



INDEPENDENT INVESTIGATIONS DIVISION

Report Concerning the Police-Involved
Death in Baltimore County on
April 8, 2024

October 16, 2024

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Declination Report Concerning the Police-Involved Death of Dimeka Thornton on April 8, 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.”¹ For incidents that occur after October 1, 2023, if the Attorney General determines that the investigation provides sufficient grounds for prosecution, then the IID “shall have exclusive authority to prosecute the offense.”²

I. Introduction

On April 8, 2024, at approximately 12:15 a.m. Baltimore County Police Department (“BCPD”) officers were on patrol in the 1800 block of Belmont Avenue in Windsor Mill, Maryland, when a subject officer observed a stolen car in the parking lot of a hotel. Subject officers attempted a traffic stop on the stolen vehicle, a 2012 Gray Infiniti driven by DeMarco Davis. Mr. Davis failed to stop, and subject officers pursued the Infiniti for several minutes until the car drove onto the exit ramp of the I-695 outer loop prior to Exit 18 (Liberty Road). The subject officers did not follow the Infiniti onto the exit ramp. The Infiniti proceeded to drive into oncoming traffic and then struck an Acura sedan, in a head-on collision. The driver of the Acura, Dimeka Thornton, was removed from the Acura by the subject officers. Ms. Thornton and Mr. Davis were taken to area hospitals. Dimeka Thornton was pronounced dead at the hospital. Mr. Davis was treated for non-life-threatening injuries.

After completing its investigation and evaluating all available evidence, the Office of the Attorney General has determined that none of the subject officers committed a crime under Maryland law. Accordingly, the Attorney General has declined to prosecute 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. Therefore, the IID’s investigation did not specifically examine any criminal culpability of Mr. Davis, the driver of the Infiniti, in this incident. Moreover, the IID’s analysis does not consider issues of civil liability or the department’s administrative review of officers’ conduct. Certain information—specifically, compelled statements by subject officers—may be considered in civil or administrative processes but may not be considered in criminal investigations or prosecutions due to the subject officers’ Fifth Amendment rights. If any compelled statements exist in this case, they have not been considered in the IID’s investigation. The subject officers chose not to make a statement in this case, which has no impact on the prosecutorial decision.

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, and interviews with civilian and law enforcement witnesses.

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

² State Gov’t § 6-604 (a)(1).

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

This investigation involved the driver of the Infiniti, one decedent, and five subject officers:

- A. The driver, DeMarco Andre Davis, was 23 years old at the time of the collision. He is a Black male who lives in Baltimore, Maryland.
- B. The decedent, Dimeka Thornton, was 37 years old at the time of the collision. She was a Black female who lived in Windsor Mill, Maryland.
- C. Officer Derek Hadel has been employed by BCPD since June 2016. He is a White male, and at the time of the incident was 30 years old.
- D. Officer Rafael Marrero has been employed by BCPD since June 2015. He is a Hispanic male, and at the time of the incident was 41 years old.
- E. Officer Sean Daley has been employed by BCPD since June 2006. He is a White male, and at the time of the incident was 44 years old.
- F. Officer Daniel Creter has been employed with BCPD since December 2019. He is a White male, and at the time of the incident was 27 years old.
- G. Sergeant Justin Ferguson has been employed with BCPD since December 2005. He is a White male, and at the time of the incident was 41 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 April 7, 2024, at 11:48 p.m., while on patrol in a hotel parking lot in Windsor Mill, Maryland, subject officer Daniel Creter encountered a gray Infiniti sedan, parked in the hotel parking lot. After noting its license plate, subject officer Creter got into his marked patrol cruiser, turned off its lights, and parked under a nearby overhang. He then got out of his car and entered the lobby of the hotel. At 11:59 p.m., Officer Creter received confirmation via radio that the Infiniti was stolen.

Around the same time that subject officer Creter received the stolen vehicle notification, subject officers Derek Hadel, Sean Daley, and Rafael Marrero each parked their marked patrol cruisers in an adjacent lot behind a line of trees and watched the stolen Infiniti. At 12:16 a.m., a man, later identified as DeMarco Andre Davis, entered the Infiniti and began driving it out of the hotel parking lot.

