



INDEPENDENT INVESTIGATIONS DIVISION

Report Concerning the Police-Involved Fatal Incident in
Catonsville, Maryland on October 9, 2021

March 28, 2022

Pursuant to Md. Code, State Gov't § 6-106.2, the Office of the Attorney General's Independent Investigations Division (the "IID") provides this report to Baltimore County State's Attorney Scott D. Shellenberger regarding the officer-involved death of Jawuan Ginyard on October 9, 2021.

The IID is charged with "investigat[ing] all alleged or potential police-involved deaths of civilians" and "[w]ithin 15 days after completing an investigation ... transmit[ting] a report containing detailed investigative findings to the State's Attorney of the county that has jurisdiction to prosecute the matter." Md. Code, State Gov't § 6-106.2(c), (d). The IID completed its investigation on March 23, 2022. This report is being provided to State's Attorney Shellenberger on March 28, 2022.

I. Introduction

On October 9, 2021, Maryland Transportation Authority ("MDTA") Police Department Officer Theodore Jeremenko, while parked at the Camden MARC Station parking lot, facing Conway Street in Baltimore City, observed a grey Chevrolet Monte Carlo make a left turn on a red light. Officer Jeremenko followed the vehicle for approximately five minutes before conducting a traffic stop. As the officer got out of his car and approached, the Monte Carlo drove off. Officer Jeremenko got back in his car and continued to pursue the Monte Carlo until the driver of the vehicle lost control and crashed. The driver, who was later identified as Jawuan Ginyard, was pronounced dead on scene.

This report details the IID's investigative findings based on a review of physical evidence, crash scene analysis, autopsy reports, video and audio recordings, officers' written reports, and personnel records for the officer involved. The IID also interviewed civilian witnesses and responding officers. All materials reviewed in this investigation are being provided to the Baltimore County State's Attorney's Office with this report and are listed in Appendix A.

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

II. Factual Findings

The following findings are based on a forensic examination of the crash scene as well as review of in-car video, radio transmissions, analyses from the Maryland State Police ("MSP") Crash Team and Medical Examiner, and interviews with civilian and law enforcement witnesses.

Officer Theodore Jeremenko has been employed by the Maryland Transportation Authority Police Department for 10 years. As a member of the Operations Support Unit, he is assigned to conduct traffic enforcement within the State of Maryland. While on duty on October 9, 2021, at 2:45 a.m., Officer Jeremenko was parked in his department-issued unmarked SUV at the Camden MARC Station parking lot facing the intersection of Conway Street and I-395 in

Baltimore City. Officer Jeremenko's in-car camera was activated for the entirety of the incident. The times indicated below, unless otherwise indicated, are from the in-car camera of Officer Jeremenko's video.

At 2:45:20, this video showed a silver-colored Chevrolet Monte Carlo turning left from Conway Street onto I-395 while the traffic light was red. At 2:45:32, Officer Jeremenko began to follow the car without activating his emergency equipment. Officer Jeremenko followed the Monte Carlo down I-395 then continued to I-95 South. At 2:46:56 the driver of the Monte Carlo, later identified as Jawuan Ginyard, activated the car's hazard lights and pulled onto the shoulder of the highway but did not stop. On his in-car video, Officer Jeremenko said, "He put his hazards on and is driving on the right shoulder."¹ Mr. Ginyard continued to drive on the shoulder for approximately 20 seconds before he turned off his hazards, pulled back on to the highway and continued to drive. For the following 40 seconds, Mr. Ginyard repeatedly sped up and drastically slowed down while traveling on I-95 South.

The video shows that Mr. Ginyard, at 2:48:05, reduced his speed, activated his right turn signal, and moved to the exit lane for Caton Ave. At the last possible moment, Mr. Ginyard jerked back onto the main lanes of I-95 South. For the next minute, Mr. Ginyard accelerated to speeds in excess of 110 m.p.h. and proceeded to weave through traffic over multiple lanes. On I-95 South, Mr. Ginyard, while traveling in excess of 85 m.p.h., moved into the second rightmost lane cutting in front of an 18-wheeled tractor trailer then abruptly reduced his speed to 30m.p.h. as he approached the exit for I-695 West. Officer Jeremenko is heard saying on the in-car camera, "almost coming to a stop in the middle of the highway."

At this point (2:49:27), Officer Jeremenko activated his emergency equipment in an effort to initiate a traffic stop. Mr. Ginyard took the exit ramp for I-695 westbound. While on the exit ramp and with Officer Jeremenko behind him, Mr. Ginyard straddled the line of the right lane and right shoulder and continued to drive slowly. Mr. Ginyard moved back to right lane and at 2:50:04, finally coming to a complete stop on the shoulder of the exit ramp. Officer Jeremenko radioed into dispatch that he had someone "stopped for traffic," which can be heard on dispatch communications.

¹ This and subsequent comments were not communicated over the radio, rather, Officer Jeremenko stated this information on his in-car camera and is not heard over the radio transmissions.

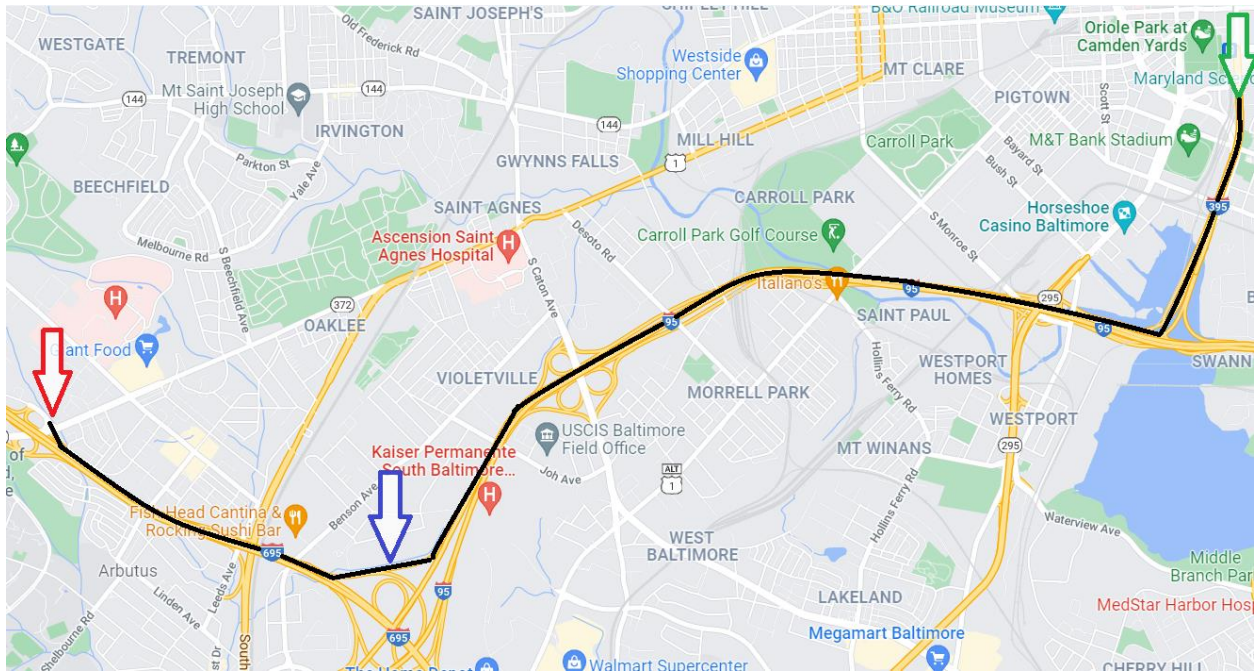


Figure 1: The green arrow depicts the location of the initial traffic violations. The blue arrow depicts the location that the vehicle was stopped. The red arrow depicts the location of the crash.

Officer Jeremenko exited his cruiser and approached Mr. Ginyard’s vehicle on foot at 2:50:39. As Officer Jeremenko reached the left rear bumper of Mr. Ginyard’s vehicle, Mr. Ginyard resumed driving and proceeded on I-695 West. Officer Jeremenko got back in his car and began pursuing Mr. Ginyard with his lights and sirens activated. Officer Jeremenko told dispatch “Vehicle took off on me on approach. It is a possible 10-55 [intoxicated driver]. We’re continuing onto 695 interloop.” Cpl. Tyler Sheldon was the duty officer at the time of the radio transmission. Cpl. Sheldon radioed, “put a 10-3 [no radio traffic] on for me, please.” Dispatch responded “10-3 on the air, 02:51 hours.” Cpl. Sheldon asked for speeding conditions. At 2:51:40, Officer Jeremenko responded, “he’s doing 113 [m.p.h.] on radar right now. We’re taking exit 12B.” Mr. Ginyard’s car exited off I-695 West toward Wilkens Ave. Cpl. Sheldon did not have enough time or information to terminate the pursuit.

