



INDEPENDENT INVESTIGATIONS DIVISION

Report Concerning the Police-Involved
Death in Prince George's County on
February 28, 2025

July 3, 2025

Public Release: July 14, 2025

Declination Report Concerning the Officer-Involved Death of Esmeralda Montoya-Perez on February 28, 2025

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.”¹ If the Attorney General determines that the investigation provides sufficient grounds for prosecution, then the IID “shall have exclusive authority to prosecute the offense.”²

I. Introduction

On February 28, 2025, at approximately 10:15 p.m., a Hyattsville City Police Department (“HPD”) officer attempted a traffic stop on a Lincoln sedan in the 3300 Block of East-West Highway. The driver (“Driver”),³ initially stopped, then fled westbound on East-West Highway. The officer followed a short distance before calling off the stop. The Lincoln continued, traveled through an intersection, sped onto the shoulder of the highway, and struck a pedestrian, Ms. Esmeralda Montoya-Perez, on the side of the road. The officer immediately proceeded to the scene of the crash. Driver was taken into custody and transported to an area hospital where he was treated for non-life-threatening injuries. Ms. Montoya-Perez was pronounced dead on scene.

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

The IID’s investigation focused exclusively on potential criminal culpability relating to the subject officer’s 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. Therefore, the IID’s investigation did not specifically examine any criminal culpability of Driver in this incident. Moreover, the IID’s analysis does not consider issues of civil liability or the department’s administrative review of officer’s 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, they have not been considered in the IID’s 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 emergency medical reports, body-worn camera footage, photographs, department policy and interviews with civilian and law enforcement witnesses.⁴ The subject officer did not make a statement in this case, which has no impact on the prosecutorial decision.

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

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

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

³ To avoid compromising any potential collateral criminal investigation(s) by the Prince George’s County State’s Attorney’s Office, the driver’s name will be withheld, and they will be referred to as “Driver” throughout the report.

⁴ The Maryland State Police Crash Investigation Report is still pending. The findings of the crash investigation have no bearing on the criminal liability of Private Flores.

This investigation involved the driver of the Lincoln, the decedent, and one subject officer:

- A. Driver was 24 years old at the time of the collision. He is a Black male who lives in Washington, DC.
- B. The decedent, Esmeralda Montoya-Perez, was 33 years old at the time of the collision. She was a Hispanic female who lived in Riverdale MD.
- C. Private Carlos Flores has been employed by HPD since February 2024. He has four years of prior law enforcement experience with the Prince George's County Police Department. He is a Hispanic male, and at the time of the incident was 27 years old.

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

II. Factual Summary

On February 28, 2025, at approximately 10:15 p.m., HPD officer Carlos Flores was in a marked patrol vehicle on routine patrol in the 3300 Block of East-West Highway when he observed a Lincoln sedan with an inoperable center brake light. Private Flores followed the Lincoln into an apartment complex and attempted to stop the vehicle by activating his emergency lights and sirens.

At 10:15:53, Private Flores notified dispatch of the stop. Approximately four seconds later, the driver of the Lincoln fled onto the westbound lanes of East-West Highway. Private Flores followed, while providing dispatch the tag number and a description of the Lincoln.⁵ As both vehicles traveled above the posted speed limit of 40 m.p.h., Private Flores and Driver maintained control of their respective vehicles.

Private Flores followed the Lincoln for approximately 30 seconds and half a mile when the Lincoln approached the intersection of 23rd Avenue and East-West Highway. The Lincoln bypassed traffic by driving on the right shoulder. At the same time, dispatch advised that the vehicle tag number belonged to a different vehicle but had not been reported stolen. Private Flores terminated the attempted traffic stop, turned off his lights and sirens, and maneuvered into the left turning lane. The Lincoln continued driving on the shoulder and through the intersection while the traffic light was green.

⁵ That section of East-West Highway was illuminated with several streetlights. East-West Highway is a four-lane highway with two lanes on both the eastbound and westbound sides. The weather was clear, and the roadway was not obstructed.