Preparing to stop the Infiniti, subject officers Hadel, Marrero, and Daley left their surveillance post and drove to the entrance to the hotel parking lot. The subject officers then attempted to stop the Infiniti by activating their emergency lights. The subject officers also used their cruisers to block the road in front of the Infiniti. Mr. Davis drove round all three subject officers and drove northbound on Belmont Avenue at a high rate of speed. All three subject officers activated their sirens and began pursuing the Infiniti. Subject officer Creter joined in the pursuit a moment later.

Subject officer Hadel assumed the lead position closest to the Infiniti, and was followed by subject officers Daley, Marrero, and Creter, respectively. Initially, subject officer Hadel used his radio to dispatch the location, speed, pursuit direction, traffic conditions and driving conditions, to dispatchers and other officers, but after about fifteen seconds, subject officer Daley assumed radio duties.

During the pursuit, the subject officers maintained control of their vehicles, slowed down at traffic lights, and did not weave through traffic. The primary roadways Ambassador Road and Lord Baltimore Drive are relatively straight with several intersections and some streetlights. There was minimal traffic, no pedestrian presence, and clear weather.

Computer dispatch records and radio traffic revealed that dispatchers and supervisors were aware of their participation in the pursuit and did not order the officers to disengage.

As the Infiniti proceeded east on Belmont Avenue and continued north on Ambassador Road, Mr. Davis ran a red light. The subject officers continued to follow the Infiniti as it continued along Ambassador Road for approximately one mile until Mr. Davis turned right onto Lord Baltimore Drive. Mr. Davis drove northbound on Lord Baltimore Drive for approximately 1.5 miles, running red lights at the intersections of Windsor Boulevard and Windsor Mill Road. subject officer Justin Ferguson was driving southbound on Lord Baltimore Drive, but at 12:18 a.m., executed a U-turn and joined the pursuit approximately two minutes after it began.

In total, the pursuit lasted approximately three minutes and 2.4 miles. During the pursuit the posted speed limits were between 30 and 35 miles per hour. Body-worn camera footage indicates that at top speed the subject officers traveled between 67 and 91 miles per hour. Subject

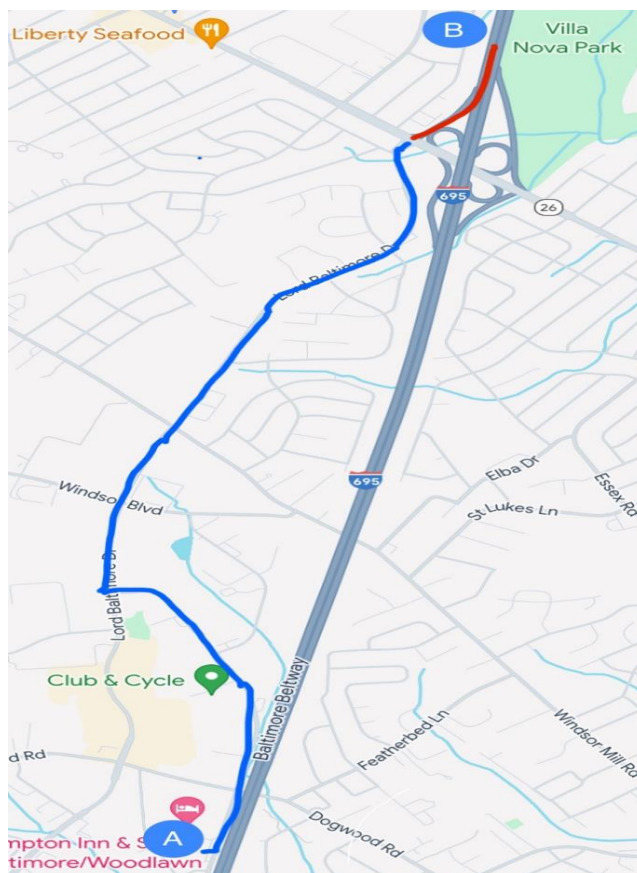


Image 1: Map showing the pursuit path.