According to the crash report provided by the Maryland State Police, the data recorder for the Monte Carlo recorded that the car was traveling 111 m.p.h. The crash report concluded that the car was unable to negotiate the right curve on the exit ramp. The car got to the bottom of the offramp, crossed two lanes of traffic and went over the elevated grass median. It traveled through the opposing two lanes of traffic before crashing into a curb. The data recorder showed that Mr. Ginyard was not wearing his seatbelt at the time. Mr. Ginyard was ejected from the car and was laying on the street when Officer Jeremenko arrived.



Figure 2: Ariel view of exit 12B from I-695 West. The circle depicts the final location of the vehicle after the crash. Mr. Ginyard's car exited the ram on the lower right portion of the picture.

Officer Jeremenko's in-car camera did not capture the accident, which had already occurred when he arrived several seconds later.



Figure 3: Still photograph from Officer Jeremenko's in-car camera as he is arriving on scene. The arrow indicates Mr. Ginyard's vehicle after it crashed.



Figure 4: Photograph of Mr. Ginyard's vehicle at the scene of the crash.

Upon arrival at the site of the crash, Officer Jeremenko exited his vehicle and approached Mr. Ginyard, who was lying on the street. At 2:52:19, Officer Jeremenko got on the radio and said, "start a medic, he got ejected." Dispatch immediately acknowledged his request. Camera video and audio show that Officer Jeremenko began to render aid to Mr. Ginyard

As other officers arrived on scene, cameras show that they also attempted to render aid and speak with Mr. Ginyard who was breathing sporadically and still had a pulse. At approximately 3:01:04 the first paramedic arrived on scene. Officer Jeremenko relayed on the radio the Mr. Ginyard was "pronounced by medics at 3:27 a.m."

III. Investigation

The IID began its investigation on the morning of Mr. Ginyard's crash. This section summarizes the initial response, MSP Crash Team's analysis, Medical Examiner's report, civilian and law enforcement witnesses' statements, and applicable general orders of MDTA.

A. *Initial Response*

MDTA officers responded to and secured the crash scene one minute after the crash. Pursuant to Md. Code, State Gov't § 6-106.2 and the IID protocols, MDTA notified MSP there had been an officer-involved fatality. MSP Investigator Trooper Stephon Hill responded at 5:00am. Master Trooper Jeremy Hite was the primary accident reconstructionist with First Sgt. Ronald Menchey and Master Trooper Alva Holloway assisting. The IID Chief Investigator Anthony Schartner responded to the crash scene as well and assumed control of the investigation.

B. Crash Scene Construction

Master Trooper Hite prepared a Detailed Crash Investigative Report for MSP which was supplemented by First Sgt. Ronald Menchey. Master Trooper Hite's investigation included examination of physical evidence at the scene –including tire marks, damage to the roadway, damage to the involved Monte Carlo and the vehicle's event data recorder. First Sgt. Menchey supplemented the report with analysis of the in-car video and radio transmissions.

The crash report concluded that the involved vehicle was traveling on the I-695 ramp toward eastbound Wilkins Avenue. The data recorder showed the car was traveling 111m.p.h. and that Mr. Ginyard had not applied his brakes at the time he lost control of the vehicle. This speed was too fast to negotiate the right-hand curve causing it to skid. The damage to the car and roadway showed that the vehicle struck the left-side guardrail of the ramp before hitting the concrete curb and grassy median that separated the travel lanes on Wilkens Avenue. The car continued traveling across the westbound lanes of Wilkens Avenue and struck the curb. The data recorder showed that Mr. Ginyard was not wearing his seatbelt. He was ejected from the vehicle.

C. Medical Examination

Mr. Ginyard's body was transported to the Office of the Chief Medical Examiner on October 9, 2021, where an autopsy was conducted on October 11, 2021, by Dr. Avneesh Gupta. Dr. Gupta found that Mr. Ginyard suffered multiple injuries to the head and chest. Mr. Ginyard suffered multiple fractures in various regions of the head to include a hinge fracture at the base of the skull. He also suffered from several subdural injuries to the brain. Toxicology revealed a blood alcohol content of 0.10%. The legal limit in Maryland is 0.08%. Mr. Ginyard's death was ruled an accident.

D. Civilian Witnesses

██████████: Mr. ██████████, a witness to part of the incident, was interviewed by the IID on October 24, 2021. Mr. ██████████ and Mr. Ginyard have known each other since high school about ten years ago. On the night of the incident, Mr. ██████████ met Mr. Ginyard to get food about an hour before the pursuit occurred. Mr. ██████████ said that Mr. Ginyard did not appear intoxicated, nor did Mr. ██████████ observe Mr. Ginyard consume any alcoholic beverages. After receiving their food, Mr. Ginyard and Mr. ██████████ got in their respective vehicles to go to Mr. ██████████'s residence, which is located in Baltimore. Mr. ██████████ was behind Mr. Ginyard at a red light on Conway Street waiting to turn left. Mr. ██████████ observed Mr. Ginyard turn left on the red light. Mr. ██████████ remained at the light and noticed two police vehicles parked in front of the Orioles' stadium. One of the vehicles turned and followed Mr. Ginyard onto I-395. Mr. ██████████ continued driving and did not see Mr. Ginyard's vehicle again until Mr. ██████████ was on the ramp getting off I-95 South towards I-695 West. Mr. ██████████ indicated that when he saw Mr. Ginyard, Mr. Ginyard was already on I-695 with a police officer behind him with lights on. Mr. ██████████ called Mr. Ginyard and Mr. Ginyard answered the call but was not talking. Mr. ██████████ heard a crash through the phone. Mr. ██████████ arrived at the crash scene shortly after the accident and observed officers gathered around Mr. Ginyard.

E. Police Witnesses

Tyler Sheldon, MDTA: Cpl. Sheldon was the duty officer at the time of the pursuit. He was interviewed by the IID on October 9, 2021. Cpl. Sheldon advised that he did not supervise

Officer Jeremenko, however, since he was the duty officer for the shift it was his job to authorize or cancel the pursuit. Cpl. Sheldon heard Officer Jeremenko call out the initial traffic stop but did not know the reason for the stop. Cpl. Sheldon heard Jeremenko call out the car left the scene. Cpl. Sheldon told dispatch to silence all other radio traffic in order to gather more information about the pursuit. He requested the speed of the vehicle. Cpl. Sheldon heard Officer Jeremenko respond that the vehicle was going 113 m.p.h. on radar. Before Cpl. Sheldon could either cancel or authorize the pursuit, he heard Officer Jeremenko advise that the vehicle crashed off exit 12B of I-695.

Ryon Andrzejewski, MDTA: Officer Andrzejewski responded to the scene in the moments following the crash. He was interviewed by the IID on January 20, 2022. Officer Andrzejewski was sitting at the intersection of I-395 and Conway Street when he observed a silver car making a left turn while the light was still red. Officer Jeremenko, who was in a separate vehicle, followed the vehicle onto I-395 while Officer Andrzejewski remained at that location. Officer Andrzejewski heard Officer Jeremenko call out on the radio that he had the vehicle stop. A short time later, Officer Jeremenko stated that the vehicle had taken off. Officer Andrzejewski activated his emergency equipment and started driving on I-395 towards I-95 when Officer Jeremenko called out that the vehicle crashed on Wilkens Avenue. When Officer Andrzejewski arrived on scene, he observed Officer Jeremenko and Officer Easton rendering aid to Mr. Ginyard. He approached the Monte Carlo to ensure that there were no additional people in the vehicle.

Thomas Easton, MDTA: Officer Easton responded to the scene moments after the crash and was interviewed by the IID on January 31, 2022. At the time Officer Jeremenko notified dispatch of the pursuit, Officer Easton was finishing another traffic stop. Officer Easton was approximately 2-3 miles away from Officer Jeremenko's location. Approximately one minute later, Officer Easton heard that the vehicle had crashed and immediately started driving to that location. When Officer Easton arrived on scene, he observed Officer Jeremenko rendering aid to Mr. Ginyard. Officer Easton retrieved a trauma bag from Officer Jeremenko's vehicle and assisted Officer Jeremenko in providing aid Mr. Ginyard.

Adel El-Fatlawi, MDTA: Officer El-Fatlawi responded moments after the crash and was interviewed by the IID on January 31, 2022. Officer El-Fatlawi was backing up Officer Easton on an unrelated traffic stop when he heard Officer Jeremenko call out the stop of Mr. Ginyard. A short time later, Officer El-Fatlawi heard Officer Jeremenko indicate that the car had left the scene and began to call out his location to dispatch. Officer El-Fatlawi began driving towards the locations Officer Jeremenko was reporting. Officer Jeremenko then called out that there was an accident, and that the driver of the vehicle was ejected. When Officer El-Fatlawi arrived on scene, he began to clear traffic and canvass the area. While on scene, Officer El-Fatlawi made contact with a number of individuals who identified themselves as family members of Mr. Ginyard. They indicated that Mr. Ginyard had shared his location with them. They were concerned about Mr. Ginyard's condition.

