstruction, investigators analyzed the minivan's event data recorder and received data for various vehicle systems for the five seconds prior to the collision. This data revealed that five seconds before, the minivan was going 111 miles per hour, and the minivan's accelerator was fully engaged. Four seconds before, the minivan's accelerator was no longer engaged, and the brake was on. During these next four seconds, the minivan reduced its speed from 111 miles per hour to 56 miles per hour at the time of the collision.

Based on this data, the physical evidence from the scene, damage to the minivan, witness statements, and video and radio logs, the MSP collision reconstruction report concluded that the minivan exited I-95 onto the ramp for exit 109 (Maryland Route 279). On the ramp, the minivan crossed over the solid yellow edge line on the left side of the roadway and entered the grassy area, striking a reflective traffic control post. The minivan then rotated clockwise in the grassy area due to its speed, change in surface, surface grade, and operator steering input. Next, the front end of the minivan struck a tree, and the minivan's driver side wheels dug into the grass, causing the minivan to fall onto the driver's side. The minivan then struck a second tree with its roof, and the roof was pushed into the minivan's passenger compartment, almost to the minivan's floor.

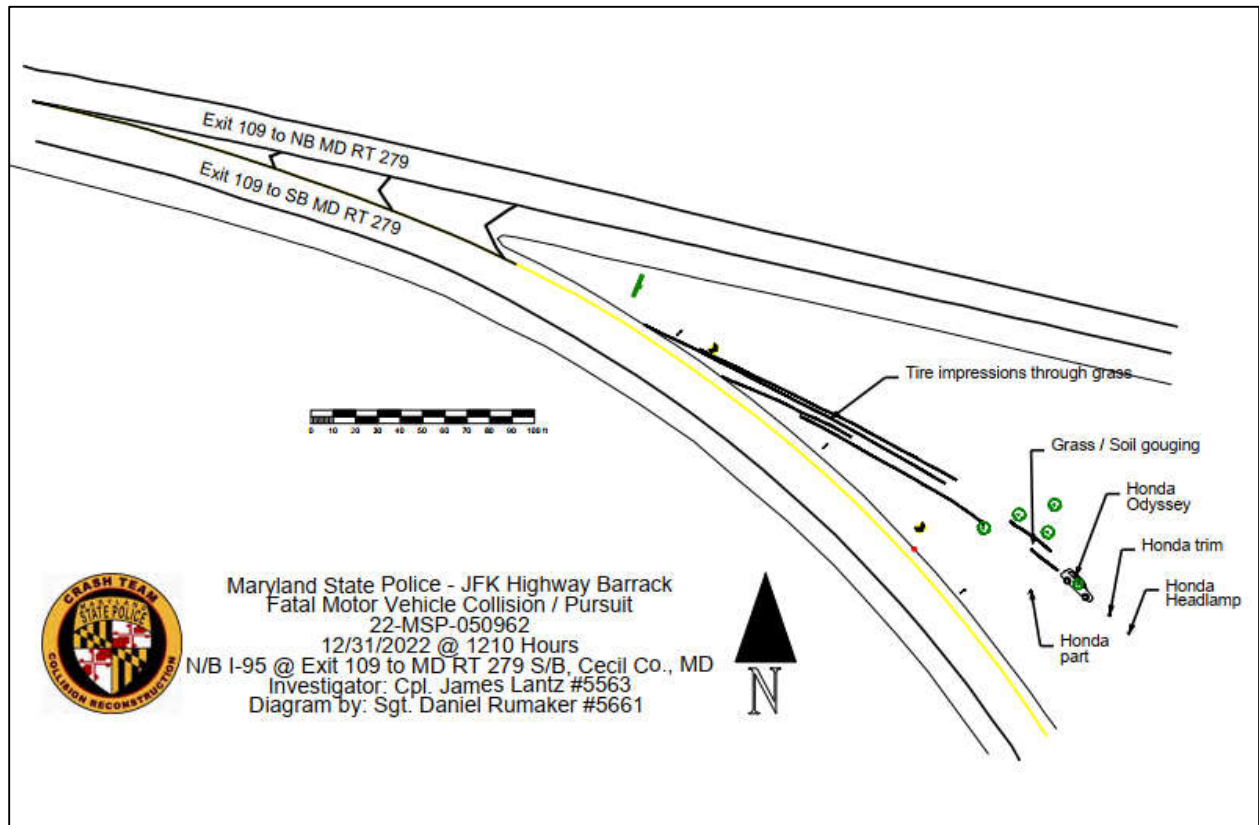


Image 5. Diagram of the collision scene from MSP's collision reconstruction report.

E. Medical Examination

Ms. Clark's autopsy was performed by Assistant Medical Examiner Russell Alexander, MD. Dr. Alexander concluded Ms. Clark's cause of death was multiple blunt force injuries. These injuries were extensive and included: abrasions, contusions, and lacerations of the head, neck, torso and extremities; skull fractures and dislocation of a joint in the upper part of the neck; contusions and lacerations of the brainstem and upper cervical spinal cord; fractures of the clavicle and numerous ribs; contusions and lacerations of the lungs, aorta, liver, small bowel, and intestines; and fractures of the right humerus, right femur, left femur, left knee, left tibia, and left fibula. Dr. Alexander concluded Ms. Clark's manner of death was an accident.²

Standard post-mortem toxicology testing on Ms. Clark did not detect the presence of drugs or alcohol. At the request of the IID, the OCME performed additional toxicology testing to determine if there was evidence Ms. Clark had taken [REDACTED]. The additional testing did not reveal the presence of [REDACTED] in her blood. The testing did, however, indicate the presence of tetrahydrocannabinol ("THC"), the major psychoactive compound in marijuana. OCME could not offer any opinion on whether, or to what extent, the level of THC present in Ms. Clark's blood would have caused any level of impairment at the time she was driving the minivan and crashed.

F. Civilian Witness Statements

MSP troopers who arrived on scene after the minivan had crashed into the tree collected written statements from several civilian witnesses who had stopped on the shoulder near exit 109, including some of the civilians who had previously called 911 to report the minivan's driving. IID investigators also spoke with several other civilian witnesses as part of this investigation. The civilian witnesses largely described the minivan's driving consistent with what was reported to 911 and with what was depicted on Trooper Manuel's dashboard camera footage.

G. Paramedic Statements

Paramedics from Cecil County Emergency Medical Services responded to the collision scene in two ambulances. Their report indicates they were dispatched to the collision at 12:26 p.m. and arrived at 12:36 p.m. The report states that when paramedics arrived, Ms. Clark was still in the vehicle, which was on its side. Paramedics could only see Ms. Clark's "hand and part of her face." The report indicates that Ms. Clark was not moving [REDACTED] but paramedics could not physically get to her until the minivan was stabilized and the roof was cut back. Paramedics report being able to assess Ms. Clark at 12:52 p.m. They noted that, even at that point, they could only see her body from the mid-chest and up as the rest of her body was

² Manner of death is a classification used to define whether a death is from intentional causes, unintentional causes, natural causes, or undetermined causes. The Maryland Office of the Chief Medical Examiner uses five categories of manner of death: natural, accident, suicide, homicide, and undetermined. "Accident" applies when an injury causes death and there is little or no evidence that the injury occurred with intent to harm or cause death. This term is not considered a legal determination; rather, it is largely used to assist with public health statistics. "*A Guide for Manner of Death Classification*," First Edition, National Association of Medical Examiners, February 2002.

trapped inside the minivan. [REDACTED] and she was then pronounced dead.

H. Law Enforcement Officers' Statements

1. Trooper Manuel

Trooper Manuel, like the subject of any criminal investigation, has a right under the Fifth Amendment to refrain from making any statement. He declined to be interviewed by investigators. This Fifth Amendment right also applies to written statements. The United States Supreme Court has held that if such a statement is ordered, the result of threat, or otherwise compelled (*i.e.*, not voluntary), it cannot be used against an officer in a criminal investigation and may 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).

Pursuant to MSP policy, on January 3, 2023, Trooper Manuel submitted a "Vehicle Pursuit Report," which included a narrative section in which he described the pursuit. As part of its investigation, the IID received a copy of this Vehicle Pursuit Report, and IID attorneys not assigned to this particular case screened that report pursuant to the IID's internal protocols for the handling of statements by involved officers. A copy of these protocols and a memorandum analyzing relevant federal and Maryland case law to determine whether Trooper Manuel's statement could be considered compelled for *Garrity* purposes is being provided to the Cecil County State's Attorney's Office with this report and is listed in Appendix A. IID attorneys found no basis to conclude this statement was compelled, and after consultation with the Cecil County State's Attorney Office, Trooper Manuel's statement was considered in the investigation. The complete report is contained in Appendix C. The statement is also summarized below and generally matches what is visible on Trooper Manuel's dashboard and body-worn camera footage.

In his narrative, Trooper Manuel summarized the 911 calls received by the barrack and explained that he positioned himself at a crossover on I-95. He said he saw a white Honda Odyssey driving on the right shoulder at a high rate of speed. The minivan crossed from the right shoulder into the right travel lane and then back onto the shoulder several times. Trooper Manuel said he pulled out and had to accelerate to catch up to the minivan. He said he saw the minivan again cross over from the shoulder to the right lane and continued to drive fast.

At that point, Trooper Manuel said he activated his emergency equipment and "attempted to conduct a traffic stop on the vehicle." He said the minivan did not stop, and the "pursuit was authorized by the duty officer." Trooper Manuel described additional observations he made about how the minivan was moving, including accelerating and abruptly changing lanes from the

right shoulder to the left most travel lane, slowing to approximately 60 miles per hour and “jerking the wheel in an erratic manner.” He also said he saw the minivan change lanes numerous times and it failed to maintain a constant speed. Trooper Manuel said, “the driver appeared to intentionally cause the vehicle to lose traction several times by jerking the wheel back and forth in a flagrant manner.”

Trooper Manuel next described the collision itself, noting the minivan “failed to reduce speed around the curve” on the exit ramp, and “subsequently lost control and collided with a tree.” He said after the collision he “immediately requested fireboard” and used a fire extinguisher to put out a small fire on the minivan. He said he and other troopers “attempted to gain access to the vehicle to render aid to the driver,” but they could not get to the driver because of the “extension damage and position of the vehicle.”

