



INDEPENDENT INVESTIGATIONS DIVISION

Report Concerning the Police-Involved Fatal Incident in
Charles County, Maryland, on March 11, 2022

October 3, 2022

**Report of the Independent Investigations Division of the Maryland
Office of the Attorney General Concerning the Officer-Involved
Death of Darell McThaniel Byrd on March 11, 2022**

Pursuant to Md. Code, State Gov't § 6-106.2,¹ the Office of the Attorney General's Independent Investigations Division (the "IID") provides this report to Charles County State's Attorney Anthony Covington regarding the officer-involved death of Darell McThaniel Byrd.

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 September 30, 2022. This report is being provided to Charles County State's Attorney Anthony Covington on October 3, 2022.

I. Introduction

Mr. Byrd died when the car he was driving struck a tree during a police pursuit on March 11, 2022. The incident began shortly after 4:00 a.m., when the Charles County Sheriff's Office ("CCSO") received a report that a driver had crashed into a parked car on Pine Cone Circle in Waldorf, Maryland. The driver had fled on foot, but a witness identified the crashed car as Mr. Byrd's. While CCSO officers were on scene, they saw Mr. Byrd driving another vehicle, a white pickup truck, through the neighborhood. At 4:47 a.m., CCSO Officer Shayne Cannon attempted a traffic stop of the truck. Mr. Byrd initially stopped but then drove away. Officer Cannon followed him, and two other CCSO officers, Officer Kenneth Barry and Officer Shawn Griffith, joined the pursuit. Less than one minute after beginning to flee, Mr. Byrd lost control of the truck and crashed into trees along St. Charles Parkway. He was pronounced dead at the scene at 5:00 a.m.

This report details the IID's investigative findings based on a review of physical evidence, crash scene analysis, autopsy reports, video and audio recordings, officers' written reports, and personnel records for the officers involved. The IID also interviewed civilian witnesses, responding officers, and a paramedic who responded to the crash. All materials reviewed in this investigation are being provided to the Charles 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 departmental policies, and Maryland case law to assess whether any charge could be supported by the facts of this incident. Because the Charles 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 any individuals should or should not be charged.

¹ The IID's enabling statute is now Md. Code, State Gov't § 6-602. The citations here reflect the enabling statute effective at the time of this incident.

II. Factual Findings

The following findings are based on a forensic examination of the crash scene as well as review of in-car video, radio transmissions, analyses from the Maryland State Police Crash Team and Medical Examiner, and interviews with civilian and law enforcement witnesses. CCSO officers are equipped with in-car dashboard cameras but not body-worn cameras.

On March 11, 2022, at 4:06 a.m., several CCSO officers responded to a report of a hit-and-run in the 3900 block of Pine Cone Circle in Waldorf, Maryland. A red Ford Focus had struck an unoccupied parked car, and the Focus's driver had fled on foot. A woman, [REDACTED] came to the crash scene and reported that her husband, Darell Byrd, had been driving the Focus.

At 4:47 a.m., while speaking with officers at the hit-and-run scene, [REDACTED] saw Mr. Byrd driving through the neighborhood in another vehicle, a white pickup truck. On dispatchers' audio recordings, an officer can be heard saying, "He's right here," and, "Stop that white truck." Officer Cannon immediately began following the truck as it turned off Pine Cone Circle onto Huntington Woods Drive, approximately one block from the hit-and-run.

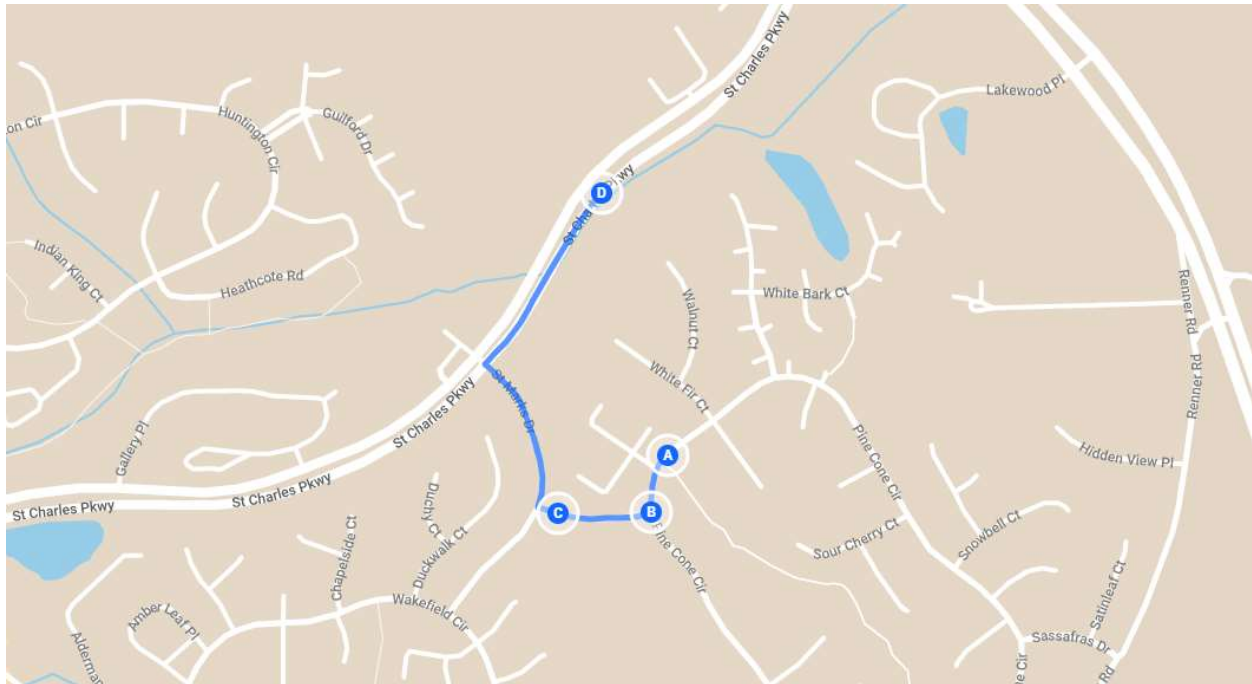


Image 1: Map of the area of the hit-and-run and pursuit, including the approximate locations of: (A) the initial hit-and-run; (B) where officers first saw Mr. Byrd's truck; (C) the attempted traffic stop; and (D) the ultimate crash.

Officer Cannon pulled behind the truck and activated his emergency lights after turning onto Huntington Woods Drive.



Image 2: In-car video from Officer Cannon's patrol car immediately before the attempted stop.

Officer Cannon's in-car video shows that Mr. Byrd was straddling the center double-yellow lane line before he stopped the truck along the right curb. Seven seconds later, as Officer Cannon got out of his patrol car, Mr. Byrd began driving away. Officer Cannon got back into his patrol car, activated his siren, and followed Mr. Byrd. Mr. Byrd soon stopped at a stop sign at the intersection of Huntington Woods Drive and St. Marks Drive. Officer Cannon again started to get out of his patrol car, but Mr. Byrd again continued driving, turning right onto St. Marks Drive. Officer Cannon followed him, and Officer Griffith joined the pursuit behind Officer Cannon. Both officers had their lights and sirens activated.

