



INDEPENDENT INVESTIGATIONS DIVISION

Report Concerning the Police-Involved
Death in Prince George's County on
February 16, 2024

October 17, 2024

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Declination Report Concerning the Police-Involved Death of Joseph Francis Holmes on February 16, 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 February 16, 2024, at approximately 7:45 p.m., Prince George’s County Police Department (“PGPD”) officers responded to a 911 call for a “suspicious person” knocking on the doors of residences in the 10700 block of Lake Arbor Way in Largo, Maryland. Upon arriving at 7:56 p.m., the first subject officer located an adult male, later identified as Joseph Francis Holmes, in the roadway. After Mr. Holmes walked onto a nearby lawn and lay down, the subject officer immediately called for an ambulance. Between 8:05 p.m. and 8:10 p.m., two additional subject officers from PGPD arrived on scene. A subject officer from the Washington Suburban Sanitary Commission (“WSSC”) arrived several minutes later. Preparing to transport Mr. Holmes to a hospital for medical evaluation, the subject officers handcuffed him. After Mr. Holmes was handcuffed, he began exhibiting symptoms of medical distress and the subject officers provided him with emergency medical aid. A Prince George’s County Fire/EMS Department (“PGFD emergency services”) medic assisted the subject officers. When a PGFD emergency services team arrived, they took over medical aid efforts. Mr. Holmes was later pronounced dead on scene.

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. Moreover, the IID’s analysis does not consider issues of civil liability or the department’s administrative review of the subject officer’s conduct. Certain information—specifically, 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. The subject officers in this case chose not to make statements to the IID, which had no impact on the prosecutorial decision.

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

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

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 an autopsy report, police radio transmissions, dispatch records, police and EMS reports, police body-worn camera footage, photographs, and interviews with civilian and law enforcement witnesses. The legal analysis explains why the IID will not bring charges under the relevant Maryland statutes.

This investigation involved one decedent and four subject officers:

- A. The decedent, Joseph Francis Holmes, was 61 years old at the time of the incident. He was a Black male who lived in Prince George's County, Maryland.
- B. Officer Marvin Marks has been employed by PGPD since February 2022. He was previously employed by the Greenbelt Police Department from July 1999 to February 2022. He is a White male, and at the time of the incident, was 52 years old.
- C. Corporal Mark Price has been employed by PGPD since January 2015. He is a White male and, at the time of the incident, was 36 years old.
- D. Corporal Alyssa Tomaselli has been employed by PGPD since April 2013. She is a White female and, at the time of the incident, was 33 years old.
- E. Officer Andre Brooks has been employed by WSSC since February 2017. He was previously employed by PGPD from March 1990 to June 2016. He is a Black male and, at the time of the incident, was 56 years old.

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

II. Factual Summary

On February 16, 2024, at 7:43 p.m., a woman called the Prince George's County Public Safety Communications non-emergency line to report that an unknown man had knocked on her door and "asked for me to open the door and to help him...his words were [that] he didn't want to go back to jail." The caller did not have a peephole or window near the door, and only spoke to the man through the door. Therefore, she was unable to provide a physical description to the dispatcher. The caller stated that when she told the man that she could not help him, he "said he had a large amount of money to give [her] if [she]'d help him," and she refused to help a second time. The caller asked police to respond to the 10700 block of Lake Arbor Way to locate the man.

At 7:52 p.m., a second caller reported to a dispatcher on the Prince George's County Public Safety Communications non-emergency line that a man was banging on her daughter's door, "saying he just got out of jail and could she let him in." The second caller stated that the man had twisted the doorknob and was still in the yard outside her daughter's house in the 10700 block of Lake Arbor Way. The caller was unable to provide a physical description of the man and asked for police to investigate.

At 7:56 p.m., PGPD Officer Marvin Marks was the first officer to arrive to the 10700 block of Lake Arbor Way. Less than one minute after his arrival, Officer Marks found a man, later identified as Joseph Francis Holmes, walking unsteadily down the middle of the roadway. Shortly after observing Mr. Holmes, Officer Marks radioed to PGPD dispatch that he was “sure” Mr. Holmes was the man from the civilian reports.³



Image 1: Still image from Officer Marks' body worn camera footage showing Mr. Holmes walking on Lake Arbor Way.