Additional statements made by Trooper Manuel relevant to the pursuit were captured on his body-worn camera footage and the footage from other troopers who arrived on scene after the collision. Trooper Manuel said he slowed down at one point during the pursuit because the minivan was going 120 miles per hour on the shoulder. He also said he believed Ms. Clark intended to drive onto the exit ramp in order to get off I-95, but she was going too fast to avoid a collision.

2. Command Staff Review of Written Report

Pursuant to MSP policy, Trooper Manuel’s “Vehicle Pursuit Report” was forwarded to his chain of command, who reviewed the report and the corresponding video footage to determine if the pursuit conformed with departmental policy. This internal pursuit review is inherently focused on potential administrative violations committed by the involved trooper and does not address potential criminal charges. Further, as discussed below in Section V(A) of this report, even if an officer did violate departmental policy, it is only “a factor to be considered in determining the reasonableness of police conduct” when examining criminal culpability. *State v. Pagotto*, 361 Md. 528, 557 (2000).

Cpl. Martinez, the barrack duty officer, first reviewed Trooper Manuel’s report. In his own narrative, Cpl. Martinez indicated that after Trooper Manuel advised the barrack that the minivan “was not stopping” and that he “continued to observe reckless actions,” Trooper Manuel “was authorized to continue the pursuit based on our pursuit policy.”

Next, First Sergeant Jason Griffin, who was the acting barrack commander, reviewed the report along with Trooper Manuel’s dashboard camera footage. He noted Trooper Manuel “initiated a pursuit for disoriented reckless driving that was observed prior to activating his emergency equipment,” which is a reference to MSP’s vehicle pursuit policy. He added, “when the vehicle failed to stop, the barrack was immediately notified,” and the duty officer “monitored the pursuit” with Trooper Manuel providing “multiple updates as to location and speed and he drove within his abilities.” F/Sgt. Griffin concluded the pursuit “conforms to policy and procedure.”

Trooper Manuel's report was then forwarded to Lieutenant Stacey Gappert who found the pursuit "justified" but commented on the lack of an explicit authorization from the duty officer for the pursuit, stating, "Although Trooper Manuel and Cpl. Martinez did not exchange the specific request/authorization to pursue the suspect vehicle, as noted in the policy; it was apparent that Trooper Manuel articulated the operator was refusing to stop and that Cpl. Martinez was present and acknowledged Trooper Manuel on the radio during that time." Regarding Trooper Manuel's actual driving during the pursuit, Lt. Gappert focused on Trooper Manuel's repeated use of the left and right shoulders. She noted that Trooper Manuel's "driving actions corresponded with the van's path," explaining that Trooper Manuel "traveled on the shoulder, mirroring the van when the operator traveled on the shoulder." She added, "although he drove on the shoulder during these times, he did not use the shoulder to maneuver around other motorists." She also noted that if Trooper Manuel had "pursued the van in the lane(s) closest to the shoulder the van was using . . . the traffic occupying those lanes could have immediately yielded to the emergency lights/siren and moved to the shoulder, directly in the path of the white van." Because of this, Lt. Gappert concluded that Trooper Manuel's tactics "may not be standard; however, they were undoubtedly reasonable and necessary."

Finally, Captain Shawn Ward received the report and agreed with Lt. Gappert's findings.

3. Troopers on Scene

Three troopers—Trooper First Class Wilson Plaisimond, Cpl. Adam Siemek, and Trooper First Class Andrew Yocum—arrived at the scene of the collision only after the minivan had struck the tree and came to a complete stop. They were not part of the pursuit and did not observe the minivan in motion. All three troopers submitted reports pursuant to MSP policy, and they also spoke with IID investigators. Their oral and written statements generally match what is visible on corresponding dashboard and body-worn camera footage.

III. Involved Parties' Backgrounds

As part of its standard investigative practice, the IID obtained information regarding the involved parties' criminal histories and Trooper Manuel's departmental internal affairs records and relevant training.

Julie Clark: Ms. Clark was a 26-year-old white woman. Her last known address was with family in Tenafly, New Jersey. The Tenafly Police Department provided numerous police reports to the IID [REDACTED]

[REDACTED] The police department most recently had contact with Ms. Clark on December 27, 2022, four days before the pursuit, when she called 911 to report that her brother had taken the keys to her rental vehicle and refused to give them back. The next evening, December 28, 2022, Ms. Clark went to police headquarters [REDACTED]

[REDACTED] Officers noted that she did not have any visible injuries and gave inconsistent accounts of what had occurred. Later that night, officers met Ms. Clark at a convenience store and noted that she was "emotionally upset but did not appear to be a danger to herself or others." Ms. Clark told officers she was going to a hotel in Englewood, New Jersey for the night and would contact her therapist in the morning.

Trooper First Class Kurtis Manuel: Trooper Manuel is a white man who was 28 years old at the time of this incident. He was hired by MSP on August 21, 2017. [REDACTED]

[REDACTED]

IV. Applicable Policies

MSP has the following policies on authorized vehicle pursuits, emergency equipment and police radios, and responsibilities of the primary unit and duty officer that are relevant to the legal analysis in this matter. The complete MSP policy, "Vehicle Pursuits" (OPS 09.02), is attached to this report as Appendix B.

"Vehicle pursuits are only authorized when troopers have probable cause for one or more of the following:

- a. felony offenses;
- b. hit-and-run traffic collisions resulting in bodily injury or death; or
- c. significant reckless/disoriented driving actions PRIOR to the trooper's involvement in a pursuit that could cause an imminent danger to the public (includes but is not limited to collisions with other vehicles, forcing other vehicles to take evasive action, failure to stop at controlled intersections, driving on the wrong side of the road, etc.)." OPS 09.02.06.B.1.

"Should a pursuit meet one or more of the above criteria, the following factors, although not all inclusive, should be considered when deciding to engage in, continue or terminate a pursuit:

- a. evasive tactics employed by the suspect;
- b. familiarity with the area by involved personnel;
- c. identity or other known information of the suspect;
- d. offense seriousness;
- e. population/traffic density;
- f. presence of minors and/or other involved person(s) in the pursued vehicle;
- g. road configuration (e.g. interstate, divided highway, work zones, etc.);
- h. safety of the public, involved personnel and the suspect;
- i. speeds;
- j. support unit(s) and aviation availability;
- k. time of day;
- l. trooper's training, experience and driving abilities;
- m. vehicle performance capabilities (police and suspect); and
- n. weather, visibility and roadway conditions." OPS 09.02.06.B.2.

“All troopers involved in a pursuit will immediately activate the police vehicle’s emergency lights, siren and in-car camera, if applicable. Troopers should also increase the police radio volume so that radio transmissions can be heard above the sound of the siren.” OPS 09.02.06.D.1.

“The primary unit will maintain radio contact with the barrack throughout the pursuit and provide the duty officer with updates regarding the pursuit conditions.” OPS 09.02.06.D.2.

“Any trooper engaging in a pursuit will immediately notify the barrack responsible for that area that a pursuit is underway. The trooper should provide the following information:

- a. unit identification number;
- b. location;
- c. direction of travel;
- d. description of the fleeing vehicle;
- e. occupant information, if known;
- f. reason for the pursuit and any pertinent information relating to probable cause; and
- g. vehicle speed.” OPS 09.02.06.E.1

“The pursuit will be terminated immediately if there is no response from the duty officer or if the duty officer is not available to monitor and direct the pursuit.” OPS 09.02.06.E.2.

“The trooper will continually assess the situation to determine whether the pursuit should be continued. The pursuing trooper may terminate the pursuit at his discretion at any time. At the point where it is determined the risk to human life outweighs the seriousness of the offense or the benefit of the capture, the pursuit will be terminated.” OPS 09.02.06.E.3.

“The responsibility for authorizing a pursuit and allowing the pursuit to continue rests with the duty officer. The duty officer will apply this directive to the known facts regarding the pursuit. The duty officer will exercise sound judgment which will be analyzed during the Pursuit Review Phase.” OPS 09.02.06.G.1.

“Upon notification that a vehicle pursuit is in progress, the duty officer will:

- a. immediately acknowledge control of the pursuit, via the police radio;
- b. notify the pursuing trooper either “the pursuit is authorized” or “terminate the pursuit;” and
- c. assume responsibility for monitoring and directing the pursuit as it progresses, regardless of the rank of the trooper engaged in the pursuit.” OPS 09.02.06.G.2.

V. Applicable Law & Analysis

The IID analyzed Maryland statutes that could be relevant in a vehicle pursuit of this nature. This section presents the elements of each possible criminal charge and analyzes these

elements in light of the factual findings discussed above.

A. Manslaughter by Vehicle³

Criminal Law § 2-209(b) states: “A person may not cause the death of another as a result of the person’s driving, operating, or controlling a vehicle or vessel in a grossly negligent manner.”

To prove manslaughter by vehicle, the State must establish: “(1) that the defendant drove a motor vehicle; (2) that the defendant drove in a grossly negligent manner, and (3) that this grossly negligent driving caused the death of [Ms. Clark].” MPJI-Cr 4:17.10 Homicide—Manslaughter by Motor Vehicle, MPJI-Cr 4:17.10 (2d ed. 2021). Grossly negligent conduct is that which “amount[s] to a wanton and reckless disregard for human life.” *Duren v. State*, 203 Md. 584, 588 (1954) (citing *State of Maryland v. Chapman, D.C.*, 101 F. Supp. 335, 341 (D. Md. 1951); *Hughes v. State*, 198 Md. 424, 432 (1951)).

The available evidence does not indicate that Trooper Manual’s driving was itself wanton or reckless, despite driving on the shoulder of the highway at speeds in excess of 100 miles per hour throughout the pursuit in order to keep pace with the minivan. *See Duren*, 203 Md. at 584 (holding grossly negligent driving to consist of “a lessening of the control of the vehicle to the point where such lack of effective control is likely at any moment to bring harm to another”). Specifically, Trooper Manual activated his patrol car’s lights and sirens and remained several car-lengths or more behind Ms. Clark even as the pursuit continued at high speeds with, at times, lower visibility due to foggy conditions. He also maintained control of his vehicle throughout the pursuit while adjusting his speed and path of travel to account for a moderate amount of vehicular traffic.