Theodore Jeremenko, MDTA: Officer Jeremenko declined to be interviewed by the IID.

IV. Involved Persons Background

Mr. Ginyard: Mr. Ginyard was a 26-year-old African American man who lived in Baltimore. Mr. Ginyard had an open warrant for Reckless Driving, and the car he was operating was not properly registered. To the extent it exists, any other criminal and driving history is being provided to the State's Attorney's Office with this report.

Officer Jeremenko: Officer Jeremenko was hired by MDTA in June 2011 and is currently a senior officer with the Special Operations Division. He completed his most recent in-service training in August of 2021. Officer Jeremenko has been involved in 12 prior pursuits. MDTA policy requires that every officer pursuit be reviewed. Officer Jeremenko was found to be "in compliance" in all 12 of his prior pursuits. To the extent it exists, any other personnel and criminal history is being provided to the State's Attorney's Office with this report.

V. Applicable Policies

MDTA has the following policies regarding traffic stops and vehicle pursuits. The complete policies are attached to this report.

Section III dictates that in the event of a serious incident, which includes fatal collisions, it is the responsibility of the police officer to render first aid and assistance to the involved civilian. Dispatch personnel and the duty officer are responsible for making all initial notifications.

Section VI requires that in-car cameras be used on every traffic stop and further that the officers "provide a narration with the audio/video recording preparatory to each traffic stop" in order to assist them in establishing probable cause.

Section XII governs pursuit driving and authorizes vehicle pursuits for individuals who are suspected of driving while under the influence of alcohol or drugs "where the suspect's driving prior to the attempted stop is so flagrantly reckless that he/she presents a clear and present danger to the users of the roadway, **and** failure to apprehend the violator would likely pose and imminent and life-threatening danger to the public." This general order requires that the officer initiating the pursuit must make notification to dispatch immediately. The officer "shall obtain approval from the duty officer to pursue the vehicle." The responsibility then falls on dispatch to inform the duty officer and receive acknowledgement and a response from the duty officer as to whether the pursuit is authorized.

VI. Applicable Laws and Analysis

The IID analyzed Maryland statutes that could be relevant in a vehicle pursuit of this nature. This section presents the elements of each charge and analyzes these elements in light of the findings discussed above. The report focuses specifically on the officers' pursuit of Mr. Ginyard and subsequent efforts to render aid.

A. *Manslaughter by Vehicle or Vessel*²

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 [Mr. Ginyard].” MPJI-Cr 4:17.10 Homicide—Manslaughter by Motor Vehicle, MPJI-Cr 4:17.10 (2d Ed. 2021).

In order to prevail at trial, the State must prove that Officer Jeremenko acted with gross negligence. The State would be required to show that Officer Jeremenko engaged in conduct 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)).

There is no evidence that Officer Jeremenko’s driving was itself wanton or reckless. *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”). While Officer Jeremenko, at times, did travel at a high rate of speed during the pursuit, he maintained control of his vehicle and continually maintained a safe distance from other drivers on the roadway. When Mr. Ginyard fled after the traffic stop, Officer Jeremenko kept his lights and sirens activated.

Because there is no evidence that the Officer Jeremenko drove recklessly, the State would need to show that the decision to engage in the pursuit was grossly negligent in order to sustain a charge. 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)) (em.p.h.asis 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); *Merkel v. State*, No. 690 Sept. Term 2018, 2019 WL 2060952, at *8 (Md. Ct. Spec. App. May 9, 2019); *Mayor and City Council of Baltimore v. Hart*, 395 Md. 394, 398 (2006) (civil litigation). However, a “hypertechnical” violation of policy, without more, is not sufficient to establish gross negligence. *Pagotto*, 127 Md. App. at 304.

MDTA policy permits an officer to pursue a suspect when, prior to the attempted stop, the driving is so reckless that it presents a “clear and present danger” to other motorists. Prior to Officer Jeremenko activating his emergency equipment, Mr. Ginyard was driving at speeds

² 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. *Harris v. State*, 251 Md. App. 612, ___ (2021); *State v. Gibson*, 254 Md. 399, 400-01 (1969). This report will, however, analyze a potential involuntary manslaughter charge with respect to Officer Jeremenko’s response to the crash.

greater than 100 m.p.h. on a busy interstate; he was also weaving through traffic and abruptly reducing his speed, causing other vehicles to break to avoid a collision.

MDTA policy requires that an officer immediately report the pursuit to dispatch. Mr. Ginyard initially complied with stop by pulling over on the I-695 exit ramp. When Mr. Ginyard started driving upon Officer Jeremenko's approach, the pursuit began and Officer Jeremenko immediately notified dispatch. The pursuit lasted just over one minute and during that time, dispatch did not communicate whether the Duty Officer authorized the pursuit. There is no evidence that Officer Jeremenko's action was a gross deviation from MDTA's general orders.

Additionally, in the absence of grossly negligent conduct, there is no basis to conclude that Officer Jeremenko caused Mr. Ginyard's death, as required to satisfy the third element of a manslaughter by vehicle charge.

B. Criminally Negligent Manslaughter by Vehicle or Vessel

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, the evidence does not support a conclusion that Officer Jeremenko's actions created an unjustifiable risk that was a gross deviation from a reasonable standard of care. To the contrary, Officer Jeremenko's actions were consistent with MDTA policy.

C. Involuntary Manslaughter

While the charge of involuntary manslaughter is preempted by the manslaughter by vehicle statute with respect to the Officer Jeremenko's actions while driving, it would not be preempted with respect to Officer Jeremenko's actions following the crash. This section will

therefore analyze the Officer Jeremenko's actions only after Mr. Ginyard was ejected from his vehicle.

To prove involuntary manslaughter, the State must prove: "(1) that the defendant acted in a grossly negligent manner; and (2) that this grossly negligent conduct caused the death of [Mr. Mitchell]." MPJI-Cr 4:17.9 Homicide—Involuntary Manslaughter (Grossly Negligent Act and Unlawful Act), MPJI-Cr 4:17.9 (2d Ed. 2021). As discussed above, gross negligence is conduct which "amount[s] to a wanton and reckless disregard for human life." *Duren*, 203 Md. at 588.

The available evidence does not suggest that Officer Jeremenko's response to the crash was grossly negligent. Upon arriving on scene, Officer Jeremenko exited his vehicle to assess the extent of Mr. Ginyard's injuries. Within 30 seconds Officer Jeremenko called for a medic to respond to the scene and began to render aid while regularly communicating Mr. Ginyard's condition to dispatch. As other officers responded, they also attempted to render aid and speak with Mr. Ginyard until EMS arrived on scene approximately eight minutes later. The similarity of Officer Jeremenko's actions with those of the other responding officers suggest that Officer Jeremenko's conduct was consistent with that "of a reasonable police officer similarly situated." *Albrecht*, 336 Md. at 501.

Additionally, in the absence of grossly negligent conduct, there is no basis to conclude that Officer Jeremenko's actions caused Mr. Mr. Ginyard's death, as required to satisfy the second element of an involuntary manslaughter charge.

D. 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.

For the reasons discussed above with respect to the potential charge of involuntary manslaughter, there is no evidence to suggest that Officer Jeremenko did not offer reasonable assistance to Mr. Ginyard.

E. Reckless Driving & 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)).

There is no evidence to suggest that Officer Jeremenko operated his vehicle in a manner that willfully disregarded safety of others or in a careless or imprudent manner. During the pursuit, Officer Jeremenko maintained control of his vehicle. Although he operated his cruiser at a high rate of speed, his lights and sirens were activated and he consistently maintained a safe distance from other vehicles.

F. Other Charges Considered³

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 is no evidence to suggest that Officer Jeremenko intended to kill or cause serious bodily harm to Mr. Ginyard.

The crime of second-degree depraved heart murder requires the State to prove the Officer Jeremenko “created a very high degree of risk to the life of [Mr. Ginyard]” 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). With respect to the response to the crash, as discussed in the involuntary manslaughter section above, there is no evidence suggesting that Officer Jeremenko “created a very high degree of risk of life” or “acted with extreme disregard.”

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

³ 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).

direct evidence of intent when alleging malfeasance, there is no evidence here that Officer Jeremenko engaged in an unlawful act. *See Pinheiro v. State*, 244 Md. App. 703, 722 n. 8 (2020). Regarding misfeasance and nonfeasance, as discussed above, there is no evidence that Officer Jeremenko acted with a corrupt intent, defined as “depravity, perversion, or taint.” *Pinheiro v. State*, 244 Md. App. 703, 722 n. 8 (2020).

VII. Conclusion

This report has presented factual findings and legal analysis relevant to the fatal vehicle pursuit that occurred on October 2, 2021, in Baltimore County, Maryland. Please feel free to contact the IID if you would like us to supplement this report through any further investigation or analysis.

