



INDEPENDENT INVESTIGATIONS DIVISION

Report Concerning the Police-Involved Fatal Incident in
Prince George's County on June 8, 2022

December 28, 2022

**Report of the Independent Investigations Division of the
Maryland Office of the Attorney General Concerning the
Police-Involved Death of Jonny Ray Morris on June 8, 2022**

Pursuant to Md. Code, State Gov't § 6-106.2, the Office of the Attorney General's Independent Investigations Division (the "IID") provides this report to Prince George's County State's Attorney Aisha N. Braveboy regarding the police-involved death of Jonny Ray Morris.

The IID is charged with "investigat[ing] all alleged or potential police-involved deaths of civilians" and "[w]ithin 15 days after completing an investigation ... transmit[ting] a report containing detailed investigative findings to the State's Attorney of the county that has jurisdiction to prosecute the matter." Md. Code, State Gov't § 6-106.2(c), (d). The IID completed its investigation on December 27, 2022. This report is being provided to State's Attorney Braveboy on December 28, 2022.

I. Introduction

On June 8, 2022, at 6:25 a.m., Prince George's County Police Department ("PGPD") Corporal Antoinette Williams observed two cars traveling in the area of Birdie Lane and Harry S. Truman Drive in Upper Marlboro, Maryland. As Cpl. Williams followed the two cars, which were driving one directly in front of the other, the cars accelerated at a high rate of speed and failed to completely stop at stop signs. Cpl. Williams activated her patrol car's emergency equipment, and the two cars again accelerated, traveling eastbound on White House Road. After about 13 seconds, the lead car crossed the solid double-yellow lane lines into oncoming traffic and struck an unrelated vehicle head-on. The driver of the unrelated vehicle, Jonny Morris, was taken to an area hospital, where he was pronounced dead. The driver of the striking vehicle was taken to an area hospital with non-life-threatening injuries.

This report details the IID's investigative findings based on a review of body-worn camera and dashboard camera footage, crash scene analysis, autopsy report, witness interviews, police reports and recordings, and personnel records for the officer involved, among other items. All materials reviewed in this investigation are being provided to the Prince George's County State's Attorney's Office with this report and are listed in Appendix A.

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

II. Factual Findings

On Wednesday, June 8, 2022, at 6:25 a.m., Cpl. Williams was on duty, driving eastbound on Birdie Lane prior to Minnesota Way, which are residential streets lined with single-family

homes in Upper Marlboro, Maryland. Cpl. Williams was driving a marked PGPD patrol car with a departmentally issued dashboard camera that captured both an internal and external view. According to the external camera footage, at 6:25:04 a.m., which is when the available footage begins, a second marked PGPD patrol car was stopped to the right and slightly in front of Cpl. Williams' patrol car on Birdie Lane. This other patrol car was operated by PGPD Cpl. Michelle Qualls.

Farther down Birdie Lane and in front of Cpl. Williams' patrol car was a blue Dodge Charger located on the roadway but positioned perpendicular to the path of travel. The blue Dodge Charger quickly repositioned to the left and got directly behind another vehicle, which was a gray Dodge Challenger. These two cars proceeded eastbound on Birdie Lane. Cpl. Williams also continued driving eastbound on Birdie Lane, staying directly behind the blue Dodge Charger as the cars approached a cross street, which was Hawaii Place. According to police radio transmissions, at 6:25:11 a.m., Cpl. Williams provided to dispatch the vehicle tag number on the blue Dodge Charger to determine the registration status of the car and if the car had been reported stolen.

At 6:25:14 a.m., ten seconds after the dashboard camera video began, the gray Dodge Challenger made a right turn, heading southbound onto Harry S. Truman Drive. The blue Dodge Charger, still directly behind the gray Dodge Challenger, also made that right turn. Although the brake lights of both cars were illuminated during the turn, neither car came to a full and complete stop at the marked stop sign when they made the right turn from eastbound Birdie Lane to southbound Harry S. Truman Drive. Cpl. Williams continued to follow the two cars and made the right onto Harry S. Truman Drive.

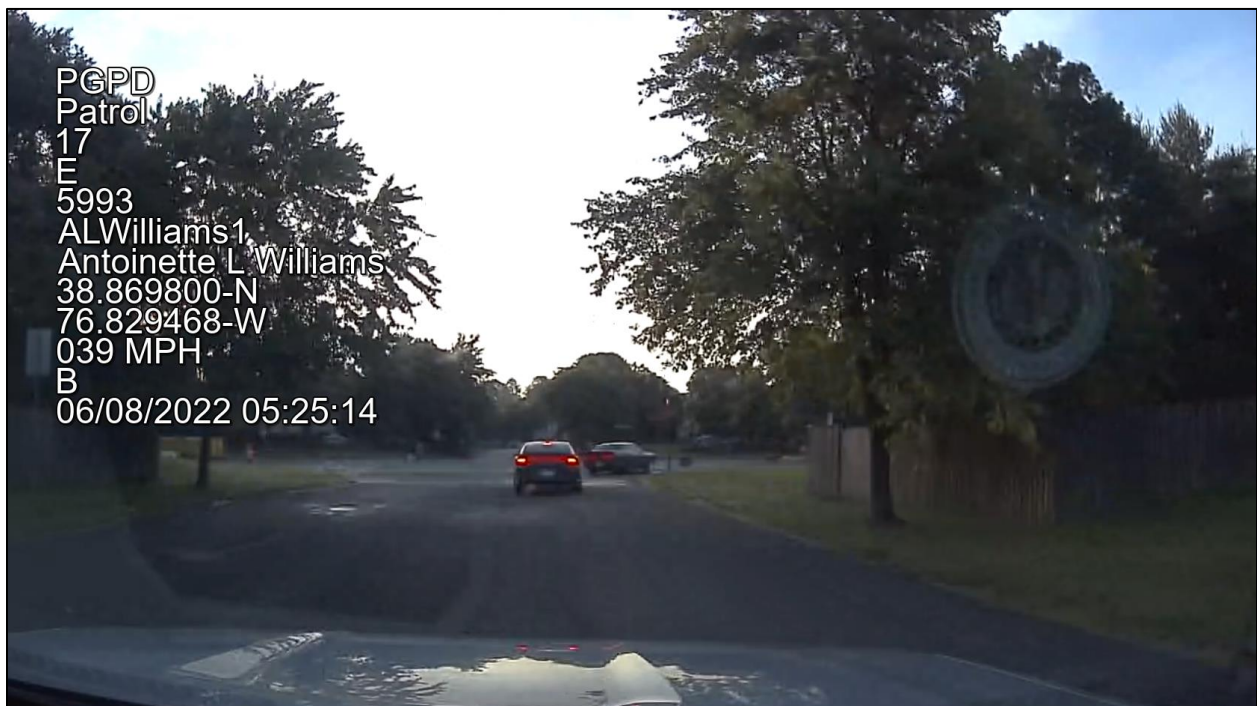


Image 1. Still frame from Cpl. Williams' dashboard camera footage, showing the gray Dodge Challenger and blue Dodge Charger making a right turn from eastbound Birdie Lane to southbound Harry S. Truman Drive. The time code on the footage is off by one hour, although all other data is believed to be accurate.

All three vehicles proceeded southbound on Harry S. Truman Drive, where the gray Dodge Challenger and the blue Dodge Charger began to accelerate. Cpl. Williams followed closely behind. Her emergency equipment was not activated. According to her dashboard camera, which monitors the speed of the patrol car, Cpl. Williams went from 18 miles per hour to 68 miles per hour over seven seconds while driving southbound on Harry S. Truman Drive. The two cars still pulled away from her. The posted speed limit on this portion of Harry S. Truman Drive is 40 miles per hour.

At 6:25:29 a.m., the gray Dodge Challenger, followed closely by the blue Dodge Charger, made a left turn from southbound Harry S. Truman Drive onto eastbound White House Road. Both cars failed to come to a full and complete stop at the marked stop sign. They also failed to yield to oncoming traffic. Cpl. Williams, still directly behind the blue Dodge Charger, also made the left turn onto eastbound White House Road.

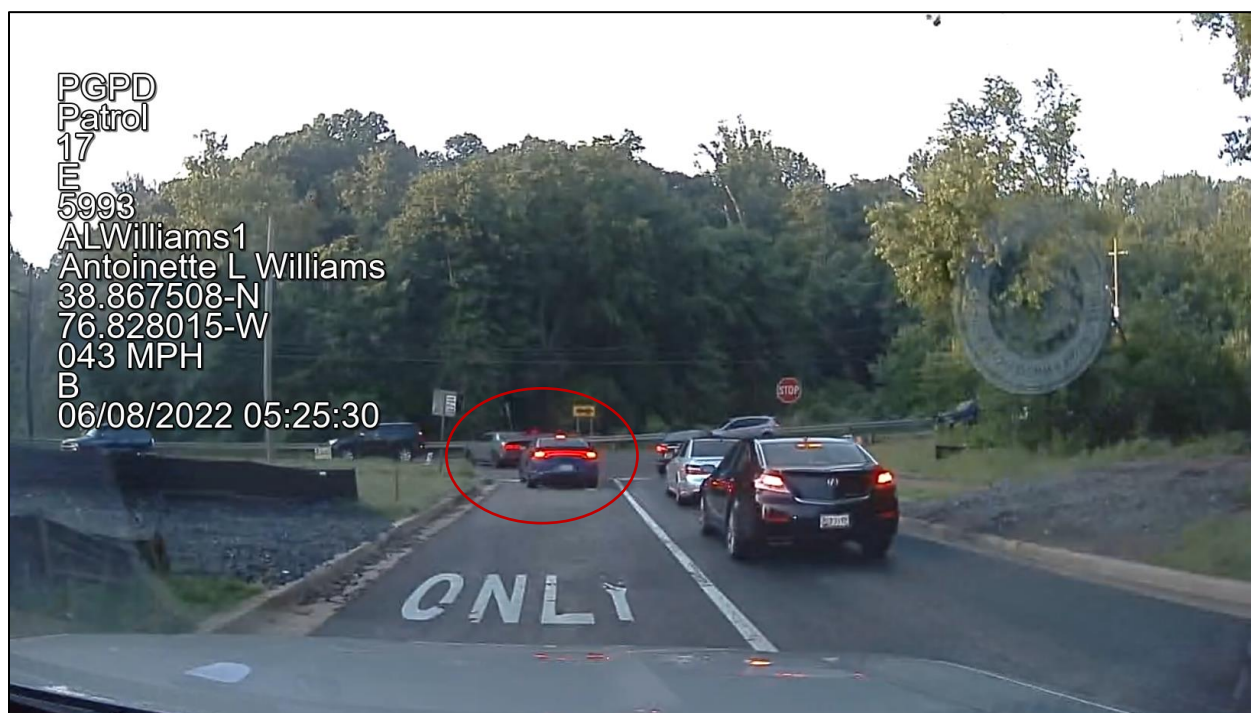


Image 2. Still frame from Cpl. Williams' dashboard camera footage, showing the gray Dodge Challenger and blue Dodge Charger (in red circle) making a left turn from southbound Harry S. Truman Drive onto eastbound White House Road.