Because the available evidence does not indicate that Trooper Manual drove recklessly, the State would need to show that the decision to engage in the pursuit was itself grossly negligent. One way to determine this is to examine whether the pursuit complied with MSP’s vehicle pursuit policy. The Court of Appeals has held that, “a violation of police guidelines *may* be the basis for a criminal prosecution.” *State v. Pagotto*, 361 Md. 528, 557 (2000) (citing *State v. Albrecht*, 336 Md. 475, 502-03 (1994)) (emphasis in original). The Court clarified that, “while a violation of police guidelines is not negligence *per se*, it is a factor to be considered in determining the reasonableness of police conduct.” *Id.* (citations omitted). Maryland courts have considered officers’ policy violations as evidence of negligence, recklessness, unreasonableness, and corrupt intent. *See, e.g., Albrecht*, 336 Md. at 503; *Pagotto*, 361 Md. at 550-53; *Koushall v. State*, 249 Md. App. 717, 729-30 (2021), *aff’d*, No. 13, Sept. Term, 2021 (Md. Feb. 3, 2022); *Kern v. State*, No. 2443, Sept. Term 2013, 2016 WL 3670027, at *5 (Md. Ct. Spec. App. Jul. 11, 2016) (unreported); *Merkel v. State*, No. 690 Sept. Term 2018, 2019 WL 2060952, at *8 (Md. Ct. Spec. App. May 9, 2019) (unreported)⁴; *Mayor and City Council of Baltimore v. Hart*, 395 Md.

³ This report does not analyze the charge of common law involuntary manslaughter with respect to the pursuit itself because that charge is preempted by the manslaughter by vehicle statute. *State v. Gibson*, 254 Md. 399, 400-01 (1969).

⁴ Pursuant to General Provisions § 1-104, unreported opinions shall not be used as either precedential or persuasive authority in any Maryland court. They are included here solely for illustrative purposes.

394, 398 (2006) (civil litigation). However, a “hypertechnical” violation of policy, without more, is not sufficient to establish gross negligence. *State v. Pagotto*, 127 Md. App. 271, 304 (1999), *aff’d*, 361 Md. 528 (2000).

The available evidence indicates that Trooper Manuel largely complied with MSP’s vehicle pursuit policy. The evidence shows that Ms. Clark exhibited “significant reckless/disoriented driving actions PRIOR to the trooper’s involvement in a pursuit that could cause an imminent danger to the public,” as is required for an authorized pursuit under OPS 09.02.06.B.1.c. This is supported by the specific and detailed information provided to police, of which Trooper Manuel was aware, by four independent civilians in their 911 calls over a period of approximately forty minutes and a distance of nearly forty miles. In addition, from his position in the crossover area, Trooper Manuel was able to personally observe the minivan—one that matched the vehicle descriptions in the 911 calls and was passing his location at the time a civilian indicated it would be—driving at a high rate of speed on the right shoulder, which is a non-travel lane. The minivan also crossed back-and-forth between the right shoulder and lane three as it approached Trooper Manuel’s position. Further, from the time the minivan passed the crossover area until Trooper Manuel turned on his lights and siren to conduct a traffic stop, the minivan continued to drive at high speeds and crossed over from the right shoulder to lane three. Therefore, based on the available evidence, there is no indication that Trooper Manuel’s decision to engage in the pursuit was itself grossly negligent.

Additionally, the available evidence would not support a conclusion that Trooper Manuel caused Ms. Clark’s death, as required to satisfy the third element of a manslaughter by vehicle charge. “A causal connection between ... gross negligence and death must exist to support a conviction ...” *Albrecht*, 336 Md. at 499, 649 A.2d 336 (citation omitted). See also *Craig v. State*, 220 Md. 590, 597, (1959) (negligence “must be the proximate cause of death”); *Duren*, 203 Md. at 593, (“Necessarily, the criminal negligence must have produced the death if the accused is to be guilty of manslaughter.”); *Blackwell v. State*, 34 Md. App. 547, 557, (1977) (there must “be some reasonable connection between the act or omission and the death that ensued”) (citation omitted); *Mills*, 13 Md. App. at 200. “It is required, for criminal liability, that the conduct of the defendant be both (1) the actual cause, and (2) the ‘legal’ cause (often called ‘proximate’ cause) of the result.” LaFave, *Criminal Law* § 6.4(a), at 437. For conduct to be the actual cause of some result, “it is almost always sufficient that the result would not have happened in the absence of the conduct”—or “but for” the defendant’s actions. LaFave, *Criminal Law* § 6.4(b), at 439. Here, the evidence shows that Ms. Clark was driving in a reckless manner and threatening the safety of others traveling on I-95 well before Trooper Manuel located and began to follow her. Ms. Clark continued driving in this manner during the entire pursuit, and it is unlikely a factfinder could determine that Trooper Manuel was the cause of Ms. Clark’s death.

B. Criminally Negligent Manslaughter by Vehicle

Criminal Law § 2-210 states:

(b) A person may not cause the death of another as the result of the person’s driving, operating, or controlling a vehicle or vessel in a criminally negligent manner. (c) For purposes of this section, a person acts in a

criminally negligent manner with respect to a result or a circumstance when: (1) the person should be aware, but fails to perceive, that the person's conduct creates a substantial and unjustifiable risk that such a result will occur; and (2) the failure to perceive constitutes a gross deviation from the standard of care that would be exercised by a reasonable person. (d) It is not a violation of this section for a person to cause the death of another as the result of the person's driving, operating, or controlling a vehicle or vessel in a negligent manner.

Criminally negligent manslaughter by vehicle differs from manslaughter by vehicle only in that it requires proof of criminal negligence rather than gross negligence. MPJI-Cr 4:17.10 Homicide—Manslaughter by Motor Vehicle, MPJI-Cr 4:17.10 (2d ed. 2021). Gross negligence requires proof that “the defendant *was conscious of the risk* to human life posed by his or her conduct.” 96 Md. Op. Atty. Gen. 128, 138, Dec. 21, 2011 (*available at* <https://www.marylandattorneygeneral.gov/Opinions%20Documents/2011/96oag128.pdf>) (emphasis in original). Criminal negligence requires proof that “the defendant *should have been aware, but failed to perceive* that his or her conduct created a ‘substantial and unjustifiable risk’ to human life and that the failure to perceive that risk was a ‘gross deviation’ from the standard of care that a reasonable person would exercise.” *Id.* (emphasis in original; quoting Crim. Law § 2-210).

As with the manslaughter by vehicle charge discussed above in Section V(A), the available evidence does not suggest that Trooper Manuel created an unjustifiable risk that was a gross deviation from a reasonable standard of care. While there is little case law interpreting the criminally negligent manslaughter statute, which was enacted in 2011, those few cases have examined issues related to speed, visibility, driver aggressiveness, and driver impairment. *See, e.g., Beattie v. State*, 216 Md. App. 667, 684 (2014) (upholding a conviction where defendant “drove his 70-foot tractor trailer, in the dark, across three lanes of traffic on a highway where the speed limit was 65 miles per hour” and “[d]ue to his location near the curve of the road, he could see only a distance of a quarter mile.”); *Billups v. State*, 2019 WL 4724633, at *3 (Md. Ct. Spec. App. Sept. 26, 2019) (upholding a conviction where defendant, while high on PCP, drove on a highway on-ramp while swerving and going 16 miles per hour over the speed limit); and *Dobrzynski v. State*, 223 Md. App. 771 (2015) (upholding a conviction where defendant drove while on medication and severely over-tired and drove above the speed limit knowing that her child was unbuckled in the back seat).

In the instant case, Trooper Manuel undoubtedly drove at speeds well above the posted speed limit on I-95, and the pursuit occurred during a period of foggy weather that caused lower visibility than would otherwise be present at that time of day. With regard to this visibility, however, the pursuit was during daylight hours, and the dashboard camera footage and radio transmissions largely indicate that Trooper Manuel did not lose actual sight of the minivan, which remained at least several car lengths in front of him throughout the pursuit. Further, this stretch of I-95 is level with no apparent change in elevation and relatively straight with no significant curves that would have otherwise hindered Trooper Manuel's sightline. Finally, there is certainly no evidence that Trooper Manuel was in any way impaired during the pursuit. Although any analysis of the criminal negligence standard is entirely fact dependent, the limited

case law that does exist would not support a contention that Trooper Manuel violated this specific standard.

C. Duty of Driver to Render Reasonable Assistance to Persons Injured in an Accident

Transportation Article § 20-104(a) states: “The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall render reasonable assistance to any person injured in the accident and, if the person requests medical treatment or it is apparent that medical treatment is necessary, arrange for the transportation of the person to a physician, surgeon, or hospital for medical treatment.”

This offense requires proof that: (1) the defendant drove a motor vehicle; (2) the motor vehicle was involved in an accident; (3) the accident resulted in bodily injury to or death of a person or in damage to an attended vehicle or other attended property; and (4) the defendant did not render reasonable assistance to a person injured in the accident.

The evidence does not support any contention that Trooper Manuel failed to offer reasonable assistance to Ms. Clark. Trooper Manuel reported the collision at the exact moment it happened and told dispatch that the vehicle was on fire and to send emergency medical services personnel. He immediately stepped out of his patrol car and ran up to the minivan and acted quickly to use a fire extinguisher. As captured on body-worn camera footage, Trooper Manuel and the other responding troopers could not fully see Ms. Clark’s body and could not have physically gotten to her until the minivan was moved away from the tree and the top cut open. Once this happened, paramedics themselves did not provide any aid to Ms. Clark and pronounced her dead only when she was removed from the car. Further, based on the nature of the collision and the position and condition of the minivan wrapped around the tree, Ms. Clark was almost certainly dead at the time Trooper Manuel first approached the minivan on foot.

D. Reckless Driving and Negligent Driving

Transportation Article § 21-901.1(a) states: “A person is guilty of reckless driving if he drives a motor vehicle: (1) In wanton or willful disregard for the safety of persons or property; or (2) In a manner that indicates a wanton or willful disregard for the safety of persons or property.”

Transportation Article § 21-901(b) states: “A person is guilty of negligent driving if he drives a motor vehicle in a careless or imprudent manner that endangers any property or the life or person of any individual.”

Factors such as “[s]peed, erratic driving, disregard of the red light, [and] force of impact ... can be taken as evidence of wanton or reckless disregard of human life.” *Taylor v. State*, 83 Md. App. 399, 404 (1990) (citing *Boyd v. State*, 22 Md. App. 539 (1974); *State v. Kramer*, 318 Md. 576, 590 (1990)).