Point A indicates where the pursuit began.

Point B indicates where the collision occurred.

The blue path indicates where officers followed the suspect's vehicle; the red path shows where the suspect continued driving without the officers in pursuit.

officer Hadel traveled approximately 80 miles per hour; subject officer Daley traveled approximately 68 miles per hour; subject officer Marrero traveled approximately 91 miles per hour; subject officer Creter traveled approximately 82 miles per hour; and subject officer Ferguson traveled approximately 67 miles per hour.

Subject officer Hadel remained as the lead car, closest to the Infiniti. Although there is no available evidence that determined Mr. Davis's exact speed throughout the pursuit, evidence including body-worn camera footage does show that subject officer Hadel remained several car lengths behind Mr. Davis for most of the pursuit.

At 12:19 a.m., Mr. Davis reached the intersection of Liberty Road and proceeded straight, traveling in the wrong direction up Exit 18 onto I-695. At that point, subject officer Daley radioed that all subject officers were abandoning the pursuit, stating in body-camera footage, "he's going the wrong way on the I-695 ramp. We broke it off here, he's going the wrong way." In response, all subject officers turned to find alternative routes onto the highway. Subject officer Ferguson, as a supervisor, had the authority to end the pursuit at any time. No such order was given as the other officers ended the pursuit prior to entering the highway.

Mr. Davis continued driving northbound against the flow of traffic on I-695. Within moments, he collided head-on with a silver Acura sedan driven by Ms. Thornton. Both vehicles sustained severe damage, and a fire broke out in the Acura.