At 6:25:34 a.m., immediately after she turned onto White House Road, Cpl. Williams turned on her patrol car's lights and siren.¹ While the gray Dodge Challenger and blue Dodge Charger accelerated away from the patrol car, Cpl. Williams told dispatch that the cars were "not stopping," and she confirmed the tag number she had earlier provided to dispatch. Cpl. Williams also accelerated, going from 20 miles per hour to 84 miles per hour over 13 seconds, according to the dashboard camera. The posted speed limit on this portion of White House Road is 40 miles

¹ By turning on the patrol car's lights and siren at 6:25:34 a.m., Cpl. Williams automatically activated the patrol car's dashboard camera. The camera has a buffer feature, which preserves 30 seconds of video footage prior to the camera being activated. This is why, as noted above, the available video footage begins at 6:25:04 a.m. There is no audio available during the buffering period.

per hour.

At 6:25:45 a.m., approximately 10 seconds after turning onto White House Road and following a slight curve in the road, the gray Dodge Challenger, which was the lead car, crossed over the solid double-yellow lane lines and continued to drive eastbound in the westbound lane of White House Road. Two seconds later, at 6:25:47 a.m., the gray Dodge Challenger struck the front of a Honda Accord head-on in the westbound lane. The gray Dodge Challenger and the Honda Accord both rotated and quickly came to rest, with the Honda Accord positioned on the adjacent sidewalk and the gray Dodge Challenger remaining in the westbound lane of travel. White smoke and body damage to the cars was visible on Cpl. Williams' dashboard camera footage. Immediately prior to this impact, the Honda Accord was driving westbound on White House Road, just west of Pookey Way, in the proper lane of travel. The blue Dodge Charger, which was traveling behind the gray Dodge Challenger at the time of the collision, continued to drive eastbound on White House Road without stopping. The time from when Cpl. Williams turned on her lights and siren on White House Road to when the gray Dodge Challenger struck the Honda Accord was approximately 13 seconds, and the distance was approximately one-third of a mile.

One second after the collision, at 6:24:48 a.m., dispatch began to give the results of the vehicle tag check that Cpl. Williams had earlier requested. Cpl. Williams drove closer to the cars and interrupted the dispatcher by saying, "Oh God . . . It's gonna be a 9-I," which is the PGPD event code for a vehicle collision with injuries.



Image 3. Still frame from Cpl. Williams' dashboard camera footage, showing the second after the gray Dodge Challenger struck the Honda Accord head-on. The car in the lane of travel directly in front of Cpl. Williams is the blue Dodge Charger, which continued driving eastbound on White House Road after the collision.

At 6:25:56 a.m., seconds after the collision, the driver of the gray Dodge Challenger, later identified as [Driver] got out of the car and fled on foot. Cpl. Williams told dispatch, “We’re right here off of White House Road, he’s running.” She moved the patrol car closer to the collision and parked. According to the dashboard camera footage from Cpl. Williams’ patrol car, she stepped out of her car at 6:26:00 a.m. She was not wearing her departmentally issued body-worn camera, which remained in the patrol car when she got out.



Image 4. Still frame from Cpl. Williams’ dashboard camera footage as she pulled closer to the collision. The driver of the gray Dodge Challenger is seen getting out of the car and beginning to run.

After she stepped out of her patrol car, Cpl. Williams ran directly after Mr. [Driver]. Although she was not wearing a body camera at this time, she is heard on her dashboard camera footage yelling, “Stop! Stop!” About a minute after she got out of the car, Cpl. Williams is heard on the police radio saying, “Don’t freaking move . . . I don’t care . . . Don’t move.” About 30 seconds after that, Cpl. Williams told dispatch, “I got one at gunpoint.” She provided her location on Birdie Lane to dispatch and requested an ambulance for Mr. [Driver]. Additional officers responded, and they placed Mr. [Driver] in handcuffs. Mr. [Driver] was transported by Prince George’s County Fire Department via ambulance to the University of Maryland Capital Region Medical Center, where he was treated for minor injuries and released shortly thereafter. He was transported to PGPD headquarters, where he agreed to be interviewed by investigators, as discussed below in Section III(D).

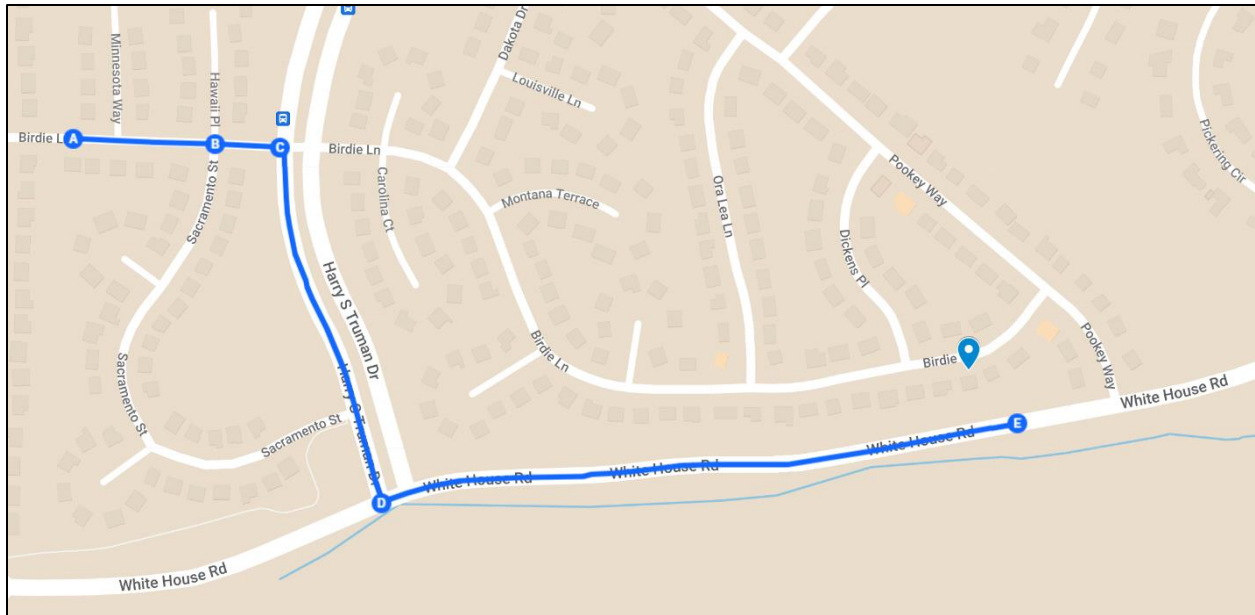


Image 5. Map of the area, including the approximate locations of where: (A) Cpl. Williams' dashboard camera footage begins; (B) Cpl. Williams was driving directly behind the two cars on Birdie Lane; (C) the two cars and Cpl. Williams made a right turn onto Harry S. Truman Drive; (D) the two cars and Cpl. Williams made a left turn onto White House Road and Cpl. Williams activated her lights and siren; and (E) the collision occurred. The blue marker indicates the approximate location of where Mr. **Driver** was apprehended by Cpl. Williams.

As noted at the beginning of Section II, Cpl. Qualls was also driving a marked patrol car on Birdie Lane at the time Cpl. Williams initially began to follow the two cars. The dashboard camera footage from Cpl. Qualls' patrol car indicates that she was several car lengths behind Cpl. Williams' car at the time the three cars made the right turn from Birdie Lane onto Harry S. Truman Drive. Cpl. Qualls then made that right and continued driving behind Cpl. Williams on Harry S. Truman Drive.

After Cpl. Williams turned left onto White House Road and activated her lights and siren, Cpl. Qualls, while still in the left turn lane on Harry S. Truman Drive, activated her lights and siren as well. After doing this, Cpl. Qualls turned onto White House Road and remained behind Cpl. Williams, who was pulling farther ahead. Cpl. Qualls' dashboard camera footage does not show the gray Dodge Challenger crossing over the solid double-yellow lane lines and striking the Honda Accord, as she was too far back on White House Road. But, as Cpl. Qualls pulled up to the collision and stopped her patrol car behind Cpl. Williams' patrol car, her dashboard camera footage does show Mr. **Driver** getting out of the gray Dodge Challenger and running up a slight hill and toward a house on Birdie Lane that backed up to White House Road.

At the same time Cpl. Williams began to pursue Mr. **Driver** Cpl. Qualls can be seen on the dashboard camera footage getting out of her patrol car and running up to the passenger side of the Honda Accord. She is seen on external dashboard camera footage opening the front passenger side door, looking in, and then running back to her patrol car. Cpl. Qualls radioed to dispatch, "start ambo now," and dispatch immediately acknowledged her request. Cpl. Qualls then put on her body-worn camera and quickly returned to the Honda Accord.

As Cpl. Qualls re-approached the Honda Accord with her body camera activated, the driver and sole occupant of the car, later identified as Jonny Morris, was positioned upright in the driver's seat with his seatbelt still across his chest and buckled. He was breathing, but his body was very still. Cpl. Qualls started to ask Mr. Morris questions, and at one point, he turned his head in her direction, but he did not speak. Over the next several minutes, Cpl. Qualls remained right outside the Honda Accord. She checked with dispatch on the status of an ambulance several times and then called her sergeant to advise him of the situation, before once again asking dispatch to call the fire department because an ambulance had yet to arrive.