For the reasons outlined in Sections V(A) and V(B) above, the available evidence does not indicate that Trooper Manuel drove recklessly or negligently.

E. Other Charges Considered⁵

There are several other charges for which full analysis was not warranted given the facts of this incident. Those charges are addressed briefly here.

The crimes of first-degree murder, intentional second-degree murder, and voluntary manslaughter each requires the State to prove the defendant had “either the intent to kill or the intent to inflict such serious bodily harm that death would be the likely result.” MPJI-Cr 4:17 Homicide—First Degree Premeditated Murder and Second Degree Specific Intent Murder, MPJI-Cr 4:17 (2d ed. 2021); *Cox v. State*, 311 Md. 326, 331 (1988) (voluntary manslaughter is “an intentional homicide”). In this case, there are certainly no facts suggesting that Trooper Manuel intended to kill or cause serious bodily harm to Ms. Clark.

The crime of second-degree depraved heart murder requires the State to prove the defendant “created a very high degree of risk to the life of [Ms. Clark]” and “acted with extreme disregard of the life endangering consequences” of such risk. MPJI-Cr 4:17.8 Homicide—Second Degree Depraved Heart Murder and Involuntary Manslaughter (Grossly Negligent Act and Unlawful Act), MPJI-Cr 4:17.8 (2d ed. 2021). With respect to the pursuit, this charge is preempted by the manslaughter by vehicle statute. *Blackwell v. State*, 34 Md. App. 547, 555-56 (1977).

The crime of misconduct in office requires the State prove: (1) that the defendant was a public officer; (2) that the defendant acted in their official capacity or took advantage of their public office; and (3) that the defendant corruptly did an unlawful act (malfeasance), corruptly failed to do an act required by the duties of their office (nonfeasance), or corruptly did a lawful act (misfeasance). MPJI-Cr 4:23 Misconduct in Office (Malfeasance, Misfeasance, and Nonfeasance), MPJI-Cr 4:23 (2d ed. 2021). “[T]he conduct must be a willful abuse of authority and not merely an error in judgment.” Comment to *id.* (citing Hyman Ginsberg and Isidore Ginsberg, *Criminal Law & Procedure in Maryland* 152 (1940)). While the State need not show direct evidence of intent when alleging malfeasance, the available evidence here does not indicate that Trooper Manuel engaged in any unlawful act. *See Pinheiro v. State*, 244 Md. App. 703, 722 n. 8 (2020). Regarding misfeasance and nonfeasance, there is no evidence that Trooper Manuel acted with a corrupt intent, defined as “depravity, perversion, or taint.” *Id.*

VI. Conclusion

This report has presented factual findings and legal analysis relevant to the fatal trooper-involved vehicle pursuit that occurred on December 31, 2022, in Cecil County, Maryland. Please contact the IID if further investigation or analysis is required.

⁵ This report does not analyze the potential charge of reckless endangerment because the relevant subsection of that statute “does not apply to conduct involving ... the use of a motor vehicle.” Criminal Law § 3-204(c)(1)(i).

Appendices

Appendix A – Materials Reviewed

911 Calls (1 audio recordings with media player)
Body-Worn Camera Footage (9 recordings)
CAD Reports (9 items)
Civilian Witness Statements (2 recordings, 5 written statements, and 2 emails)
Communications Audio (2 recordings with media player)
Dashboard Camera Footage (6 recordings)
Decedent Documents (2 items)
IA History and Training Records (16 items)
Involved Officer Statement (IID's *Garrity* protocols and statement review memorandum)
Lab Reports (3 items)
Maryland State Fire Marshals Office (1 report)
Medical Records (15 items)
MSP Reports (14 items)
OAG Reports (20 reports)
OCME (1 autopsy report with cover letter, 1 additional labs report, 59 photographs, 1 request)
Photographs (591 photos)
Police Reports (10 items)
Witness Officer Statements (3 recordings)

All materials listed above have been shared with the Cecil County State's Attorney's Office via a secure filesharing service.

Appendix B – Relevant MSP Policy

See attached.

Appendix C – Trooper Manuel's "Vehicle Pursuit Report"

See attached.

Appendix B

Relevant MSP Policy



MARYLAND STATE POLICE OPERATIONS DIRECTIVE



Vehicle Pursuits

Distribution: All Employees	Index: OPS 09.02
DLI Reference: N/A	Rescinds: Chapter 22. Sec. XII
Issued: 07/01/2014	Revised: 03/01/2020

.01 Purpose

To establish procedures regarding vehicle pursuits.

.02 Policy

A vehicle pursuit can present a danger to the lives of the public, MSP personnel and the suspect(s) involved. Therefore, the decision to engage in a pursuit must be based on the pursuing trooper's and duty officer's conclusion that the imminent danger to the public and those involved in the pursuit is less than the potential danger should the suspect(s) remain at large.

.03 CALEA Standards

LE: 41.2.2 41.2.3 **TA:** N/A **CM:** N/A

.04 References

[MD. CODE ANN., CRIM. PROC. § 2-301 et. seq.](#)

[MD. CODE ANN., TRANSP. §11-118](#)

[MD. CODE ANN., TRANSP. §21-106](#)

[MD. CODE ANN., TRANSP. §22-218](#)

.05 Definitions

BLOCKING: use of police vehicles, signs or flares to prevent the public from driving into the path of a pursuit.

BLUETEAM: a web-based application enabling users to document and monitor incidents to include, but not limited to: citizen/external complaints, internal complaints, firearm discharges, use of force incidents, vehicle pursuits and departmental collisions.

EMERGENCY VEHICLE: has the meaning stated in [MD. CODE ANN., TRANSP. §11-118](#).

FRESH PURSUIT: pursuit that is continuous and without unreasonable delay, although not necessarily instant pursuit.

PRIMARY UNIT: the initial pursuing trooper that assumes primary control of the pursuit until relieved by another unit.

PURSUIT-RATED VEHICLE: an emergency vehicle designed by its manufacturer as being specifically equipped with enhanced features to support vehicle performance during high-speed pursuits.

PURSUIT REVIEW COORDINATOR: the barrack first sergeant in the area where the pursuit began who is responsible for the review of all pursuits in his geographical area of responsibility, unless otherwise determined by the troop commander.

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RAMMING: the deliberate act of impacting the pursued vehicle with another vehicle to functionally damage or otherwise force the pursued vehicle to stop. Ramming is a highly dangerous action that is restricted to deadly force situations.

ROLLING ROADBLOCK: surrounding (boxing-in) a suspect's vehicle with emergency vehicles and/or a fixed object (e.g. guardrail or barrier) while slowing to a controlled stop, forcing the suspect's vehicle to a stop.

SECONDARY UNIT: the second or third trooper directly involved in a pursuit.

STOP STICKS®: tire deflation devices with hollow spikes that, when placed in the path of a vehicle, are designed to puncture the tires and cause a gradual and controlled deflation allowing the vehicle to come to a stop.

SUPPORT UNIT(S): any other police vehicles not directly involved in the pursuit, but which may participate in a support role in close proximity. Support units may be behind, ahead of, or approaching the pursuit from the side. They may be used to block traffic from the anticipated route of the pursuit, warn traffic/pedestrians, block potentially hazardous exits, deploy Stop Sticks® or be available to assist in any other way.

VEHICLE PURSUIT: a deliberate attempt by a trooper in an emergency vehicle to apprehend a fleeing suspect(s) who, by use of a vehicle, is actively attempting to avoid apprehension by taking evasive action(s), changing speed or engaging in other maneuvers to elude the police.

.06 Procedures

A. General Pursuit Guidelines

1. The guiding principle in any pursuit is the safety of the public and those involved in the pursuit.
2. In situations when a pursuit is not an option, troopers are not relieved of their duty to enforce the law by other lawful means. When practical, troopers will conduct a follow-up investigation to locate and interview witnesses or others who can identify the violator.
3. Failure to adhere to this directive may result in disciplinary action. Violations of the law may form the basis for civil and criminal sanctions.
4. When adhering to the procedures set forth in this policy, troopers and supervisors deciding not to engage in a vehicle pursuit or terminating a pursuit already in progress will not be subject to disciplinary action.

B. Authorized Pursuits

1. Vehicle pursuits are only authorized when troopers have probable cause for one or more of the following:
 - a. felony offenses;
 - b. hit-and-run traffic collisions resulting in bodily injury or death; or
 - c. significant reckless/disoriented driving actions PRIOR to the trooper's involvement in a pursuit that could cause an imminent danger to the public (includes but is not limited to: collisions with other vehicles, forcing other vehicles to take evasive action, failure to stop at controlled intersections, driving on the wrong side of the road, etc.).

2. Should a pursuit meet one or more of the above criteria, the following factors, although not all inclusive, should be considered when deciding to engage in, continue or terminate a pursuit:
 - a. evasive tactics employed by the suspect;
 - b. familiarity with the area by involved personnel;
 - c. identity or other known information of the suspect;
 - d. offense seriousness;
 - e. population/traffic density;
 - f. presence of minors and/or other involved person(s) in the pursued vehicle;
 - g. road configuration (e.g. interstate, divided highway, work zones, etc.);
 - h. safety of the public, involved personnel and the suspect;
 - i. speeds;
 - j. support unit(s) and aviation availability;
 - k. time of day;
 - l. trooper's training, experience and driving abilities;
 - m. vehicle performance capabilities (police and suspect); and
 - n. weather, visibility and roadway conditions.
3. Due to the capabilities of motorcycles, which exceed those of pursuit-rated vehicles, pursuits involving suspects on motorcycles are generally prohibited. However, under exigent circumstances involving violent felonies against persons, the duty officer may authorize a trooper to pursue a motorcycle.