Appendix A – Materials Reviewed

MDTA dispatch communications and 911 calls (7 recordings)
Baltimore County body worn camera (9 videos)
Involved individual's criminal history and traffic history (2 documents)
Officer involved training and background (2 documents)
In-car camera video from MDTA (8 videos)
Maryland Office of the Attorney General investigative reports (6 documents)
Office of the Chief Medical Examiner postmortem examination report (1 document)
Search warrant for Monte Carlo (3 documents)
Witness officer statements (3 audio files)
Witness statements (1 audio, 2 documents)
Maryland State Police detailed crash investigation report (1 document)
Maryland State Police fatal collision response form (1 document)
Maryland State Police evidence records (2 documents)
Crash data retrieval (1 document)
Crash scene diagram (3 documents)

Appendix B – Relevant MDTA general orders

Please see attached.

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Section III - Serious Incident Notification Procedures

1. Primary Duties

1.1 In the event of a serious incident, the primary duties of the MDTA Police are to:

- Render first aid and assistance
- Protect life and property
- Ensure that authorized personnel responding to the incident are not unnecessarily delayed.

1.2 Dispatch personnel and the Duty Officer will make all initial notifications at the beginning of the incident.

2. Incidents Requiring Immediate Command Notification

2.1 Incidents requiring immediate notification include but are not limited to:

- Fatal or other collisions necessitating CRU response
- Homicides
- Aggravated assaults
- Airplane crashes
- Amber, Blue, and Silver alerts
- Bomb threats
- Carjacking with hostage
- Terrorist activities in progress
- Police pursuits involving significant incidents
- Train wrecks/derailments
- Departmental collisions with injuries
- Serious employee injury or death
- Police involved shootings
- Requests for communications/incident management
- Possible suicide or suicide attempts
- Road closures or traffic interruptions anticipated to last for a significant amount of time or will produce significant delays
- Injury to MDTA/MAA/MPA employees
- Incidents that result in serious damage to an MDTA/MAA/MPA facility
- Weather incident (other than snow) that affects the normal flow of traffic or operation of a facility
- Incidents that have a possibility of being newsworthy
- Any threat or catastrophic event affecting MDTA personnel or facilities

3. Responsibility

3.1 Notification procedures will be the responsibility of the Detachment/Unit Commander during and after normal business hours, which may include weekends and holidays.

4. Notification Procedures

4.1 To ensure that all required personnel are notified expeditiously, it will be the responsibility of the following MDTA Police personnel to use the following notification procedures:

4.1.1 Dispatch Personnel Notifications

- Duty Officer
- Emergency Services (Fire/Rescue, Medics)
- Authority Operations Center

4.1.2 Duty Officer Notifications

- Call the Detachment/Unit Commander
- Call the Criminal Investigations Unit, if necessitated by the nature of the incident
- Call Risk Management for hazmat incidents as well as any serious injury or death of an MDTA employee

4.1.3 Detachment/Unit Commander Notifications

- Call the Division Commander or Designee
- Call the Public Information Officer
- For incidents involving serious injury or death to an MDTA Police employee, call the President of the FOP Lodge #34

4.1.4 Division Commander Notification

- Call the Bureau Chief

4.1.5 Bureau Chief Notification

- Make notifications as appropriate

4.1.6 Chief of Police Notifications (as a minimum)

- Executive Director
- Operations Directors
- MDTA Headquarters

4.2 In addition, when one of the following calls for service is generated, the dispatcher will initiate the incident notification through the CAD system. The CAD system will automatically generate a formatted notification message to the command notification group.

- Fatal Collision
- Homicide
- Airplane Crash
- Bomb Threat
- Carjacking
- (All other) Terrorist activities in progress
- Suicide
- Departmental collision with injuries
- Serious employee injury
- Significant inclement weather event
- Police involved shooting
- Police pursuit involving significant incident

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4.3 In the event a Commander that is required to be notified cannot be reached, the next higher-ranking member in the notification procedure shall be called immediately.

4.4 The Detachment Commander will respond to the scene of collisions that necessitate CRU investigation.

4.4.1 In the event the Detachment Commander is unavailable, the Assistant Commander/Operations Officer shall respond.

5. Rail Related Security Notifications

5.1 All personnel must immediately notify the Duty Officer of potential threats and significant security concerns including, but not limited to, the following:

- Interference with the train crew.
- Bomb threats, specific and non-specific.
- Reports or discovery of suspicious items that result in the disruption of railroad operations.
- Suspicious activity onboard a train or inside the facility of a freight railroad carrier, rail hazardous materials shipper, or rail hazardous materials receiver that results in a disruption of operations.
- Suspicious activity observed at or around rail cars or transit vehicles, facilities, or infrastructure used in the operation of the railroad, rail hazardous material shipper, or rail hazardous material receiver.
- Discharge, discovery, or seizure of a firearm or other deadly weapon on a train, in a station, terminal, facility, or storage yard or other location used in the operation of the railroad, rail hazardous material shipper, or rail hazardous material receiver.
- Indications of tampering with rail cars or rail transit vehicles.
- Information relating to the possible surveillance of a train or rail transit vehicle or facility, storage yard or other location used in the operation of the railroad, rail hazardous material shipper, or rail hazardous material receiver.
- Correspondence indicating a potential threat to rail transportation.
- Other incidents involving breaches of the security of railroad carriers, operations, or facilities.

5.2 The Duty Officer will immediately notify the Department of Homeland Security's Freedom Center (703-563-3240 or 1-877-456-8722), except in situations that involve Maryland Transit Administration assets. In those situations, the MTA Police Communications Center

will be notified at 410-454-7720. The MDTA Police Commander of the Criminal Investigations Unit will be notified in all cases.

5.2.1 If the nature of the incident meets the criteria listed in subparagraph 2.1 of this section, the Serious Incident notifications listed in paragraph 4 of this section will also be initiated.

5.3 Information reported should include, as available and applicable:

- The name of the reporting carrier, hazardous materials shipper, or hazardous materials receiver, including telephone number or email address.
- The affected train or rail transit vehicle, station, terminal, rail hazardous materials facility, or other rail facility or infrastructure.
- Identifying information on the affected train or rail transit vehicle including number, train or transit line, and route, as applicable.
- Origination and termination locations for the affected train, including departure and destination city and the rail line and route, as applicable.
- Current location of the affected train.
- Description of the threat, incident, or activity.
- The names and other available biographical data of individuals involved in the threat, incident, or activity.
- The source of any threat information.

5.4 An Incident Report will be completed for all threats, incidents, or activities that result in initiation of Rail Related Security Notifications.

6. Office of the Chief Medical Examiner (OCME) Notifications

6.1 The Annotated Code of Maryland, Health - General Article, Sec 5-309 states "If a medical examiner's case occurs, the police or sheriff immediately shall notify the medical examiner and State's Attorney for the county where the body is found and give the known facts concerning the time, place, manner, and circumstances of the death." Personnel may report deaths to the OCME by calling 410-333-3271.

6.2 Under provisions of Sec. 5-309, deaths must be reported to the OCME if they meet any of the following criteria:

- Any death by violence;
- Any death by suicide;

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- Any death by casualty;
 - Any death suddenly, if the deceased was in apparent good health or unattended by a physician;
 - Any death in any suspicious or unusual manner; and
 - Any death of a human fetus if regardless of the duration of the pregnancy, the death occurs before the complete expulsion or extraction of the fetus from the mother; and the mother is not attended by a physician at or after the delivery.
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Section VI – In-Car Digital Video Equipment

1. Policy

1.1 In-Car Digital Video (ICDV) equipment has been demonstrated to be of value in the prosecution of the traffic violations and related offenses, in the evaluation of employee performance and training. In order to maximize the usefulness of this equipment in these related areas, officers shall follow the procedures for ICDV equipment use as set forth in this policy.

2. Objectives

2.1 The Maryland Transportation Authority Police has adopted the use of In Car Digital Video Systems in order to accomplish objectives including, but not limited to, the following:

2.1.1 Accurate documentation of events, actions, conditions, and statements made during arrest and critical incidents, so as to enhance reports, collection of evidence and testimony in court and

2.1.2 The enhancement of the MDTA Police ability to review probable cause for arrest, arrest procedures, Officer and suspect interaction, and evidence for investigative purpose, as well as for training and evaluation.

3. Training

3.1 Training is defined as a period of instruction provided by persons trained by the manufacturer and authorized to teach officers in the use of the ICDV System.

3.2 Training will be provided to recruits, patrol officers, field training officers, and patrol supervisors on the proper operations of the ICDV and to ensure there is an understanding of the agency's philosophy on the use of the ICDV.

4. Installation

4.1 When installed in MDTA Police vehicles, ICDV equipment shall be installed and maintained according to the manufacturer's recommendations.

