



INDEPENDENT INVESTIGATIONS DIVISION

Report Concerning the Police-Involved Fatal Incident in
Crofton, Maryland on January 30, 2022

August 30, 2022

**Report of the Independent Investigations Division of the Maryland Office of the
Attorney General Concerning the Police-Involved Shooting Death of
Dyonta Quarles, Jr., on January 30, 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 Anne Arundel County State's Attorney Anne Colt Leitess regarding the police-involved shooting death of Dyonta Quarles, Jr.

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 August 24, 2022. This report is being provided to Anne Arundel County State's Attorney Anne Colt Leitess on August 30, 2022.

I. Introduction

On January 30, 2022, Anne Arundel County Police Department ("AACoPD) officers were called to [REDACTED] in Crofton by [REDACTED] whose son, Dyonta Quarles, was not allowing her to leave her bedroom. When police arrived, Ms. [REDACTED] advised the 911 operator that she was unable to open the front door for police and requested that they force the door open to enter the house.

When officers entered the house, they found Ms. [REDACTED] and Mr. Quarles on the third floor in a bedroom. Mr. Quarles initially complied with officers' commands to get on the ground. A few seconds later, as officers approached him, however, he got up and sat back on the bed with Ms. [REDACTED]. When officers motioned for Ms. [REDACTED] to leave the room, Mr. Quarles ran out and tackled Officer Jonathan Ricci to the ground, repeatedly punching him in the head. It was later discovered that Officer Ricci sustained a concussion as a result of the punches. Officers were able to pull Mr. Quarles off Officer Ricci and hold him on the ground. Mr. Quarles was on his back with an officer on top of him. While officers were attempting to put Mr. Quarles in handcuffs, Mr. Quarles bit down on Officer Ricci's fingers and did not let go. Officer Ricci then unholstered his weapon and shot Mr. Quarles. Mr. Quarles was pronounced dead on scene. Officer Ricci, who was in and out of consciousness, was transported to the hospital and was treated for his injuries.

This report details the IID's investigative findings based on a review of body-worn camera ("BWC") footage, officer and civilian interviews, firearm analysis, Mr. Quarles' autopsy, and personnel records for the involved officer. All materials reviewed in this investigation are being provided to the Anne Arundel 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 may be relevant in a police-involved shooting death of this nature. The IID considered the elements of each possible

charge, AACoPD departmental policies, and Maryland case law to assess whether any charge could be supported by the facts of this incident. Because the Anne Arundel 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 individual should or should not be charged.

II. Factual Findings

The following findings are based on a forensic examination of the shooting scene as well as review of body-worn camera video, radio transmissions, and interviews with civilian and law enforcement witnesses.

A. Prior Police Call

On January 29, 2022, at 9:43 p.m., the night before the shooting, ██████████ a 50-year-old woman, called 911 requesting that an ambulance respond to her house at ██████████ ██████████ in Crofton, Maryland. She asked that her son, 20-year-old Dyonta Quarles, Jr., be taken to the hospital. Ms. Quarles said he was “acting erratically” and “was talking about wanting to go to heaven.” AACoPD responded, wearing body-worn camera, and found Mr. Quarles in the closet of a third-floor bedroom. The officers present that night were not the same officers who were present the next day during the shooting.

The camera footage shows that, during this initial interaction with the police, Mr. Quarles was calm, coherent, and answering questions asked of him by the police. Mr. Quarles said that he was unwilling to go the hospital and would become violent if he was forced. Mr. Quarles was able to tell officers his address, the current year and who was the president of the United States. Officers determined that they could not force Mr. Quarles to go to the hospital.

B. January 30 Police Response

The following morning, at approximately 4:05 a.m., Ms. ██████████ again called 911, this time to report that her son would not allow her to leave her bedroom. She said that every time she moved towards the bedroom door, Mr. Quarles would push her onto the bed. Ms. ██████████ told 911 that police had come to her residence the night before. She did not give any further explanation. The dispatcher sent officers to the house, reporting that, “evening shift handled a 10-96 [mental health crisis] complaint last evening with no report.” No further information about this was relayed to the responding officers.

