



# INDEPENDENT INVESTIGATIONS DIVISION

Report Concerning the Police-Involved  
Death in Baltimore City on August 5, 2024

June 5, 2025

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## **Declination Report Concerning the Police-Involved Death of Juvenile on August 5, 2024**

The Independent Investigations Division of the Maryland Office of the Attorney General (the “IID”) is charged with investigating “police-involved incidents that result in the death of individuals or injuries likely to result in death.”<sup>1</sup> If the Attorney General determines that the investigation provides sufficient grounds for prosecution, then the IID “shall have exclusive authority to prosecute the offense.”<sup>2</sup>

### **I. Introduction**

On August 5, 2024, at approximately 9:12 p.m., officers with the Baltimore Police Department (“BPD”) encountered Juvenile<sup>3</sup> with a group of individuals on the corner of W. Fayette Street and N. Stricker Street. Juvenile ran away from the officers. In the unit block of North Stricker Street, as officers were running after him, Juvenile displayed a gun at which time multiple officers discharged their firearms striking him. Officers rendered emergency medical aid and requested emergency medical services (“EMS”) respond to the scene. Juvenile was pronounced dead on scene. A loaded handgun was recovered near Juvenile. No officers were injured.

After completing its investigation and evaluating all the available evidence, the Office of the Attorney General has determined that the subject officers did not commit a crime under Maryland law. Accordingly, the Attorney General has declined to prosecute any of the subject officers in this case.

The IID’s investigation focused exclusively on potential criminal culpability relating to the subject officers’ conduct. By statute, the IID only has jurisdiction to investigate the actions of police officers, not those of any other individuals involved in the incident. Moreover, the IID’s analysis does not consider issues of civil liability or the department’s administrative review of the subject officers’ conduct. Compelled statements by subject officers may be considered in civil or administrative proceedings, but may not be considered in criminal investigations or prosecutions due to the subject officers’ Fifth Amendment rights. If any compelled statements exist in this case, the IID has not considered them in this investigation.

This report is composed of a factual narrative followed by a legal analysis. Every fact in the narrative is supported by the evidence obtained in this investigation, including forensic and autopsy reports, police radio transmissions, dispatch records, police and EMS reports, police body-worn camera footage, photographs, department policy and interviews with civilian and law enforcement witnesses. The subject officers in this case chose not to make statements to the IID, which had no impact on the prosecutorial decision.

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<sup>1</sup> Md. Code, State Gov’t § 6-602 (c)(1).

<sup>2</sup> Md. Code, State Gov’t § 6-604 (a)(1).

<sup>3</sup>Under Md. Code, Courts and Judicial Proceedings § 3-8A-27(a), a police record concerning a child is confidential information that may not be distributed. Accordingly, the IID will refer to the decedent, who was under 18 years old at the time of this incident, as Juvenile throughout this report.

The legal analysis explains why the IID will not bring charges under the relevant Maryland statutes.

This investigation involved one decedent and three subject officers:<sup>4</sup>

- A. Juvenile was under the age of 18 at the time of the incident. He was a Black male who lived in Baltimore, Maryland.
- B. Detective Devon Lomax has been employed by BPD since February 2020. He is a Black male, and at the time of the incident was 26 years old.
- C. Detective Thomas Smith has been employed by BPD since July 2020. He is a White male, and at the time of this incident was 26 years old.
- D. Detective Sharif Kellogg has been employed by BPD since November 2017. He is a Black male, and at the time of the incident was 43 years old.

The IID reviewed all available departmental disciplinary records and criminal histories of these involved parties and where they existed, determined that none were relevant to this investigation.

## **II. Factual Summary**

On August 5, 2024, at approximately 9:12 p.m., BPD Detectives Devon Lomax, Thomas Smith, Zachary Allman, and Sharif Kellogg were on routine patrol in the area of N. Stricker Street and W. Fayette Street, traveling in two unmarked BPD vehicles. Detective Smith was driving an unmarked Ford Explorer with Detective Allman in the front passenger seat. Detective Lomax was driving an unmarked Dodge Durango with Detective Kellogg in the front passenger seat. Both vehicles were equipped with lights and sirens. The Detectives were all wearing plain clothes with police issued vests marked "POLICE".