4.2 ICDV equipment shall only be installed by a designated, qualified technician approved by the MDTA Police.

5. Operating Procedures

5.1 Prior to each shift, officers operating patrol vehicles shall log into the COBAN ICDV System and if necessary, sync their agency issued wireless microphone to the system by placing the bottom contacts of the mic to the mic base located in the rear of the vehicle. The Officer shall then record a brief segment (audio and visual) and then play it back to determine whether their ICDV equipment (camera and microphone) is working properly. If the equipment is not functioning correctly, the officer shall bring any problems to the attention of the Duty Officer or their immediate supervisor if not assigned to a Detachment, as soon as possible. If it cannot be resolved at that level it shall be documented in writing.

5.1.1 In the event that an Officer does not log into the COBAN ICDV System, the system will still record and assign the video to a default Officer.

5.2 The ICDV equipment shall be used on every traffic stop and will automatically activate when the vehicle's emergency lights are activated by placing the emergency light control switch into slide position three (3). Officers should provide a narration with the audio/video recording preparatory to each traffic stop or call for service. The intent of this narration is to assist them in the necessary written documentation and to support the probable cause for enforcement actions.

5.3 It is imperative when making a traffic stop to inform the operator of the suspected violator's vehicle and all other parties of the audio and visual recording, as required by law. If the video/audio is being recorded during times of a non-enforcement event, i.e.; assisting a disabled vehicle, providing motorist information, the audio portion of the recording is to be discontinued should the subject/operator party to the conversation object to the audio recording. All other contacts with the motorist will follow the basic steps:

5.3.1 The ICDV System begins to record as soon as the ICDV System is booted up, then logged into and the system is triggered. The system will start recording 40 seconds prior to the beginning of the video.

5.3.2 Prior to the actual traffic stop, the patrol officer should provide an oral description of the violator's actions, the location, description of the vehicle, registration number, and number of occupants.
NOTE: (Some information may be captured in the radio transmissions from the patrol officer to the Emergency Dispatcher).

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5.3.3 Stop the vehicle and identify yourself as a police officer.

5.3.4 Advise the operator that the traffic stop is being audio/video recorded.

5.3.5 Take the appropriate enforcement action.

5.4 The ICDV equipment may not be manually deactivated until the Officer has completed their investigation. The Officer may only deactivate the system during non-enforcement activities such as directing traffic, assisting disabled motorist, or extended crash scene investigations.

5.5 Officers will indicate in either the narrative of the Investigation Report or by circling "Yes" or "No" on the Alcohol/Drug Influence report that the incident was captured by the vehicle's In-Car Digital Video equipment.

5.6 Officers will ensure that the ICDV equipment is operating in order to record traffic stops or other enforcement actions. In so doing they will ensure that;

5.6.1 The video camera is positioned and adjusted to record events.

5.6.2 The ICDV System is not deactivated until the enforcement action is complete.

5.6.3 The wireless microphone is activated and synced in order to provide narration with the video recording to explain the reason for the current or planned enforcement action.

5.6.4 At the time the ICDV System is activated the commercial radio in the patrol car shall be turned off or the volume decreased so as not to interfere with the audio recording quality.

5.6.5 The ICDV System will automatically shut down after the wireless uploads have occurred or the battery level reaches a specific voltage.

5.6.6 If for any reason an ICDV System is found to be inoperable or malfunctioning, the officer will immediately notify a supervisor in person and if it cannot be resolved it shall be done by means of a Vehicle Inspection Report. The supervisor will verify the malfunction. The supervisor or IT Coordinator will email a repair request form to the ICDV project manager and the manufacturer. The repair request form is available on the Police Intranet under the ITLE section. All appropriate email addresses are listed on the form.

5.7 Officers will use the ICDV equipment to record:

5.7.1 Traffic enforcement to include traffic stops and pursuits.

5.7.2 The actions of a suspect during an interview or when placed into custody if the recording would prove useful in later judicial proceedings.

5.7.3 Field sobriety tests; when they are conducted in a location that allows unobstructed recording.

5.7.4 The circumstances at a crime or crash scene, or other events such as the confiscation and documentation of evidence or contraband.

5.7.5 Officers who arrive on a scene to assist other officers and who have ICDV equipment will make every reasonable effort to ensure that their ICDV is operating correctly and recording events in accordance with the requirements of this policy.

5.7.6 The ICDV System will display the following on the video screen:

- Date and Time
- Agency and Officer PIN
- "W1" when the Mic is activated and in use
- "W2" when the second Mic is activated and is recording (If so equipped)
- "B" when the brake is applied
- "C" when the In-Car or Cab Mic is recording
- "L" when the emergency lights are activated
- "S" when the siren is in use
- Patrol Vehicle Speed
- GPS Coordinates

5.7.7 The ICDV System will activate the front facing camera with the following triggers:

- Emergency lights are activated via slide switch three (3),
- The microphone is activated,
- Manually pressing the camera 1 icon
- The vehicle is involved in a collision

5.7.8 The ICDV System will activate the In-Car/prisoner camera with the following triggers:

- The Officer press the side button on the wireless mic
- The officer manually presses the camera 2 icon on the in-car screen
- The vehicle is involved in a crash.

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- Each video will contain footage of the 40 seconds prior to the system's activation. This pre-event recording is video only.
- The cameras, front facing or the in-car camera can record independently or together.

5.7.9 The only way to stop a recording is to press the highlighted camera icon via the in-car screen.

5.7.10 Once the recording is stopped the Officer shall classify each video via the in-car screen into the following classifications:

- Traffic - All traffic enforcement
- Arrest - Any physical arrest
- Assist - Vehicle collision, road debris, traffic drag, etc.
- Inspection - CVSU Inspections
- Testing - Any testing of the system for proper functionality

6. Video Control & Management

6.1 The Officers and Supervisors can review the in-car video via the COBAN COMMAND Center which can be accessed via the link on the MDTA Police Intranet.

6.2 Officers can only see their videos that have been assigned as their own, and supervisors can see all videos.

6.3 If a video is deemed to be sensitive certain supervisors can restrict video to Command level personnel only.

6.4 Officer can change the video classification via the COBAN COMMAND Center and supervisors can change or assign video to officers.

6.5 The Duty Officer and Patrol Supervisors shall monitor the hard drives in the vehicles and ensure they are downloaded to the COBAN COMMAND Center before becoming full.

6.6 In the event of a major incident, such as a shooting, the hard drive shall immediately be removed from the vehicle and downloaded to the server by a member of the Logistics Division Command. After videos are downloaded they are available for viewing and copying.

6.7 "C" when the In-Car or Cab Mic is recording No one shall destroy, alter, or erase audio/video recordings in any manner except those authorized to do so by this policy. Tampering with any of the audio/video recordings shall be cause for disciplinary action.

6.8 It is prohibited to release a video to any unauthorized personnel.

7. Duplication of Video

7.1 The Director of the Central Records Unit is designated as the custodian of records for the ICDV System. Any subpoena or request for a copy of a video shall be forwarded to the Director of Central Records for disposition as appropriate.

7.2 Officers that record an event that is unusual or extraordinary, and may provide a training aid for officer safety shall

7.2.1 Request thru the chain of command to have a copy of the video made to DVD.

7.2.2 Then forward the DVD to the Commander of the Training Unit, who will develop the desired training.

7.2.3 No video/audio recordings shall be used for training purposes until any associated case is completely adjudicated.

7.3 Certificate of Authenticity

7.3.1 Any DVD that was produced from a Kustom Signals System used for court purposes will have the Certificate of Authenticity (Form 269) attached and signed along with the DVD. COBAN shall use the Certificate of Authenticity completed at Central Records.

7.3.2 The supervisor along with the Officer(s) involved in the recorded incident will review the video once it is fully copied. The Officer(s) will then sign the Certificate of Authenticity in the presence of the supervisor.

8. Video Review

8.1 Shift/Patrol supervisors will randomly select two videos from the current month for review to ensure that patrol procedures are within MDTA Police policy and the systems are functioning properly. This can be done by viewing the videos on the COBAN COMMAND Center. Each review will be documented in the ICDV review module within R.M.S. stating what video was reviewed, the date/time video was reviewed, and by whom.

8.2 Staff Inspection personnel from the Budget & Planning Command will periodically conduct inspections to ensure proper review of videos and proper entries into the ICDV Review Logbook.

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Section VII – Tactical Emergency Casualty Care (TECC) Kit

1. Objective

1.1 The TECC kits are designed to assist an officer with providing life saving techniques associated with a severe life-threatening hemorrhage to the extremities, such as the neck, arms, or legs. Examples of injuries include, but are not limited to, gunshot wounds, stab or slash wounds, and amputations (partial or full).

2. Operation

2.1 TECC kits will be removed from the vehicle and carried by officers when dispatched to a known active assailant situation.

2.2 When any item in the TECC kit is used, documentation of the incident is mandatory. The officer shall document the incident using an IR and must detail his/her actions in reference to kit item(s) and technique applied to the victim.

2.3 Training in the use of the TECC kit is mandatory prior to utilizing it. Refresher Training will be provided periodically during annual in-service training.