All four officers present at the time of the shooting had active body-worn cameras. Unless otherwise noted, the following events are shown on officers' body-worn camera videos. AACoPD Officers Jonathan Ricci and Benjamin Steffes arrived on scene at approximately 4:11 a.m., both equipped with body-worn cameras. Officer Ricci knocked on the front door two times and rang the doorbell, but nobody responded. Three minutes after arriving, Officer Steffes went to a sliding glass door in the back of the house and attempted to open it, but the door was locked. Officer Ricci knocked on the front door a third time. Officer Steffes then knocked on the door a

fourth time and still received no answer. Officer Ricci advised dispatch that they were unable to enter the house.

At 4:17:38 a.m., Officer Ricci requested that the 911 operator, who was still on the phone line with Ms. [REDACTED] advise her that police were preparing to break open the door in an effort to gain entry into the house. Through the 911 operator, Ms. [REDACTED] asked officers to force their way in, which the officers' supervisor then authorized. As Officer Ricci went to his vehicle to get the breach kit, Officer Anastasia O'Neale arrived on scene, also equipped with a body-worn camera.

At 4:19:48 a.m., Officer Ricci breached the door with a sledgehammer and yelled "county police" as he entered the house. Officer Ricci went in first with his gun drawn, followed by Officer Steffes, with his taser out, then Officer O'Neale, who held her gun unholstered by her side. Officer Ricci continued to announce that police were in the house as the three officers went up two flights of stairs. The house is a three-story, end unit townhouse, with the bedrooms located on the third floor. When they got to the third floor, Officer Ricci asked, "where you at?" He then turned to face a closed door that was to the left of the staircase. On the body-worn camera video, a woman can be heard calling out. Officer Ricci asked if the man inside was armed, and the woman replied that he was not. Officer Steffes attempted to open the bedroom door, but it was locked. Officer Ricci then kicked open the door.

C. The Shooting

At 4:20:42 a.m., as officers entered the room, Mr. Quarles was sitting on the bed with his arms raised. He was wearing pants but no shirt. Officers Ricci and Officer Steffes stood at the bedroom door, while Officer O'Neale remained outside the bedroom on the landing of the staircase. Officer Ricci yelled, "Let me see your hands. Get on the ground now. Get on the ground, right now." Mr. Quarles got on the floor, but as Officer Ricci approached Mr. Quarles, he quickly got up off the floor and sat back on the bed. Officer Ricci stepped back, and Officer Steffes entered the room and told Mr. Quarles that he was "gonna get tased." Mr. Quarles moved back on the bed and covered himself with a blanket. Officer Steffes then instructed Ms. [REDACTED] to leave the room. Ms. [REDACTED] left the room and went into a bathroom on the third floor of the house. Mr. Quarles followed her, charging at officers as he left the bedroom.



Image 1: The body-worn camera video of Officer O'Neale shows Mr. Quarles leaving the bedroom and charging at Officer Ricci.

At 4:20:58 a.m., Officer Steffes deployed his taser, but it did not stop Mr. Quarles. Officer Ricci holstered his gun, pulling out his taser. Mr. Quarles then tackled Officer Ricci to the ground and punched him several times in the head. Officer Steffes dropped his taser and attempted to gain control of Mr. Quarles, who was on top of Officer Ricci. Officer Ricci was able to get out from under Mr. Quarles and went into the bedroom. Mr. Quarles remained on his back on the ground, still fighting with Officer Steffes on top of him; his upper body was inside another bedroom and his torso and legs remained in the hallway. Mr. Quarles locked his legs around Officer Steffes. Mr. Quarles then said, “are we going to do this, boy.” Officer Ricci then came back and went into the second bedroom near Mr. Quarles’ head. Officer O’Neale placed her taser on Mr. Quarles’ right leg and told him, “you’re gonna get tased.” She did not deploy her taser at that point. Mr. Quarles then stopped actively resisting officers and everyone stopped moving for about one minute and 15 seconds. The situation appeared to calm down.

At 4:22:40 a.m., Mr. Quarles began to struggle again by moving his upper body and kicking his legs, as Officer Ricci attempted to place handcuffs on his right wrist. About 10 seconds later, Officer Ricci began to scream. Officer Ricci yelled “he’s biting my fucking finger off!” Body-worn camera video shows that Mr. Quarles had multiple fingers of Officer Ricci’s right hand in his mouth. Officer O’Neale can be heard deploying her taser towards Mr. Quarles’

right side. As seen below in Image 3, Mr. Quarles grabbed at Officer Ricci's left arm near where Officer Ricci's handgun was located on his gun belt. It is not clear whether officers were aware he did so; no officer called it out at the time it was happening, and none mentioned it in their statements after the fact. As Officer Ricci continued to scream, he yelled, "Somebody shoot the motherfucker, shoot him." Officer O'Neale dropped her taser and unholstered her gun but did not fire. Officer Ricci also unholstered his gun and shot Mr. Quarles three times toward the center of his body.