Detective Allman observed a group of individuals including Juvenile. Juvenile was wearing black clothing, carrying a black bookbag, and standing near the intersection of North Stricker and West Fayette. During his observation of Juvenile, Detective Allman noted that he walked away from the officer's vehicle, turned back and looked at the officers, and then returned to the group. Detective Allman believed that Juvenile was displaying characteristics of an armed person, as Juvenile grabbed his front waistband.

At 9:12:58 p.m., Detective Allman exited the unmarked vehicle at the corner of W. Fayette Street and N. Stricker Street and approached the group of individuals. At 9:13:28 p.m., Juvenile began walking at a fast pace on W. Fayette Street and then began running from Detective Allman. As Juvenile sprinted west on W. Fayette Street, he held his waistband and did so until he turned on N. Gilmore Street. Detective Allman pursued Juvenile on foot west on W. Fayette Street and

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<sup>4</sup> BCPD Detective Zachary Allman was present during the incident and while he is named within this report, Detective Allman is not a subject of this investigation.

south on N. Gilmor Street. Detective Allman then heard an officer say Juvenile ran down the alley. At this point, Detective Allman lost sight of Juvenile.



*Image 1: Map demonstrating the foot pursuit route. Detective Allman's initial foot pursuit of Juvenile is shown by the green line. Juvenile's path is marked by the purple line. Detective Smith pursued Juvenile in a vehicle, as indicated by the navy-blue line. Detective Kellogg then transferred from Detective Lomax's vehicle to Detective Smith's vehicle (turquoise line). Detective Lomax's vehicle path is represented by a solid yellow line, with a yellow line showing where he exited the vehicle to begin his foot pursuit. The red location pin marks the end of the pursuit and the site of the fatal shooting.*

At 9:13:38 p.m., Detective Kellogg, who had exited Detective Lomax's vehicle a few seconds earlier, entered Detective Smith's vehicle and pursued Juvenile with the emergency lights and sirens activated. Detective Smith then pulled his vehicle next to Juvenile on North Stricker Street. At 9:13:53 p.m., a Detective shouted, "he's still holding, he's still holding." At 9:13:56 p.m., while still in his vehicle, Detective Smith yelled at Juvenile, "Get on the ground, you are going to get shot!" Detective Kellogg simultaneously yelled at Juvenile, "Get on the ground, I will shoot you!"

At 9:14:00 p.m., Detective Lomax parked his vehicle and began chasing Juvenile on foot. Seconds later, Detective Lomax grabbed Juvenile's left arm. Juvenile then pulled away from Detective Lomax and immediately raised the handgun with his right hand in the direction of Detective Kellogg and Detective Smith. The subject officers fired their service weapons at Juvenile, striking him multiple times. Juvenile fell to the ground on his left side, and the handgun fell from Juvenile's right hand.



*Image 2: Still image from Detective Kellogg's body-worn camera footage, depicting the moment just after Juvenile pulled away from Det. Lomax. The handgun Juvenile is holding is circled in red.*



*Image 3: Still image from Detective Lomax's body-worn camera footage. Juvenile is positioned in the right of the image, brandishing a handgun (circled in red). For privacy purposes, his face has been blurred. Click [HERE](#) for a short video.*

Officers on scene immediately rendered medical aid to Juvenile and requested that medics respond to the scene. At approximately 9:22 p.m., emergency medics from the Baltimore City Fire Department arrived on scene and Juvenile was pronounced dead at 9:25:00 p.m.

### **III. Supplemental Information**

#### **A. Autopsy**

On August 6, 2024, the Office of the Chief Medical Examiner (the “OCME”) performed an autopsy of Juvenile. The Medical Examiner concluded that multiple gunshot wounds caused Juvenile’s death and determined that the manner of his death was “homicide.”<sup>5</sup>

Juvenile sustained twelve gunshot wounds including entrance wounds to his right side of face, right side of neck, right arm, right thigh, right hand, right knee, left shoulder, and back. There was an additional graze wound to his neck and fragment wounds to his face.