The officers' pursuit of Mr. Byrd lasted less than one minute. After turning onto St. Marks Drive, Mr. Byrd drove approximately one-tenth of a mile before turning onto St. Charles Parkway, not stopping for the red light. After he turned, Officer Barry joined the pursuit, pulling between Mr. Byrd and Officer Cannon. Officer Barry's in-car video shows that Mr. Byrd's truck swerved onto the right shoulder and then left across the center lane line as he drove northbound on St. Charles Parkway. After approximately two-tenths of a mile, at 4:48 a.m., Mr. Byrd lost control of the truck and crashed into trees on the left side of the roadway.



Image 3: In-car video from Officer Cannon’s patrol car showing Mr. Byrd’s truck immediately after it crashed. The truck’s rear is off the left side of St. Charles Parkway; its front is horizontal across the left lane of the road. Officer Barry’s patrol car is seen on the right shoulder of the road.

Analysis by the Maryland State Police (“MSP”) Crash Team found that, based on the truck’s data recorder, Mr. Byrd had been traveling between 82 and 96 miles per hour in the five seconds before the crash. The posted speed limit in the area is 45 miles per hour. The Crash Team found that the truck drove off the left side of St. Charles Parkway, hit a tree, rotated, and then struck “numerous” additional trees before coming to rest as pictured above.

Officers’ dashboard camera videos show that, throughout the pursuit, they maintained at least several car-lengths’ distance between themselves and Mr. Byrd’s truck. The patrol cars’ camera systems show that Officer Barry traveled at up to 78 miles per hour; Officers Cannon and Griffith traveled at maximum speeds of 68 and 64 miles per hour, respectively. All three officers had their lights and sirens activated while in pursuit. They did not pass any other moving vehicles or pedestrians.

After the crash, Officer Barry immediately radioed that the truck, “just 10-50ed [crashed].” Officers Cannon and Barry approached the truck slowly and Officer Barry yelled, “Let me see your hands,” to Mr. Byrd. Mr. Byrd did not respond. Just over a minute later, after slowly approaching the driver’s door of the truck, Officer Barry radioed, “Start EMS [emergency medical services].” Officer Griffith then radioed that the crash was likely fatal. Paramedics arrived five minutes later. Multiple officers monitored Mr. Byrd before paramedics arrived, though in-car video does not show what aid was administered because the driver’s side of the truck, where Mr. Byrd sat, was facing away from officers’ cruisers. CCSO Officer Karl Newman and Lieutenant Daniel Major, when later interviewed by investigators, said that Officer Griffith performed CPR. Paramedic Michael Turner reported the same, though he did not mention Officer Griffith by name. In their reports, Mr. Turner and Paramedic Karen Evans did not state

that paramedics provided any aid. Mr. Turner wrote that Mr. Byrd had no pulse when he arrived, and that he observed likely severe internal injuries. Ms. Evans reported that Mr. Byrd had “obvious incapacitated injuries.” Mr. Turner pronounced Mr. Byrd dead at 5:00 a.m.

III. Investigation

The IID began its investigation immediately after the crash. This section summarizes the initial response, MSP Crash Team’s analysis, Medical Examiner’s report, and civilian and law-enforcement witnesses’ statements.

A. Initial Response

CCSO officers responded to and secured the crash scene within one minute of the crash. Pursuant to Md. Code, State Gov’t § 6-602 and IID protocols, CCSO notified MSP that there had been an officer-involved fatality. IID and MSP personnel responded to the scene and assumed control of the investigation.

B. Crash Investigative Report

The MSP Crash Team prepared a Detailed Crash Investigative Report analyzing this incident. The Crash Team’s analysis included examination of physical evidence of the scene—such as tire marks, roadway conditions, and damage to the truck—and review of dashboard camera video, officer and civilian witness statements, and the truck’s electronic data recorder. The Crash Team’s conclusions are summarized in Section II, above.

C. Medical Examination

Mr. Byrd’s autopsy was conducted by Deputy Chief Medical Examiner John A. Stash, D.O., on March 12, 2022. The autopsy report was sent to the IID on September 9, 2022. Dr. Stash identified Mr. Byrd’s cause of death as: “Multiple Injuries.” He deemed the manner of death to be: “Accident.”²

Dr. Stash identified numerous injuries during the autopsy. These injuries included: fractures of Mr. Byrd’s skull, clavicle, and ribs; lacerations of the brain, heart, aorta, left lung, liver, kidney, and tongue; bleeding around the brain and in the chest cavity; transections of the pulmonary artery, pulmonary vein, and airway connecting the trachea to the left lung; and numerous external abrasions and lacerations.

Toxicology testing showed Mr. Byrd’s blood alcohol concentration to be 0.27%.³ Testing also showed cocaine in Mr. Byrd’s blood, at a concentration of less than 0.05 mg/L.

² Manner of death is a classification used to define whether a death is from intentional causes, unintentional causes, natural causes, or undetermined causes. “Accident” is one of six categories used by the Office of the Chief Medical Examiner of Maryland and applies when injuries cause the death in question and there is little or no evidence that the injuries occurred with the intent to harm or cause death. The term is not a legal determination.

³ Under Maryland law, a person who has a BAC level of 0.08% or greater is presumed to be under the influence of alcohol or “under the influence per se.” Md. Code, Courts and Judicial Proceedings § 10-307(g).

D. Civilian Witness Statements

██████████ Mr. Byrd's wife, was present after the hit-and-run and spoke with investigators after the fatal crash. Investigators also made several attempts to speak with Mr. Byrd's adult daughter and with the neighbor who first reported the hit-and-run, but investigators were not able to obtain statements from either.

██████████ reported that she was sleeping when Mr. Byrd woke her up shortly before 4:00 a.m. She said she soon realized that he had left the house with her car, the Ford Focus that was involved in the hit-and-run. Minutes later, Mr. Byrd called and said, "I just crashed into a car." ██████████ said that Mr. Byrd left the Focus where he had hit the parked car.

██████████ said she spoke to neighbors and responding officers, and that she then waited at the scene of the hit-and-run. As described above, at 4:47 a.m., ██████████ saw Mr. Byrd driving in the neighborhood in his white truck. When officers followed Mr. Byrd, ██████████ followed them in her daughter's car to the ultimate crash scene, but she said she did not witness the crash.

██████████ also said that Mr. Byrd had been drinking for approximately 14 hours prior to the crash. They had attended a funeral midday on March 10. Mr. Byrd began drinking after the funeral and continued drinking throughout the day.

E. Paramedics' Statements

Paramedics Michael Turner and Karen Evans completed reports documenting their responses to the crash. Mr. Turner also sat for an interview with IID investigators and provided an account consistent with his written report. Mr. Turner and Ms. Evans noted significant debris in the roadway near the crash. Both wrote that Mr. Byrd was in the driver's seat when they arrived, and they observed ██████████
Redacted - protected medical information.

██████████ Ms. Evans reported that Mr. Byrd had suffered "obvious incapacitated injuries." Mr. Turner also noted that Mr. Byrd ██████████ and that Mr. Byrd's injuries were too severe for medical aid to offer any benefit. Mr. Turner pronounced Mr. Byrd dead at 5:00 a.m.

F. Law Enforcement Officers' Statements

Officers Cannon, Barry, and Griffith, like the subjects of any investigation, have the right under the Fifth Amendment to not make any statement. All three declined to be interviewed by investigators. Three responding CCSO officers—Officer Karl Newman, Sergeant Jonathan Hornickel, and Lieutenant Daniel Major—gave interviews to the IID.