Image 2: The body-worn camera video of Officer Steffes, who was positioned on top of Mr. Quarles, shows Mr. Quarles biting Officer Ricci's fingers. The image appears upside-down because of the angle of Officer Steffes' body-worn camera.



Image 3: The body-worn camera video of Officer O'Neale shows Mr. Quarles' hand grabbing towards Officer Ricci's left arm. Mr. Quarles' hand is at the top center of the image. Officer Ricci's left arm is directly above Mr. Quarles' hand. It also shows Officer O'Neale attempt to deploy her taser at Mr. Quarles' upper body.



Image 2: The body-worn camera video of Officer O'Neale, in an image taken immediately before the shooting, shows Officers O'Neale and Ricci with their service weapons unholstered and pointed at Mr. Quarles. Officer Ricci is on the left side of the image.

After Officer Ricci shot Mr. Quarles, he was able to free his fingers from Mr. Quarles' mouth. Officer Ricci then fell onto the floor and began spitting up blood. At 4:23:45 a.m., Officer O'Neale got on the radio and requested medical assistance to the scene. Officer Steffes then placed Mr. Quarles in handcuffs as Officer Ricci stood up and exited the bedroom to the hallway, where he fell to the ground and became unresponsive. Within seconds of the shooting, additional officers arrived. Those officers immediately carried Officer Ricci to the second floor and began to tend to Officer Ricci by ensuring that he remained on his side.

Ms. [REDACTED] who was in the bathroom during the incident, came out and began to scream. Officers instructed Ms. [REDACTED] to remain in the bathroom.

Approximately two minutes after the shooting, Officer O'Neale began to assess Mr. Quarles' injuries. She kept pressure on one of the wounds until another officer handed her a chest seal, which she used to compress the wound. Officer O'Neale and Officer Steffes then began administering chest compressions.

At 4:28:42 a.m., paramedics arrived on the second floor of the house and started rendering aid to Officer Ricci. When more paramedics arrived a minute later, they went up to tend to Mr. Quarles, who was on the third floor. Those paramedics reached Mr. Quarles at 4:29:30 a.m., seven minutes after the shooting. As officers continued to perform CPR, paramedics hooked Mr. Quarles up to a monitor and determined that he no longer had a heartbeat. Mr. Quarles succumbed to his injuries on scene and was pronounced dead at 4:36 a.m.

Officer Ricci was transported to [REDACTED]

[REDACTED]
Medical Information
[REDACTED]
[REDACTED]

III. Investigation

A. Initial Response

After the shooting, AACoPD contacted the Maryland State Police ("MSP"), who notified the IID of the officer-involved fatality. IID and MSP personnel responded to the scene and assumed control of the investigation.

B. Medical Examination

Mr. Quarles' body was transported to the Office of the Chief Medical Examiner on January 30, 2022. An autopsy was conducted on February 1, 2022, by Dr. Stephanie Dean.

Dr. Dean concluded that Mr. Quarles suffered from three gunshot wounds. One gunshot to the chest caused injuries to his liver, spleen, and left kidney. The direction of the bullet was front to back, right to left, and downward. Gunpowder stippling was noted on the surrounding

skin, which suggests that the firearm was in close proximity to Mr. Quarles when it was fired. A second gunshot entered his right shoulder and reentered into his torso, injuring both lungs. The direction of the bullet was front to back, left to right, and downward. Gunpowder stippling was noted on the surrounding skin. The third gunshot entered his right forearm, causing injuries to the soft tissue. The bullet exited from the inside of the right forearm. Dense soot and gunpowder stippling was noted on the surrounding skin. Dr. Dean also found that Mr. Quarles' left hand had "sparse" gunpowder stippling.

Dr. Dean ruled the cause of death to be multiple gunshot wounds, and she ruled the manner of death to be homicide.¹

D. Firearms Analysis

MSP recovered Officer Ricci's service weapon, a Glock model 17 Gen5 9mm caliber pistol, at the scene of the shooting. The firearm was submitted to the MSP Forensic Sciences Division for analysis. The two bullets recovered from Mr. Quarles' body during autopsy were submitted to MSP Forensic Sciences Division for analysis, as were one fired bullet and a bullet fragment that were recovered from the scene.