About 10 minutes after the collision, while still waiting for an ambulance, Cpl. Qualls told another officer on scene that Mr. Morris' [REDACTED] [REDACTED] Officers on scene then cut Mr. Morris' seatbelt with a knife, removed him from the car, and laid him down on the grass. He was placed on his back, and his arms were above his head. Cpl. Qualls [REDACTED] on Mr. Morris, and she noted that he was s [REDACTED] [REDACTED] After another three minutes, while still lying on his back and flat on the ground, Mr. Morris opened his eyes and moved his head. Two minutes after that, he was able to tell officers his first name and said, "it hurts," and he said he [REDACTED]

About 16 minutes after the collision, a Prince George's County Fire Department ambulance arrived on scene. Mr. Morris was transported to [REDACTED] [REDACTED] At approximately 9:30 a.m., Mr. Morris was pronounced dead.

III. Investigation

The IID began its investigation very soon after the collision. This section summarizes the initial response, Maryland State Police ("MSP") Crash Team's conclusions, Medical Examiner's report, and civilian and law enforcement witness statements.

A. Initial Response

Pursuant to Md. Code, State Gov't § 6-106.2, PGPD notified the IID of the pursuit at 8:07 a.m. while Mr. Morris was at the hospital and in critical condition. Over the phone, PGPD personnel provided the IID with preliminary details of the incident. IID personnel then contacted the MSP Crash Team, with whom the IID partners to conduct investigations into fatal vehicle incidents, and requested they respond. Beginning at 9:23 a.m., IID and MSP personnel responded to the scene of the collision, the hospital, and police headquarters to collect evidence and interview witnesses.

During this on-scene response, IID personnel learned that the gray Dodge Challenger had been reported stolen from an address in Silver Spring, Maryland at 8:15 a.m. on June 8th, and the blue Dodge Charger had on been reported stolen from an address on Harry S. Truman Drive—approximately one mile from where Cpl. Williams first observed the cars—at 10:55 a.m. on June 8th. There is no indication from any available source that, at 6:25 a.m., Cpl. Williams had any knowledge that these two cars had been stolen. Additionally, investigators were unable to conclusively identify the driver of the blue Dodge Charger, who did not stop after the collision.

B. Crash Investigation

Based on all available evidence, including physical evidence from the collision scene and involved cars, dashboard camera and body camera footage from the patrol cars, and statements of witnesses, the MSP Crash Team provided the following conclusion in a report regarding the collision:

The Dodge Challenger and Dodge Charger quickly accelerated when they were traveling east onto White House Road and Corporal Williams accelerated as well to get directly behind the Dodge Charger. After the Dodge Challenger manipulated a sweeping left curve on White House Road, [REDACTED] Driver the operator of the Dodge Challenger failed to drive right of center and began traveling east in the westbound lane of White House Road where the roadway was essentially straight and level. When the Dodge Challenger began traveling the wrong way on White House Road, the vehicle was west of Pookey Way. At the same time, the Honda Accord, being operated by Jonny Ray Morris, was traveling west on White House Road, west of Pookey Way in the proper lane of travel. Just prior to impact, the Dodge Challenger was seen moving back to the right towards the double yellow lane line that separated the eastbound lane of White House Road from the westbound lane of White House Road. Subsequently, the front of the Dodge Challenger struck the front of the Honda Accord in an off-set head-on manner in the westbound lane of White House Road. Both the Dodge Challenger and the Honda Accord began to rotate counterclockwise before coming to their position of uncontrolled final rest.

The MSP Crash Team was also able to determine the speed of both the Dodge Challenger and the Honda Accord prior to the collision. By using data from the Dodge Challenger's electronic control modules and crash data retrieval software, MSP concluded the Challenger was traveling 90 miles per hour at five seconds before the collision. The report also states the Challenger's brakes were applied throughout these five seconds, and the Challenger was decreasing its speed from 90 miles per hour to 36 miles per hour at 0.1 seconds before impact, which is the last data recorded. The Honda Accord was manufactured in 2007 and did not have control modules that supported the crash data retrieval software. However, MSP investigators were able to use the crash data from the Dodge Challenger, along with Cpl. Williams' dashboard camera video and other measurements of the road to perform a speed analysis, which showed the Honda Accord was traveling at a pre-impact speed of 29 miles per hour. As noted above, the speed limit on this portion of White House Road is 40 miles per hour.

C. Medical Examination

Mr. Morris' autopsy was performed by Assistant Medical Examiner Avneesh Gupta, MD. Dr. Gupta concluded Mr. Morris' cause of death was multiple injuries, and he concluded the manner of death was an accident.²

² 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 causes death and there is little or no

Dr. Gupta found multiple injuries to Mr. Morris' head, torso, and extremities. This included contusions on the right chest, abdomen, right arm, left wrist, right hip, left groin, right knee, left knee and leg, right outer back, right forearm, back of the right hand, and back of the left arm and forearm. Additionally, Mr. Morris' left femur was fractured, and he had an abrasion on his left leg. Internally, Mr. Morris suffered from hemorrhages on the brain, contusions on the surface of the heart, lacerations of the left lung and liver, contusions of both lungs, and fractures of the right 1st through 10th ribs.

Standard post-mortem toxicology testing on Mr. Morris was negative for drugs and alcohol.

D. Civilian Witness Statement

Following the collision, and after being advised of and waiving his *Miranda* rights, Driver the driver of the gray Dodge Challenger that struck Mr. Morris, participated in three voluntary interviews on June 8th with PGPD and IID investigators. The interviews covered a number of alleged crimes occurring in and around Prince George's County, and Mr. Driver provided information that was, at times, demonstrably false. This report summarizes those statements made by Mr. Driver directly relevant to the matter that is the subject of the IID's investigation.

Throughout the interviews, Mr. Driver acknowledged driving the gray Dodge Challenger on Birdie Lane during the relevant time period. He said he had stopped his car in the road and was blocking the road when he first observed PGPD patrol cars driving toward him. He said the patrol cars did not have their lights on, and he did not feel like being "bothered." Mr. Driver also indicated the patrol cars were approaching him fast, and he "just drove off." He said after he turned onto White House Road, he noticed the patrol cars' lights were on. He said his "friend" was driving between him and the patrol cars, and he did not know if the police were chasing him or his friend. Mr. Driver said at this point his friend in the Dodge Charger started to speed up, and Mr. Driver moved into the opposite lane of travel so his friend could pass him. He said he then struck a Honda Accord head-on, which he indicated he did not see when he crossed the solid double-yellow lane lines.

After the collision, Mr. Driver said his friend kept driving on White House Road and did not stop. Mr. Driver said he got out of the Dodge Challenger and ran because he did not feel like dealing with the accident and being criminally charged. He also said he was afraid. As he was running up a hill, he said he began to feel sharp pains in his ankles, so he stopped and took off his shoes, at which point he was apprehended by PGPD officers. He told investigators that after he was apprehended by Cpl. Williams, she told him that she was trying to stop his car to tell him that he could not block the street, which he attributed to his actions on Birdie Lane.

evidence that the injury occurred with intent to harm or cause death. This term is not considered a legal determination; rather, it is largely used to assist with public health statistics. "A Guide for Manner of Death Classification," First Edition, National Association of Medical Examiners, February 2002.

E. Officer Statements

1. Cpl. Williams

Cpl. Williams, like the subject of any criminal investigation, has the right under the Fifth Amendment to not make any statement. She declined to be interviewed by investigators.

Although Cpl. Williams did not provide an interview, she did make a statement relevant to the pursuit to PGPD Officer Dmitri Petrenko, the officer who first responded to her call for assistance after she apprehended Mr. [Driver] on Birdie Lane. This statement was captured on Officer Petrenko's body camera footage about seven minutes after the collision. Mr. [Driver] was laying on his back in the front yard of a residence on Birdie Lane with his hands resting on his chest. Cpl. Williams was standing directly next to him with her gun holstered. Mr. [Driver] began to explain why he ran after the collision, and Cpl. Williams said to Officer Petrenko that she saw the two cars on Birdie Lane, and she was going to see what was going on and tell the drivers to get out of the road when the cars sped off. She said she was then trying to get the vehicle tag numbers "just in case."

Cpl. Williams then left Mr. [Driver] and Officer Petrenko and went to the site of the collision. After Mr. Morris was placed in the ambulance, Cpl. Qualls asked Cpl. Williams, "what did you see," seemingly questioning why Cpl. Williams took notice of and/or pursued the cars. Cpl. Williams started to reply, "when we were coming out . . ." but then cut herself off and said, "I'll tell you . . . I'm turning it off because there's no one else out here." Both officers then turned off their body cameras and the footage ended.

2. Cpl. Qualls

Cpl. Qualls was interviewed by an IID investigator a few hours after the collision. Her account of events both before and after the collision match what is visible on the available body camera and dashboard camera footage.

During her interview with the IID, Cpl. Qualls said that she and Cpl. Williams had responded to an earlier call for service and then went to a nearby park, rather than driving around, in case they received any additional calls for service before the end of their shift. Cpl. Qualls said that, at this point, the daywork shift cars were already out, so the two left the park and began to drive through a neighborhood. Cpl. Qualls indicated that Cpl. Williams made a right turn rather than staying straight before coming back around and pulling ahead of Cpl. Qualls, who remained stopped (on Birdie Lane, according to the dashboard camera footage). Cpl. Qualls said she did see cars in front of her, but she did not know what Cpl. Williams "saw to make her pursue anything." Cpl. Qualls said she heard Cpl. Williams get on the radio and said Cpl. Williams was "trying to get a tag."

Cpl. Qualls said she followed Cpl. Williams and made a right turn onto Harry S. Truman Drive. She said she heard Cpl. Williams on the radio saying, "they're not stopping." Cpl. Qualls said as she got to the intersection of Harry S. Truman Drive and White House Road, she turned on her patrol car lights, and the two cars were "trying to get away." She said she turned onto

White House Road, and the two cars “took off,” and Cpl. Williams “took off behind them.” Cpl. Qualls said Cpl. Williams also had her lights on and was driving faster than she was. Cpl. Qualls said she did not “know what it was,” but she was not going to leave Cpl. Williams “by herself.”

Cpl. Qualls indicated that she followed behind Cpl. Williams on White House Road, and when she got over a small incline in the road, she saw Cpl. Williams had stopped her car. Cpl. Qualls could tell there had been a collision because she saw the Honda Accord on the grass. She then heard Cpl. Williams on the radio notify dispatch of the collision. She also saw the driver of the Dodge Challenger get out of the car and begin to run and Cpl. Williams pursue him.