Officer Marks asked Mr. Holmes if he was okay and instructed Mr. Holmes to “take a seat,” while gesturing toward a nearby grassy area. Mr. Holmes mumbled incoherently, laid down on his stomach in the grass, and put his hands behind his back. Officer Marks told Mr. Holmes that he was not under arrest, then radioed PGPD dispatch, advising that Mr. Holmes was “either on something or having some kind of mental issues.” When he finished speaking to the dispatcher, Officer Marks told Mr. Holmes he did not have to lie on his stomach, then asked his name and where he lived. Officer Marks did not handcuff or restrain Mr. Holmes.

During the next minute, Mr. Holmes began panting and appeared out of breath and disoriented. At approximately 7:59 p.m., Officer Marks asked Mr. Holmes if he needed an ambulance, and Mr. Holmes responded “yeah.” Within seconds, Officer Marks radioed a request for medical assistance, and PGFD emergency services were dispatched to the scene.

³ Due to the scope of the IID’s investigation, the IID has not examined any criminal culpability of Mr. Holmes, including whether Mr. Holmes was the individual knocking on doors in the neighborhood. Other than explaining the police response, any potential criminal conduct of Mr. Holmes is irrelevant.

Officer Marks continued to talk with Mr. Holmes. He advised Mr. Holmes that he was not in trouble or under arrest, then asked him if he knew where he was, where his identification was, and whether he had “taken anything.” Mr. Holmes said he did not know where he was and admitted that he had used cocaine. Officer Marks told Mr. Holmes to “sit still” until the ambulance arrived. Over the next five minutes, Officer Marks and Mr. Holmes continued talking, with Mr. Holmes expressing concern that the police were following him and were going to arrest and charge him. Officer Marks told Mr. Holmes that he would protect him, that he was not being charged, and that an ambulance was on the way. At one point, Mr. Holmes mentioned that his identification was in his car, which was nearby. Mr. Holmes described his car as a blue Honda Sonata with Virginia plates. He then handed Officer Marks his car key fob, and Officer Marks located Mr. Holmes’ car. During this time, Officer Marks stood near Mr. Holmes. He still had not touched Mr. Holmes.

At 8:05 p.m., nine minutes after Officer Marks arrived on scene, Mr. Holmes stated that he saw his wife pull up in a car. However, it was PGPD Corporal Mark Price, not Mr. Holmes’ wife, who arrived on scene. Corporal Price then approached, stating to Mr. Holmes, “Hello, sir, are you alright?”