#### **B. Firearms Recovery and Ballistics Information**

BPD Crime Scene Unit technicians responded to the scene, and while processing the scene, recovered each of the subject officer’s departmentally issued service weapons, which were Glock 22, .40 caliber semi-automatic handguns.<sup>6</sup> They also recovered a CZ-07 9mm Luger handgun on the ground near Juvenile.

The BPD Forensic Laboratory Section conducted a firearm analysis, including the weapons, cartridges and bullets recovered from the scene. Each of the subject officers’ service weapons were submitted for analysis and forensic testing confirmed that they were operable.

Based on the evidence recovered at the scene by crime scene technicians, BPD concluded that Detective Lomax fired seven rounds from his service weapon, Detective Smith fired twelve rounds from his service weapon, and Detective Kellogg fired two rounds from his service weapon.

Juvenile did not fire the handgun that was in his possession. However, technicians determined that the handgun was loaded with fifteen rounds in the magazine which is full capacity, and none in the chamber. Forensic testing confirmed that Juvenile’s handgun was operable.

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<sup>5</sup> Manner of death is a classification used to define whether a death is from intentional causes, unintentional causes, natural causes, or undetermined causes. The OCME uses five categories of manner of death: natural, accident, suicide, homicide, and undetermined. “Homicide” applies when death results from a volitional act committed by another person to cause fear, harm, or death. This term is not considered a legal determination; rather, they are largely used to assist in the collection of public health statistics. *A Guide for Manner of Death Classification*, First Edition, National Association of Medical Examiners, February 2002.

<sup>6</sup> The IID and BPD have entered a Memorandum of Understanding (“MOU”), recognizing that on January 12, 2017, BPD entered a federal consent decree, which imposed certain obligations to investigate officer-involved fatalities. Given the IID’s statutory obligations pursuant to Maryland law, and for BPD to meet its obligations under the federal consent decree, the MOU states that both agencies’ investigators will investigate all officer-involved deaths while cooperating and communicating with one another. The MOU further states that if the IID determines that BPD cannot maintain the level of impartiality required to conduct a thorough investigation, the IID may take over sole investigative responsibility for the case. In the present case, the IID and BPD have collaborated throughout the investigation.

### C. Department Policy

BPD provides officers with written policies and procedures, as well as practical training in the use of force. The BPD policies and training materials encompass the written policies and procedures for its sworn officers, which include several written policies relevant to this investigation.

BPD use of force policy includes the use of deadly force (Policy 1115) and the use of firearms (Policy 409). These two policies state that an officer “shall use only the force Reasonable, Necessary, and Proportional to respond to the threat or resistance to effectively and safely resolve an incident and will immediately reduce the level of force as the threat or resistance diminishes.”

The policies define those terms as follows:

- Reasonable: “A member uses Reasonable Force when the member uses no more force than required to perform a lawful purpose.”
- Necessary: “Force is necessary only when no reasonably effective alternative exists.”
- Proportional: “Proportionality measures whether the force used by the member is rationally related to the level of resistance or aggression confronting the member.”

The use of force policy specifies that “[t]he use of Deadly Force/Lethal Force shall always be the last resort,” and shall occur only when officers “reasonably believe such action is immediately necessary to protect a member or another person from an Imminent Threat of death or Serious Physical Injury.” Before using deadly force, officers “shall consider environmental considerations such as field of fire, backdrop.”

### IV. Legal Analysis

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

Based on the evidence, three relevant offenses were considered in this case. First is the violation of Maryland’s Use of Force Statute, which makes it a crime for officers to intentionally

use excessive force.<sup>7</sup> The second and third offenses are homicide related charges due to the intentional killing of a person.

There is insufficient evidence to prove that the subject officers committed the aforementioned crimes. Accordingly, the IID will not pursue criminal charges against any of the subject officers. This report explains in further detail why, based on the evidence, a prosecutor could not prove beyond a reasonable doubt that any officer committed a crime.