Image 1: Image captured from Private Flores' dashboard camera footage capturing the Lincoln (circled in green) traveling on the shoulder of East-West Highway

After the Lincoln traveled through the intersection, it struck Ms. Montoya-Perez, who was on the side of the road. The vehicle then rolled onto its driver's side and came to a rest. At 10:16:27 p.m., Private Flores notified dispatch that the Lincoln had crashed, advised his location, crossed 23rd Avenue, and went to the scene of the overturned Lincoln. As other officers arrived on scene, Private Flores took Driver into custody. Responding officers located Ms. Montoya-Perez in a ravine on the side of the road. Because Ms. Montoya-Perez sustained injuries not compatible with life, no aid was provided. Ms. Montoya-Perez was pronounced dead on scene.

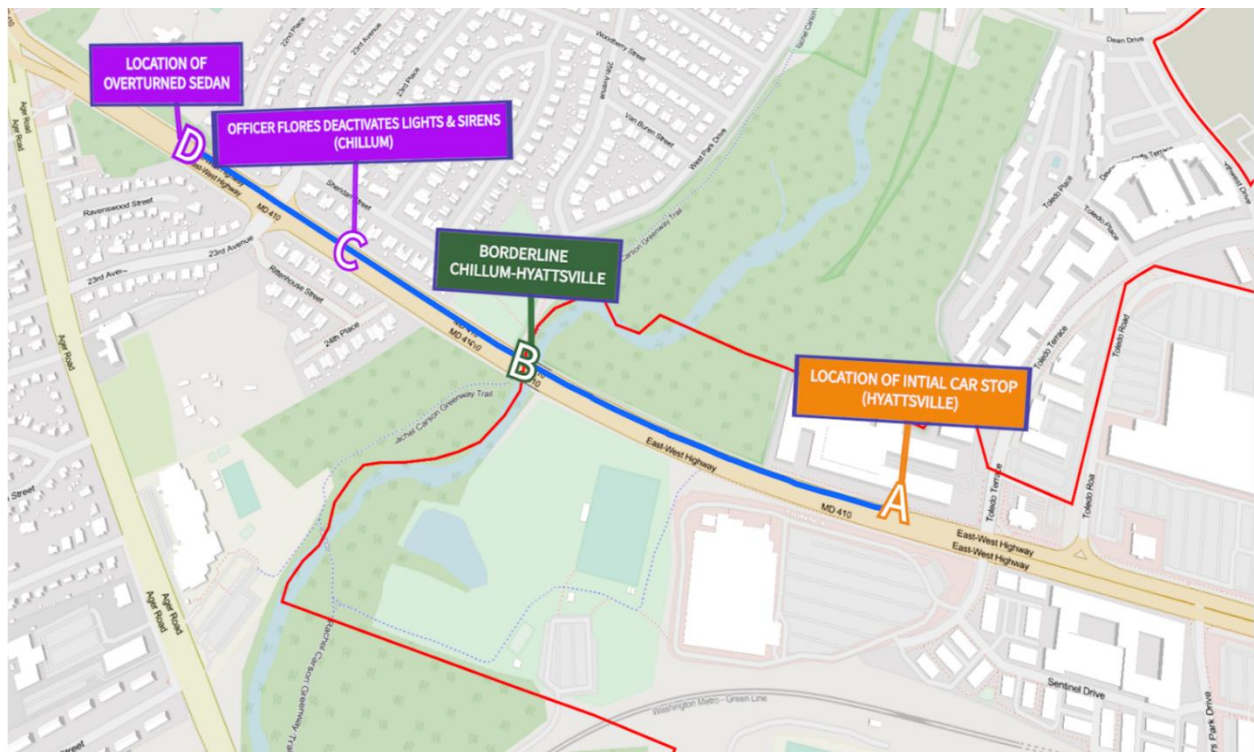


Image 2: Map portraying the path of the attempted traffic stop. Point A depicts where the sedan was initially stopped. Point B is the border of Hyattsville City. Point C indicates where Private Flores deactivated his emergency lights and sirens. Point D is where the sedan ultimately came to a rest.