Officer Newman stated that he responded to the scene of the hit-and-run and spoke to ██████████ He recalled ██████████ saying that Mr. Byrd had called her to say he had just crashed his car and that he then hung up. Officer Newman asked ██████████ to call their house to see if Mr. Byrd was home. When ██████████ called, her daughter said Mr. Byrd had just left in the truck. ██████████

gave a description of the truck, which Officer Newman relayed by radio. As he did so, [REDACTED] pointed out the truck driving nearby. Officer Newman did not immediately pursue Mr. Byrd because other officers had already engaged him. He said that when he arrived at the ultimate crash scene, Officer Griffith was performing CPR on Mr. Byrd.

Sergeant Hornickel reported that he monitored this incident by radio after reports of the hit-and-run. He said that when he heard reports of a “10-80 [pursuit]” he asked by radio if the driver was the hit-and-run suspect. He said that after he did so, an officer radioed that the vehicle had crashed. He also said that officers soon radioed that there appeared to be a fatality.

Lieutenant Major stated that he responded to the hit-and-run scene approximately 20 or 30 minutes after other officers had first arrived. He said that while on his way, he heard Officer Cannon report a vehicle registration number, as if for a traffic stop, and then report a “10-80 [pursuit].” He said he heard Sgt. Hornickel ask if the driver was the hit-and-run suspect, and that immediately afterward either Officer Cannon or Officer Barry reported the crash. Lt. Major said Officer Griffith soon advised the crash was a “Frank [fatal].” Lt. Major said that when he arrived on scene, Officer Griffith was performing CPR on Mr. Byrd.

CCSO’s Police Vehicle Pursuit Policy provides that, after any pursuit, supervisors must complete a Pursuit Report and Form #226A, a report analyzing the officer’s conduct during the pursuit. Sergeant Elizabeth Clark completed a Vehicle Pursuit Report and found the pursuit to be justified. CCSO’s Office of Professional Responsibility also reviewed the pursuit and found no violations of departmental policy.

IV. Involved Parties’ Backgrounds

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

In this case, this information did not affect the analysis of potential criminal charges.

Darell McThaniel Byrd: Mr. Byrd was a 50-year-old Black male who lived in Waldorf, Maryland.

CCSO Officer Shayne Cannon: Officer Cannon was hired by CCSO on June 8, 2020. He is a white man and was 25 years old at the time of this incident. Officer Cannon has been involved in one prior pursuit and was found to have unsafely pulled his patrol car in front of another officer’s; he received verbal counseling and training.

CCSO Officer Kenneth Barry: Officer Barry was hired by CCSO on July 12, 2013. He is a Black man and was 35 years old at the time of this incident. Officer Barry has been involved in two prior pursuits. In a 2017 pursuit, he was found to have traveled at “excessive” speeds without his lights and sirens on, and to have improperly pursued a vehicle when he did not have reason to believe the driver had committed a traffic violation in Charles County; the incident was

documented in his personnel file. In a 2019 pursuit, he was found to have not provided updates regarding his speed and location; this was addressed with him in an after-action review.

CCSO Officer Shawn Griffith: Officer Griffith was hired by CCSO on September 6, 2016. He is a white man and was 39 years old at the time of this incident. Officer Griffith has no internal affairs investigations that were found to be substantiated. He has not been involved in any other vehicle pursuits.

V. Applicable Policies

CCSO has the following policies concerning vehicle pursuits and rendering medical aid. The complete policies are attached as Appendix B.

Administrative and Operations Manual, Section 4-302: Police Vehicle Pursuits

[REDACTED]
Redacted due to CCSO policy against disclosure of operational protocols.
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Administrative and Operations Manual, Section 4-400: Vehicle Crashes

When officers respond to a crash scene, CCSO policy requires “that persons involved are checked for injuries, emergency aid is given for life-threatening injuries[,] and paramedics and ambulances are summoned.”

VI. Applicable Law & Analysis

The IID analyzed Maryland statutes and common law 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 Vessel⁴

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.”

⁴ 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). This report will, however, analyze a potential involuntary manslaughter charge with respect to the officers’ response to the crash.

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 [the decedent].” 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 any of the officers’ driving was itself wanton or reckless. See *Duren*, 203 Md. at 584 (grossly negligent driving consists of “a lessening of the control of the vehicle to the point where such lack of effective control is likely at any moment to bring harm to another”). All three officers maintained control of their vehicles throughout the pursuit, stayed several car-lengths from Mr. Byrd and each other, and used their lights and sirens. There were also no other moving vehicles or pedestrians on the road at any point during the pursuit.

Because the available evidence does not indicate that any officer 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)⁵; *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 indicates that all three officers complied with CCSO’s vehicle pursuit policy. They used their patrol cars’ lights and sirens, provided distance between each other and Mr. Byrd’s truck, traveled at reasonable speeds given road and traffic conditions, and engaged in the pursuit with reason to believe that Mr. Byrd was a threat to public safety because of the recent hit-and-run crash. While the officers did not provide updates regarding factors such as speed or traffic conditions during the pursuit, that is likely attributable to the fact that the pursuit lasted less than 40 seconds. When Sgt. Hornickel asked if the driver was the suspect in the hit-and-run, an officer responded that the truck had crashed; there was not time for officers to share any information about the pursuit before it concluded. Based on this evidence, there is no indication that any officer acted with gross negligence.

⁵ 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.

Additionally, in the absence of grossly negligent conduct, the available evidence would not support a conclusion that the officers caused Mr. Byrd's death, as required to satisfy the third element of a manslaughter by vehicle charge. *Craig v. State*, 220 Md. 590, 597 (1959).

B. Criminally Negligent Manslaughter by Vehicle or Vessel

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. (d) It is not a violation of this section for a person to cause the death of another as the result of the person’s driving, operating, or controlling a vehicle or vessel in a negligent manner.”

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 any officer created an unjustifiable risk that was a gross deviation from a reasonable standard of care.

C. Involuntary Manslaughter

While the charge of involuntary manslaughter is preempted by the manslaughter by vehicle statute with respect to the officers’ actions while driving, it would not be preempted with respect to officers’ actions following the crash. This section will therefore analyze officers’ actions only after the Camry’s crash.

To prove involuntary manslaughter, the State must prove: “(1) that the defendant acted in a grossly negligent manner; and (2) that this grossly negligent conduct caused the death of [the decedent].” MPJI-Cr 4:17.9 Homicide—Involuntary Manslaughter (Grossly Negligent Act and Unlawful Act), MPJI-Cr 4:17.9 (2d ed. 2021). As discussed above, gross negligence is conduct which “amount[s] to a wanton and reckless disregard for human life.” *Duren*, 203 Md. at 588.

The available evidence does not indicate that officers' responses to the crash were grossly negligent. Officers acted in accordance with departmental policies, which call for officers to utilize EMS and provide aid if possible. Officers called for EMS after observing Mr. Byrd's injuries, and multiple officers and a paramedic reported that Officer Griffith attempted CPR. When paramedics arrived eight minutes after the crash, they confirmed that Mr. Byrd's injuries were too severe for him to survive.

Additionally, in the absence of grossly negligent conduct, and given the severity of his injuries, the available evidence would not support a conclusion that officers caused Mr. Byrd's death, as required to satisfy the second element of an involuntary manslaughter charge. *Craig*, 220 Md. at 597.