#### A. Maryland Use of Force Statute

Proving a violation of the Use of Force Statute requires a prosecutor to establish beyond a reasonable doubt that a subject officer:

- (1) used force that was not necessary and proportional to prevent an imminent threat of physical injury to themselves or another person, or to accomplish a legitimate law enforcement objective;
- (2) intended to use force that was excessive, *i.e.* not necessary and proportional under the circumstances; and
- (3) the use of excessive force resulted in serious bodily injury or death;<sup>8</sup>

Here, prosecutors would need to establish that one or more of the subject officers used excessive force, meaning force that was not necessary and proportional under the circumstances, that the subject officer's use of excessive force was intentional, and that the force used by the subject officers resulted in Juvenile's death.

As it is undisputed that the subject officers fired their weapons and shot Juvenile which resulted in his death, we are left to assess whether the shooting of the Juvenile was necessary and proportional under the circumstances to prevent an imminent threat of harm to those on scene, or to accomplish a legitimate law enforcement objective, and whether the subject officers intended to use the force that killed Juvenile.

Determining whether an officer's use of force is "necessary and proportional" to prevent an imminent threat of physical injury to someone or accomplish a legitimate law enforcement objective is a fact-specific inquiry. Generally, a use of force is considered "necessary and proportional" when an officer had no reasonable alternative available to the officer under the circumstances, the kind and degree of force was appropriate in light of the officer's legitimate law enforcement objective, and it was not likely to result in harm that was out of proportion or too severe in relation to the officer's law enforcement objective, given the context in which it was used.<sup>9</sup> When a factfinder—either a judge or a jury—conducts this analysis, they must consider the totality of the circumstances, including, but not limited to, the nature of the call for service, what occurred in the moments before force was used, what the subject officers knew at the time force was used, and the time and distances involved.<sup>10</sup>

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<sup>7</sup> See Md. Code, Public Safety §3-524(d)(1).

<sup>8</sup> MPJI-Cr 4:36.

<sup>9</sup> For a more detailed discussion of the "necessary and proportional" standard, see [this opinion](#) written by the Office of the Attorney General. 107 Op. Atty. Gen. Md. 33

<sup>10</sup> *Id.*

In this case, there is no evidence that the subject officers used force beyond what was necessary and proportional to prevent Juvenile from posing a danger to themselves or others. With respect to whether the use of force was necessary, Juvenile's behavior posed a threat to the safety of the subject officers. Detective Smith and Detective Kellogg ordered Juvenile to get down on the ground or they would shoot. Juvenile ignored the subject officers' commands and instead displayed the handgun. Juvenile lifted the handgun and pointed it in the direction of Detective Kellogg and Detective Smith, creating an imminent threat of deadly force. In short, Juvenile's behavior required that the subject officers fire their guns at him for their own safety.

With respect to whether the kind and degree of force used by the subject officers was proportional to the imminent threat of harm presented by Juvenile, evidence shows that the force used by Detectives Kellogg, Smith, and Lomax was appropriate. As previously mentioned, Juvenile refused to comply with the subject officer's commands and raised the handgun toward subject officers after pulling away from Detective Lomax.

Based on the evidence, a prosecutor could not prove beyond a reasonable doubt that the subject officers' use of force was not necessary and proportional to prevent an imminent threat of physical injury to themselves or another person, or to accomplish a legitimate law enforcement objective. Accordingly, the Office of the Attorney General will not charge the subject officers with a violation of the Use of Force Statute in this case.

## B. Homicide Offenses

When a person is killed, there are four homicide charges that a prosecutor may consider in the State of Maryland:

- First Degree Murder: the willful, deliberate, and premeditated killing of another.<sup>11</sup>
- Second Degree Murder: when the defendant intended to kill or inflict such serious injury that death would be the likely result and there was no justification or mitigating circumstances.<sup>12</sup>
- Voluntary Manslaughter: an intentional killing that is not murder because the defendant acted in partial self-defense.<sup>13</sup>
- Involuntary Manslaughter: when the defendant acted with gross negligence and that conduct caused the death of another.<sup>14</sup>

First Degree Murder was not considered in this case because there is no evidence to support that the shooting of Juvenile was premeditated. Premeditation requires a prosecutor to prove that "the design to kill must have preceded the killing by an appreciable length of time, that is, time enough to be deliberate."<sup>15</sup> While this inquiry requires a fact-specific evaluation, a factfinder

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<sup>11</sup> MPJI-Cr. 4:17.