A firearms examiner with MSP compared bullets that were test-fired from Officer Ricci's firearm with the bullets that were recovered from Mr. Quarles' body and the scene. The examiner determined that the two bullets recovered at autopsy and one fired bullet recovered on scene were fired from Officer Ricci's firearm. She could not determine the source of the second fired bullet fragment recovered on scene.

E. Suspected Controlled Dangerous Substance

Pursuant to a search warrant, eight clear capsules containing an off-white powder were recovered from Mr. Quarles' bedroom and submitted to MSP Forensic Sciences Division for analysis. A forensic scientist with MSP, tested the capsules and determined that they were not a controlled dangerous substance.

F. Civilian Witnesses

1. [REDACTED]

[REDACTED] is the mother of Mr. Quarles. The IID and MSP spoke to her on the day of the incident. Ms. [REDACTED] told investigators that prior to calling 911, she was sleeping in her bedroom on the third floor of the townhouse next to her son. She attempted to unplug the space heater because she was worried that it may start a fire. Every time Ms. [REDACTED] attempted to unplug the space heater, Mr. Quarles would push her back onto the bed. Mr. Quarles told her, "We're both going up. We're going up together."

¹ Manner of death is a classification used to define whether a death is from intentional causes, unintentional causes, natural causes, or undetermined causes. "Homicide" is one of six categories used by the Office of the Chief Medical Examiner of Maryland and refers to a death resulting from a volitional act committed by another person to cause fear, harm, or death. The term is not used to connote criminal liability.

Ms. ██████ said that she then called police and requested help. She said she advised police that both the front door of the house and the door to her bedroom were locked, and she was unable to leave the bedroom. Ms. ██████ said she told police to break down the doors. When police arrived on the third floor of the house, she believed that they were armed with tasers. After breaking down the bedroom door, officers motioned for her to come towards them, which she did. She then went into the hallway bathroom and closed the door.

While in the bathroom, Ms. ██████ heard wrestling in the hallway followed by three gunshots. She opened the door and saw Mr. Quarles on the ground with an officer on top of him. She recalled smelling gunpowder.

Ms. ██████ told investigators that during the week prior, Mr. Quarles appeared to be ██████ and did not want to be left alone in the house. Mr. Quarles told her that he had been vaping and believed his vape was laced. Mr. Quarles agreed to see a doctor. On January 25, 2022, Ms. ██████ took Mr. Quarles to see his doctor. ██████

Medical Information

G. Shooting Officer

Because of Officer Ricci's injuries, he was unable to make any statements immediately after the shooting. When contacted later, he declined to be interviewed by the IID. Officer Ricci, like the subject of any criminal investigation, has the right under the Fifth Amendment to not make any statements.

G. Witnessing Officers

As part of its standard investigative practice, MSP and the IID interviewed witnessing officers. Those interviews are summarized below. All officers were permitted to watch their own body-worn camera footage prior to the interview; however, they were not given the opportunity to review any other footage. The account provided by each officer is consistent with their body-worn camera footage.

1. Officer Benjamin Steffes

Officer Steffes is a sworn police officer with AACoPD and was interviewed by IID and MSP on March 10, 2022. Officer Steffes' attorney was present.

Officer Steffes stated that he was with Officer Ricci when they received the initial call for service. The call was for a domestic dispute in which the caller said her son was preventing her from leaving her room. The officers arrived on scene in separate cars but at the same time. Officer Steffes stated that when they were unable to get into the front door, he went around back, but the back door was also locked. Ms. ██████ gave police permission to breach the door. Once supervisors were notified, they also gave officers on scene permission to breach the door. Officer Ricci went to his car, retrieved a breach kit, and broke down the front door.

Officer Ricci entered the residence first with his gun drawn. Officer Steffes followed with his taser out. Officer Ricci was calling out as the officers were advancing up the stairs to the third floor. When they got to the top of the stairs, Officer Steffes heard Ms. [REDACTED] call out from a room to the left of the stairway. The door was closed and locked, so Officer Ricci kicked down the door.