D. 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.

For the reasons discussed above with respect to the potential charge of involuntary manslaughter, the available evidence does not indicate that officers failed to offer reasonable assistance to Mr. Byrd. Officers promptly notified their dispatcher of the crash, called for EMS when they saw Mr. Byrd's injuries, and attempted CPR before paramedics arrived.

E. 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, the officers maintained a distance of several car-lengths from the truck, maintained control of their vehicles, used their lights and sirens, and traveled at reasonable speeds given road and traffic conditions. The available evidence does not indicate that they drove recklessly or negligently.

F. Other Charges Considered⁶

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 that any officer intended to kill or cause serious bodily harm to Mr. Byrd.

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 [the decedent]” 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). With respect to the response to the crash, as discussed in the involuntary manslaughter section above, there is no evidence suggesting that any officer “created a very high degree of risk of life” or “acted with extreme disregard.”

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)). In this incident, as discussed above, there is no evidence that any officer acted unlawfully or with a corrupt intent, defined as “depravity, perversion, or taint.” *Pinheiro v. State*, 244 Md. App. 703, 722 n. 8 (2020).

⁶ 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 March 11, 2022, in Waldorf, Maryland. Please feel free to contact the IID if you would like us to supplement this report through any further investigation or analysis.

Appendices

Appendix A – Materials Reviewed

911 Call (1 recording)
Computer-Aided Dispatch Reports (3 documents)
CCSO Radio Transmissions (1 recording)
CCSO Reports (6 documents)
Civilian Witness Statement (1 recording)
Dashboard Camera Video (3 videos)
EMS Report and Statement (1 recording, 1 document)
IID Investigative Reports (7 documents)
Involved Parties' Criminal Histories (2 documents)
Medical Examiner's Report (1 document)
Motor Vehicle Data (1 document)
MSP Crash Team Report (1 document)
MSP Evidence Records (1 document)
MSP Investigative Reports (2 documents)
Officer Training & Internal Affairs Records (12 documents)
Officer Witness Statements (3 recordings)
Photographs (972 photographs)

Appendix B – Relevant CCSO Policies

See attached.



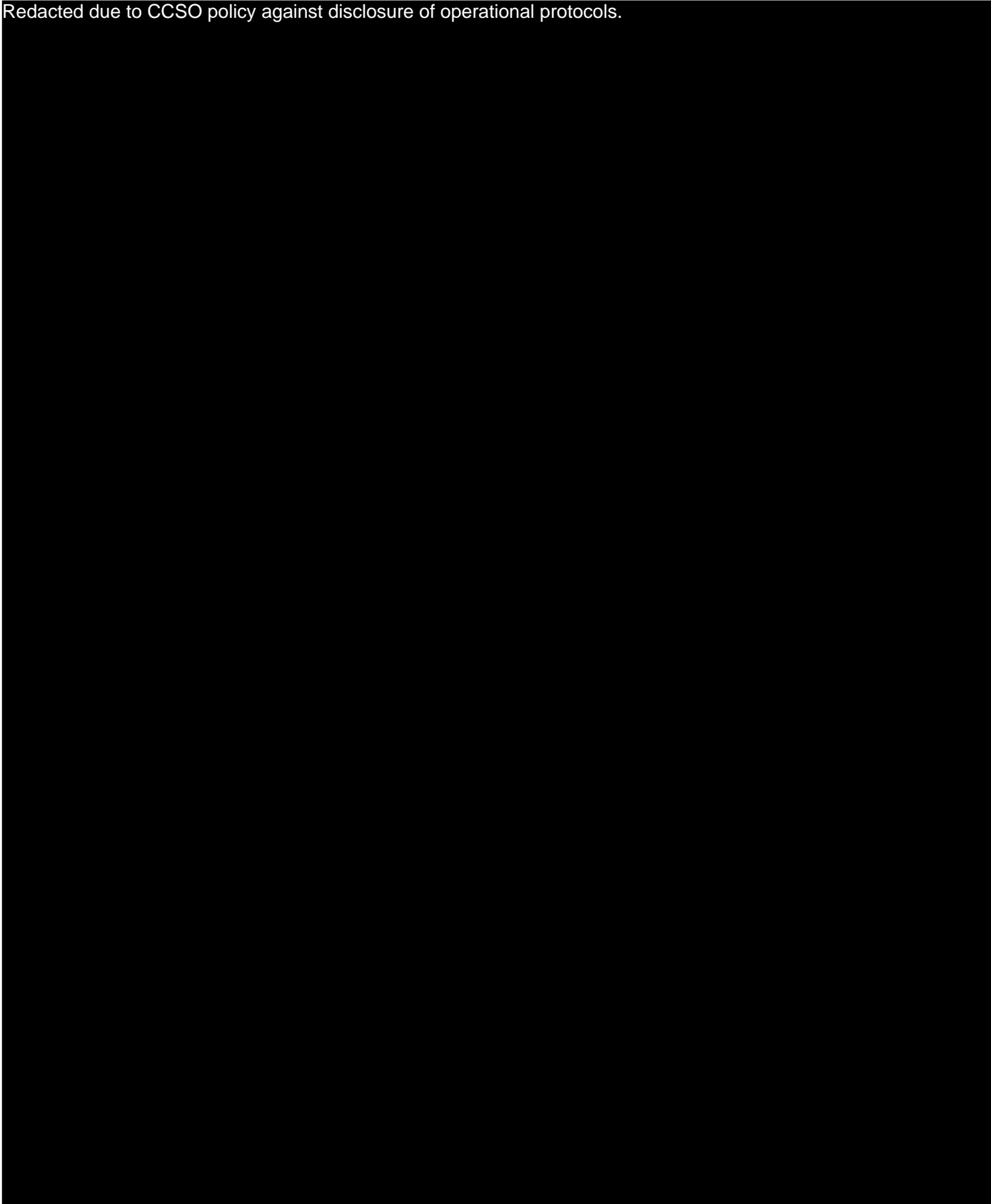
OFFICE OF THE SHERIFF, CHARLES COUNTY, MD



Administrative and Operational Manual

Revised 12/22/2021

Redacted due to CCSO policy against disclosure of operational protocols.