<sup>12</sup> MPJI-Cr. 4:17.

<sup>13</sup> MPJI-Cr 4:17.2.

<sup>14</sup> MPJI-Cr. 4:17.8.

<sup>15</sup> *Tichnell v. State*, 287 Md. 695, 717 (1980)

should consider the totality of the circumstances including whether an individual is defending themselves against deadly force.<sup>16</sup> As the shooting of Juvenile was intentional, but not premeditated, Second Degree Murder and Voluntary Manslaughter are the homicide offenses that remain for consideration.

If the evidence indicates that there is legal justification or certain mitigating circumstances involved, such as self-defense, then a prosecutor could not prove the remaining homicide offenses against the subject officers.<sup>17</sup> A police officer's use of deadly force is legally justified if it is in complete self-defense, defense of others, or in furtherance of law enforcement related duties.<sup>18</sup>

Complete self-defense, also known as perfect self-defense, exists when the accused: (1) was not the initial aggressor (or did not raise the level of force to deadly force); (2) believed that they were in immediate or imminent danger of serious harm or death; (3) had a reasonable belief; and (4) used force that was not more than what was reasonably necessary in light of the threat or actual force.<sup>19</sup> Complete self-defense is an affirmative defense, which means that a prosecutor must prove beyond a reasonable doubt that one of the elements of self-defense is not applicable.

When an officer has sufficient probable cause to believe that a person poses a "threat of serious physical harm," then the officer may use deadly force,<sup>20</sup> and the reasonableness of that decision must be viewed from "the perspective of a reasonable police officer similarly situated."<sup>21</sup> In practice, this means that a factfinder must consider that police officers often work under rapidly changing circumstances and that what constitutes a reasonable use of force may change from moment to moment.<sup>22</sup>

The evidence shows that Juvenile was the aggressor. He was armed and raising a handgun towards two of the subject officers. Furthermore, after several loud commands to get on the ground or be shot, Juvenile did not comply. Combined, those facts provide a basis for the subject officers to reasonably believe that their lives were in danger. Since the subject officers faced the threat of deadly force from Juvenile, their use of deadly force against him was reasonably necessary.

Based on the investigation, the actions of the subject officers do not constitute the crime of Second-Degree Murder. Prosecutors are unable to overcome any of the elements of complete self-defense. Moreover, because complete self-defense also applies to Voluntary Manslaughter<sup>23</sup>, a prosecutor would be unable to prove any homicide offense in this matter. Accordingly, the Office of the Attorney General will not charge the subject officers with a homicide offense.

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<sup>16</sup> See *Purnell v. State*, 250 Md. App 703, 714-715 (2021).

<sup>17</sup> If a defendant has the requisite *mens rea* to uphold a claim of complete self-defense or defense of others, that is, a subjective belief that their or another's life was in imminent danger that was objectively reasonable under the circumstances, then the claims are valid regardless of any unintended consequences. *Malaska v. State*, 216 Md. App. 492, 517-522 (2014).

<sup>18</sup> *Id.*; MPJI-Cr 4:17.3.

<sup>19</sup> *Porter v. State*, 455 Md. 220, 234-36 (2017); MPJI-Cr 4:17.2.

<sup>20</sup> *Estate of Blair*, 469 Md. at 23-24 (quoting *Tennessee v. Garner*, 471 U.S. 1, 11 (1985)).

<sup>21</sup> *State v. Albrecht*, 336 Md. 475, 501 (1994); *State v. Pagotto*, 361 Md. 528, 555 (2000) (quoting *Graham*, 490 U.S. at 397).

<sup>22</sup> *Id.*

<sup>23</sup> *State v. Faulkner*, 301 Md. 482, 485 (1984).

## **VI. Conclusion**

This report has presented factual findings, legal analysis, and conclusions relevant to the August 5, 2024, police-involved death of Juvenile in Baltimore, Maryland. The Office of the Attorney General has declined to pursue charges in this case because, based on the evidence obtained in its investigation, the subject officers did not commit a crime.