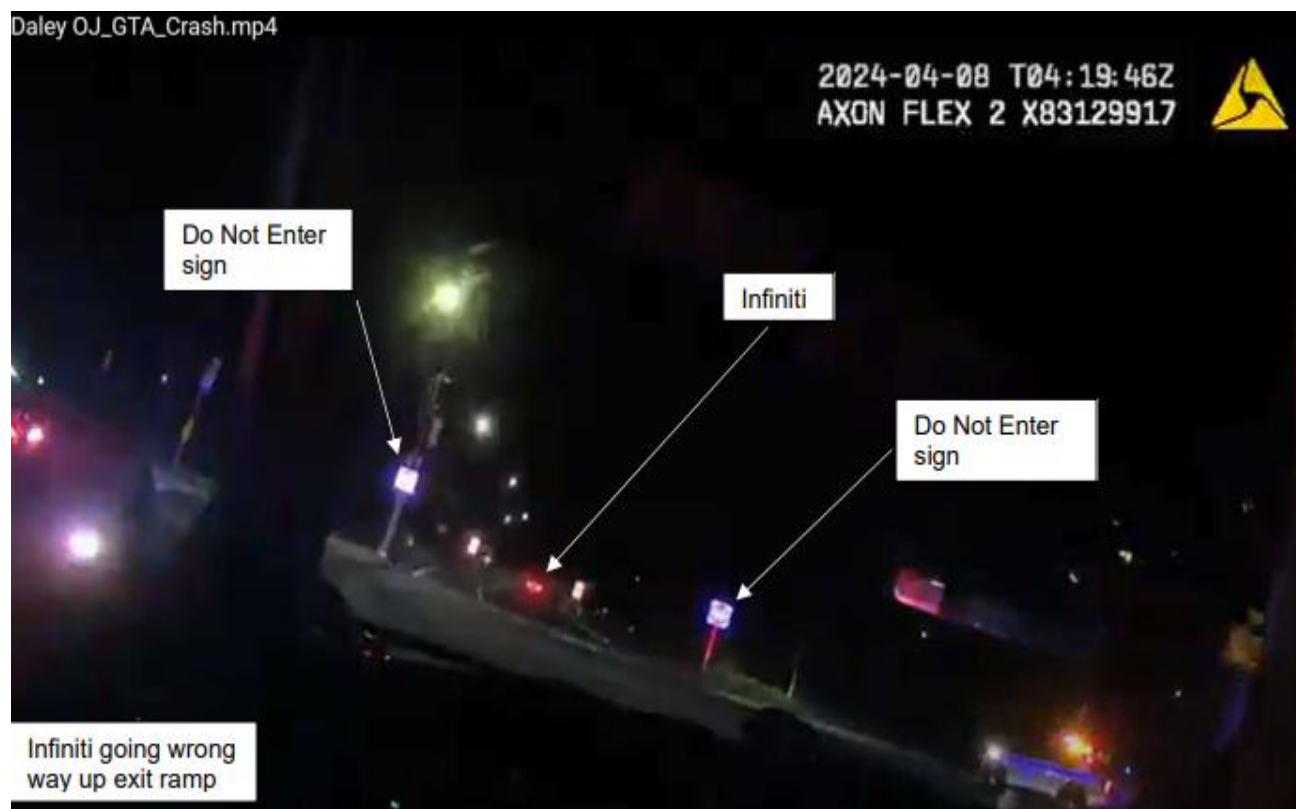


Image 2: Still image from Officer Daley's body-worn camera footage depicting the moment Mr. Davis continued the wrong way up the Exit 18 ramp onto I-695. The subject officers discontinued the pursuit at this time.



Image 3: Still Photo from Sergeant Kelly's body-worn camera footage showing the immediate aftermath of the crash. Sergeant Kelly has his flashlight pointed at the Acura, which has substantial front-end damage.

At 12:21 a.m., BCPD Sergeant William Kelly, was the first officer to arrive on scene and he immediately reported the collision to dispatch. Subject officers Hadel, Daley, Marrero and Ferguson arrived moments later. They extracted Ms. Thornton from the Acura and away from the fire. Around the same time, subject officer Creter arrived and extracted Mr. Davis from his car. Subject officer Creter placed Mr. Davis under arrest. He was taken to a local hospital and treated for non-life-threatening injuries. Ms. Thornton was taken to an area hospital and pronounced dead at 1:16 a.m. on April 8, 2024.

III. Supplemental Information

A. Autopsy

The Office of the Chief Medical Examiner performed an autopsy on Ms. Thornton on April 9, 2024. The Medical Examiner determined that Ms. Thornton died from multiple injuries sustained in the crash and that the manner of death was an “accident”³

³ 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

B. Maryland State Police Crash Investigation Report

Maryland State Police (“MSP”) completed a detailed crash investigation report confirming that the driver of the Infiniti, driving the wrong way on I-695, struck the Acura head on causing the accident. During the fire, the Acura’s air bag control module was damaged, and therefore, MSP was unable to conduct a speed analysis. However, based on the evidence at the scene, the similar weight of both vehicles, and the fact that both vehicles stopped at impact, it was determined that they were traveling at approximately the same speed.

C. Department Policy

Section 9-5.0 of the BCPD Field Manual, entitled Motor Vehicle Pursuits, is a written policy outlining the circumstances under which officers are authorized to engage in vehicle pursuits. The policy defines a vehicle pursuit as, “an active attempt by a law enforcement officer using an authorized motor vehicle to stop a suspect motor vehicle whose driver is attempting to avoid apprehension or refusing to stop.” A motor vehicle is defined by Policy 9-5.0 as “any police vehicle equipped with both a siren and emergency lights.” During a pursuit, officers must constantly “balance the need for apprehension against the risk created” by the pursuit, pursuant to the factors outlined in the department’s Motor Vehicle Pursuit Guideline Matrix.

9-5.1 MOTOR VEHICLE PURSUIT GUIDELINE MATRIX

LOW RISK FACTORS	MEDIUM RISK FACTORS	HIGH RISK FACTORS
Clear weather	Light precipitation	Heavy precipitation
Dry roads	Wet roads	Ice/snow covered roads
Light traffic density	Medium traffic density	Heavy traffic density
Daylight	Dark – street lights on	Dark – no street lights
No reckless driving	Additional traffic violations	Leaving roadway/high speed
Pursuit in Baltimore County	Pursuit in another jurisdiction – area familiar to the officer/supervisor	Pursuit in another jurisdiction – area not familiar to the officer/supervisor
Residential/commercial area in off peak hours of use	Residential/commercial area during normal business hours	Residential/commercial area in peak hours of use
Straight/wide roadway – few intersections	Straight roadway – some curves/intersections	Numerous curves/intersections and/or narrow roadway