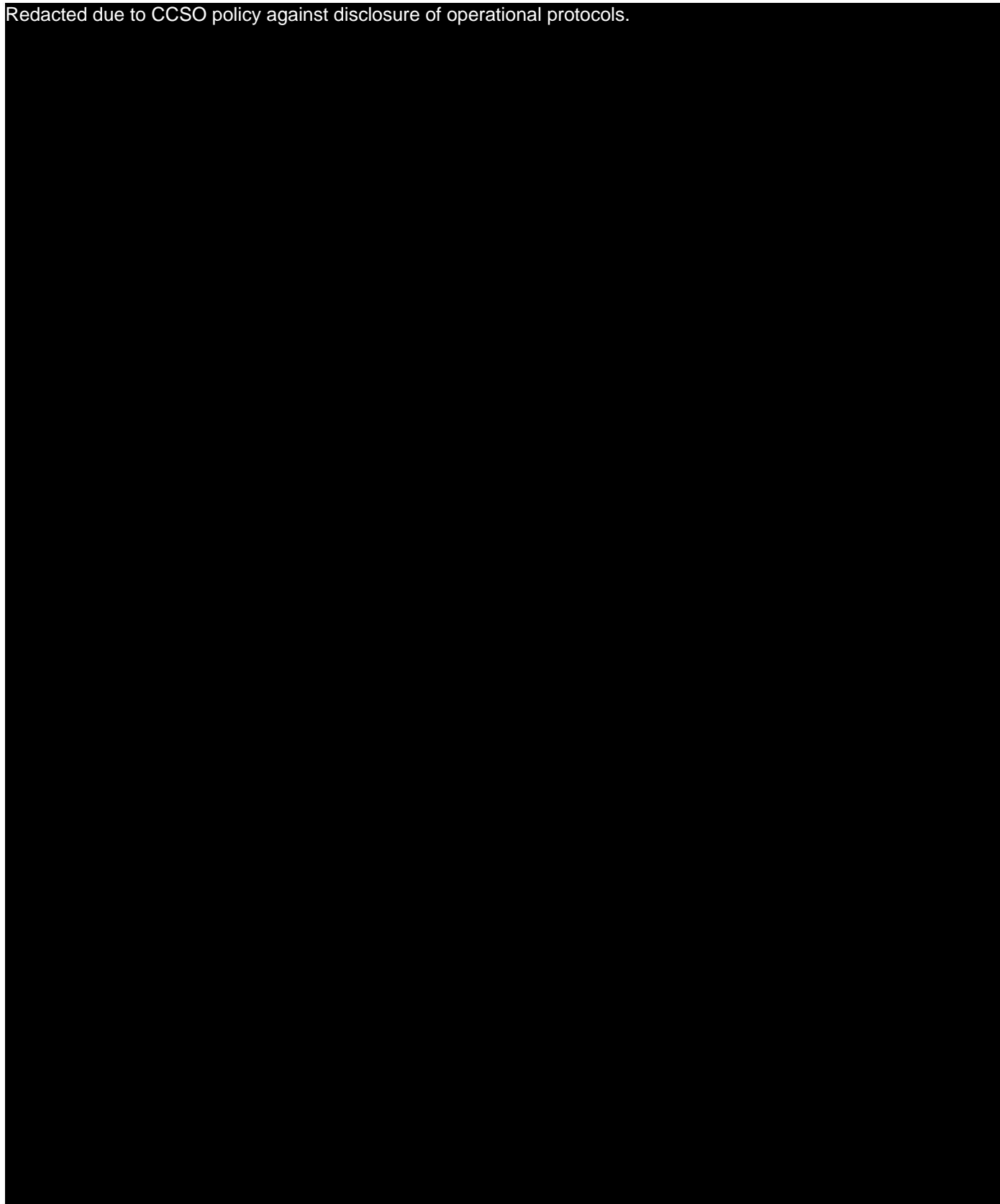
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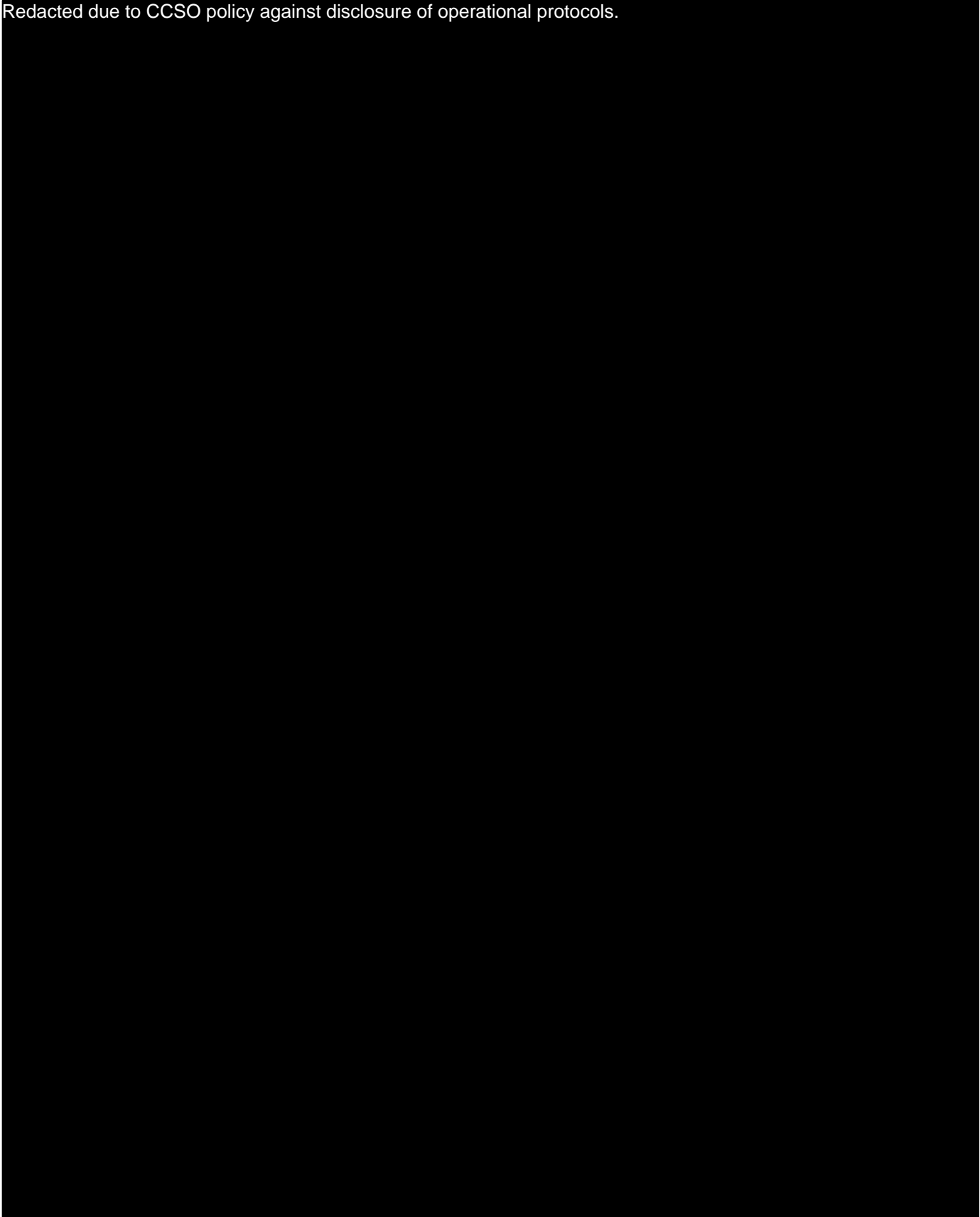
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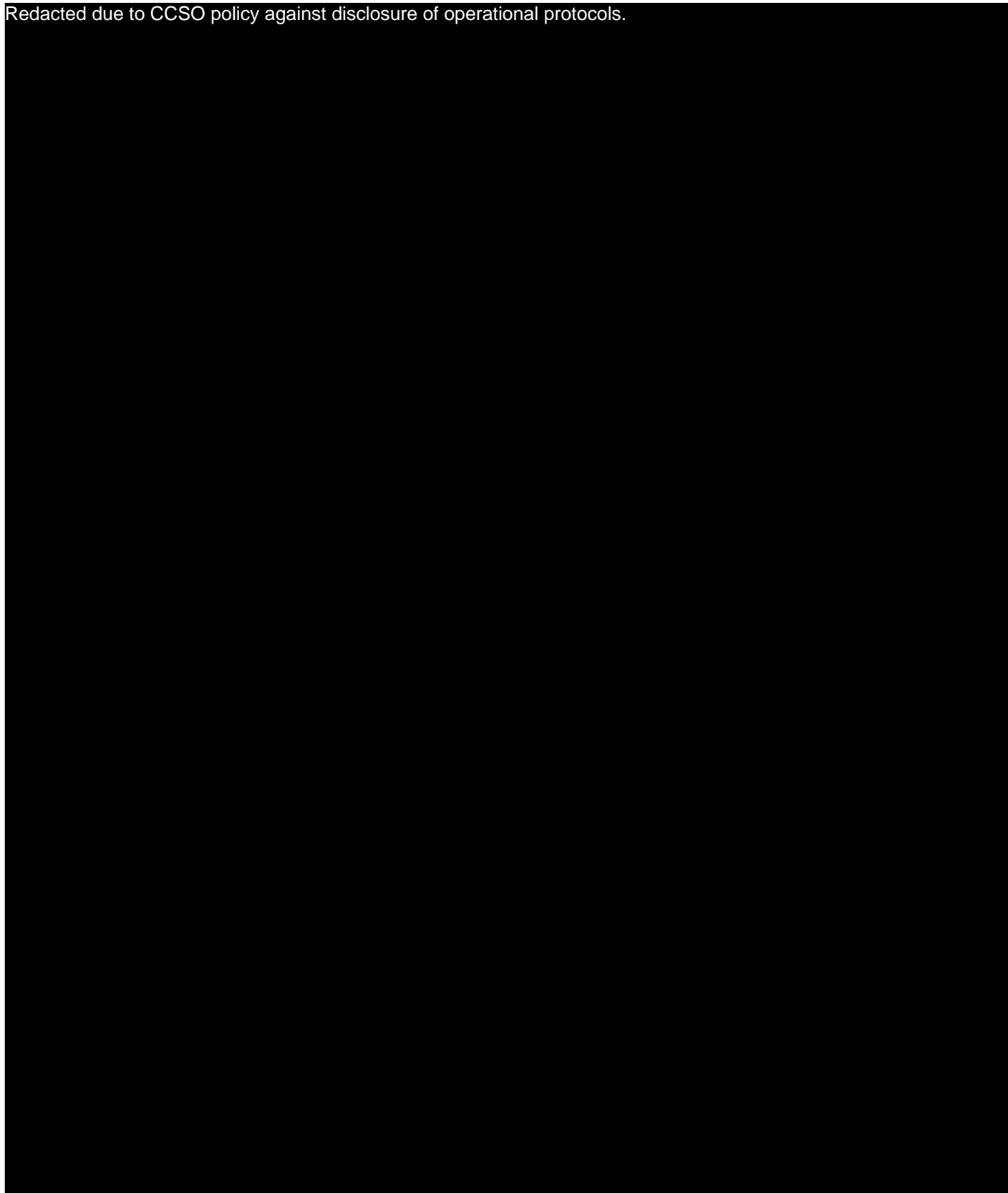