During her interview, Cpl. Qualls also described what occurred after the collision, and again, her account matches what is visible on body camera and dashboard camera footage and has been described above.

In addition to her interview with the IID, Cpl. Qualls made one relevant statement about the pursuit that was captured on body camera footage. While waiting for the ambulance to arrive, Cpl. Qualls told civilians that were present on scene, “we don’t know what [the cars] were doing.” She added, Cpl. Williams was the “lead car, and I guess she saw something.”

IV. Involved Parties’ Background

As part of its standard investigative practice, the IID obtained information regarding all parties’ criminal histories, as well as Cpl. Williams’ departmental internal affairs records and relevant training. To the extent it exists, any criminal history information is being provided to the Prince George’s County State’s Attorney’s Office with this report.

Mr. [Driver] Mr. [Driver] the driver of the Dodge Challenger, is a 22-year-old Black man. His last known address was in Upper Marlboro, Maryland.

Mr. Jonny Ray Morris: Mr. Morris, the decedent, was a 66-year-old white man who lived with his family in Brandywine, Maryland. At the time of the collision, he was driving to work.

Cpl. Antoinette Williams: Cpl. Williams was hired by PGPD in 2011 and is currently assigned to Division II/Bowie. She is a 36-year-old Black woman. She has had [REDACTED] most of which are not directly relevant to the analysis of this incident.

One sustained complaint, however, is relevant. Cpl. Williams was found to have engaged in an unauthorized vehicle pursuit that occurred in January 2020. In that instance, Cpl. Williams was attempting to stop a car that was speeding on Interstate 495. The car was also decreasing and increased its speed sporadically and not following other traffic laws. Cpl. Williams notified dispatch of the car’s infractions and indicated the car would not stop. While the dispatcher attempted to contact the on-duty supervisor, Cpl. Williams continued to pursue the car. The car continued to commit traffic violations, and Cpl. Williams continued to pursue the car until it finally came to a stop in an apartment complex. The internal affairs investigation into this matter determined that because the suspect car failed to come to a complete stop and actively evaded Cpl. Williams’ attempt to conduct a traffic stop, the incident under review did qualify as a

pursuit. The investigation also concluded that Cpl. Williams did not comply with the PGPD pursuit policy (discussed below in Section V). As part of this investigation, Cpl. Williams provided a statement in which she said she did not believe she was involved in a pursuit. She did, however, explain the correct criteria for an authorized pursuit under PGPD policy and acknowledged that this particular incident did not meet that criteria and that she did not obtain supervisor approval to follow the car.

[REDACTED]

V. Applicable Policies

PGPD has the following relevant policies concerning vehicle pursuits. The complete 14-page vehicle pursuit policy, “Pursuits” (General Order Manual, Volume II, Chapter 48), is attached to this report as Appendix B.

A. “Policy”

“Officers may only engage in vehicle pursuits in the County, and neighboring jurisdictions outside of the County, if there is reason to believe that the fleeing suspect is committing, has committed, or attempted to commit any of the following:

- Homicide
- Contact Shooting
- Armed Robbery
- Armed Carjacking

“Vehicle pursuits shall be conducted in strict compliance with Maryland statutes and Departmental directives.

“A Shift Commander may authorize a vehicle pursuit in situations that fall outside of the current pursuit policy if they can specifically articulate that the potential danger created by the pursuit would be less than the immediate or potential danger to the public if the suspect remains at large.

“A suspect must pose an immediate danger to the public or demonstrate a willful disregard for public safety before a Shift Commander may authorize a pursuit outside of the current policy.”

B. “Definitions”

1. “Vehicle Pursuit: An active attempt by a police officer in an emergency vehicle to apprehend a motorist who is refusing to stop or exhibits a clear intention to avoid apprehension by some combination of:

- High-speed driving
- Evasive tactics, such as making unexpected movements”

C. “Procedures”

1. “Decision to Pursue”

“The decision to initiate a pursuit must be based on the pursuing officer’s conclusion that the immediate danger created by the pursuit is less than the immediate or potential danger to the public if the suspect remains at large.

“The decision to initiate or continue a pursuit can only be justified by the facts or information known at the time. Facts unknown to those involved, no matter how compelling, cannot be considered later in determining whether the pursuit was justified under this policy.

“The decision to initiate a vehicle pursuit shall be at the discretion of the individual officer in accordance with the stated requirements in [the “policy” section] above, and in consideration of the following factors:

- Type and speed of vehicle being pursued
- Performance capabilities of the pursuit vehicle
- Traffic conditions
- Amount of pedestrian traffic in the area
- Weather conditions
- Characteristics of the roadway and the officer’s familiarity with the roadway
- Pursuit location, such as a busy business district or a heavily populated residential neighborhood
- Time of day or night
- Nature of the offense
- Known circumstances that could lead to a situation in which the pursuing officer might lose control of the police vehicle
- Whether the identity of the offender is known

“Occasionally, motorists do not react normally to police presence due to physical or mental impairments, including but not limited to, driving while intoxicated or under the influence of alcohol or drugs and certain medical conditions. Such persons may not stop upon observing a police signal. Following a motorist in such situations is not a vehicle pursuit, but requires notification and approval from the officer’s supervisor.

“After supervisory approval, the officer may only follow the motorist if the motorist obeys all traffic laws (excluding failing to stop). Once the motorist attempts to elude the officer by violating traffic laws, the officer shall cease any further attempts to stop the motorist, unless the criteria for an authorized vehicle pursuit exists. Closing in and stopping a motorist that is not attempting to flee and stops on police signal is not a vehicle pursuit.”

D. “Pursuit Driver’s Responsibilities”

“Under no circumstances will officers pursue at a speed so great as to render their vehicles uncontrollable, thereby endangering the lives of themselves or others. Officers participating in a vehicle pursuit shall not proceed through intersections or against the direction of traffic signals or traffic control devices without first slowing or stopping. They shall ensure that they are in a clear position to see that no vehicles or pedestrians will be encountered.

“No Departmental vehicle shall be used to initiate or participate in any vehicle pursuit unless it is equipped with emergency lights and siren. Emergency lights and siren shall be used throughout the pursuit.

“To diminish the likelihood of a pursuit, officers intending to stop a vehicle will attempt to be close to the suspect vehicle before activating emergency signal devices.”

VI. Applicable Law and Analysis

The IID analyzed Maryland statutes that could be relevant in a vehicle pursuit of this nature. This section presents the elements of each possible criminal charge and analyzes these elements in light of the findings discussed above.

A. Manslaughter by Vehicle or Vessel³

Criminal Law § 2-209(b) states: “A person may not cause the death of another as a result of the person’s driving, operating, or controlling a vehicle or vessel in a grossly negligent manner.”

To prove manslaughter by vehicle, the State must establish: “(1) that the defendant drove a motor vehicle; (2) that the defendant drove in a grossly negligent manner, and (3) that this grossly negligent driving caused the death of [Mr. Morris].” MPJI-Cr 4:17.10 Homicide—Manslaughter by Motor Vehicle, MPJI-Cr 4:17.10 (2d ed. 2021). Grossly negligent conduct is that which “amount[s] to a wanton and reckless disregard for human life.” *Duren v. State*, 203 Md. 584, 588 (1954) (citing *State of Maryland v. Chapman, D.C.*, 101 F. Supp. 335, 341 (D. Md. 1951); *Hughes v. State*, 198 Md. 424, 432 (1951)).

The available evidence does not indicate that Cpl. Williams’ driving was itself wanton or reckless. *See Duren*, 203 Md. at 584 (holding grossly negligent driving to consist of “a lessening of the control of the vehicle to the point where such lack of effective control is likely at any

³ This report does not analyze the charge of common law involuntary manslaughter with respect to the pursuit itself because that charge is preempted by the manslaughter by vehicle statute. *State v. Gibson*, 254 Md. 399, 400-01 (1969).

moment to bring harm to another”). According to the dashboard camera footage, Cpl. Williams maintained control of her vehicle the entire 43 seconds she followed the two cars, despite traveling at speeds higher than the posted speed limit. When the two cars turned onto White House Road, Cpl. Williams also immediately activated her car’s lights and siren and remained several car-lengths behind them for the 13 seconds before the collision. There were also no pedestrians on the road during this time, and although there was a moderate amount of vehicle traffic, there was no indication that Cpl. Williams endangered any of these other vehicles by her driving.

Because the available evidence does not indicate that Cpl. Williams drove recklessly, the State would need to show that the decision to engage in the pursuit was itself grossly negligent. The Court of Appeals has held that, “a violation of police guidelines *may* be the basis for a criminal prosecution.” *State v. Pagotto*, 361 Md. 528, 557 (2000) (citing *State v. Albrecht*, 336 Md. 475, 502-03 (1994)) (emphasis in original). The Court clarified that, “while a violation of police guidelines is not negligence *per se*, it is a factor to be considered in determining the reasonableness of police conduct.” *Id.* (citations omitted). Maryland courts have considered officers’ policy violations as evidence of negligence, recklessness, unreasonableness, and corrupt intent. *See, e.g., Albrecht*, 336 Md. at 503; *Pagotto*, 361 Md. at 550-53; *Koushall v. State*, 249 Md. App. 717, 729-30 (2021), *aff’d*, No. 13, Sept. Term, 2021 (Md. Feb. 3, 2022); *Kern v. State*, No. 2443, Sept. Term 2013, 2016 WL 3670027, at *5 (Md. Ct. Spec. App. Jul. 11, 2016) (unreported); *Merkel v. State*, No. 690 Sept. Term 2018, 2019 WL 2060952, at *8 (Md. Ct. Spec. App. May 9, 2019) (unreported)⁴; *Mayor and City Council of Baltimore v. Hart*, 395 Md. 394, 398 (2006) (civil litigation). However, a “hypertechnical” violation of policy, without more, is not sufficient to establish gross negligence. *State v. Pagotto*, 127 Md. App. 271, 304 (1999), *aff’d*, 361 Md. 528 (2000).

The available evidence in this matter does suggest that Cpl. Williams could have violated PGPD’s vehicle pursuit policy. There is no evidence from any available source to suggest that an occupant of either car being pursued committed or attempted to commit one of the four enumerated felonies for which a vehicle pursuit is permitted under PGPD policy. Absent such evidence, there is no indication from any source that a Shift Commander authorized (or even knew about) the pursuit as would be required under the policy. There are also no facts present in this case that would have allowed a Shift Commander to make such an authorization.