C. Use of Emergency Vehicles in Pursuits

1. Only pursuit-rated vehicles are authorized to directly participate in pursuits; however, vehicles that are not pursuit-rated may serve as a support unit.
2. Police motorcycles should not be used for pursuits, except in exigent circumstances, with approval by the duty officer. Should a police motorcycle become involved with a pursuit, motor units will disengage when another pursuit-rated vehicle becomes involved.
3. The operator of an unmarked vehicle will relinquish primary control in the pursuit as soon as a marked pursuit-rated vehicle becomes involved.
4. Police vehicles occupied by non-MSP employees (unless they are allied law enforcement) are prohibited from engaging in pursuits.
5. There should be no more than three police vehicles directly involved in a pursuit. Additional units should assist as support units as directed by the duty officer.
6. Support units will not follow the pursuit on parallel streets, unless authorized by the duty officer.
7. Troopers will discontinue direct involvement in the pursuit when the fleeing vehicle is under air surveillance or other monitoring technology has been deployed. Troopers should remain at an appropriate distance with emergency equipment activated until otherwise directed.
8. Absent extreme circumstances, no pursuit will be conducted in a direction against the lawful flow of traffic on a one-way street or lane(s) of a divided highway.

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9. A trooper will not intentionally use his vehicle to ram a suspect's vehicle in order to cause the suspect vehicle to stop, unless deadly force is justified. Ramming a suspect's vehicle is not the same as a rolling roadblock which may be authorized as outlined below.

D. Emergency Equipment and Police Radios

1. All troopers involved in a pursuit will immediately activate the police vehicle's emergency lights, siren and in-car camera, if applicable. Troopers should also increase the police radio volume so that radio transmissions can be heard above the sound of the siren.
2. The primary unit will maintain radio contact with the barrack throughout the pursuit and provide the duty officer with updates regarding the pursuit conditions. Upon joining the pursuit, the secondary unit will assume responsibility for radio communications.
3. If the radio communications, lights or the siren fail in any unit, that unit will immediately cease participation in the pursuit. The barrack should be notified so another unit may be assigned to the pursuit, if available.
4. While engaged in an active pursuit, troopers will NOT use the in-car mobile data computer or other electronic devices.

E. Responsibilities of the Primary Unit

1. Any trooper engaging in a pursuit will immediately notify the barrack responsible for that area that a pursuit is underway. The trooper should provide the following information:
 - a. unit identification number;
 - b. location;
 - c. direction of travel;
 - d. description of the fleeing vehicle (make, model, color, license plate number/state and other distinguishing marks);
 - e. occupant information, if known (number, description, identities, etc.);
 - f. reason for the pursuit and any pertinent information relating to probable cause; and
 - g. vehicle speed.
2. The pursuit will be terminated immediately if there is no response from the duty officer or if the duty officer is not available to monitor and direct the pursuit.
3. The trooper will continually assess the situation to determine whether the pursuit should be continued. The pursuing trooper may terminate the pursuit at his discretion at any time. At the point where it is determined the risk to human life outweighs the seriousness of the offense or the benefit of the capture, the pursuit will be terminated.
4. A trooper, who is instructed to terminate a pursuit, will do so immediately.
5. Anytime a pursuit is terminated, the trooper who terminates the pursuit will do the following before the pursuit will be considered to have been terminated:
 - a. announce on the police radio the pursuit has been terminated and the final termination location;
 - b. deactivate the police vehicle's emergency equipment (lights and siren); and
 - c. reduce his vehicle's speed to the posted speed limit and comply with all traffic laws.

6. Once a pursuit has been terminated, should a trooper relocate the vehicle at a later time, it is considered a new pursuit and authorization must be given by the duty officer prior to reengaging in a pursuit.

F. Responsibilities of Communications Personnel

Upon notification that a pursuit is in progress, communications personnel will:

1. immediately notify the duty officer of the pursuit;
2. ensure a "stop transmitting" message is relayed to all units not involved in the pursuit;
3. ensure the duty officer acknowledges control of the pursuit;
4. create a Computer Aided Dispatch (CAD) event and record all incoming information related to the pursuit in the CAD;
5. request additional support units and aviation;
6. conduct vehicle and driver checks (if known);
7. notify the appropriate allied agencies/neighborhood barracks and request backup and notify them when the pursuit is terminated; and
8. repeat/relay incoming information over the police radio, as necessary.

G. Responsibilities of the Duty Officer

1. The responsibility for authorizing a pursuit and allowing the pursuit to continue rests with the duty officer. The duty officer will apply this directive to the known facts regarding the pursuit. The duty officer will exercise sound judgment which will be analyzed during the Pursuit Review Phase.
2. Upon notification that a vehicle pursuit is in progress, the duty officer will:
 - a. immediately acknowledge control of the pursuit, via the police radio;
 - b. notify the pursuing trooper either "the pursuit is authorized" or "terminate the pursuit"; and
 - c. assume responsibility for monitoring and directing the pursuit as it progresses, regardless of the rank of the trooper engaged in the pursuit.
3. In directing the pursuit, the duty officer will coordinate the pursuit to include:
 - a. Approve and coordinate pursuit tactics (use of Stop Sticks[®], roadblocks, etc.).
 - b. Direct primary, secondary and support units during the pursuit to include:
 - (1) ensuring no more than the necessary number of police vehicles are involved;
 - (2) directing police vehicles into or out of the pursuit as necessary; and
 - (3) approving and assigning support units to assist based on the nature of the offense(s), the number of suspects, the suspect's known propensity for violence, any damage to police vehicles, any injuries to involved troopers, or any other clear and articulable fact that would warrant additional support units.
4. The duty officer will continuously review known and incoming information to determine whether the pursuit should be continued or terminated. The duty officer may terminate a pursuit at his discretion, at any time. However, the duty officer will terminate the pursuit immediately, when the risk to human life outweighs the seriousness of the offense or the benefits of capture.

H. Pursuit Stopping Techniques Requiring Duty Officer Approval

The below listed stopping techniques require approval from the duty officer and should always be used with caution.

1. Stop Sticks®

- a. Stop Sticks® may be authorized during any pursuit, with certain exceptions.
- b. Stop Sticks® will not be used on a motorcycle or on a vehicle reasonably believed to be transporting hazardous materials, unless deadly force is authorized. In such cases the duty officer must weigh the potential hazards to the public and involved personnel.
- c. Only personnel who have received training from the Education and Training Division (ETD) on the proper use of Stop Sticks® may deploy them. The deployment of Stop Sticks® will be in accordance with training.
- d. Prior to deploying Stop Sticks®, the exact location of the deployed device, to include lane(s) of deployment, will be communicated over the police radio.
- e. Whenever possible, measures should be taken to divert other traffic away from the area where Stop Sticks® are to be deployed.

2. Roadblocks

a. Roadblocks in General

- (1) Before authorizing a roadblock, the duty officer will determine if a roadblock is appropriate by considering the imminent danger to the public, involved personnel and the suspect.
- (2) Roadblocks will not be used on a motorcycle or on a vehicle that is transporting hazardous materials, unless deadly force is authorized. In such cases the duty officer must weigh the potential hazards to the public and involved personnel.
- (3) Only personnel who have received training from ETD on the proper use of the roadblocks may use them. Roadblocks will be done in accordance with training.

b. Class A Roadblock - Deadly Force

- (1) Class A Roadblocks involve the use of heavy material, vehicles or equipment to stop the suspect vehicle and may only be used when deadly force is justified.
- (2) Roadblocks will be positioned in a manner that affords the vehicle being pursued adequate time and distance to avoid striking the roadblock by stopping or turning around.
- (3) Only state-owned vehicles or property will be used. Vehicles will be unoccupied.

c. Class B Roadblock - Non Deadly Force

- (1) Class B Roadblocks involve the use of signs, flares or other lightweight devices to stop the suspect vehicle and may be used during any authorized pursuit.

d. Rolling Roadblock

- (1) A rolling roadblock may be used during any pursuit that has been authorized.
- (2) A rolling roadblock may only be utilized when the suspect's vehicle is traveling at speeds of 40 miles per hour or less, or when the suspect's vehicle has come to a stop (e.g., suspect is unable to proceed through stopped traffic at an intersection).
- (3) A rolling roadblock will not be utilized when the suspect's driving is reckless or the suspect is known to be armed with a firearm.

3. Blocking

- a. Blocking may be authorized during any pursuit.
- b. Police vehicles, signs or flares may be used for blocking provided they are only used to redirect other vehicles away from the pursuit and not intended to stop the suspect's vehicle.

I. Fresh Pursuits Across State or Federal Jurisdictional Boundaries

1. Troopers Entering Another State or Federal Jurisdiction

- a. Pursuits will only continue across a state or federal jurisdictional boundary when the trooper has probable cause to believe the suspect has committed a felony and poses an imminent danger should the suspect remain at large.
- b. Troopers will continue to adhere to this directive during fresh pursuits which enter another state or federal jurisdiction.
- c. Troopers may not be entitled to the privileges and immunities afforded by Maryland law in the courts of another state or federal jurisdiction.

2. Vehicle Operation

- a. The number of pursuing vehicles entering another state or federal jurisdiction will be limited to those necessary to provide manpower to manage the incident.
- b. When the law enforcement agency with authority in that jurisdiction joins the pursuit, that agency should assume responsibility for the continued pursuit.
- c. Police vehicles pursuing into another state or federal jurisdiction should be marked. If marked units are not available, unmarked units may continue to pursue.

3. Communications and Authorization

- a. When it becomes apparent to the pursuing trooper that he may cross into another state or federal jurisdiction, he will immediately notify the barrack.
- b. The duty officer will decide if the pursuit meets the criteria to cross the boundary.
- c. Prior to crossing the boundary, the trooper must receive authorization from the duty officer.
- d. If the pursuit is authorized to continue, communications personnel will immediately notify the law enforcement agency in the jurisdiction to be entered.

4. Apprehension and Arrest

- a. States sharing a border with Maryland vary in their legal requirements for extradition.
- b. A trooper, who apprehends a suspect in another jurisdiction, by himself or with the assistance of that jurisdiction's law enforcement agency, will not immediately remove the suspect from that jurisdiction.
- c. The laws of that jurisdiction regarding judicial hearings on the legality of the arrest and the right to remove the person to Maryland must be fulfilled before the suspect is transported back to Maryland.