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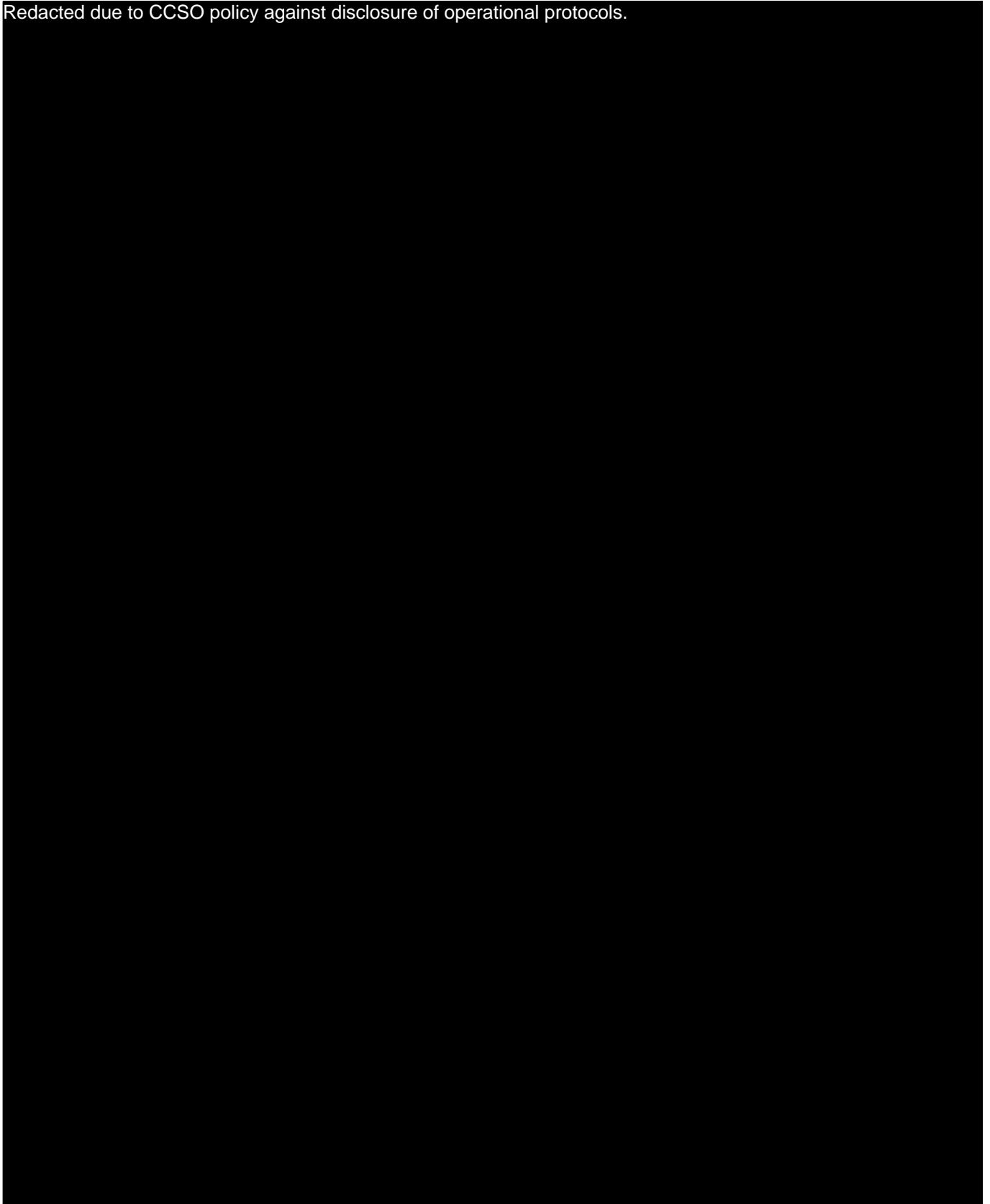
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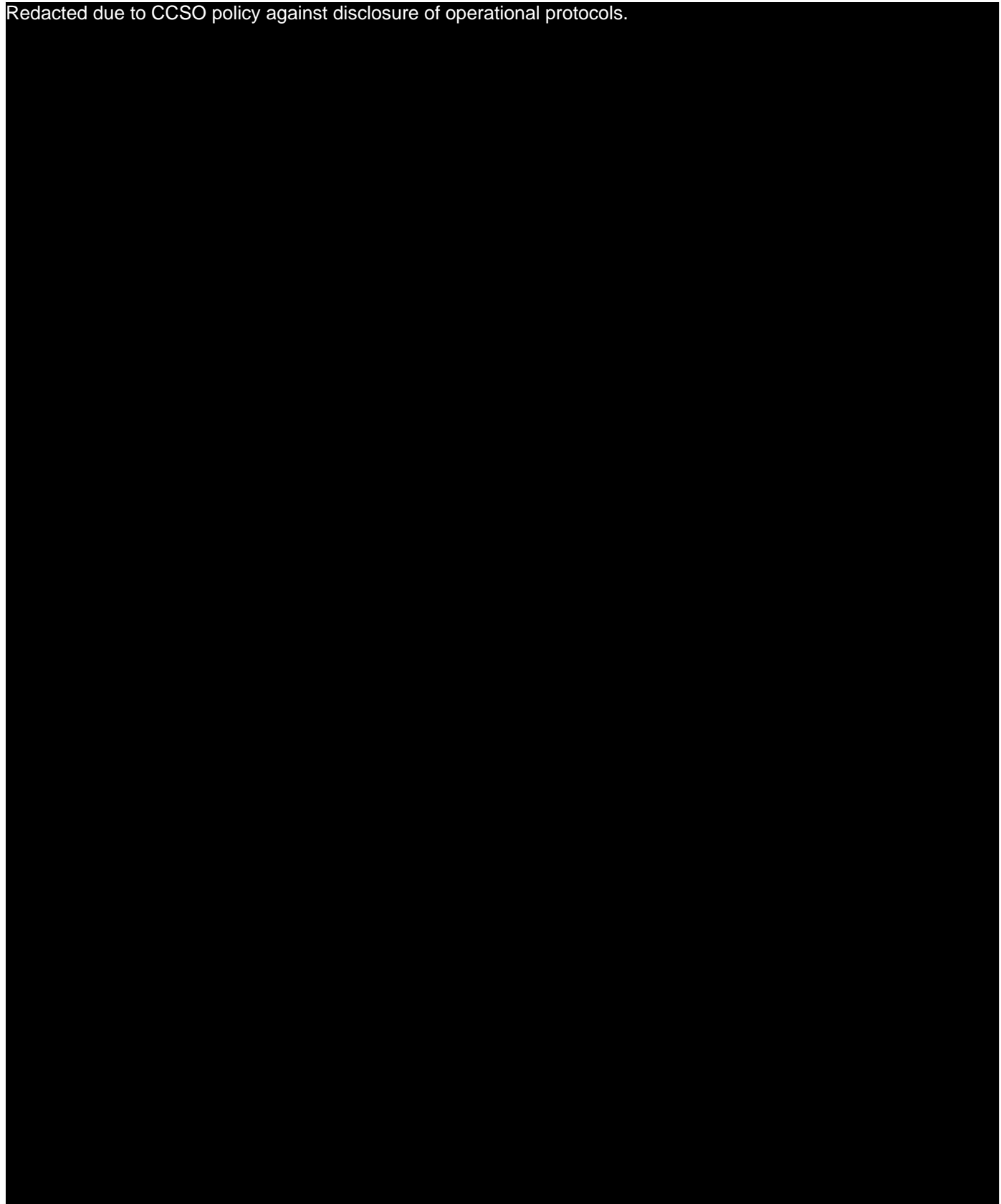
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