The only information explaining the reason why Cpl. Williams initially began to follow the two cars on Birdie Lane is her after-the-fact statement to Officer Petrenko that the cars were blocking the roadway. Likewise, the only information that explains why Cpl. Williams continued to follow the cars at a high rate of speed on Harry S. Truman Drive is her statement to Officer Petrenko that she was trying to get vehicle tag information. To be clear, merely following the two cars at a high rate would not constitute a pursuit under departmental policy, as Cpl. Williams was not actively attempting to “apprehend a motorist who is refusing to stop.” However, the State could argue that after Cpl. Williams turned on her lights and siren, which signaled a clear attempt on her part to stop the two cars, coupled with the fact that the two cars were now driving at speeds approaching 90 miles per hour, she was engaged in a pursuit at that time. If a factfinder

⁴ Pursuant to General Provisions § 1-104, unreported opinions shall not be used as either precedential or persuasive authority in any Maryland court. They are included here solely for illustrative purposes.

agreed that Cpl. Williams was in a pursuit, there is no evidence to support that the pursuit was authorized under PGPD policy.

Cpl. Williams would counter, however, that she was not engaged in a pursuit as contemplated by PGPD policy, but instead she was trying to initiate a traffic stop on one or both of the cars, and the collision occurred before any pursuit would have begun. To this point, at the moment Cpl. Williams activated her lights and siren on White House Road, she had already witnessed the two cars commit traffic violations (*e.g.*, failing to stop at a stop sign, speeding, failing to yield) and then, before Cpl. Williams had even received the results of the routine vehicle tag check she earlier requested and within just 13 seconds, the collision occurred. To support this argument, Cpl. Williams could show that although the two cars were speeding, they exhibited no other signs of “evasive tactics, such as making unexpected movements.” For Cpl. Williams to be successful here, however, a factfinder would likely have to determine that during the brief period when her lights and siren were on, the two cars were not actively evading her. If a court found that Cpl. Williams was not in pursuit, it may be difficult for the State to otherwise establish gross negligence with regard to Cpl. Williams’ decision itself to engage in the pursuit.

Whether a court would find that Cpl. Williams violated PGPD policy and determine that such a violation was evidence of gross negligence, and/or find that Cpl. Williams otherwise acted grossly negligent, the available evidence would likely not support a conclusion that Cpl. Williams’ actions were the cause of Mr. Morris’ death, as required to satisfy the third element of a manslaughter by vehicle charge. *Craig v. State*, 220 Md. 590, 597 (1959). Instead, similar to the factual scenario presented in *Pagotto*, an act performed by someone other than the involved police officer—in the instant case, Mr. Driver crossing over the solid double-yellow lane lines into Mr. Morris’ proper lane of travel—would likely be considered an “independent intervening cause” of the death and thus prevent the State from proving causation. 127 Md. App. 271 at 358.

B. Criminally Negligent Manslaughter by Vehicle

Criminal Law § 2-210 states: “(b) A person may not cause the death of another as the result of the person’s driving, operating, or controlling a vehicle or vessel in a criminally negligent manner. (c) For purposes of this section, a person acts in a criminally negligent manner with respect to a result or a circumstance when: (1) the person should be aware, but fails to perceive, that the person’s conduct creates a substantial and unjustifiable risk that such a result will occur; and (2) the failure to perceive constitutes a gross deviation from the standard of care that would be exercised by a reasonable person.”

Criminally negligent manslaughter by vehicle differs from manslaughter by vehicle only in that it requires proof of criminal negligence rather than gross negligence. MPJI-Cr 4:17.10 Homicide—Manslaughter by Motor Vehicle, MPJI-Cr 4:17.10 (2d ed. 2021). Gross negligence requires proof that “the defendant *was conscious of the risk* to human life posed by his or her conduct.” 96 Md. Op. Atty. Gen. 128, 138, Dec. 21, 2011 (*available at* <https://www.marylandattorneygeneral.gov/Opinions%20Documents/2011/96oag128.pdf>) (emphasis in original). Criminal negligence requires proof that “the defendant *should have been aware, but failed to perceive* that his or her conduct created a ‘substantial and unjustifiable risk’ to human life and that the failure to perceive that risk was a ‘gross deviation’ from the standard

of care that a reasonable person would exercise.” *Id.* (emphasis in original; quoting Crim. Law § 2-210).

As with the manslaughter by vehicle charge discussed above, the available evidence does not suggest that Cpl. Williams created an unjustifiable risk that was a gross deviation from a reasonable standard of care or, further, that Cpl. Williams caused Mr. Morris’ death.

C. Duty of Driver to Render Reasonable Assistance to Persons Injured in an Accident

Transportation Article § 20-104(a) states: “The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall render reasonable assistance to any person injured in the accident and, if the person requests medical treatment or it is apparent that medical treatment is necessary, arrange for the transportation of the person to a physician, surgeon, or hospital for medical treatment.”

This offense requires proof that: (1) the defendant drove a motor vehicle; (2) the motor vehicle was involved in an accident; (3) the accident resulted in bodily injury to or death of a person or in damage to an attended vehicle or other attended property; and (4) the defendant did not render reasonable assistance to a person injured in the accident.

Assuming a factfinder could even determine that Cpl. Williams’ vehicle was “involved in an accident” as it did not actually strike Mr. [Driver]’s car or Mr. Morris’ car, the available evidence does not indicate that Cpl. Williams failed to render reasonable assistance to Mr. Morris. Rather, Cpl. Williams instantly notified dispatch of the collision before getting out of her patrol car and running after Mr. [Driver] who was actively fleeing the scene. This left Cpl. Qualls to check on Mr. Morris, which she immediately did. It is reasonable to assume that Cpl. Williams believed Cpl. Qualls would attend to Mr. Morris since she was driving directly behind Cpl. Williams, and she would have seen the both the collision and Cpl. Williams pursuing Mr. [Driver] on foot. Cpl. Qualls also promptly requested an ambulance for Mr. Morris, which was audible on the police radio for Cpl. Williams to hear, and Cpl. Qualls continually checked on the status of the ambulance when one did not promptly arrive. Officers on scene provided hands-on medical aid to Mr. Morris during this time, which Cpl. Williams witnessed.

D. Reckless Driving & Negligent Driving

Transportation Article § 21-901.1(a) states: “A person is guilty of reckless driving if he drives a motor vehicle: (1) In wanton or willful disregard for the safety of persons or property; or (2) In a manner that indicates a wanton or willful disregard for the safety of persons or property.”

Transportation Article § 21-901(b) states: “A person is guilty of negligent driving if he drives a motor vehicle in a careless or imprudent manner that endangers any property or the life or person of any individual.”

Factors such as “[s]peed, erratic driving, disregard of the red light, [and] force of impact ... can be taken as evidence of wanton or reckless disregard of human life.” *Taylor v. State*, 83 Md. App. 399, 404 (1990) (citing *Boyd v. State*, 22 Md. App. 539 (1974); *State v. Kramer*, 318 Md. 576, 590 (1990)).

As discussed above with respect to the potential charge of manslaughter by vehicle, although Cpl. Williams drove at a high rate of speed, she did maintain a distance of several car-lengths from the two cars and also maintained control of her vehicle during the pursuit. The available evidence does not therefore indicate that she drove recklessly or negligently.

E. Other Charges Considered⁵

There are several other charges for which full analysis was not warranted given the facts of this incident. Those charges are addressed briefly here.

The crimes of first-degree murder, intentional second-degree murder, and voluntary manslaughter each requires the State to prove the defendant had “either the intent to kill or the intent to inflict such serious bodily harm that death would be the likely result.” MPJI-Cr 4:17 Homicide—First Degree Premeditated Murder and Second Degree Specific Intent Murder, MPJI-Cr 4:17 (2d ed. 2021); *Cox v. State*, 311 Md. 326, 331 (1988) (voluntary manslaughter is “an intentional homicide”). In this case, there are no facts suggesting such intent on behalf of Cpl. Williams.

The crime of second-degree depraved heart murder requires the State to prove the defendant “created a very high degree of risk to the life of [Mr. Morris]” and “acted with extreme disregard of the life endangering consequences” of such risk. MPJI-Cr 4:17.8 Homicide—Second Degree Depraved Heart Murder and Involuntary Manslaughter (Grossly Negligent Act and Unlawful Act), MPJI-Cr 4:17.8 (2d ed. 2021). With respect to the pursuit, this charge is preempted by the manslaughter by vehicle statute. *Blackwell v. State*, 34 Md. App. 547, 555-56 (1977).

The crime of misconduct in office requires the State prove: (1) that the defendant was a public officer; (2) that the defendant acted in their official capacity or took advantage of their public office; and (3) that the defendant corruptly did an unlawful act (malfeasance), corruptly failed to do an act required by the duties of their office (nonfeasance), or corruptly did a lawful act (misfeasance). MPJI-Cr 4:23 Misconduct in Office (Malfeasance, Misfeasance, and Nonfeasance), MPJI-Cr 4:23 (2d ed. 2021). “[T]he conduct must be a willful abuse of authority and not merely an error in judgment.” Comment to *id.* (citing Hyman Ginsberg and Isidore Ginsberg, *Criminal Law & Procedure in Maryland* 152 (1940)). While the State need not show direct evidence of intent when alleging malfeasance, the available evidence here does not indicate that Cpl. Williams engaged in an unlawful act. See *Pinheiro v. State*, 244 Md. App. 703, 722 n. 8 (2020). Regarding misfeasance and nonfeasance, there is no evidence other than Cpl. Williams’ possible PGPD policy violation that she acted with a corrupt intent, defined as “depravity, perversion, or taint.” *Id.*

⁵ This report does not analyze the potential charge of reckless endangerment because the relevant subsection of that statute “does not apply to conduct involving ... the use of a motor vehicle.” Criminal Law § 3-204(c)(1)(i).

VII. Conclusion

This report has presented factual findings and legal analysis relevant to the fatal vehicle pursuit that occurred on June 8, 2022 in Prince George's County, Maryland. Please feel free to contact the IID if further investigation or analysis is needed.