III. Supplemental Information

A. Autopsy

On March 2, 2025, the Office of the Chief Medical Examiner performed an autopsy on Ms. Montoya-Perez. The Medical Examiner determined that Ms. Montoya-Perez's body was completely transected at the waist, and she died from multiple injuries sustained in the crash. The manner of death was an "Accident."⁶

B. Department Policy

1. Hyattsville City Police Department Policy 710

HPD policy 710 provides guidelines to officers to "provide for the safe and orderly flow of traffic through its jurisdiction by public compliance with traffic law." The guidelines help to "minimize conflict and the danger that could develop between officer and traffic violator." The policy permits officers to stop vehicles for equipment violations. The policy requires the use of emergency lights and sirens to signal to the civilian driver that the officer intends to initiate a stop. When an officer "initiates a traffic stop, they will notify communications of the stop, the location, the license number and state, and the make and color of the vehicle."

2. Hyattsville City Police Department Policy 307

Under HPD Policy 307, a vehicle pursuit is defined as "an event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using highspeed driving or other evasive tactics..." HPD only permits officers to initiate a pursuit if an individual is suspected of committing "(a) Murder or Attempted Murder, (b) First Degree Assault (no attempts), (c) Rape or Felonious sex assault, (d) Carjacking, (e) Armed Robbery, or (f) Kidnapping."

IV. Legal Analysis

After a criminal investigation is complete, prosecutors must determine whether to bring criminal charges against a person. 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 the alleged crime beyond a reasonable doubt. Prosecutors also need to determine whether the person accused of the crime could raise an affirmative defense. In those cases, prosecutors not only need to prove the crime, 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 that standard.

⁶ Manner of death is a classification used to define whether a death is from intentional causes, unintentional causes, natural causes, or undetermined causes. The Maryland Office of Chief Medical Examiner uses five categories of manner of death: natural, accident, suicide, homicide, and undetermined. "Accident" applies when injuries caused the death in question and there is little or no evidence that the injuries occurred with the intent to harm or cause death. These terms are 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.

The relevant offense that was considered in this case is criminally negligent manslaughter by vehicle. This offense requires proving that an accused person caused the death of another person by operating a vehicle in a criminally negligent manner.⁷

If a prosecutor cannot prove criminally negligent manslaughter by vehicle based on the available evidence, they cannot prove the more severe charge of manslaughter by vehicle,⁸ which requires a prosecutor to prove that the defendant drove with gross negligence, a level above criminal negligence. Both offenses require proof of causation—the evidence must show that the defendant’s actions were the legal cause of the death or harm at issue.

There is insufficient evidence to prove that the subject officer drove his vehicle in a criminally negligent manner. Accordingly, the IID will not pursue criminal charges against the subject officer. This report provides further detail below on why, based on the evidence, a prosecutor could not prove beyond a reasonable doubt that any officer committed a crime.⁹

A. Criminally Negligent Manslaughter by Vehicle

Proving criminally negligent manslaughter by vehicle requires a prosecutor to establish beyond a reasonable doubt that a subject officer drove a motor vehicle in a criminally negligent manner, and in doing so caused Ms. Montoya-Perez’s death.¹⁰ Criminal negligence requires proof that the accused “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.”¹¹ Negligence is measured on a spectrum – with simple negligence on one end, criminal negligence in the middle, and gross negligence on the other end.¹² Where alleged negligence involves a law enforcement officer, the “reasonable person” perspective is replaced with a “reasonably prudent police officer” perspective, which must also account for the fact that an officer is permitted to violate some traffic laws under certain circumstances.¹³

In determining whether an officer’s actions constitute criminal negligence a prosecutor must consider the totality of the circumstances, including relevant factors such as department policy, use of warning devices, traffic conditions, speed, yielding to traffic signals, and erratic driving.¹⁴ When examining the weight given to the violation of departmental policy, the Supreme Court of Maryland has held that, “a violation of police guidelines *may* be the basis for a criminal prosecution.”¹⁵ The Court clarified that, “while a violation of police guidelines is not negligence

⁷ Md. Code, Criminal Law § 2-210.

⁸ Md. Code, Criminal Law § 2-209.

⁹ Because there is insufficient evidence to establish that the subject officers acted with criminal negligence, this report does not analyze whether the subject officers caused the death of Ms. Montoya-Perez.

¹⁰ MPJI-Cr 4:17.10 (3d ed. 2024).