2.4 TECC kits will be issued to an individual member of SRT and the Civil Disturbance Team upon completion of mandatory training.

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Section XII - Pursuit Driving

1. Policy

1.1 Vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers, and suspects involved in the pursuit. Tactics used to stop a fleeing vehicle may be considered a use of force. It is the policy of the MDTA Police to regulate the manner in which vehicular pursuits are undertaken and performed.

1.2 The decision to initiate a pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.

1.3 Vehicle Pursuits are only authorized for:

1.3.1 Felony offenses;

1.3.2 Hit-and-run traffic collisions resulting in death or bodily injury.

1.3.3 Driving while intoxicated or under the influence of alcohol or drugs, where the suspect's driving prior to the attempted stop is so flagrantly reckless that he/she presents a clear and present danger to other users of the roadway, and failure to apprehend the violator would likely pose an imminent and life threatening danger to the public. Examples of such flagrantly reckless driving include, but are not limited to, collisions with other vehicles or objects, forcing other vehicles to take evasive action to avoid a collision, failure to stop at controlled intersections without slowing, or driving wrong side of the road.

1.4 Unless a greater hazard would result, a pursuit should not be undertaken if the suspect(s) can be identified with enough certainty that they can be apprehended at a later time.

1.5 In situations when a vehicular pursuit is not an option, officers are not relieved of their duty to enforce the law by other lawful means. When practical, officers will conduct a follow-up investigation to locate and interview witnesses or others who may identify the violator.

1.6 Pursuit of a motorcycle is prohibited. Under exigent circumstances, the Duty Officer may authorize an officer to pursue a motorcycle. Examples may include, but are not limited to, felony crimes against persons.

1.7 Officers and supervisors will not be subject to disciplinary action when adhering to the guidelines set

forth in this policy, should they decide not to engage in a vehicle pursuit or terminate a pursuit already in progress.

2. Definitions

2.1 Vehicular Pursuit - A deliberate attempt by an Officer in an authorized emergency vehicle to apprehend a fleeing suspect(s) who, by use of a motorized vehicle, is/are actively attempting to avoid apprehension through evasive tactics.

2.2 Primary Unit - The operator of the police vehicle initiating a pursuit or any other unit that assumes control of the pursuit as the lead vehicle (the first vehicle immediately behind the fleeing suspect). The operator of an unmarked unit shall immediately relinquish control of the pursuit as soon as a marked patrol unit becomes involved. If two marked units are able to join the pursuit, the unmarked unit shall immediately disengage from the pursuit unless directed otherwise by the Duty Officer.

2.3 Secondary Unit - Any police vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance. If possible, this should be a marked patrol unit.

2.4 Support Unit(s) - Any other police vehicles that are not directly involved in the pursuit, but may participate in a support role, and that attempt, with safe driving techniques, to remain in close proximity to the pursuit. They 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 and/or pedestrians, block potentially hazardous exits, use tire-deflating devices, or be available to assist in any other way.

2.5 Caravanning - Direct participation in, or following of, a pursuit by emergency vehicles other than the primary and authorized secondary units.

2.6 Terminate - To abandon or abort the pursuit.

2.7 Authorized Emergency Vehicle - A vehicle designated by the Motor Vehicle Administration as entitled to the exemptions and privileges set forth in the Maryland Vehicle Law for emergency vehicles for law enforcement agencies. Reference: Transp. Article, Section 21-106 Emergency Vehicles and Transp. Article, Section 22-218 Audible and Visual Signals on Vehicles. Note: Police non-pursuit rated SUVs, trucks, seized vehicles, vans, and any other vehicles not designed as police vehicles (marked or unmarked) shall not become involved in pursuits.

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2.8 Pursuit-Rated Vehicle - An authorized emergency vehicle that is specially designed and equipped for use during high-speed pursuits.

2.9 Tire Deflating Device - A device with hollow spikes that, when placed in the path of a vehicle, punctures the tires and causes a gradual deflation of one or more tires allowing the vehicle to come to a controlled stop.

2.10 Roadblock - A complete barricading of the roadway, constructed so as not to allow a vehicle to pass through or around the barricade.

2.11 Vehicle Contact Action - Any action taken by the pursuing Officer intended to result in contact between the moving police vehicle and the pursued vehicle. Intentional vehicle to vehicle contact-actions are prohibited except in situations when deadly force is justified.

3. General Considerations and Guidelines

3.1 The goal of a police pursuit is to maintain visual contact with the fleeing vehicle, so that the suspect(s) may be apprehended when the pursuit is terminated. However, the apprehension of a fleeing suspect is secondary in importance to the safety of the public, involved personnel, and the suspect. The guiding principle in any pursuit situation will be that the operation of a police vehicle be exercised with due regard for the safety of the public.

3.2 The following factors, although not all inclusive, are considerations in the decision to initiate, continue, or terminate a pursuit:

- Seriousness of the offense
- Time of day
- Weather conditions, visibility and lighting
- Geographic location.
- Equipment problems (lights, radio, siren).
- Availability of backup or other support units
- Population/traffic density
- Speed
- Familiarity with the area.
- Road configuration (e.g. interstate, divided highway, limited/no shoulder, work zones)
- Police vehicle performance capabilities and the capabilities of the vehicle being pursued
- Known information on or identity of the suspect and is pursuit necessary?
- The safety of the pursuing Officer, bystanders, and occupants of the pursued vehicle
- Officer training and experience
- Speed and evasive tactics employed by the suspect

3.3 If a supervisor gives instructions to terminate a pursuit, either directly or through Dispatch, the Officer will do so immediately, reporting to the Dispatcher the final location and direction of travel of the pursued vehicle at the time the pursuit is terminated.

3.4 Unless circumstances dictate otherwise and approved by a supervisor, a pursuit shall consist of no more than two police vehicles: a primary and a secondary unit.

3.5 Caravanning is prohibited. However, officers should monitor the progress of the pursuit and be prepared to assist if directed by a supervisor.

3.6 Non-involved officers shall not trail the pursuit on parallel streets unless authorized by a supervisor.

3.7 No pursuit shall be conducted in a direction against the lawful flow of traffic on a one-way street or lane of a divided highway.

3.8 Police motorcycles are prohibited from engaging in pursuits.

3.9 Pursuits within work zones are prohibited.

3.10 Police units with non-sworn personnel are prohibited from engaging in pursuits.

4. Use of Emergency Equipment

4.1 Officers involved in a pursuit will immediately activate the police vehicle's emergency lights, and siren, and increase the radio volume so that messages can be heard above the sound of the siren.

4.2 If radio communications, lights, or siren fail or are damaged in the primary or backup unit during any pursuit, that unit shall immediately cease participation in the pursuit. Dispatch should be notified so another unit may be assigned to the pursuit, if available.

5. Notification – Primary Unit

5.1 Any Officer initiating a pursuit shall immediately notify Dispatch that a pursuit is underway. The Officer shall provide the dispatcher with the following information:

- Unit identification
- Location
- Direction of travel
- Description of fleeing vehicle (make, model, color, license number & state, damage, other distinguishing marks)

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- Occupants – number, description (if possible), name(s)
- Reason for pursuit
- Vehicle speed

5.2 The officer shall obtain approval from the Duty Officer to pursue the vehicle. Personnel serving as an Officer in Charge (OIC) are not permitted to approve a vehicle pursuit.

5.3 The pursuit shall be terminated immediately if there is no response from the Duty Officer or the Duty Officer is the initiating officer and another supervisor is not available to monitor and direct the pursuit.

5.4 The Officer shall maintain continual radio contact throughout the pursuit.

5.5 The pursuing officer may terminate a pursuit at his/her discretion. The officer shall immediately notify Dispatch when a pursuit has been terminated and the reason why the pursuit was terminated. If the officer loses sight of a vehicle, he/she will immediately notify Dispatch of the last known location and direction of travel of the fleeing vehicle.

5.6 The pursuing officer or supervisor should request air support as soon as practical during a vehicle pursuit. If none is available, it should be considered for continuance of the pursuit.

5.6.1 Once air support arrives on scene and has the suspect vehicle under surveillance, pursuing officers may continue to follow the suspect's vehicle, as directed by the airborne unit, at a safe speed and in a safe manner.

6. Responsibilities of Dispatch Personnel

6.1 Upon notification that a pursuit is in progress, the dispatcher shall:

6.1.1 Immediately notify, via the radio, the police Duty Officer of the Detachment where the pursuit originated, regardless of the officer's assignment;

6.1.1.1 Immediately broadcast on other MDTA channels in close proximity that an active pursuit is occurring;

6.1.2 Ensure the police shift supervisor acknowledges control of the pursuit, and then relay the essential information regarding the event;

6.1.3 Create CAD event

6.1.4 Receive and record all incoming information on the pursuit and the pursued vehicle.

6.1.5 Control all radio communications and clear the radio channel of all non-emergency calls.

6.1.6 Run vehicle and driver checks (if required information is known)

6.1.7 Notify appropriate neighboring jurisdictions and request their backup.

6.1.8 Notify appropriate neighboring jurisdiction of description of vehicle if pursuit is terminated due to any other reason than apprehension.