Appendices

Appendix A – Materials Reviewed

Body Worn Camera Video (3 videos)

CAD Reports (3 items)

Civilian Witness Statements (5 audio recordings, 1 advice of rights and waiver form, interview notes, and transcripts)

Dash Cam Video (14 videos)

IA History & Training Records (12 items)

KGA Communications (PGPD: 1 recording with certification; Forestville-College Park: 6 recordings)

Lab Reports (4 items)

Medical Records (1 item)

OAG Reports (7 items)

OCME (1 report)

Officer Witness Statements (1 audio recording)

Other Video (1 video)

Photographs (402 items)

Police Reports (11 items)

Search Warrants (1 item)

All materials listed above have been shared with the Prince George's County State's Attorney's Office via a secure filesharing service.

Appendix B – Relevant Prince George's County Police Department Policies

See attached.

Appendix B

Relevant PGPD Policies

48. PURSUITS

(January 2021)

I. POLICY

When officers operate vehicles in pursuits, their primary concern shall be the preservation of life. Officers must not disregard safety with the single-minded goal of apprehension.

Officers must maintain a balance between the need to apprehend the violator and the risks of potential danger to themselves and citizens. The identification and apprehension of the violator are secondary concerns during a vehicle pursuit.

Officers are granted special privileges under State law while operating emergency vehicles with their emergency equipment activated. They are not relieved of the responsibility of driving with due regard for the safety of all persons, and are not protected from the consequences of failing to exercise reasonable care under these circumstances.

The driver of an emergency vehicle, with emergency lights and siren activated, may proceed through a red or stop signal, a stop sign or yield sign, but only after slowing down or stopping to ensure that the intersection may be safely entered.

Nothing in this directive shall be construed to release the operator of a Departmental vehicle from civil or criminal liability for failure to use reasonable care in the operation of an emergency vehicle.

Pursuits Within/Outside the County

Officers may only engage in vehicle pursuits in the County, and neighboring jurisdictions outside of the County, if there is reason to

believe that the fleeing suspect is committing, has committed, or attempted to commit any of the following:

- ☐ Homicide
- ☐ Contact Shooting
- ☐ Armed Robbery
- ☐ Armed Carjacking

Vehicle pursuits shall be conducted in strict compliance with Maryland statutes and Departmental directives

A **Shift Commander** may authorize a vehicle pursuit in situations that fall outside of the current pursuit policy if they can specifically articulate that the potential danger created by the pursuit would be less than the immediate or potential danger to the public if the suspect remains at large.

A suspect must pose an immediate danger to the public or demonstrate a willful disregard for public safety before a **Shift Commander** may authorize a pursuit outside of the current policy.

A vehicle pursuit may only be continued inside or outside of the County once permission has been granted by a **Shift Commander**. That Commander's approval to pursue shall be transmitted on the appropriate talk group. The Commander's approval shall be documented in the narrative section of the Pursuit Critique.

II. CHECKLIST (N/A)

III. DEFINITIONS

Emergency Equipment: Emergency lights and siren

VOLUME II, CHAPTER 48. PURSUITS

Emergency Vehicle: A vehicle equipped with audible and visual emergency equipment as defined in Sections 11-118 and 21-106 of the Maryland Transportation Article (Maryland Vehicle Law)

Federal Removal: A document authorizing the transfer of custody of an individual from a local jurisdiction to a federal agency (United States Code)

Fresh Pursuit: A pursuit initiated in another County or State (including the District of Columbia) by any duly organized State, County, or municipal law enforcement officer. Fresh pursuit shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

Primary Pursuit Unit: The emergency vehicle that initiated the pursuit or the emergency vehicle closest to the suspect; could change during the pursuit

Secondary Pursuit Unit: Any emergency vehicle authorized to be involved in a vehicle pursuit and that is not the primary unit

Supervisor: In this section, a supervisor is an officer the rank of Sergeant or above; a Corporal who is in an acting position of Sergeant is also considered a supervisor

Shift Commander: A Shift Commander is an officer the rank of Lieutenant, or a Sergeant who is in an acting position as a Lieutenant, who is responsible for the operation of a shift.

Unit Commander: The senior supervisor responsible for the operation of an investigative or other enforcement unit or section, specifically a Lieutenant or Acting Lieutenant. A unit or section commander who approves a pursuit shall assume all

responsibilities of a shift commander as identified in this chapter

Vehicle Pursuit: An active attempt by a police officer in an emergency vehicle to apprehend a motorist who is refusing to stop or exhibits a clear intention to avoid apprehension by some combination of:

- ❑ High-speed driving
- ❑ Evasive tactics, such as making unexpected movements

IV. FORMS

- ❑ Case Record
- ❑ Pursuit Critique Report (PGC Form #4445)

V. PROCEDURES

1. Decision to Pursue

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

Good judgment in weighing these risks is essential. The seriousness of the offense involved does not lessen the officer's responsibility to fellow officers. Officers must drive with due regard for the safety of all persons.

The decision to initiate or continue a pursuit can only be justified by the facts or information known at the time. Facts unknown to those involved, no matter how compelling, cannot be considered later in determining whether the pursuit was justified under this policy.

VOLUME II, CHAPTER 48. PURSUITS

The decision to initiate a vehicle pursuit shall be at the discretion of the individual officer in accordance with the stated requirements in section **I. POLICY** above, and in consideration of the following factors:

- ❑ Type and speed of vehicle being pursued
- ❑ Performance capabilities of the pursuit vehicle
- ❑ Traffic conditions
- ❑ Amount of pedestrian traffic in the area
- ❑ Weather conditions
- ❑ Characteristics of the roadway and the officer's familiarity with the roadway
- ❑ Pursuit location, such as a busy business district or a heavily populated residential neighborhood
- ❑ Time of day or night
- ❑ Nature of the offense
- ❑ Known circumstances that could lead to a situation in which the pursuing officer might lose control of the police vehicle
- ❑ Whether the identity of the offender is known

Occasionally, motorists do not react normally to police presence due to physical or mental impairments, including but not limited to, driving while intoxicated or under the influence of alcohol or drugs and certain medical conditions. Such persons may not stop upon observing a police signal. Following a motorist in such situations is not a vehicle pursuit, but requires notification and approval from the officer's supervisor.

After supervisory approval, the officer may only follow the motorist if the motorist obeys all traffic laws (excluding failing to stop). Once the motorist attempts to elude the officer by violating traffic laws, the officer shall cease any further attempts to

stop the motorist, unless the criteria for an authorized vehicle pursuit exists.

Closing in and stopping a motorist that is not attempting to flee and stops on police signal is not a vehicle pursuit.

2. Pursuit Driver's Responsibilities

(Transportation Article 21-405)

Under no circumstances will officers pursue at a speed so great as to render their vehicles uncontrollable, thereby endangering the lives of themselves or others.

Officers participating in a vehicle pursuit shall not proceed through intersections or against the direction of traffic signals or traffic control devices without first slowing or stopping. They shall ensure that they are in a clear position to see that no vehicles or pedestrians will be encountered.

No more than three vehicles shall be involved in a pursuit into a neighboring Maryland County, the District of Columbia, or Virginia, unless authorized by a Shift Commander. Officers shall notify the dispatcher of their intention to leave the County or State. Public Safety Communication (PSC) dispatchers shall notify the entered jurisdiction's police agency and keep them informed of the pursuit's status. Dispatchers shall notify the approving Shift Commander of the entered jurisdiction's involvement in the vehicle pursuit.

Pursuit units leaving the County or State will become secondary units when the neighboring jurisdiction enters the pursuit. Pursuits will be terminated as sufficient units of the entered jurisdiction join the pursuit.

Termination of the pursuit should be considered when officers of the entered jurisdiction are not available to take over the pursuit.

If officers of the entered jurisdiction successfully stop the suspect, the approving Shift Commander will direct necessary officers to respond to that location in a non-priority status.

If apprehension is made by Prince George's County Police officers in a neighboring Maryland County, officers may affect an arrest and return the suspect to Prince George's County without further legal process. However, if an officer of the neighboring jurisdiction requests that the suspect be processed at the neighboring jurisdiction's facilities before return, the arresting officer shall comply.

Emergency Equipment

No Departmental vehicle shall be used to initiate or participate in any vehicle pursuit unless it is equipped with emergency lights and siren. Emergency lights and siren shall be used throughout the pursuit. If more than one officer is involved in a pursuit, they should use different siren tones from each other.

In addition to emergency lights and siren, officers driving unmarked Departmental vehicles involved in pursuits shall use high beam or flashing headlights throughout their involvement.

To diminish the likelihood of a pursuit, officers intending to stop a vehicle will attempt to be close to the suspect vehicle before activating emergency signal devices.

3. Shift Commander's Responsibilities

Upon notification of a pursuit, the Shift Commander shall:

- ❑ Acknowledge via the radio that they are monitoring the pursuit
- ❑ Authorize or prohibit the continuation of the pursuit after obtaining all relevant information such as:
 - ❑ Seriousness of the offense that led to the pursuit
 - ❑ Reasonable expectation that the suspect(s) can be later identified for apprehension
 - ❑ Whether the suspect(s) would be of further danger to the community
- ❑ Determine the need for aerial support and advise PSC
- ❑ Determine the need for the tire deflation device
- ❑ Ensure only the authorized units are involved in the pursuit
- ❑ Ensure the pursuit is conducted within Departmental guidelines established in section 15. **Vehicle/Foot Pursuits Into Prince George's County** From Other Jurisdictions below are also followed
- ❑ Monitor and continuously assess the progress of the pursuit
- ❑ Consider the following factors in determining whether the pursuit will continue:
 - ❑ Type and speed of vehicle being pursued
 - ❑ Performance capabilities of the pursuit vehicle
 - ❑ Traffic conditions
 - ❑ Amount of pedestrian traffic in the area
 - ❑ Weather conditions

- ❑ Characteristics of the roadway and the officer's familiarity with the roadway
- ❑ Pursuit location, such as a busy business district or a heavily populated residential neighborhood
- ❑ Time of day or night
- ❑ Nature of the offense
- ❑ Known circumstances that could lead to a situation in which the pursuing officer might lose control of the police vehicle
- ❑ Whether the identity of the offender is known
- ❑ Information regarding number of occupants and weapons involved, if known

The Shift Commander shall assert control of the pursuit by:

- ❑ Monitoring and directing specific units into or out of the pursuit
- ❑ Re-designating primary, secondary, or other back-up unit responsibilities
- ❑ Approving or ordering alternative tactics
- ❑ Terminating the pursuit in accordance with Departmental policy

Only a Shift Commander may authorize units in the direct vicinity of a pursuit to respond priority to the area of the pursuit. Incoming units must exercise extraordinary caution when approaching the vicinity of the pursuit.