Seriousness of offense	Risk Factors		
	Low	Medium	High
Any felony where an officer has knowledge that serious harm or death has been or will be inflicted if an apprehension is not made.	May pursue	May pursue	May pursue but; discontinue when risks exceed the known threat to public safety by the perpetrator if capture is delayed.
Any other incident where an officer has knowledge that serious harm or death may be or has been inflicted if an apprehension is not made.	May pursue	May pursue	May pursue; discontinue if risks exceed seriousness of offense.
All other criminal acts	May pursue	May pursue; discontinue if risks exceed seriousness of offense.	<u>DO NOT PURSUE/ DISCONTINUE</u>
All other traffic/civil violations where the suspect's identity is unknown	May pursue; discontinue if risks exceed seriousness of offense.	<u>DO NOT PURSUE/ DISCONTINUE</u>	<u>DO NOT PURSUE/ DISCONTINUE</u>
All other traffic/civil violations where the suspect's identity is known	<u>DO NOT PURSUE/ DISCONTINUE</u>	<u>DO NOT PURSUE/ DISCONTINUE</u>	<u>DO NOT PURSUE/ DISCONTINUE</u>

Image 4: Items identified by red highlighting indicate those factors that are applicable to this case.

Section 9-5.2 Motor Vehicle Pursuit Procedures provides further requirements for involved officers:

The Primary Pursuit Officer—the officer directly behind a wanted vehicle—is responsible for:

- Immediately notifying a supervisor of the pursuit;
- Using sirens and emergency lights throughout the pursuit; and
- Advising dispatch of a description and the license plate of the wanted vehicle, the location and direction of travel of the pursuit, the speed, traffic, and road conditions in the pursuit.

The Primary Pursuit Officer must terminate the pursuit if a supervisor is unavailable, does not acknowledge the pursuit, or directs them to stop. They must also terminate a pursuit if the risk factors increase beyond the immediate need for apprehension.

Backup officers—any officer who is not the Primary Pursuit Officer—are responsible for:

- Remaining behind the Primary Pursuit Officer's vehicle;

- Ensuring that a supervisor is aware of the pursuit;
- Identify themselves to a dispatcher;
- Assuming communications duties from the Primary Pursuit Officer; and
- Continually updating dispatchers and supervisors of the location, speed, and violations committed by the fleeing vehicle.

Unless authorized by a supervisor, only one backup vehicle is authorized for direct participation in a pursuit.

Pursuit supervisors—the immediate supervisor of the officer that began the pursuit—are responsible for overall command of the pursuit, and for terminating a pursuit when the risk factors increase beyond the immediate need for apprehension.

IV. Legal Analysis

After a criminal investigation is complete, 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 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.

The relevant offense that was considered in this case is criminally negligent manslaughter by vehicle, which is applicable in most fatal police-involved pursuits.⁴ This offense requires proving that an accused person caused the death of another person by operating a vehicle in a criminally negligent manner. It is the baseline homicide charge that a prosecutor can bring in an officer-involved pursuit case.

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,⁵ 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.

The evidence in this case shows that the subject officers did not violate the aforementioned statutes because there is insufficient evidence to prove that they drove their vehicles in a criminally negligent manner. Accordingly, the IID will not pursue criminal charges against any of the subject officers. This report explains below in further detail why, based on the evidence, a prosecutor could not prove beyond a reasonable doubt that any officer committed a crime.⁶

⁴ Criminal Law § 2-210.

⁵ Md. Code, Criminal Law § 2-209.

⁶ 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. Thornton.