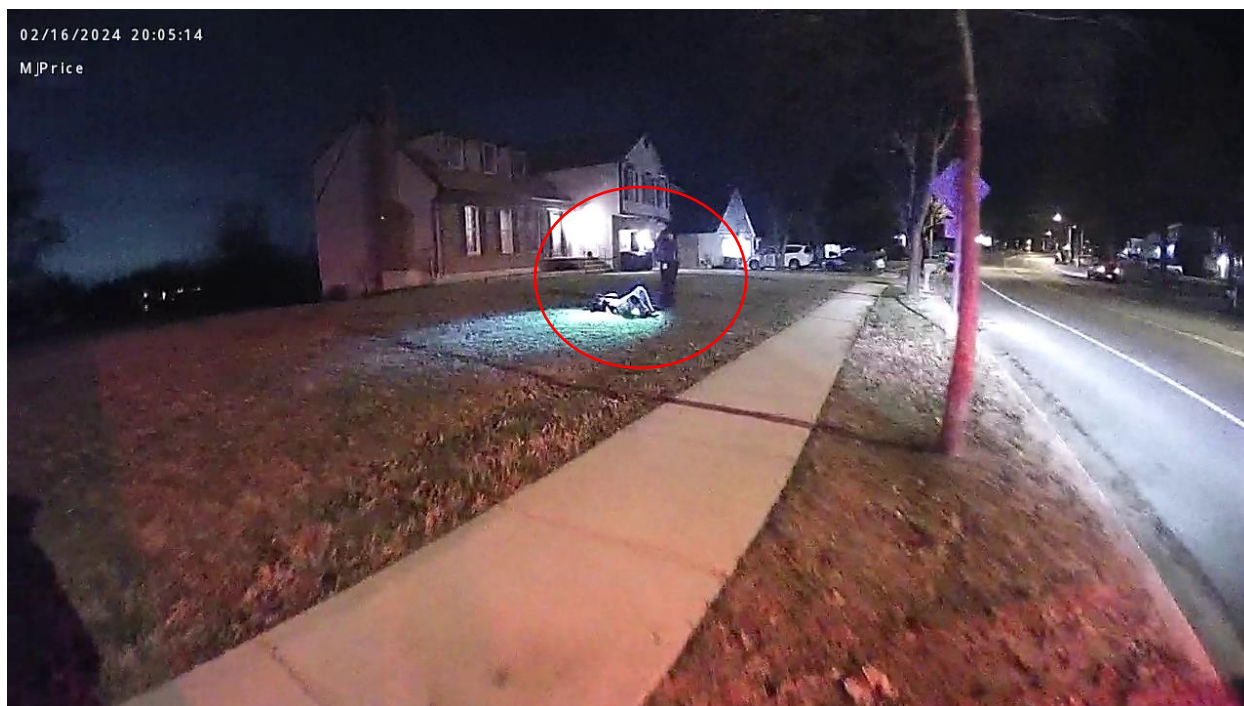


Image 2: Still image from Officer Price's body worn camera footage showing Mr. Holmes lying on the ground with Officer Marks standing next to him.

When Corporal Price arrived, Officer Marks told him that Mr. Holmes had taken cocaine before pointing out Mr. Holmes’ car and handing him Mr. Holmes’ car key fob so that Corporal Price could retrieve Mr. Holmes’ identification. As Corporal Price walked away, Officer Marks asked Mr. Holmes whether he had any guns or knives on him. Officer Marks began using his hands to pat down Mr. Holmes’ jacket and pants pockets. This was the first instance of physical contact

between Mr. Holmes and any officer on scene. At that point, Mr. Holmes pulled his arms into himself, rolled from side-to-side on the ground, and scooted away from Officer Marks. Officer Marks repeated “stay down” to Mr. Holmes several times before grabbing Mr. Holmes’ shoulder, instructing him to “calm down,” and asking Mr. Holmes what was wrong. Mr. Holmes calmed quickly, and Officer Marks removed his hand from Mr. Holmes’ shoulder.

At 8:07 p.m., off-duty WSSC Officer Andre Brooks pulled up next to Officer Marks and asked if Officer Marks was okay. Officer Brooks was on his way home when he came upon the scene. After Officer Marks replied that the situation was under control, Officer Brooks parked his car, exited and remained on scene to assist with Mr. Holmes. Seconds later, Officer Marks twice asked Mr. Holmes to roll onto his back instead of lying on his stomach, but Mr. Holmes tried to crawl through the grass, away from Officer Marks.

At 8:08 p.m., Corporal Price retrieved Mr. Holmes’ identification from his car—which had substantial damage to its passenger-side wheel area—and approached Officer Marks.

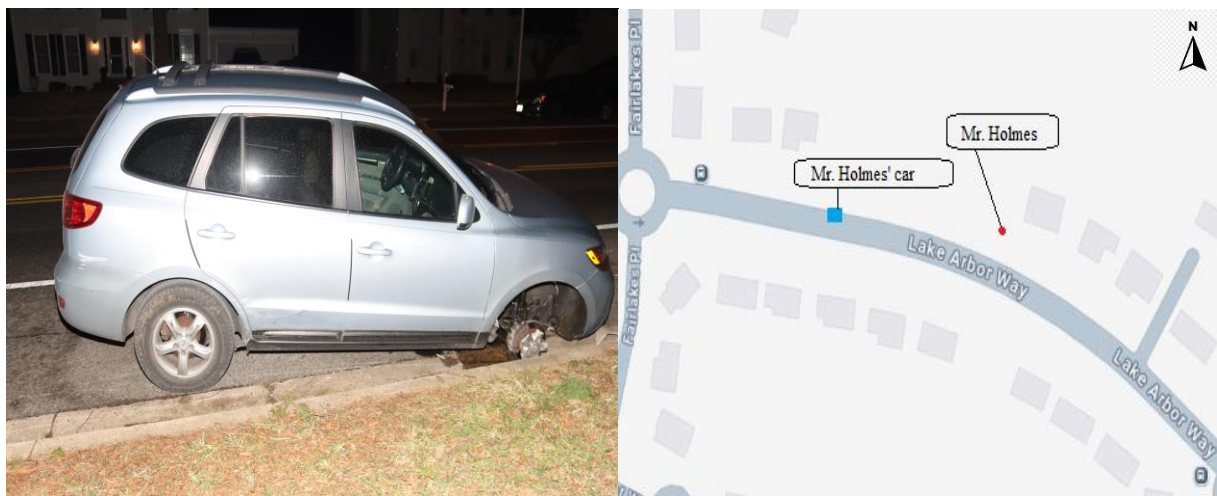


Image 3 (Left): Photograph taken at the scene showing the damage to the passenger-side wheel area of Mr. Holmes’ car.