The Shift Commander who approves a pursuit shall be responsible for the entire pursuit until its conclusion. The Shift Commander approving the pursuit shall be responsible for completing all reports associated with the pursuit.

4. Radio Transmissions During Pursuits

Following evaluation of the circumstances and initiation of a vehicle pursuit, officers shall broadcast the following:

- ❑ Advise the dispatcher of the pursuit. The dispatcher shall immediately notify the Shift Commander and request authorization of the pursuit
- ❑ Location/direction of travel
- ❑ Vehicle license number (including state), color, make, and model
- ❑ Reason for pursuit
- ❑ Information regarding number of occupants and weapons involved, if known

Failure to transmit the above information as soon as possible may be cause for a Shift Commander to terminate the pursuit.

The primary pursuit officer shall maintain a clear narrative of the pursuit, providing speed and location to the dispatcher. They shall broadcast compass direction, hundred block numbers, and cross streets as necessary to describe the progress of the pursuit.

When officers become involved in vehicle pursuits as secondary units, they shall notify the dispatcher and limit radio transmissions to those essential to the pursuit or to acknowledge an inquiry. In certain cases, they may handle communications for the primary unit. Other back-up units will not advise their location or other information unless deemed necessary for apprehension efforts.

5. Uses & Restrictions for Certain Departmental Vehicles

An unmarked Departmental vehicle may be the primary pursuit unit, only if equipped with emergency lights and siren.

Officers operating Departmental two-wheeled vehicles shall not engage in a vehicle pursuit, unless their lack of involvement poses a significant threat to the safety of the public or other officers.

The above-listed vehicles may pursue until a marked cruiser assumes the primary pursuit role, after which they will become secondary units. Officers driving specialized vehicles will cease active pursuit when sufficient marked cruisers become secondary units.

Unmarked or marked Departmental vehicles that are not equipped with lights and siren shall not engage in pursuits.

Departmental vehicles occupied by civilians will not be used in pursuits unless the situation mandates an immediate pursuit and the circumstances prevent disembarking passengers.

6. PSC Responsibilities

PSC dispatchers shall provide all practical assistance to officers involved in a vehicle pursuit in accordance with PSC Standard Operating Procedures.

The dispatcher shall immediately notify the Shift Commander and request authorization for the continuation of any vehicle pursuit. If the Shift Commander is not available, a Shift Commander from another District shall be contacted for approval. If the dispatcher cannot contact a Shift Commander, the pursuit will be terminated.

When pursuits involve officers from more than one district, PSC shall determine the appropriate channel to broadcast the pursuit.

7. Pursuit Tactics

No more than one primary and two secondary units will participate in any vehicle pursuit. Any pursuit unit may request the Shift Commander to approve the use of additional units if it is believed that such assistance is necessary. Additional units shall be limited to the assistance needed for officer safety.

All units in pursuits, including the primary pursuit unit, shall space themselves at a distance that will ensure adequate reaction and braking time in the event any leading vehicle stops, slows, or turns.

Officers and Shift Commanders involved in a vehicle pursuit must continually assess the pursuit and consider alternatives. Alternative strategies may include, but are not limited to tire deflation, aircraft observation, and termination of the pursuit.

8. Aviation Section

Once the Shift Commander has determined the need for aerial support, the Shift Commander will notify PSC.

When an aviation unit arrives and direct radio contact is established with PSC, it becomes the primary pursuit unit. The primary pursuit ground unit and the secondary ground unit shall then restrict radio communications, decrease speed, and follow at a safe distance.

Aviation units will be given radio priority to relay speed, direction of travel, potential hazards, and possible apprehension sites to patrol units and supervisors.

VOLUME II, CHAPTER 48. PURSUITS

When the Shift Commander determines the ground pursuit is to be terminated, the Shift Commander shall notify the Aviation Section to:

- ❑ Continue observation of the suspect vehicle, or
- ❑ Abandon further efforts

The decision to terminate the assistance of an aviation unit is the Shift Commander's responsibility and will be dictated by the circumstances.

When a ground pursuit is terminated and continued assistance is requested from an aviation unit, the observer will continue to broadcast the direction of travel and other pertinent information. Uniformed patrol units will proceed in a non-emergency mode. They shall parallel the movement of the suspect vehicle, and position themselves for apprehension once the vehicle has stopped.

When necessary, an aviation unit will assist in establishing a perimeter and maintain observation until the suspect has been apprehended or a Shift Commander verifies that the perimeter has been secured.

The use of the searchlight or the forward-looking infrared detector (FLIR) will be at the observer's discretion.

9. Tire Deflation Devices

An alternative to stopping a vehicle being pursued, or to reduce the speed of a vehicle that may be fleeing from an officer, is the use of a Tire Deflation Device. Only Department approved Tire Deflation Devices may be used by officers.

Tire Deflation Devices are issued in an assortment of sizes for different implementation strategies. These include:

- ❑ Full traffic lane coverage
- ❑ Coverage of one side of a vehicle
- ❑ Coverage of a single tire

Use of a Tire Deflation Device on a moving vehicle will be accomplished only with a full traffic lane coverage device. Whenever possible, prior to the deployment of a Tire Deflation Device on a moving vehicle, the deploying officer will request the approval of a Shift Commander. The deploying officer will broadcast the location to PSC that the Tire Deflation Device is deployed, including the street/road name, direction and lane number.

Officers will allow enough clearance between the moving vehicle and police vehicles to allow the Tire Deflation Device to be removed from the roadway.

Tire Deflation Devices not designed for full lane coverage will only be deployed when the target vehicle is stopped or parked. Whenever possible, prior to the deployment of a Tire Deflation Device on a stopped or parked vehicle, the deploying officer will request the approval of a Shift Commander. The deploying officer will broadcast the location to PSC that the Tire Deflation Device is deployed, including street/road, direction, vehicle/suspect description and reason for deployment.

Tire Deflation Devices may be deployed with a Shift Commander's approval in situations in which a pursuit would not otherwise be authorized. These situations include serious traffic violations or motor vehicle offenses that create a continuing threat or danger to the public or other police officers, such as:

- ❑ Stolen autos that fail to stop
- ❑ Reckless/negligent driving

VOLUME II, CHAPTER 48. PURSUITS

- ❑ Known armed individuals that fail to stop
- ❑ Tactical situations such as barricades, civil disturbances, or warrant services
- ❑ DWI

This list is not inclusive.

Only officers who have received both classroom and practical training in use of a Tire Deflation Device may deploy it. The Training and Education Division (TED) shall maintain a training program in the use of authorized Tire Deflation Devices.

At no time when deploying a Tire Deflation Device shall cords or other parts of the device be held or wrapped around the deploying officer's wrist, hand, arms or other body parts, including clothing or gear. Cords shall be laid on the ground until the Tire Deflation Device is struck by the wanted vehicle. Once deployed, the Tire Deflation Device shall be immediately removed from the roadway.

A Tire Deflation Device shall not be used in the following situations:

- ❑ When two or three wheeled motorcycles or four-wheel all-terrain vehicles are involved
- ❑ There is deliberate contact between vehicles
- ❑ On exit ramps, merge lanes or turn lanes
- ❑ When non-involved vehicles may be damaged

Tire Deflation Devices may not be deployed outside of Prince George's County. All uses of a Tire Deflation Device shall be documented and forwarded to the Tire Deflation Device Coordinator and the Internal Affairs Division (IAD), prior to the end of duty.

Replacement of deployed Tire Deflation Devices will be the responsibility of the Tire Deflation Device Coordinator. The deploying officer shall arrange for replacement of the deployed Tire Deflation Device within 72 hours, by delivering the deployed device to the Tire Deflation Device Coordinator.

10. Prohibited Tactics

The following pursuit tactics are prohibited:

- ❑ Deliberate contact between vehicles
- ❑ Forcing the pursued vehicle into parked cars, ditches, or any other obstacle
- ❑ Pulling up alongside the pursued vehicle while it is in motion
- ❑ Caravanning: the following and direct participation in a pursuit by Departmental vehicles other than the primary pursuit unit and secondary pursuit units
- ❑ Passing: there shall be no attempt by officers to pass the primary pursuit unit unless the passing officer receives specific permission from the primary pursuing officer or a supervisor
- ❑ Primary and secondary units shall not drive parallel to each other during a pursuit, except during an authorized pass
- ❑ Heading Off (Forced Stopping): maneuvering a Departmental vehicle into the path of the pursued vehicle in an attempt to force it to stop
- ❑ Roadblock: any method of restriction (including partial restriction) or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to affect the apprehension of an actual or suspected violator in a motor vehicle
- ❑ Sobriety checkpoints and road closures due to special events,

VOLUME II, CHAPTER 48. PURSUITS

accidents, weather or traffic conditions are not affected

❑ **Boxing In (Rolling Roadblock):** a deliberate technique by two or more Departmental vehicles to force a pursued vehicle in a specific direction, or to force a pursued vehicle to stop or reduce speed by the maneuvering of Departmental vehicles in front of, behind, or beside a pursued vehicle

- ❑ This does not prohibit “takedowns” by SOD or other covert units who use this technique in non-pursuit situations to box in and apprehend criminal suspects

11. Termination of Pursuit

Everyone involved has the responsibility to closely monitor the progress of each pursuit. The need for apprehension must be weighed against the dangers created by the pursuit.

When a termination is ordered, everyone shall do so immediately and verbally acknowledge the termination via the radio.