7. Responsibilities of Duty Officer

7.1 Duty Officers shall monitor radio communications for their assigned Detachment at all times during their shift.

7.2 Upon notification that a vehicle pursuit is in progress, the police Duty Officer for the detachment where the pursuit originated, regardless of the officer's assignment, shall immediately acknowledge, via the radio, control of the pursuit.

7.2.1 The Duty Officer for the detachment will notify the pursuing officer either: "pursuit is authorized", in which case they may continue; or "terminate the pursuit".

7.2.2 The pursuit shall be terminated immediately if there is no response from the Duty Officer.

7.2.3 The police Duty Officer for the detachment shall immediately assume responsibility for monitoring and directing the pursuit as it progresses, regardless of the rank of the officer engaged in the pursuit.

7.2.4 The Duty Officer shall evaluate the data and consider all the factors to determine if the pursuit shall be continued or terminated.

7.2.5 If a vehicle being pursued leaves the MDTA Police primary jurisdiction, the officer shall immediately notify the Duty Officer to request authorization to continue the pursuit.

7.2.6 If the Duty Officer approves the pursuit to continue beyond MDTA Police primary jurisdiction, the Duty Officer shall continue to review the incoming data to determine whether the pursuit should continue or be terminated.

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7.2.7 This directive does not prohibit a higher-ranking supervisor or commander, regardless of assignment, from terminating a pursuit at any time.

7.3 Review of Data: The Duty Officer shall continuously review the incoming data to determine whether the pursuit should be continued or terminated. The Duty Officer may terminate a pursuit at his/her discretion. However, the Duty Officer shall terminate the pursuit immediately, when the risk to human life outweighs the seriousness of the offense or the benefits of capture.

7.4 Coordination of the Pursuit: In directing the pursuit incident, the Duty Officer shall be responsible for coordinating the pursuit as follows: (If possible, radio communications should be directed through Dispatch personnel).

7.4.1 Ensure that no more than the necessary number of support units are involved.

7.4.2 Directing secondary and support vehicles into or out of the pursuit as necessary

7.4.3 Re-designation of primary and back-up vehicle responsibilities, if needed.

7.4.4 Approval or disapproval and coordination of pursuit tactics (use of a tire-deflating device, use of support units, roadblocks).

8. Pursuit Analysis

8.1 The Duty Officer may approve and assign support units to assist the primary and backup pursuit vehicles based on an analysis of:

8.1.1 The nature of the offense(s) for which the pursuit was initiated.

8.1.2 The number of suspects and known propensity for violence.

8.1.3 The number of officers in the pursuit vehicles.

8.1.4 Any damage or injuries to the assigned primary and backup vehicle or officer.

8.1.5 The number of officers necessary to make an arrest at the conclusion of the pursuit.

8.1.6 Any other clear and articulable facts that would warrant the increased risk caused by additional pursuit vehicles.

8.2 The Duty Officer may terminate a pursuit at his/her discretion. However, the shift supervisor shall terminate the pursuit immediately, when the risk to human life outweighs the seriousness of the offense or the benefits of capture.

8.3 The Duty Officer will assign an Officer to investigate any non-departmental collisions occurring within the jurisdiction of the MDTA Police that occurred as a result of the pursuit.

8.4 The Duty Officer will complete the necessary report for any departmental collisions occurring as a result of the pursuit, in accordance with current policies.

9. Responsibility of Secondary Unit

9.1 Once joining the pursuit, the secondary unit shall assume responsibility for radio communications and status reports.

10. Roadblocks

10.1 Roadblocks shall not be used unless the use of deadly force is justified.

10.2 The use of a roadblock must be approved by the Duty Officer. The Duty Officer may only authorize a roadblock after careful consideration is given of all safety factors concerning officers and the public.

10.3 Personnel shall ensure the safest possible location for the roadblock is used to avoid unnecessary risk to the officers, motorists, and the fleeing suspect.

10.4 A Use of Force Report will be completed any time a roadblock is used. This report will be completed in addition to any other reports required as a result of the incident. (For reporting procedures, refer to Chapter 20 - Use of Force Reporting)

10.5 All personnel will receive training on the use of roadblocks and the procedures on their implementation. Additional training on the use of roadblocks will be provided periodically during in-service training, shift briefings, training bulletins, or other appropriate methods.

11. Tire Deflating Devices

11.1 The Training Unit will develop and maintain a training program in the use of tire-deflating devices. Only those tire-deflating devices issued by the MDTA Police will be used. Currently, Stop Stick® is the only device issued.

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11.2 Whether the use of a tire-deflating device is appropriate depends on many factors. The following list, though not all-inclusive, provides the Officer with some factors to consider before using a tire-deflating device:

- Traffic conditions
- Road conditions
- Type of vehicle being pursued
- Location (personal, as well as target vehicle and pursuing vehicles)
- Officers and public safety
- Type of roadway (e.g. interstate highway, rural Roadway, exit ramps)
- Weather conditions

11.3 Upon being advised of a pursuit in progress, the shift supervisor, or other patrol units in the area, may inquire, with the lead pursuit vehicle, about the possible use of a tire-deflating device.

11.4 Any Officer in a position to use a tire-deflating device should advise Dispatch, who will subsequently advise the pursuing Officer.

11.5 Constant communication must be maintained between the Officer pursuing the vehicle, the Dispatcher, and the Officer using the tire-deflating device. These communications should include:

- Location of the target vehicle (e.g. lane, distance from other Officer)
- Location of any pursuing vehicles
- Location of other traffic
- Positioning of person using the tire deflating device
- Description of the target vehicle
- Speeds of vehicles involved
- Lane in which the tire deflating device has been placed

11.6 The Duty Officer, after considering the facts, may approve or disapprove the use of a tire-deflating device. However, once approval has been granted, the Officer preparing to use the tire deflating device will make the final decision whether or not it will be used based on the above considerations.

11.7 If possible, measures should be taken to divert other traffic from the area where the tire-deflating device is to be used to prevent unnecessary damage to other vehicles.

11.8 When a tire deflating device is deployed, a police vehicle may be used to block a portion of the roadway prior to placing the tire deflating device in the roadway; however, a police vehicle will not be used to block the entire roadway. The Officer using the tire-deflating device

will decide how his/her vehicle will be positioned (with officer safety being the primary consideration). If a police vehicle is not used to block a portion of the roadway, when practical, it should be positioned in such a manner that will provide protection from the vehicle being pursued.

11.9 At no time will a tire-deflating device be used when the pursuit involves a motorcycle or three-wheeled vehicle, unless the use of deadly force is justified.

11.10 Tire-deflating devices shall not be used on bridges or in tunnels.

11.11 The tire deflation device used by the MDTA Police is maintenance free and will be mounted in the vehicle trunk lid tray. Officers must ensure that items loaded into the trunk will not damage the tire deflation device. Any damage to a tire deflation device, or the trunk lid tray, should immediately be reported to the Officers immediate supervisor.

12. Firearms

12.1 Officers shall not discharge a firearm while driving or occupying a vehicle engaged in a pursuit. (Refer to Use of Force policies/procedures).

13. Upon Termination of the Pursuit

13.1 After successfully stopping a suspect vehicle, the pursuing Officer(s) will treat the stop as a felony stop, using safe and accepted methods of removing the suspect(s) from the vehicle.

13.2 If the pursuit was terminated prior to stopping the suspect vehicle, officers will use all information gathered during the pursuit (i.e. registration, make, model, description of the operator) to further an investigation.

14. Pursuing Felons across State Lines

14.1 Officers will only pursue vehicles across state or federal jurisdictional boundaries when the operator or an occupant of the vehicle has committed a felony or is reasonably suspected of having committed a felony and poses an imminent threat to the public.

14.1.1 Officers may not be entitled to the privileges and immunities afforded by Maryland law in the courts of another state.

14.1.2 Officers who pursue across state or federal jurisdictional boundaries will continue to follow the

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pursuit procedures as outlined in this directive and the MD Code Annotated, Transportation Article.

14.1.3 The number of pursuing vehicles crossing a state or federal jurisdictional boundary will be limited to those absolutely necessary as determined by the shift supervisor directing the pursuit.

14.1.4 When the law enforcement agency with authority in the jurisdiction entered joins the pursuit, that agency should assume responsibility for continued pursuit.

14.1.5 The shift supervisor should ensure that only the number of units that are necessary, based on the situation, leave Maryland.

14.1.6 Vehicles pursuing across state or federal jurisdictional boundaries should be marked units; if no marked units are available, unmarked units may continue to pursue.

14.1.7 When it becomes apparent to the pursuing officer that he/she may cross a state or federal jurisdictional boundary, he/she will immediately notify the Duty Officer.