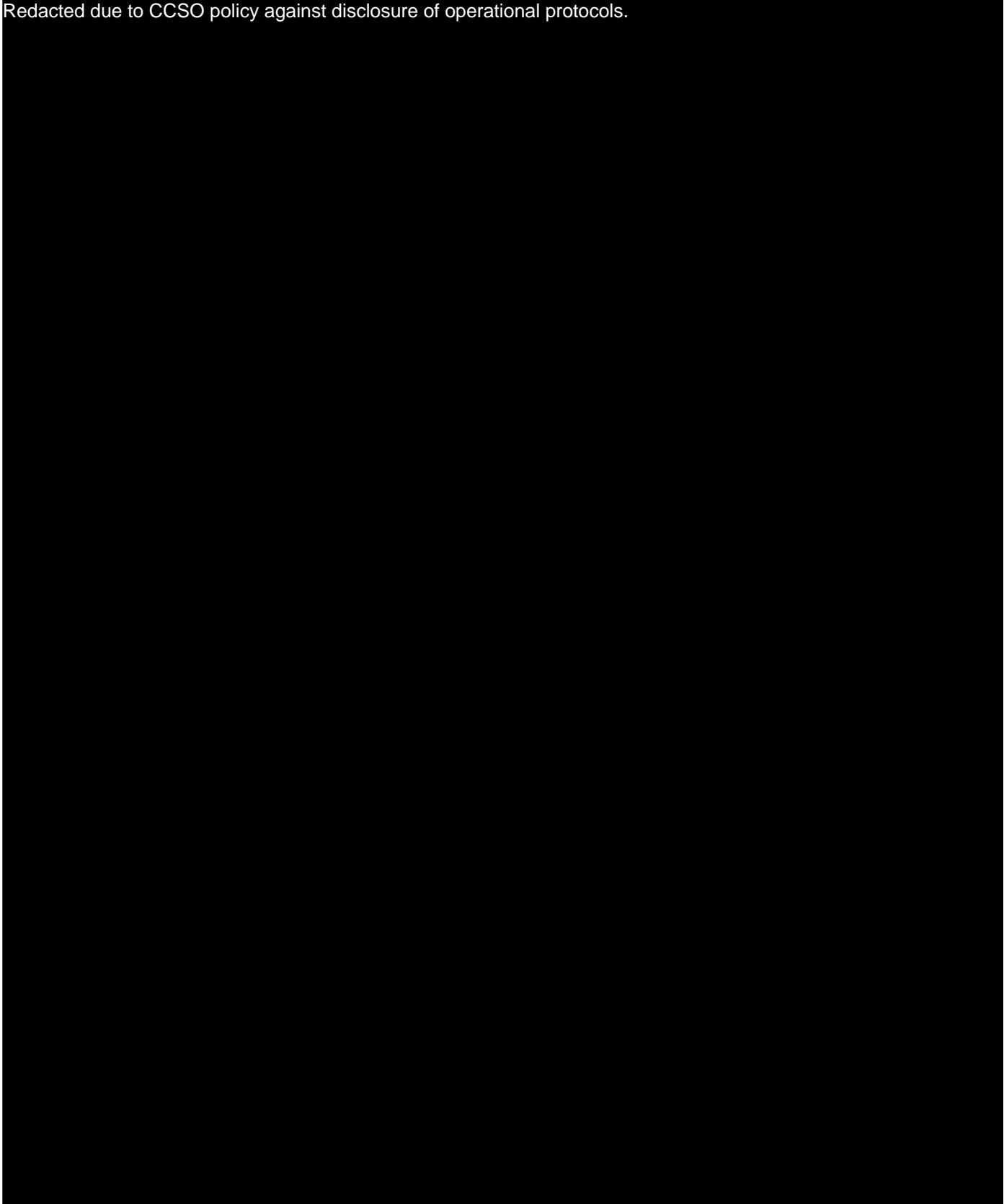
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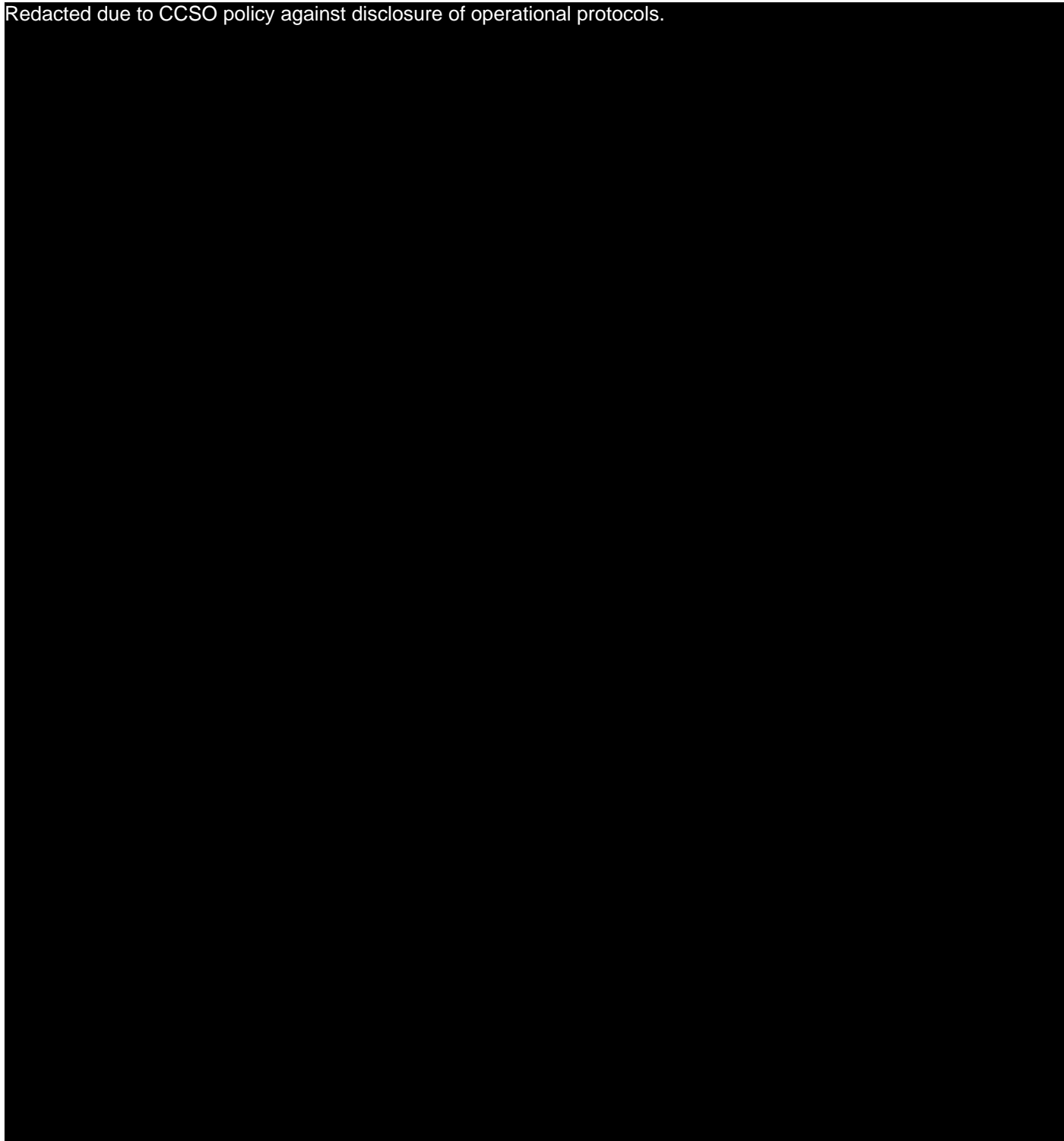
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4-400 VEHICLE CRASHES