A. Criminally Negligent Manslaughter by Vehicle

Proving criminally negligent manslaughter by vehicle requires a prosecutor to establish three elements beyond a reasonable doubt: (1) that the accused drove a motor vehicle; (2) in a criminally negligent manner; and (3) in doing so caused Ms. Thornton's death.⁷ 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."⁸ In Maryland, negligence is measured on a spectrum – with simple negligence on one end, criminal negligence in the middle, and gross negligence on the other end.⁹ Further, where the 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.¹⁰

Determining whether an officer's actions constitute criminal negligence must take into consideration the totality of the circumstances, including relevant factors such as department policies, use of warning devices, traffic conditions, speed, yielding to traffic signals, and erratic driving.¹¹ 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."¹² 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." Maryland courts have considered officers' policy violations as evidence of negligence, recklessness, unreasonableness, and corrupt intent.¹³ However, a "hyper technical" violation of policy, without more, is not sufficient to establish gross negligence.¹⁴ Applying these principles to this matter, prosecutors must individually analyze the subject officers' decision to pursue the Infiniti and their actions while the cruisers were in motion.

The subject officers all used the same reasoning to engage in this pursuit, therefore, that decision will be discussed collectively. However, each officer had different responsibilities during the pursuit, so their actions will be addressed individually.

⁷ MPJI-Cr 4:17.10 (3d ed. 2024)

⁸ 96 Md. Op. Atty. Gen. 128, 138, Dec. 21, 2011 (*available at* <https://www.marylandattorneygeneral.gov/Opinions%20Documents/2011/96oag128.pdf>)

⁹ 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.'").

¹⁰ *Boyer v. State*, 323 Md. 558, 589 (1991).

¹¹ See, e.g. *Boyer*, 323 Md. at 591; *Taylor v. State*, 83 Md. App. 399, 404 (Ct. Sp. App. Md. 1990).

¹² *State v. Pagotto*, 361 Md. 528, 557 (2000) (citing *State v. Albrecht*, 336 Md. 475, 502-03 (1994)) (emphasis in original).

¹³ 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).

¹⁴ *State v. Pagotto*, 127 Md. App. 271, 304 (1999), *aff'd*, 361 Md. 528 (2000).

1. Subject Officer's Decision to Engage in the Pursuit

Regarding the decision to engage in the pursuit, the subject officers confirmed that the Infiniti was stolen, conducted surveillance, and then attempted to initiate a traffic stop. When the driver of the stolen Infiniti did not comply with the subject officers' attempt to stop the vehicle and fled instead, BCPD policy authorized them to initiate a pursuit, given that under Policy 9-5.0, officers are permitted to engage in a pursuit for all criminal offenses, if there are low to medium risk factors present.

In this matter, the initial alleged criminal offense is possession of a stolen vehicle. The risk factors present included a mixture of low and medium risk factors according to the matrices provided in Policy 9-5.1. The low-risk factors included clear weather, dry roads, light traffic density, presence within Baltimore County, and location in a commercial area in off-peak hours of use. The medium risk factors included a straight roadway with some curves and intersections, additional traffic violations, and being dark with streetlights present. In addition, the Computer Aided Dispatch records indicate that the pursuit was communicated and approved by a supervisor.

Accordingly, each of the subject officers' decisions to engage in the pursuit did not create an unjustifiable risk that was a gross deviation from the reasonable standard of care and, therefore, was not criminally negligent.

2. Subject Officer's Pursuit Conduct

a. Subject officer Derek Hadel

Subject officer Hadel was directly behind Mr. Davis for most of the pursuit, making him the primary officer. As the primary officer, subject officer Hadel had several responsibilities: immediately notifying a supervisor of the pursuit; using emergency lights and sirens; updating dispatch with relevant information about the pursuit, including the direction of travel, speed, and road conditions; and stopping the pursuit if the risk factors increased beyond the immediate need for apprehension.

According to the evidence, including computer dispatch records and his body-worn camera footage, subject officer Hadel fulfilled all these responsibilities during the incident, including halting the pursuit when Mr. Davis entered the exit ramp against the flow of traffic onto a major highway. While subject officer Hadel did travel at high speeds during the pursuit—briefly reaching 84 m.p.h. in a 30-35 m.p.h. zone—body-worn camera footage shows that he maintained control of his vehicle throughout the pursuit. Subject officer Hadel drove in a straight line, adjusted his speeds according to traffic conditions, and approached intersections with appropriate care.