14.1.8 The Duty Officer will decide if the pursuit meets the criteria to cross the state boundary line in addition to the criteria for continuing a pursuit.

14.1.9 Prior to crossing a state or federal jurisdictional boundary, the pursuing officer must receive authorization from the Duty Officer.

14.1.10 If the pursuit is authorized to continue, dispatch will immediately notify the law enforcement agency in the jurisdiction to be entered.

14.2 An officer legally pursuing a suspected violator across a state line who makes an apprehension either by himself/herself, or with the assistance of that jurisdiction's police department, shall not remove the apprehended suspect from that jurisdiction until all appropriate laws of the foreign jurisdiction have been fully complied with including judicial hearings on the legality of the arrest and the legal right to remove such person to the State of Maryland.

14.3 Maryland law permits officers from other states to pursue suspected felons into Maryland and to make arrests of said suspects. Before the suspect may be removed from this State, the suspect must be taken before a judge of the circuit court for the county in which the

arrest was made by the pursuing officer and a detachment designee.

15. Pursuing Offenders across Maryland Sub-Division Boundaries

15.1 MDTA Police officers may only exercise their police powers on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, the Maryland Aviation Administration, and the Maryland Port Administration, with certain exceptions. One of the exceptions reads: "Unless: Engaged in fresh pursuit of a suspected offender." The arresting Officer must, however, follow established policy with regard to appearing before the appropriate Maryland District Court Commissioner to show probable cause for the arrest.

16. Request for Assistance from Outside Department

16.1 Upon receipt of a request by an outside department for assistance with a pursuit into MDTA Police jurisdiction, the following procedures apply:

16.1.1 The Dispatcher/Officer receiving the call shall take the information from the Department requesting assistance. (Including reason for the pursuit)

16.1.2 Once a request is received, the Dispatcher/Officer will advise the Duty Officer of the request.

16.1.3 The decision to dispatch patrols and the number of patrols dispatched is the responsibility of the Duty Officer. Dispatched units will be advised of the reason for the pursuit.

16.2 The assisting units will operate under the requirements of this Directives Manual and will advise Dispatch of the following:

- The number of units already in the pursuit.
- Progress and direction of the pursuit.

16.3 The Duty Officer or assisting Officer shall terminate involvement in the pursuit if the reason for the pursuit, or current pursuit situation, does not meet the criteria specified in this policy.

16.4 Police units shall not continue to pursue beyond Maryland Transportation Authority Police authorized jurisdiction, unless authorized to do so by the Duty Officer.

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17. Pursuit Reporting – Operational Requirements

17.1 The initiating Officer, or the first MDTA Police Officer to enter an already ongoing pursuit from another agency, must complete an Incident Report within the RMS, to include a narrative of the incident.

17.2 The Pursuit Driving Data Form will be completed within RMS.

17.3 All accompanying operational (investigative) reports shall be completed as determined by the severity and circumstances surrounding the incident and included within the RMS incident. They will be completed by the primary Officer.

17.4 If an Officer is involved in a pursuit as a secondary unit or a support unit, a supplemental report will be required (at a minimum) and will be included with the original RMS incident. All reports will be submitted by the end of the Officer's shift.

17.5 A Stop Stick Ltd. Form shall be completed only when a tire-deflating device needs to be replaced. A copy of this form will be attached to the original RMS incident. The shift supervisor will send a photocopy of this form to the Quartermaster Unit.

17.6 If a tire-deflating device is used, (regardless of whether it was hit or not) the deploying officer will complete a supplement to the pursuit IR. Additionally, the pursuing officer will ensure the deployment of stop sticks is documented on the Pursuit Driving Data Report. Deployment of a tire-deflating device is not considered a use of force, but will be tracked by IAU for statistical purposes.

17.7 If any type of force is used during a pursuit incident, a Use of Force Report must be completed within RMS.

17.8 If the use of a tire-deflating device causes damage to a vehicle not involved in a pursuit, the Officer employing the device will complete a separate report. In this Damaged Vehicle Report, the Officer should briefly describe the cause of the damage and provide a detailed description of the vehicle, the damage, owner, and operator information. This report will include the Incident Report Number of the original report. Upon request, the Central Records Unit shall provide a copy of this report to the owner of the damaged vehicle.

18. Duty Officer/Shift Supervisor's Review

18.1 Following a pursuit, the Duty Officer shall begin to review the circumstances surrounding the event as soon as

practical following the incident. This shall include reviewing reports from all agency personnel involved, obtaining in-car video, requesting a review of audio recordings, and obtaining any other pertinent information and material related to the pursuit.

18.2 The Duty Officer will ensure all required documents are attached to the RMS incident. Once the incident is complete and accurate, the Duty Officer will approve the RMS incident.

19. Administrative Reporting

19.1 The Duty Officer is responsible for submitting a preliminary summary of the incident, on a Special Report, in Blue Team by the end of the supervisor's shift. The Duty Officer will also submit an after action review, which will include a thorough overview of the incident, to include any supervisory observations, policy violations, concerns, training suggestions or recommendations for future pursuits within 10 calendar days. These reports are required for administrative purposes, and are not to be included with the operational reports attached to the RMS incident. These reports will be processed through the chain of command via Blue Team Software.

19.2 A Blue Team incident will be initiated by the Duty Officer. In addition to populating the various Blue Team fields, the Duty Officer will scan and enter all operational reports from the RMS incident into Blue Team. The Duty Officer Special Report, as well as other applicable endorsements completed by supervision, Detachment/Unit Commanders, and Division Commanders, will be processed through the chain of command via Blue Team Software and forwarded to IAU.

19.2.1 Duty Officers need to ensure information logged into Blue Team is consistent with the information contained in the Pursuit Driving Data Report.

19.3 Due to size limitations, most videos cannot be attached to Blue Team. Therefore, all videos and audio transmissions related to the pursuit will be electronically placed into the Use of Force & Pursuit Audio Video folder located on the S-Drive. A specific subfolder will be created for the incident, with the Incident Report number as the title of the sub-folder. Video files should be titled by the specific car number. This folder is specifically designed for audio/video files; no incident related documentation should be placed into the folder. Access to these folders are for incident related reviews/critiques through the chain of command only. When forwarding the Blue Team incident, supervisors will note, in the message section, if they placed any audio/video files into the

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folder. Upon completion of all investigations, hearing boards and disciplinary actions, the IAU may disseminate copies of videos to the Training Unit for use as a training aid and Budget and Planning.

19.4 Any allegations of misconduct revealed during this review will be forwarded, through the chain of command, to the appropriate division commander in a separate report. The Division Commander will forward a copy of this report to the Internal Affairs Unit.

19.5 The following list of documents will be included in the completed Blue Team Incident and submitted through the chain of command:

- Copy of the completed/approved Incident Report (with required narratives/supplements/charging documents)
- Pursuit Driving Data Form
- Supervisor's review (Special Report to the Detachment Commander)
- Supporting Endorsements

19.6 All remaining endorsements made by command personnel will be processed through the chain of command to the appropriate division commander via Blue Team. The Division Commander will forward the entire package to IAU via Blue Team Software and cc the appropriate Bureau Chief.

20. Review of Pursuit Reports

20.1 A pursuit review committee consisting of members from the Internal Affairs Unit, the Budget and Planning Command, Legal, and the Training Unit will review police pursuit reports at least semi-annually.

20.2 Annually, the Internal Affairs Unit will conduct an analysis of all pursuit reports submitted during the year and submit a report to the Chief of Police. The purpose of this analysis is to determine patterns or trends that indicate training needs and/or policy modifications. A review of pursuit policies and reporting procedures will also be conducted and included in the annual analysis. The absence of pursuits will not alleviate the requirement of reviewing policies.

21. Notifications

21.1 Following a pursuit incident, the shift supervisor shall make the required notifications, as outlined in the notification procedures for incidents requiring immediate notification.

22. Training

22.1 Officers who drive police vehicles shall successfully complete initial pursuit driving training in the Police Academy. Officers will also receive periodic update training and remedial training (if needed).

22.2 Periodic pursuit related in-service training will be provided. Training will consist of scenarios utilizing the pursuing officer's point of view as well as the shift supervisor's point of view and responsibilities.

23. Vehicle Damage

23.1 Authority Vehicles: If an MDTA Police Vehicle is damaged as a result of a pursuit, the vehicle may be placed out of service until repairs are completed, depending on the nature of the damage.

23.2 Outside Police Agencies: If any tactic, deployed by a member of the MDTA Police during pursuit, results in damage to a vehicle of an outside department, a copy of the officer's report concerning this damage shall be forwarded to the outside department upon request.

23.3 All Other Vehicles Damaged During a Pursuit: All owners of vehicles requesting reimbursement for damages caused as a result of a pursuit, by the MDTA Police, should be referred to the State Treasurer's Office in Annapolis, or to the Authority's Legal Division. This is in accordance with Maryland Tort Claims Act.