Image 4 (Right): Map of Lake Arbor Way showing the relative positions of Mr. Holmes and his car at the time Officer Price retrieved Mr. Holmes’ identification.

Corporal Price and Officer Marks decided to seek an Emergency Evaluation Petition for Mr. Holmes.⁴ The subject officers then asked Mr. Holmes to roll back onto his stomach so they could handcuff him, with Corporal Price tapping Mr. Holmes on the elbow several times. Mr. Holmes appeared to attempt to roll over. As Mr. Holmes struggled to roll over Officer Marks used his hands to push one side of Mr. Holmes’ left thigh until he was on his stomach. Corporal Price and Officer Marks then worked together to hold Mr. Holmes to the ground with their hands on his shoulder blades while they moved his arms behind his back. As the subject officers handcuffed him, Mr. Holmes made unintelligible noises and slightly rocked back and forth on his stomach.

⁴ An Emergency Evaluation Petition is an alternative to an arrest for individuals to have a mental health related medical evaluation. Please refer to Section III of this report for the PGPD General Order Manual sections that address an Emergency Evaluation Petition.

At 8:10 p.m. PGPD Corporal Alyssa Tomaselli arrived on scene and assisted the subject officers with handcuffing Mr. Holmes. Once Mr. Holmes was handcuffed, Corporal Tomaselli walked away to retrieve leg restraints, although none of the subject officers attempted to use the leg restraints on Mr. Holmes.

A few seconds later, Mr. Holmes began shaking and became unresponsive. Subject officers Price and Marks told Mr. Holmes that he needed to breathe but Mr. Holmes did not respond. The subject officers attempted to rouse him by shaking his shoulders. As Mr. Holmes remained unresponsive and began shaking, the subject officers began providing medical aid. As they rendered aid, the subject officers removed the handcuffs from Mr. Holmes. Corporal Tomaselli instructed and assisted the subject officers in rolling Mr. Holmes onto his side into the “recovery position”.⁵



Image 5: FOR DEMONSTRATIVE PURPOSES ONLY. Picture demonstrating an individual lying on his side in the recovery position. From the National Library of Medicine Medical Encyclopedia.

This is the position into which the subject officers placed Mr. Holmes while they provided medical aid.

PGFD emergency services Emergency Medical Technician (“EMT”) Darrian Logan arrived on scene and assisted the subject officers in rendering aid to Mr. Holmes shortly after their arrival. Though EMT Logan was on the scene, the subject officers remained in control of Mr. Holmes’ medical care by monitoring, assessing and treating his symptoms. Once a team from PGFD emergency services arrived, EMT Logan and the subject officers transported Mr. Holmes onto a stretcher, at which point PGFD emergency services assumed care of Mr. Holmes. They placed Mr. Holmes in an ambulance and began additional medical treatment. The subject officers remained outside the ambulance and did not touch Mr. Holmes again after that point.

After rendering additional medical aid for approximately thirty minutes, the team of medics was unable to revive Mr. Holmes and pronounced him dead.

III. Supplemental Information

A. Autopsy

The Maryland Office of the Chief Medical Examiner (the “OCME”) performed an autopsy of Mr. Holmes on February 17, 2024. The autopsy report states that the cause of death was cocaine

⁵ Unconscious or nonresponsive people are placed in the recovery position to prevent choking, keep airways open, and reduce chest pressure.

intoxication. Toxicology testing revealed that Mr. Holmes had “[m]arkedly elevated levels of cocaine” in his blood. The autopsy revealed that Mr. Holmes also had an underlying heart condition that was a contributing factor in his death.