¹¹ For a more detailed discussion of the different negligence standards, see [this opinion](#) written by the Office of the Attorney General. 96 Md. Op. Atty. Gen. 128.

¹² See *Beattie v. State*, 216 Md. App. 667, 683 (2014) (explaining “a gross deviation from the standard of care” by comparing it with a similar Kansas statute that used the “material deviation” standard, stating: “a ‘material deviation’ from the standard of care require[s] ‘something more than ordinary or simple negligence yet something less than gross and wanton negligence.’”).

¹³ *Boyer v. State*, 323 Md. 558, 589 (1991).

¹⁴ See, e.g. *Boyer*, 323 Md. at 591; *Taylor v. State*, 83 Md. App. 399, 404 (Ct. Sp. App. Md. 1990).

¹⁵ *State v. Pagotto*, 361 Md. 528, 557 (2000) (citing *State v. Albrecht*, 336 Md. 475, 502-03 (1994)) (emphasis in original).

per se, it is a factor to be considered in determining the reasonableness of police conduct.” Maryland courts have considered officers’ policy violations as evidence of negligence, recklessness, unreasonableness, and corrupt intent.¹⁶ However, a “hyper technical” violation of policy, without more, is not sufficient to establish gross negligence.¹⁷ Applying these principles, prosecutors must analyze the subject officer’s decision to stop the Lincoln and his actions while the cruiser was in motion.

Regarding the decision to stop the Lincoln, the subject officer was on routine patrol in the area when he observed the Lincoln operating without a functional brake light. HPD policy permits officers to attempt a traffic stop if the vehicle is displaying an equipment violation. The Lincoln ultimately stopped, but fled before the subject officer could determine the validity of the Lincoln’s tags or cite the driver for the faulty brake light. Thus, the subject officer had reason to follow the Lincoln and attempt to complete the traffic stop.

Regarding the subject officer’s actions while the cruiser was in motion, the subject officer was driving a marked cruiser and had his emergency lights and sirens activated. While the subject officer drove above the posted speed limit of 40 m.p.h., he maintained control of his vehicle and drove with reasonable caution regarding civilian traffic in clear weather conditions. Less than 30 seconds into the attempted stop, the subject officer learned that the license plate belonged to a different vehicle but was never reported stolen, therefore confirming that the driver was not a suspect in one of the enumerated crimes that justifies a pursuit under HPD policy. The subject officer immediately deactivated his lights and sirens and maneuvered from the right lane into the left turn lane. Thus, the evidence shows that the subject officer did not attempt to engage in a vehicle pursuit, consistent with HPD policy.

Given the totality of circumstances, there is no evidence to indicate that the subject officer acted in a manner that created a substantial and unjustifiable risk to human life by attempting a traffic stop. Since such a risk did not exist, the subject officer could not have failed to perceive an unjustifiable risk to human life in a manner that constituted a gross deviation from the reasonable standard of care. Accordingly, the Office of the Attorney General will not charge Private Flores with criminally negligent manslaughter by motor vehicle in this case.

V. Conclusion

This report has presented factual findings, legal analysis, and conclusions relevant to the February 28, 2025, police-involved fatal vehicle collision in Prince George’s County that resulted in the death of Esmeralda Montoya-Perez. 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 officer did not commit a crime.

¹⁶ See, e.g., *Albrecht*, 336 Md. at 503; *Pagotto*, 361 Md. at 550-53; *Koushall v. State*, 249 Md. App. 717, 729-30 (2021), *aff’d*, No. 13, Sept. Term, 2021 (Md. Feb. 3, 2022); *Kern v. State*, No. 2443, Sept. Term 2013, 2016 WL 3670027, at *5 (Md. Ct. Spec. App. Jul. 11, 2016) (unreported); *Merkel v. State*, No. 690 Sept. Term 2018, 2019 WL 2060952, at *8 (Md. Ct. Spec. App. May 9, 2019) (unreported); *Mayor and City Council of Baltimore v. Hart*, 395 Md. 394, 398 (2006) (civil litigation).

¹⁷ *State v. Pagotto*, 127 Md. App. 271, 304 (1999), *aff’d*, 361 Md. 528 (2000).