The vehicle pursuit shall be immediately terminated when:

- ❑ Further pursuit will be futile
- ❑ There is an equipment failure involving:
 - ❑ An emergency signal device
 - ❑ A radio
 - ❑ The brakes
 - ❑ The steering
 - ❑ Other essential mechanical equipment
 - ❑ Damage to a Departmental vehicle which creates a driving hazard
- ❑ When the pursuit causes a clear and unreasonable danger to the officer, fleeing motorist, or other persons and the

danger is greater than the value of apprehending the suspect

- ❑ A clear danger exists when speeds dangerously exceed the normal flow of traffic, or when vehicular or pedestrian traffic necessitates dangerous maneuvering that exceeds the performance capabilities of the vehicle or driver

Factors to be considered in determining whether the pursuit will continue are:

- ❑ Speed, road, weather conditions, and hour of the day
- ❑ Pedestrian and vehicular traffic
- ❑ Seriousness of the offense that led to the pursuit
- ❑ Reasonable expectation that violators can later be identified for apprehension
- ❑ Whether the suspect would be of further danger to the community
- ❑ The officer is unfamiliar with the area or is unable to accurately notify PSC of their location and the direction in which the pursuit is proceeding
- ❑ The pursuing officer knows or has reason to believe the fleeing vehicle is being operated by an individual who is driving in such an unsafe manner that it is obvious that they do not have the physical or mental capabilities to deal with the dangers involved

12. Apprehension

Safety is critical when the suspect’s vehicle is stopped. Therefore, officers shall maintain self-control and strict operational discipline consistent with their training and officer safety practices. Officers should maintain cover and concealment and use safe arrest methods.

13. Assisting Other Agencies with Pursuits

These incidents will be handled in accordance with provisions of **I. POLICY** above, and section 15. Vehicle/Foot Pursuits Into Prince George's County From Other Jurisdictions below. Officers and Shift Commanders will also consider the factors in section 11. Termination of Pursuit above, when evaluating the necessity of participating in pursuits initiated by other agencies.

14. Post-Pursuit Requirements

Evaluation of officer performance and feedback are essential to maintaining and improving the way officers perform their duties. Pursuit reviews are also used to ensure compliance with Departmental policy and procedures. To accomplish this, each pursuit will be documented on a Pursuit Critique Report. Pursuit Critique Reports will be tracked monthly by the Deputy Chief, Bureau of Patrol.

Based on the actions taken by the involved officers, the Shift Commander of the area where the pursuit was initiated will determine if the incident should be classified as a vehicle pursuit. If so, that Shift Commander shall obtain a "P#" from PSC prior to the conclusion of the tour of duty in which the pursuit occurred, and include this number in the report in the designated space. The Shift Commander shall hold a pursuit critique to evaluate the pursuit and comment on the following areas:

- ❑ Tactical considerations
- ❑ Training/safety considerations
- ❑ Possible alternatives
- ❑ Adequacy of Departmental policy on vehicular pursuit
- ❑ Adherence to Departmental policy

- ❑ Proper use of the in-car camera

After the critique meeting, the Shift Commander shall complete the Pursuit Critique Report. The report will contain the details of the pursuit, and include the use of tire deflation devices and/or an Aviation unit, if applicable.

The pursuing officer's supervisor will also review the report and provide feedback in either written or verbal format. The supervisor's comments will be included with that of the Shift Commander.

The Shift Commander shall submit the written critique of the pursuit, through the chain of command, to the Deputy Chief, Bureau of Patrol, within 7 calendar days of the pursuit. The Deputy Chief, Bureau of Patrol shall forward a copy of the completed report to the Internal Affairs Division and the TED.

Deputy Chief, Bureau of Patrol, shall complete an annual analysis of vehicle pursuits.

15. Vehicle/Foot Pursuits Into Prince George's County from Other Jurisdictions

When officers from other jurisdictions pursue a suspect into the County, PGPD officers will only join the pursuit if:

- ❑ The pursuing jurisdiction notifies the Department of the offense for which the suspect is wanted
- ❑ The offense meets criteria for pursuits within the boundaries of Prince George's County as specified in section **I. POLICY**, above

If these guidelines are met, the Shift Commander may authorize PGPD officers to

VOLUME II, CHAPTER 48. PURSUITS

assist officers from other jurisdictions that enter the County in fresh pursuit of a suspect. Assistance includes, but is not limited to, transporting prisoners, investigative support, evidence processing, and providing equipment.

All factors from section **11. Termination of Pursuit** above, must be considered when evaluating the necessity of participating in pursuits initiated by other agencies.

The agency initiating the pursuit is responsible for the arrest and coordination of all reports, citations, and criminal charges.

Confirmation of Probable Cause

PGPD officers are not required to confirm probable cause or examine all facts of a case before rendering general assistance to officers from other jurisdictions. They shall initially rely upon a good faith expectation that the other officer is acting properly unless circumstances suggest otherwise.

Before any PGPD officer transports a prisoner, accepts custody of a prisoner, or makes an arrest, the facts of the case shall be examined and the probable cause confirmed by a Shift Commander.

If the Shift Commander doubts the probable cause or finds the outside officer's actions improper, the Shift Commander shall ensure that no transfer of prisoner custody occurs and that the prisoner is not transported by a PGPD officer. Obtaining an alternative means of transport is the outside officer's responsibility.

If probable cause is judged insufficient or the outside officer's actions are deemed improper, the outside officer shall be allowed the use of Departmental facilities, including cells and processing equipment, to

expedite the prisoner's presentment to a commissioner. However, a PGPD desk officer shall not accept custody of the prisoner. The desk officer shall limit their control over the prisoner to the extent necessary to ensure the safety and security of all persons within the processing facility.

16. Arrests Emanating from Pursuits into the County

When a PGPD officer assists an officer from another State, or the District of Columbia, with a fresh pursuit arrest, the PGPD officer shall request that a Shift Commander respond to the scene.

The Shift Commander shall interview the officer from the outside State, or the District of Columbia, to determine whether the suspect committed a crime in the County.

Pursuits with Crimes Committed in the County

If the Shift Commander determines a crime has been committed in the County, he/she shall assign a PGPD officer to charge the suspect.

All records shall be titled with the appropriate criminal violation. If the outside agency is the Metropolitan Police Department (MPD), the Shift Commander shall determine if the MPD officer intends to file charges for crimes occurring in the District of Columbia.

The Shift Commander shall advise the MPD officer that if the suspect is to be held for the crimes committed in the District, a teletype message must be sent to the PGPD Teletype Unit authorizing the federal removal. This allows the Department of Corrections (DOC) to hold the suspect once they have been charged for the crimes committed in the

VOLUME II, CHAPTER 48. PURSUITS

County. A copy of the official teletype shall be given to a DOC officer working at the Regional Processing Center where the suspect is processed.

If the officer is from an outside state, the Shift Commander shall determine if the officer plans to file charges in their home jurisdiction.

The Shift Commander shall advise the out-of-state officer that if that if the suspect is to be held for crimes committed in their jurisdiction, a teletype message must be sent to the PGPD Teletype Unit stating the suspect will be extradited for a warrant issued in that state. This allows DOC to hold the suspect once they have been charged for the crimes committed in the County. A copy of the official teletype shall be given to a DOC officer at the Regional Processing Center where the suspect is processed.

Pursuits With Crimes Not Committed in the County

Fresh Pursuit From DC

If the officer is from MPD, a PGPD Shift Commander will interview the MPD officer to determine if criminal charges are going to be pursued for felonies committed in the District of Columbia.

Before accepting custody, the Shift Commander shall ensure:

- ❑ The MPD officer on the scene contacts the U.S. Attorney's Office to request that a federal removal be authorized
- ❑ That an initial teletype message is sent to the Teletype Unit of the Department. This initial teletype authorizes detention of the suspect until the official teletype authorizing the federal removal is

received. The initial teletype must contain:

- ❑ The name of the authorizing U.S. Attorney
- ❑ The name, DOB, sex, and race of the suspect
- ❑ A notation that an official teletype authorizing FEDERAL REMOVAL will be forthcoming

The Teletype Unit shall fax the initial teletype to the Regional Processing Facility in Upper Marlboro. A PGPD officer shall then transport the suspect to DOC, Upper Marlboro and transfer custody to DOC pending federal removal to the District of Columbia. Upon receiving the official teletype, the Teletype Unit shall fax a copy to DOC, Upper Marlboro.

The MPD officer may return to the District of Columbia to complete the necessary paperwork for the issuance of a federal removal.

Fresh Pursuit From Another State

If the officer is from another state, a PGPD Shift Commander will interview the officer to determine if criminal charges are going to be pursued for felonies committed in their jurisdiction. Based on their interview, the Shift Commander shall determine if there are reasonable grounds to believe a felony occurred in the out-of-state officer's jurisdiction.

If the Shift Commander believes there are reasonable grounds, he or she shall assign an officer to transport the suspect to DOC, Upper Marlboro. The officer shall remain until the PGPD Teletype Unit has faxed the teletype from out-of-state officer's jurisdiction that authorizes extradition.

VOLUME II, CHAPTER 48. PURSUITS

The out-of-state officer may return to their jurisdiction to complete the necessary paperwork for the issuance of the extradition. If the teletype is not received within a reasonable amount of time, the PGPD officer shall notify his Shift Commander that the teletype has not been sent. The Shift Commander shall contact the out-of-state officer to determine whether the suspect will continue to be held. The decision to release the suspect may be based upon available manpower, seriousness of the crime, and calls for service.

Federal Agencies

Shift Commanders shall respond to fresh pursuits into the County involving federal agencies. The Shift Commander will confer with the ranking Federal officer on the scene to determine appropriate jurisdictional and charging protocol.

Fresh Pursuits

In all fresh pursuits into the County, a PGPD officer shall complete a Case Record. The Case Record shall include the following:

- ❑ The federal agent or out-of-state/MPD officer's name, I.D. number, and agency phone number
- ❑ Names, addresses, and phone numbers of all victims, witnesses, and suspects
- ❑ Description of the actions of the federal agent or out-of-state/MPD officer and the assistance of the PGPD officers, indicating whether any transfer of the prisoner custody occurred

The Shift Commander shall forward a copy of the Case Record to the Deputy Chief, Bureau of Patrol prior to the end of their watch. The Shift Commander shall also complete all actions under section **14. Post-**

Pursuit Requirements, if PGPD officers participated in a pursuit.

PGPD officers that assist outside officers with fresh pursuit actions shall request that the outside officer or agency forward copies of the other agency's reports to PGPD.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.5, 26.1.1, 41.1.4, 41.2.2, 41.2.3, 61.3.4, 81.2.5, 81.2.6, 81.2.10, 81.3.4

Governing Legislation:

- ❑ Transportation Article, Sections 21-106 & 21-405
- ❑ United States Code 28USC1446