Maryland law (§2-306 of the Public Safety Article of the Maryland Code) requires that law enforcement agencies furnish information relative to vehicle crashes to the Department of State Police. The State Police are charged to collect, analyze, and disseminate that information. The personnel of the Charles County Sheriff's Office shall investigate crashes which come to their attention and gather that information, in accordance with the requirements of this section.

Crash reporting data entered in the Automated Crash Reporting System (ACRS), a program and crash database developed and administered by the Maryland State Police (MSP), is automatically collected by MSP once the report passes through the Charles County Sheriff's Office supervisory approval process.

In addition to the responsibility to gather information concerning crashes, officers are charged to protect the public by providing for an orderly flow of traffic. One of the methods of doing that is to identify persons who cause crashes because of their violation of the Vehicle Law. These persons, when identified, may then be brought to the attention of the Courts and the Motor Vehicle Administration.

There is also a public benefit to be obtained from the statistical data gathered by police in the formal investigation of crashes. That data may then be used to:

- determine the need for selective enforcement at various sites;
- provide for new traffic control devices and highway engineering improvements;
- aid in the development and improvement of driver education programs; and
- provide guidance to legislators in determining the need for new or revised traffic control laws.

4-400.1 RESPONSIBILITIES OF RESPONDING OFFICER

An officer who is dispatched, or who is otherwise the first officer at the scene of a crash, will ensure the following, as may be appropriate to the particular scene:

- that measures are taken to prevent the crash scene from becoming worse, e.g., the cruiser is placed to alert oncoming traffic, road flares are set, traffic direction is initiated, etc.;
- that persons involved are checked for injuries, emergency aid is given for life-threatening injuries and paramedics and ambulances are summoned;
- that fire hazards are identified, persons are protected from them and the Fire Department is summoned to deal with them;
- that hazardous cargos and material are detected and steps taken to protect the public and deal with their containment and removal;



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- that the bodies of persons killed are checked for the presence of evidence of organ donor information and if such is found, it is brought to the attention of medical personnel;
- that, as needed, additional assistance is summoned;
- that short-lived evidence (skid marks, debris, vehicle position, etc.) is preserved;
- that principals and witnesses are identified for later interview;
- that the driver's license, vehicle registration information, and insurance information of the drivers and vehicles involved are collected;
- that the condition and extent of damage of each of the vehicles involved is examined;
- that the roadway and objects adjacent thereto which may have been damaged as a result of the crash are identified;
- that any continuing hazards associated with the crash scene are reported to the responsible agency and the public protected from such hazards by warning signs, barricades, etc., until such hazards are dealt with;
- that during the handling, clearing, and investigating of the scene of the crash, there are provisions made for the orderly and expeditious flow of traffic around the scene, or that such detour as may be needed to avoid the scene is made;
- that an official report be made of the facts and circumstances of the crash in accordance with Section 4-400.2 below; and/or
- that the provisions of the Memorandum of Understanding with the State Police outlined in Chapter 3, Section 150, regarding crashes, are complied with. In this regard, if this Agency would not complete an investigation and report, the State Police will probably not either, since our reporting requirements are similar. In these cases, the officer on the scene may handle the incident without requesting State Police.

4-400.2 REPORT REQUIREMENTS

An official crash report shall be required in all cases where the crash involves at least one motor vehicle, occurred within the jurisdiction of the vehicle laws, i.e., on a highway, on private property that is used by the public in general, on property owned or under the control of the State, political subdivisions, County boards, schools, etc., or falls under the provisions of a law applicable to anywhere in the State (DWI), and:

- there is a death or likelihood of death as a result of the crash;
- there are injuries to any person or injuries are claimed by any person as a result of the crash;
- there will be placed charges of violation of the vehicle or other laws as a result of the crash;
- there is impropriety in registration, insurance, or licensing of any driver or vehicle;
- the crash involves any bus, train, government vehicle or aircraft;
- the crash involves any hazardous material (as defined in the Emergency Handling of Hazardous Materials in Surface Transportation handbook) dangers;