5. Authority of Law Enforcement of Other States to Arrest in Maryland

- a. A member of a state, county, or municipal law enforcement unit of another state who enters this State in fresh pursuit and continues within this State in fresh pursuit of a person to arrest the person on the ground that the person is believed to have committed a felony in the other state has the same authority to arrest and hold the person in custody as has a member of a duly organized state, county, or municipal corporation law enforcement unit of this State to arrest and hold a person in custody on the ground that the person is believed to have committed a felony in this State.
- b. If an arrest is made in Maryland by law enforcement of another state, troopers will assist in taking the suspect, without unnecessary delay, before a judge of the circuit court of the county in which the arrest was made who will conduct a hearing for the purpose of determining the lawfulness of the arrest.
- c. If the judge determines the arrest was:
 - (1) lawful, the suspect will be held for extradition proceedings; or
 - (2) unlawful, the suspect will be released.
- d. If appropriate, local charges will be placed against the suspect by MSP personnel.

J. Use of Firearms

The use of firearms during a pursuit will be in strict conformance to [OPS Chapter 10](#).

K. Actions Upon Suspect's Vehicle Stopping

1. Upon the suspect's vehicle stopping, the pursuing trooper(s) should treat the incident as a felony stop, using safe and accepted methods of removing the suspect(s) from the vehicle.
2. Troopers will follow the procedures for High Risk Traffic Stops outlined in [OPS 03.02](#) and make disposition on the suspect vehicle in accordance with [OPS Chapter 6](#).

L. Vehicle Damage

1. If damage to an MSP vehicle occurs, including damage from Stop Sticks®, the procedures in [ADM 13.03](#) will be followed.
2. Generally, troopers who damage their vehicles during a tactical pursuit maneuver (e.g. rolling roadblock), should not be found to have had a preventable collision, provided the maneuver was done in accordance with this directive and training.
3. For damage to all other vehicles, the duty officer will ensure the procedures in [OPS Chapter 5](#) are followed. Owners of vehicles requesting reimbursement for damages caused by the pursuit, should be referred to the State Treasurer's Office.

OPS 09.02
Vehicle Pursuits

4. If another law enforcement agency's vehicle is damaged as a result of the pursuit and the MSP is requested to investigate, a copy of the Form 1, Automated Crash Report, and the Incident Report will be forwarded to the requesting agency.

M. Requests to Assist Allied Agencies in Pursuits

1. Participation in another agency's pursuit is appropriate only in response to a specific request from that agency and only with approval of the duty officer.
2. Troopers are only authorized to participate in allied agency pursuits which meet the criteria of this directive. If authorized to assist another agency in a pursuit, employees will operate under the guidelines of this directive.
3. Upon receipt of a request by another agency for assistance with a pursuit, the following apply:
 - a. The duty officer will gather the information from the agency requesting assistance, including the reason for the pursuit and make a determination to dispatch troopers, including the number dispatched.
 - b. Responding troopers will be advised of the reason for the pursuit and of their role in the pursuit.
4. The duty officer or assisting trooper will terminate involvement in the pursuit if it becomes known the reason for the pursuit, or current pursuit situation, does not comply with this policy.

N. Pursuit Reporting

1. Extended high speed pursuits, pursuits resulting in injuries or other pursuits involving unusual circumstances will be promptly relayed to the barrack commander. The duty officer in the area where the pursuit began will also submit a summary of the incident in the Field Operations Bureau Daily Briefing Report.
2. The first trooper engaging in a pursuit, or the first trooper to enter an already ongoing pursuit from another agency, will complete a Form 114, Vehicle Pursuit Incident Report, in BlueTeam.
3. In addition, a Form 88, Incident Report, will also be completed by the trooper in the Records Management System (RMS).
 - a. Troopers who are involved in a pursuit as a secondary or support unit, will complete a Form 92, Supplement Report, in the RMS.
 - b. Once approved, the Form 88 and Form 92(s) will be uploaded and attached to the Form 114 in BlueTeam.
4. Should Stop Sticks® be deployed and need to be replaced, a copy of the Form 88/Form 92 will be forwarded to Quartermaster Division by the trooper requesting the replacement.
5. The above reports will be submitted by the involved trooper (or the trooper's supervisor for incidents involving life-threatening injury or death) before the end of the tour of duty during which the incident occurred, unless approval to submit the reports at a later time has been authorized by the employee's commander.
6. If force is used during a pursuit incident, troopers will follow the procedures in [OPS 10.04](#).

O. Pursuit Review Phase

1. As soon as practical, but within three calendar days, the duty officer in the area where the pursuit began will:
 - a. discuss the pursuit with the involved trooper(s);
 - b. review the mobile video recordings, if available;
 - c. review and approve the Form 114 and the Form 88/Form 92(s);
 - d. document whether the pursuit was in conformance with policy, note any training suggestions and document if the pursuit was captured via in-car camera in the routing portion of the Form 114; and
 - e. forward the Form 114 to the Pursuit Review Coordinator.
2. Expedited Post-Pursuit Analysis
 - a. An expedited post-pursuit analysis may be used in cases where a pursuit:
 - (1) is announced and immediately terminated by the trooper or duty officer; or
 - (2) lasts five or fewer minutes, involves no injuries, involves no property damage other than tire damage and does not result in a collision.
 - b. Within five calendar days of the pursuit, the Pursuit Review Coordinator will:
 - (1) review the Form 114 and the Form 88/Form 92(s);
 - (2) document whether the pursuit was in conformance with policy and note any training suggestions in the routing portion of the Form 114; and
 - (3) forward the Form 114, through the chain of command, to the troop commander, who will forward it to the Internal Affairs Division (IAD).
3. Complete Post - Pursuit Analysis
 - a. The following is applicable to any pursuit that does not meet the criteria for an expedited post - pursuit analysis.
 - b. Within 10 calendar days of the pursuit, the Pursuit Review Coordinator will:
 - (1) review the Form 114 and the Form 88/Form 92(s);
 - (2) review the radio transmissions and mobile video recordings, if available;
 - (3) if necessary, meet with the involved personnel to discuss their role in the pursuit;
 - (4) document whether the pursuit was in conformance with policy and note any training suggestions in the routing portion of the Form 114; and
 - (5) forward the Form 114, through the chain of command, to the troop commander who will forward it to the IAD.
4. Misconduct revealed during the review phase will be handled in accordance with [PER 19.05](#).

P. Education and Training Division (ETD) Responsibilities

1. All Form 114s will be forwarded to the ETD Lead Driving Instructor by the IAD.
2. The Lead Driving Instructor will ensure all pursuits are evaluated and that any training considerations are addressed with the Pursuit Review Committee.
3. All troopers will be trained on this policy, pursuit driving and advanced pursuit tactics (e.g. Stop Sticks®, Roadblocks) in the police academy.
4. In addition, all troopers will receive refresher training on this policy, annually.

Q. Pursuit Review Committee and Annual Analysis

1. The Pursuit Review Committee will be comprised of:
 - a. the Lead Driving Instructor assigned to ETD (Chair);
 - b. a representative of the Internal Affairs Division (IAD);
 - c. a representative of the Planning and Research Division;
 - d. a representative of the Office of Legal Counsel; and
 - e. a representative of the Field Operations Bureau (troop commander).
2. The Pursuit Review Committee will review all pursuits which qualify for a Complete Post - Pursuit Analysis in order to provide the IAD Commander with recommendations for the Annual Pursuit Analysis outlined below.
3. Annually, the IAD Commander will conduct an analysis of all pursuit reports submitted during the previous year.
 - a. The analysis will identify patterns or trends and review policy, reporting and training procedures associated with pursuits.
 - b. The report will be forwarded to the Superintendent's Office via the Planning and Research Division by February 1st.

Approved:

Colonel Woodrow W. Jones III
Acting Superintendent 03/01/20

Appendix C

Trooper Manuel's Vehicle Pursuit Report

[Print](#)

Maryland State Police

Vehicle Pursuit Report

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
12/31/2022	12/31/2022	12:10
Record ID Number	Case #	IA #
42791	22-MSP-050962	VP2022-00045
Date/Time Entered	Entered By	
01/03/2023 10:59	TFC Kurtis Manuel - 6917	
BlueTeam Assigned Investigator	IAPro Assigned Investigator	
[Pending assignment]	Lt. Stacey Gappert	

Incident Summary

On 12/31/2022 at approximately 1210 hours I, TFC Manuel #6917, was dispatched for an erratic and possibly impaired driver, in the area of northbound I-95 Mile Marker 93, Cecil County, MD. The barrack informed me that we had received several 911 calls from witnesses stating that a white Honda Odyssey, bearing an unknown Florida registration, was driving in a reckless manner, traveling at high rates of speed, passing other vehicles on the shoulder, and almost causing several vehicle collisions. Witnesses also stated they observed the driver of the vehicle to be consuming what appeared to be alcoholic beverages and throwing the cans from the vehicle. I positioned myself at the Mile Marker 95 crossover. I observed the vehicle approaching my position traveling in the right-hand shoulder at what appeared to be a high rate of speed. The vehicle was observed to cross approximately 4 to 5 feet into lane 3 and then back into the shoulder several times prior to passing me. I exited the crossover and accelerated to catch up to the vehicle. I observed the vehicle to cross an additional time into lane 3 from the shoulder as the vehicle accelerated at a high rate of speed.

Based on the above information provided and observations made as well as my training, knowledge and experience in numerous DUI/DWI related arrests, I suspected that the driver was impaired by an alcoholic beverage and/or controlled dangerous substance.

I activated my emergency equipment and attempted to conduct a traffic stop on the vehicle. The vehicle failed to stop and pursuit was authorized by the duty officer. I observed the vehicle to accelerate and change lanes abruptly from the right shoulder to lane 1. The vehicle then slowed down to approximately 60 mph and began jerking the wheel in an erratic manner. The vehicle was observed to change lanes numerous times and fail to maintain a constant speed. The driver appeared to intentionally cause the vehicle to lose traction several times by jerking the wheel back and forth in a flagrant manner. The vehicle continued to northbound I-95 Exit 109 and attempted to take the ramp towards southbound MD 279. The vehicle failed to reduce speed around the curve, subsequently lost control and collided with a tree.

After the collision, I observed the engine to catch fire and immediately requested fireboard. I utilized a fire extinguisher to extinguish the visible flames coming from the under carriage of the vehicle. Myself several other Troopers attempted to gain access to the vehicle, to render aid to the driver, but due to the extensive damage and position of the vehicle, it prevented us from gaining access.

All appropriate resources were contacted and responded to the scene.

EMS pronounce time of death at 1252 hours.

Crash Team responded to scene and handled the investigation.