Given the totality of the circumstances, subject officer Hadel's actions during the pursuit did not create an unjustifiable risk that was a gross deviation from the reasonable standard of care. Accordingly, the Office of the Attorney General will not charge subject officer Hadel with criminally negligent manslaughter by motor vehicle in this case.

b. Subject officer Sean Daley

Subject officer Daley was directly behind subject officer Hadel during much of the pursuit, making him the first backup officer. As the first backup officer, subject officer Daley had several responsibilities: remaining behind the primary pursuit officer's vehicle; using emergency lights and sirens; assuming communications duties from subject officer Hadel; ensuring that a supervisor was aware of and approved the pursuit; and identifying himself to dispatchers and providing them with updates regarding the location, speed, and violations committed during the pursuit.

The evidence, which includes radio communication, computer dispatch records, and subject officer Daley's body-worn camera footage, shows that subject officer Daley fulfilled all these responsibilities during the incident. Although subject officer Daley did travel at high speeds during the pursuit—briefly reaching 68 m.p.h. in a 30-35 m.p.h. zone, his body-worn camera footage shows that he constantly maintained control over his vehicle – including slowing his vehicle speed when approaching intersections and other traffic.

Given the totality of the circumstances, subject officer Daley's actions during the pursuit did not create an unjustifiable risk that was a gross deviation from the reasonable standard of care. Accordingly, the Office of the Attorney General will not charge subject officer Daley with criminally negligent manslaughter by motor vehicle in this case.

c. Subject officers Rafael Marrero and Daniel Creter

Subject officers Marrero and Creter were the third and fourth subject officers participating in the pursuit, respectively. According to BCPD policy, since they were additional backup officers, neither could be involved in the pursuit without supervisor approval. Computer dispatch records and radio traffic revealed that dispatchers and supervisors were aware of their participation in the pursuit and did not order either officer to disengage.

Furthermore, subject officer Ferguson joining the pursuit behind both officers could be viewed as tacit, if not explicit, supervisory approval for their actions. As backup officers, subject officer Marrero and Creter were responsible for (1) remaining behind the primary pursuit officer's vehicle; (2) using their emergency lights and sirens; (3) ensuring that a supervisor was aware of the pursuit; and (4) identifying themselves to dispatchers. The evidence reveals that both officers fulfilled all these responsibilities during the incident.

While subject officer Marrero and subject officer Creter drove at high speeds during the pursuit—at one point reaching 91 m.p.h. and 82 m.p.h. in a 30-35 m.p.h. zone, respectively, their body-worn camera footage shows that both officers briefly maintained those speeds. Further, subject officers Marrero and Creter maintained control over their vehicles throughout the incident and slowed when approaching intersections and other traffic.

Given the totality of the circumstances, subject officer's Marrero's and subject officer Creter's actions during the pursuit did not create an unjustifiable risk that was a gross deviation from the reasonable standard of care. Accordingly, the Office of the Attorney General will not charge subject officer Marrero or subject officer Creter with criminally negligent manslaughter by motor vehicle in this case.

d. Subject officer Justin Ferguson

Subject officer Ferguson joined the pursuit approximately two minutes into the incident. As a supervisor, subject officer Ferguson was responsible for maintaining overall command of the pursuit and terminating it when the risk factors increased beyond the immediate need for apprehension. The evidence shows that, to the extent necessary, he fulfilled his responsibilities during the incident. For example, subject officer Ferguson did not need to tell the officers to terminate the pursuit, they did so on their own. Like the other subject officers, at times subject officer Ferguson traveled at a high rate of speed during the pursuit. He briefly reached 67 m.p.h. in a 30-35 m.p.h. zone, but the evidence shows that he maintained control over his vehicle. During the pursuit, Sgt. Ferguson remained on the roadway, slowed his speed when necessary, and executed a U-turn when it was safe.

Given the totality of the circumstances, subject officer Ferguson's actions during the pursuit did not create an unjustifiable risk that was a gross deviation from the reasonable standard of care. Accordingly, the Office of the Attorney General will not charge subject officer Ferguson 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 April 8, 2024, police-involved fatal vehicle pursuit in Baltimore County that resulted in the death of Dimeka Thornton. 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.