The autopsy report further states that there was no indication of “unjustified/unnecessary force during interactions with law enforcement.” OCME concluded that Mr. Holmes’ manner of his death was accident.⁶

B. Department Policies

PGPD General Order Manual Chapter 26 provides officers with an alternative to arrest when dealing with an individual they believe is suffering from a mental disorder or crisis: an emergency petition. An Emergency Evaluation Petition (“EEP”) is a “process by which an individual suspected of having a mental disorder is evaluated by a mental health professional in a clinical setting.”⁷ An EEP is designed for use when an individual is afflicted with a mental health disorder or suffering a mental health crisis; the individual is taken into custody for the purpose of a medical evaluation.⁸ Symptoms that may lead to an officer initiating an EEP are disorientation, loss of memory, hallucinations, paranoia, and talking to themselves.⁹ When an officer decides to file for an EEP, “the officer will take custody of them, and transport them to the closest designated hospital.”¹⁰

WSSC Policy 329 governs off-duty officers’ participation in law enforcement actions. Officers are not required to intervene when off duty but are permitted to do so to minimize the threat of serious bodily injury. In intervening, off-duty officers should wait for on-duty officers to respond and identify themselves clearly as WSSC officers and display their official identification.¹¹

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 also need to determine whether the

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 the Chief Medical Examiner uses five categories of manner of death: natural, accident, suicide, homicide, and undetermined. “Accident” applies when an injury or poisoning causes death and there is little or no evidence that the injury or poisoning occurred with 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.

⁷ PGPD General Order Manual, Vol. II, Ch. 26-III.

⁸ *Id.* at Ch. 26-V.1-2.

⁹ PGPD General Order Manual, Vol. II, Ch. 26-V.1.

¹⁰ *Id.* at Ch. 26-V-4.

¹¹ WSSC Policy 329.3.1.

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 those standards.

Based on the evidence, two relevant offenses were considered in this case. First is the violation of Maryland’s Use of Force Statute, which makes it a crime for police officers to intentionally use excessive force.¹² The second offense is Involuntary Manslaughter, which occurs when an accused person’s grossly negligent conduct causes the death of another person.¹³

The evidence in this case shows that the subject officers did not violate any of the aforementioned statutes. 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.¹⁴

First, prosecutors would need to establish that one or more of the subject officers used force that was not necessary and proportional under the circumstances. Second, prosecutors would need to establish that one or more of the subject officers intended to use force that was excessive. Finally, prosecutors would need to establish that the excessive force used by the subject officers—grabbing his shoulder and handcuffing him—resulted in Mr. Holmes’ death.

Determining whether an officer’s use of force is “necessary and proportional” to prevent an imminent threat of physical injury or accomplish a legitimate law enforcement objective is a fact-specific inquiry. Generally speaking, 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

¹² See Md Ann. Code, Public Safety §3-524(d)(1).

¹³ MPJI-Cr 4:17.9.

¹⁴ MPJI-Cr 4:36.

to the officer's law enforcement objective.¹⁵ 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.¹⁶

Based on the totality of the circumstances, there is no evidence that the subject officers intended to use force that exceeded that which was necessary and proportional to restrain and prevent Mr. Holmes from being a danger to himself or to accomplish a legitimate law enforcement objective. First, with respect to whether the use of force was necessary, officers responded to a call for a “suspicious person”. They found Mr. Holmes walking unsteadily down the middle of the roadway panting after a subject officer instructed him to sit down. Three minutes into the interaction, Officer Marks asked Mr. Holmes if he needed an ambulance. It was only after Mr. Holmes said he did not know where he was, admitted to using drugs, and confused a male police officer with his wife, did the subject officers initiate any physical contact with him. At that point, the subject officers patted Mr. Holmes down for weapons and grabbed his shoulder to keep him from scooting away, both actions being within the purview of the initial call for service.

When Corporal Price collected Mr. Holmes' identification from his car, the car had substantial visible damage to the front passenger wheel area. As a result of the subject officers' observations to that point, the subject officers decided to EEP Mr. Holmes for a medical evaluation. Taking an individual into custody for an EEP is a legitimate law enforcement purpose, as it serves as a tool to ensure an individual receives the mental health care they need when they appear to be in crisis. To secure Mr. Holmes for an EEP, the subject officers tapped Mr. Holmes' elbow so he would roll over onto his stomach and pushed Mr. Holmes on his left side to assist him in rolling over. The subject officers then restrained him for the limited purpose of taking him into custody to transport him for a medical evaluation. As such, the subject officers' actions were consistent with their departmental policy. The only force they used was in service of the emergency petition and was necessary to achieve that purpose. In short, Mr. Holmes' behavior indicated that it was necessary for the subject officers to restrain him to have him evaluated for a mental health crisis. After the initial restraint, the purpose of the physical contact between the subject officers and Mr. Holmes was to render medical aid.