All events occurred in Cecil County, MD.

Incident Location

Addresses

109 mile marker I-95 N/B, Elkton, MD, 21921

JFK Barrack

- Location of Occurrence: Cecil

Vehicle Pursuit Details

Reason Pursuit was Initiated	Time of Day of Pursuit	Duration in Minutes	Initial Violation
PRIOR - Reckless/Disoriented Driving	1201 - 1600	10	Suspected Impairment-Alcohol/CDS
Weather Condition	(mph)	Pursuit Distance	Type of Vehicle Pursued
Fog	120	10.1 to 13 miles	Automobile
Beginning Location	Ending Location	Agency Initiating Pursuit	Agency Ending Pursuit
Interstate Highway	Interstate Highway	Maryland State Police	Maryland State Police
Event that Concluded Pursuit	DUI Factors	Aerial Vehicle available	Aerial Vehicle used
Suspect Vehicle Crashed	Suspected Impairment-Alcohol/CDS	No	No
Stop Device Used	Stop Device Type	In car camera available	In car camera used
No		Yes	Yes
Video ID Number	DUI Arrest	Liability claim filed	Pursuit was terminated
22-MSP-050962	No	No	No
Pursuit Aborted By	Pursuit was justified	Accident Occurred	
	Yes	Yes	
Type of Property Damage	Parties Injured	Suspect Vehicle Amount (\$)	Police Vehicle Amount (\$)
Suspect vehicle only	Suspect only	\$0.00	\$0.00
Parked Vehicle Amount (\$)	Property Damage Amount (\$)	Other Amount (\$)	
\$0.00	\$0.00	\$0.00	
Offender Sex	Offender Age	Offender Race	
Female	26	White	

Reporting/Involved Citizen

Julie Elizabeth Clark

Date of Birth: [REDACTED] **Race:** White **Ethnicity:** Unknown **Gender:** Female

Addresses

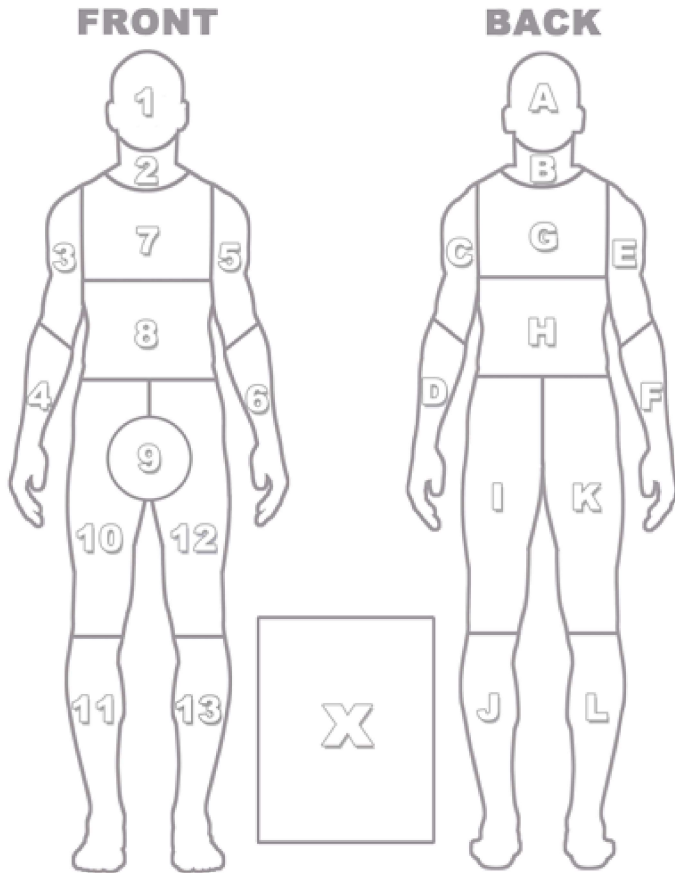
[REDACTED] Tenafly, NJ, 07670

Phone Numbers [None Entered]

Role: Involved Citizen - Deceased

Injuries Sustained By Citizen

Injury	Pre-existing Injury	Region	Injury Location
Fatal		[Injury Location Unknown]	Unk



Charges Against Citizen

- Traffic Violation - Must Appear (Other than DUI)
- DUI - Alcohol or Drug

Involved Officers

TFC Kurtis Manuel - 6917

Assignment at time of incident: TFC Office of the Superintendent/Field Operations Bureau/Northern Command/Northern Troop/Jfk Memorial Highway Bk M **Video Footage:** In-Car & Body Worn Camera - Captured

Role: Involved Trooper

Injuries Sustained By Officer

Injury	Pre-existing Injury	Region	Injury Location
No injuries noted or visible			

Citizen Witnesses

[Redacted Name]

Date of Birth: [Redacted] **Race:** Black **Ethnicity:** Black or African American **Gender:** Male

Role: Witness

Addresses

[Redacted Address]

Phone Numbers [None Entered]

[Redacted Name]

Date of Birth: [Redacted] **Race:** Black **Ethnicity:** Black or African American **Gender:** Male

Role: Witness

Addresses

[Redacted Address]

Phone Numbers [None Entered]

[Redacted Name]

Date of Birth: [Redacted] **Race:** Black **Ethnicity:** Black or African American **Gender:** Male

Role: Witness

Addresses

[Redacted Address]

Phone Numbers [None Entered]

[Redacted Name]

Date of Birth: [Redacted] **Race:** Black **Ethnicity:** Black or African American **Gender:** Male

Role: Witness

Addresses

Phone Numbers [None Entered]

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

No Attachments

Assignment History

Date/Time Sent	From	To	Activity
01/03/2023 12:28	Adm T Allen		Field status changed in IAPro from In chain to Released
01/03/2023 12:28	Adm T Allen		Released back to IAPro
01/03/2023 12:28	Adm T Allen		Field status changed in IAPro from Released to Pending assignment
01/03/2023 12:28	Adm T Allen		Field assigned
01/03/2023 13:00	CPL Saul Martinez	TFC Kurtis Manuel	Incident assigned through the Incident Management Dashboard by CPL Saul Martinez to TFC Kurtis Manuel for work-up.
01/18/2023 14:44	D/Sgt. B Gaumer		Field status changed in IAPro from Completed - in holding bin to Released
01/18/2023 14:45	D/Sgt. B Gaumer		Field status changed in IAPro from Released to Pending assignment
01/18/2023 14:45	D/Sgt. B Gaumer		Field assigned
01/19/2023 08:05	D/Sgt. B Gaumer		Field status changed in IAPro from Completed - in holding bin to Released

Chain of Command History

Routing Number: 1

From TFC Kurtis Manuel

To CPL Saul Martinez

Cc:

Date/Time Sent 01/03/2023 12:24

Instructions From [TFC Kurtis Manuel] To [CPL Saul Martinez]

For review

Comments/Response From [CPL Saul Martinez]

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Admin Officer III Trevor Allen

Routing Number: 2

From Administrative Officer Trevor Allen

To CPL Saul Martinez

Cc:

Date/Time Sent 01/03/2023 12:28

Instructions From [Administrative Officer Trevor Allen] To [CPL Saul Martinez]

VP# assigned.

Comments/Response From [CPL Saul Martinez]

[Forwarded by CPL Saul Martinez]

Routing Number: 3

From CPL Saul Martinez

To TFC Kurtis Manuel

Cc:

Date/Time Sent 01/03/2023 13:00

Instructions From [CPL Saul Martinez] To [TFC Kurtis Manuel]

Fix narrative

Comments/Response From [TFC Kurtis Manuel]

For review

Routing Number: 4

From TFC Kurtis Manuel

To CPL Saul Martinez

Cc:

Date/Time Sent 01/03/2023 13:10

Instructions From [TFC Kurtis Manuel] To [CPL Saul Martinez]

for review

Comments/Response From [CPL Saul Martinez]

Endorsement:

After reviewing TFC Manuel #6917 BlueTeam entry, it is complete and accurate of the events that occurred during that day.

TFC Manuel was operating an unmarked silver Maryland State Police patrol vehicle "M11" and was working patrol and in full uniform.

Emergency equipment on the patrol vehicle was functioning properly that day.

I reviewed the in-car and body-worn camera systems that were assigned to TFC Manuel following the incident that occurred and both systems were functioning properly that day.
(BWC Factory Serial# X60A4878V - Agency Barcode# 00016895).

On December 31, 2022 at approximately 1214 hours, the JFK Highway Barrack received multiple phone calls for a possible intoxicated driver traveling northbound interstate 95 from Harford County into Cecil County, Maryland. The vehicle was identified by several eyewitnesses as a white Honda van bearing unknown Florida registration being operated by a white female.

As the white Honda crossed over into Cecil County, TFC Manuel was able to locate the vehicle northbound 95 at mile marker 95 cross-over at which time he advised the barrack the vehicle passed his location traveling at a high rate of speed, traveling off-road, on the right shoulder. TFC Manuel began visually monitoring the vehicle and observed significant reckless/disoriented driving actions prior to his involvement in the pursuit that could cause an imminent danger to the public. After observing the actions above, TFC Manuel activated his emergency equipment and attempted to initiate a traffic stop on the aforementioned vehicle. TFC Manuel advised the barrack the vehicle was not stopping and continued to observe reckless actions.

TFC Manuel was authorized to continue the pursuit based on our pursuit policy (OPS 09.02). As TFC Manuel continued the pursuit northbound I-95, he further observed reckless/disoriented actions throughout the pursuit which was approximately ten (10) ten to fourteen (14) miles of distance. As the white Honda van approached exit 109 in Elkton, Maryland, the vehicle lost control and subsequently ran off the road, from the off ramp, striking a tree. TFC Manuel advised the undercarriage of the vehicle was on fire and immediately put the fire out with an issued fire extinguisher at which time he was able to contain the fire. After putting out the fire, TFC Manuel immediately rendered aid and advised the barrack the driver was entrapped and requested the assistance of the Fire Department to respond.

Emergency personnel arrived on scene and began working and extracting the driver out of the vehicle at which Medical personnel pronounced the driver deceased at 1252 hours.

Pikesville Headquarters was notified.

Crash-Team was notified and responded to take over the investigation.

All events occurred in Cecil County, Maryland.