Second, with respect to whether the kind and degree of force used by the subject officers was proportional to the imminent threat of harm to Mr. Holmes, and to the subject officers' legitimate law enforcement objective of restraining Mr. Holmes to prevent further harm and transport him for a mental health evaluation, video evidence shows that the force was minimal. The subject officers did not strike Mr. Holmes in any way, nor did they slam him into the ground. The subject officers tried to safely maintain control of Mr. Holmes by grabbing his shoulder and asking what was wrong before they decided to pull Mr. Holmes' arms back to handcuff him for the mental health evaluation. They initiated physical contact to maintain control of Mr. Holmes

¹⁵ For a more detailed discussion of the “necessary and proportional” standard, see [this opinion](#) written by the Office of the Attorney General.

¹⁶ *Id.*

after agreeing on an EEP, and then to render aid after he became unresponsive. The subject officers continued to be Mr. Holmes' primary source of medical aid until after the PGFD emergency services team arrived. The subject officers' force was proportional to their legitimate law enforcement objective.

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 accomplish a legitimate law enforcement objective.¹⁷ 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. Involuntary Manslaughter

Given the facts and circumstances involved, involuntary manslaughter is the only potential homicide related charge available pursuant to Maryland law. To prove involuntary manslaughter, a prosecutor would need to prove beyond a reasonable doubt that one or more of the subject officers acted in a grossly negligent manner, and that their gross negligence caused Mr. Holmes' death.¹⁸ Gross negligence is conduct that demonstrates a "wanton and reckless disregard for human life."¹⁹ In order to determine whether the subject officers acted with gross negligence, prosecutors must examine both the decision to restrain Mr. Holmes, thus using force, and the manner in which the subject officers rendered medical aid.

Regarding the decision to restrain Mr. Holmes, the evidence does not support a charge that the subject officers acted recklessly or negligently. The subject officers used force that was reasonable under the circumstances to prevent Mr. Holmes from being a danger to himself. Before the subject officers arrived, Mr. Holmes damaged his car and was walking unsteadily down the middle of the roadway. When the subject officers arrived, Mr. Holmes admitted to using cocaine and said he wanted an ambulance. He was panting, confused, and paranoid. In order to EEP him, the subject officers had to restrain him. The actions taken by the subject officers were reasonable considering Mr. Holmes' behavior. The subject officers' body-worn cameras show that the subject officers were trying to reasonably gain control of Mr. Holmes as using as little force as possible. The subject officers did not strike Mr. Holmes or engage in any violence against him.

With regards to obtaining medical treatment for Mr. Holmes, the evidence does not support a charge that the subject officers acted recklessly or negligently. Once Mr. Holmes was secure, the subject officers placed him in the recovery position. When Mr. Holmes became unresponsive and his condition worsened, the subject officers removed his handcuffs and tried to rouse him. They immediately began rendering aid. With the assistance of EMT Logan, they monitored his breathing and pulse and administered medication. The subject officers continued to monitor his medical condition until advanced life support medics arrived and assumed control of Mr. Holmes' medical treatment. Given Mr. Holmes' symptoms, the subject officers' decision to provide medical aid did

¹⁷ Since there is insufficient evidence to establish that the subject officers intended to use force that was excessive, this report does not analyze whether the subject officers caused the death of Mr. Holmes.

¹⁸ MPJI-Cr 4:17. 9.

¹⁹ *Duren v. State*, 203 Md. 584, 588 (1954).

not cause his death; the autopsy revealed that the high concentration of cocaine, along with his underlying heart condition, was the cause. The subject officers' actions were consistent with departmental policy and did not act in a manner that was reckless or grossly negligent.

Accordingly, the Office of the Attorney General will not charge the subject officers with involuntary manslaughter in this case.

VI. Conclusion

This report has presented factual findings, legal analyses, and conclusions relevant to the February 16, 2024, police-involved death of Joseph Francis Holmes in Largo, 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.