Routing Number: 5

From CPL Saul Martinez

To F/SGT Jason Griffin

Cc: LT Stacey Gappert

Date/Time Sent 01/03/2023 14:27

Instructions From [CPL Saul Martinez] To [F/SGT Jason Griffin]

Please review my endorsement for TFC Manuel

Comments/Response From [F/SGT Jason Griffin]

[Forwarded by F/SGT Jason Griffin]

Routing Number: 6

From F/SGT Jason Griffin

To TFC Kurtis Manuel

Cc: CPL Saul Martinez

Date/Time Sent 01/04/2023 08:06

Instructions From [F/SGT Jason Griffin] To [TFC Kurtis Manuel]

TFC Manuel,

The following corrections need to be made. Once completed, forward it back to me.

1. In car camera questions are marked "No" and should be "Yes"
2. Need to add the address information for the driver
3. Need to add the address information for the witness
4. You need to add the additional witnesses to the report

Comments/Response From [TFC Kurtis Manuel]

[Forwarded by TFC Kurtis Manuel]

Routing Number: 7

From TFC Kurtis Manuel

To F/SGT Jason Griffin

Cc:

Date/Time Sent 01/04/2023 10:28

Instructions From [TFC Kurtis Manuel] To [F/SGT Jason Griffin]

Corrections made / For review

Comments/Response From [F/SGT Jason Griffin]

[Forwarded by F/SGT Jason Griffin]

Routing Number: 8

From F/SGT Jason Griffin

To LT Stacey Gappert

Cc:

Date/Time Sent 01/10/2023 10:52

Instructions From [F/SGT Jason Griffin] To [LT Stacey Gappert]

I have reviewed the report submitted by TFC Manuel and Cpl. Martinez. I have also viewed the in-car camera recording for the pursuit which included the radio transmissions. TFC Manuel initiated a pursuit for disoriented reckless driving that was observed prior to activating his emergency equipment. When the vehicle failed to stop, the barrack was immediately notified and Cpl. Martinez, the duty officer, monitored the pursuit. TFC Manuel provided multiple updates as to location and speed and he drove within his abilities. The pursuit ended when the fleeing vehicle ran off the roadway and collided with a tree.

Based on the information provided in Blue Team, and my review of the in-car/body camera footage, I find this pursuit conforms to policy and procedure. The reason for the pursuit was consistent with policy and monitored in its entirety by the duty officer.

Comments/Response From [LT Stacey Gappert]

[Forwarded by LT Stacey Gappert]

Routing Number: 9

From LT Stacey Gappert

To CAPT Shawn Ward

Cc:

Date/Time Sent 01/18/2023 14:08

Instructions From [LT Stacey Gappert] To [CAPT Shawn Ward]

I have reviewed the video footage, radio transmissions, and phone calls pertaining to this case. It should be noted that First Sergeant Jason Griffin was the Acting Barrack Commander at the time of the incident and responded to the scene in my absence as required.

On December 31, 2022, the JFK Highway Barrack received four (4) 911 calls from concerned citizens regarding a white minivan being operated recklessly northbound (N/B) on Interstate (I-95). The call times are as follows:

1131: The caller reported "a very dangerous and hazardous driver." The driver was operating a minivan and was throwing objects out of her car, screaming, and swerving into different lanes. (N/B 71 mile-marker)

1207: The caller reported a female in a white van pulled to the shoulder and was hanging out of the window, screaming and waving her arms around. The caller had to swerve to avoid hitting the woman. (mile-marker 89.9)

1209: The caller reported a female driver (white Honda Odyssey) was holding a beer bottle out of the window while swerving in and out of traffic. Tydings Bridge (91 mile-marker)

1211: The caller reported a "drunk driver" operating a Honda Odyssey with Florida tags. The caller remained on the line until TFC Manuel located the vehicle. (93 mile-marker)

The barrack gave several broadcasts after receiving the 911 calls.

Corporal (Cpl.) Saul Martinez was the Duty Officer (DO) at the time and dispatched troopers to locate the white van. Trooper First Class (TFC) Manuel was one of the Troopers directed to locate the vehicle. TFC Manuel positioned himself N/B on I-95 in the emergency crossover at mile-marker 95, an area north of the vehicle's broadcasted direction of travel, and waited for the van to approach. Cpl. Martinez provided updated locations while the last caller remained on the line. TFC Manuel's car camera captured the white van traveling at what appeared to be an excessive speed on the right shoulder. TFC Manuel activated his emergency equipment and accelerated to catch up to the van. He got behind the van on the right shoulder with his emergency equipment activated, however; the driver failed to yield to his lights and siren by not pulling over and continued to travel at the same speed on the right shoulder. At that time, TFC Manuel advised the barrack the vehicle was not stopping and was continuing to drive on the shoulder. Although TFC Manuel and Cpl. Martinez did not exchange the specific request/authorization to pursue the suspect vehicle, as noted in the policy; it was apparent that TFC Manuel articulated the operator was refusing to stop and that Cpl. Martinez was present and acknowledged TFC Manuel on the radio during that time.

Based on the eyewitness accounts of the operator's hazardous driving and her other actions, and the observations made and articulated by TFC Manuel prior to the decision to pursue, this vehicle pursuit was authorized by current Department policy (OPS 09.02) and was initiated to protect citizens from the inherent dangers of a suspected impaired driver with an extended, reported, and observed high speed and reckless operation of a motor vehicle.

Both awareness and mutual recognition of pursuit factor 3 were understood by the DO (Martinez), who directed troopers to the ongoing incident. The Emergency Dispatcher (ED) maintained communications and consistently acknowledged TFC Manuel throughout the pursuit and eventual crash of the reckless driver.

It is noted that the suspect vehicle's manner of travel, and varying speeds amongst N/B traffic, in fog, with wet roadways and erratic lane changes combined with the indicators of significant impairment posed an immediate and established threat to the motoring public traveling Interstate I-95 that afternoon. These observations made by TFC Manuel led him to recognize the overwhelming likelihood of an impending collision (clearly verbalized and captured mid-event on in-car video approximately 3 minutes and thirteen seconds into the event) if the van's operation was not brought to a halt.

Multiple times throughout the pursuit, i.e., approximately two minutes into the attempted traffic stop, the driver slowed considerably and moved toward the left shoulder, which looked as if she might comply, pull over and stop. However, she remained non-compliant and continued fleeing.

More than once during the pursuit, the traffic conditions improved. Periods of moderate traffic were eased by little to no

surrounding traffic. This suggested an additional opportunity to stop the vehicle before the suspect continued into the next pocket of vehicular traffic.

During the pursuit, TFC Manuel can be seen, at various times, using the shoulder of the highway to continue the pursuit of the van. As demonstrated throughout the event, TFC Manuel's driving actions corresponded with the van's path. For example, TFC Manuel traveled on the shoulder, mirroring the van when the operator traveled on the shoulder. Although he drove on the shoulder during these times, he did not use the shoulder to maneuver around other motorists. However, if TFC Manuel pursued the van in the lane(s) closest to the shoulder the van was using (lane 1 for the left shoulder or lane 3 for the right shoulder), the traffic occupying those lanes (1 or 3) could have immediately yielded to the emergency lights/siren and moved to the shoulder, directly in the path of the white van.

The reactions of the surrounding traffic suggest anticipation of police units immediately following initial observations of the high-speed and reckless observations related to the white van. TFC Manuel's tactics may not be standard; however, they were undoubtedly reasonable and necessary.

Throughout the entirety of the pursuit, TFC Manuel was calm, provided updates to the barrack, and maintained sight of the van, which is not clearly depicted in the footage. Immediately after the van crashed, TFC Manuel advised the barrack of the collision and requested medical and fire services respond to the scene. TFC Manuel exited his vehicle and approached the van when he observed the engine compartment on fire. He immediately retrieved a fire extinguisher and extinguished the fire. Additionally, TFC Manuel attempted to render aid to the driver, but he could not access her. She was later extricated from the vehicle by fire department personnel.

Given the factors mentioned above, the pursuit was justified based on "significant/disoriented driving actions prior to the trooper's involvement in a pursuit that could cause an imminent danger to the public," as delineated in OPS 9.02. TFC Manuel was articulate with his radio transmissions, indicating the driver's failure to stop and the fluctuating speeds. He remained calm, continuously providing location updates and depicting the suspect's erratic driving. This event and the imminent threat to the public were initiated and continued from the 71 mile-marker, approximately 24 miles prior to the initial threat mitigation attempts of TFC Manuel.

Although the pursuit was justified, and many of the elements were compliant with current policy, there were elements of the policy that did not conform and are as follows:

- 1.) Cpl. Martinez did not give verbal authorization, nor did TFC Manuel verbally request permission to pursue.
- 2.) The emergency dispatcher never gave a "10-3" to "stop transmitting" during the pursuit.

Comments/Response From [CAPT Shawn Ward]

Completion notes: I have reviewed the Vehicle Pursuit Report and the in-car camera video footage of the vehicle pursuit involving TFC Manuel and agree that this pursuit falls within the guidelines of the Complete Post Pursuit Reporting Process. Based on the information provided and the in-camera video footage, I concur with Lt. Gappert's endorsement that the pursuit was justified. Additionally, I concur with Lt. Gappert's assertion that a majority of the elements of the pursuit conformed to policy and that there were elements, as noted in Lt. Gappert's endorsement, that did not conform with policy. The elements of the pursuit that did not conform with policy will/have been addressed with the involved personnel. This report is procedurally forwarded for further processing as consistent with Department guidelines.

Routing Number: 10

From D/SGT Brian Gaumer

To SGT Brian Kulig

Cc: CAPT Diane Hansen

Date/Time Sent 01/18/2023 14:45

Instructions From [D/SGT Brian Gaumer] To [SGT Brian Kulig]

Sgt. Kulig,

This vehicle pursuit has been routed to you via BlueTeam for review. Once you have completed your review, please submit the report directly to IAD. Please ensure that this Vehicle Pursuit Report is returned to IAD within 14 days.

Thanks,

Detective Sergeant Brian W. Gaumer

Comments/Response From [SGT Brian Kulig]

As the Maryland State Police Vehicle Pursuit Coordinator I am responsible for the review of all MSP vehicle pursuits regarding training related issues. I have reviewed this pursuit and although it does not conform to current MSP policy there are no training related issues that caused non-conformance.

The pursuit was Justified