When Officer Ricci kicked down the door, Officer Steffes saw Mr. Quarles sitting on the bed with Ms. [REDACTED]. Officer Ricci ordered Mr. Quarles to get on the ground, which he did. When Officer Ricci moved towards Mr. Quarles, Mr. Quarles jumped up and moved onto the bed and under the covers. Officer Steffes then told Ms. [REDACTED] to leave the room. As Ms. [REDACTED] exited the room, Mr. Quarles followed, passing Officer Steffes. Officer Steffes discharged his taser, but it was not effective. Officer Steffes said that Mr. Quarles “looked angry” as he charged out of the room. Mr. Quarles then tackled Officer Ricci to the ground and punched Officer Ricci multiple times. Officer Steffes went to help Officer Ricci, and Mr. Quarles punched him as well. Officer Steffes was able to gain control of Mr. Quarles’ right arm, which allowed Officer Ricci to get away. Mr. Quarles then stopped actively resisting officers.

Officer Ricci came back and both officers tried to place Mr. Quarles in handcuffs. Mr. Quarles began to struggle again. Officer Steffes heard Officer Ricci “screaming in pain. Then I hear my partner say, ‘shoot him because he is going to bite my finger off.’” Officer Ricci then yelled out to shoot Mr. Quarles. Officer Steffes said that he was not able to shoot Mr. Quarles because of his position on top of Mr. Quarles, but he said he soon heard three shots.

Officer Ricci then got up, and Officer Steffes instructed him to holster his weapon. Officer Steffes stated that he saw that Officer Ricci’s face was covered in blood. Officer Steffes did chest compressions on Mr. Quarles until EMS arrived on scene.

2. Officer Anastasia O’Neale

Officer O’Neale is a sworn police officer with AACoPD and was interviewed by the IID and MSP on March 10, 2022. Officer O’Neale’s attorney was present.

Officer O’Neale stated that she responded to the residence after receiving reports of an individual being held in her room by her son. Officer O’Neale said that when she arrived at the residence, Officers Ricci and Officer Steffes were already there. She observed Officer Ricci breach the front door, and the three officers then entered the house. Officer O’Neale was the last officer inside. Officer O’Neale followed Officer Ricci and Officer Steffes to the third floor and heard a woman inside of a bedroom calling for help. Officer Ricci then kicked down the door to that bedroom. Officer O’Neale was positioned on the steps and could not see inside the bedroom from her location.

Officer O’Neale said that she saw Mr. Quarles run out of the room towards Officer Ricci and Officer Steffes. Officer Steffes deployed his taser, but it was not effective. Mr. Quarles then charged towards Officer Ricci and punched him several times, causing Officer Ricci to fall to the ground. Mr. Quarles fell on top of him. Officer Ricci was able to get away from Mr. Quarles and go into the bedroom. Officer O’Neale at this time had her taser out.

Officer Ricci came back from the bedroom to help Officer Steffes gain control of Mr. Quarles. Officer O'Neale said she saw Officer Ricci near Mr. Quarles' head. Officer O'Neale put her taser to Mr. Quarles' leg and stated that, "if you move you will get tased." Officer Steffes had control of Mr. Quarles' hands, and Officer Ricci got his handcuffs and attempted to put the handcuffs on Mr. Quarles' right hand. Officer O'Neale stated that she saw Mr. Quarles then bite down on the fingers of Officer Ricci's right hand, which caused Officer Ricci to scream.

Officer O'Neale stated that Mr. Quarles began moving his body, attempting what she believed was an attempt to get away. Officer O'Neale deployed her taser directly on Mr. Quarles' leg. Mr. Quarles continued to bite Officer Ricci. Officer Ricci told Officer Steffes and Officer O'Neale to shoot Mr. Quarles. Officer O'Neale unholstered her gun but said in the interview she "did not have a clean shoot, a safe shoot with Officer Steffes and Officer Ricci directly in front of me." Mr. Quarles still had Officer Ricci's right fingers in his mouth when Officer Ricci unholstered his gun with his left hand, pointed it at Mr. Quarles' chest, and shot Mr. Quarles three times.

After Mr. Quarles was shot, Officer Ricci was able to get his fingers out of Mr. Quarles' mouth and fell on the floor. Officer O'Neale said she observed blood on Officer Ricci's face. She told Officer Ricci to put his gun on the floor. Officer Ricci then stood up, came out of the bedroom, and collapsed on the floor. Two other responding officers took him down the steps for further aid. Officer O'Neale then began to aid Mr. Quarles by applying pressure to Mr. Quarles' chest, applying a chest seal, and beginning chest compressions.

3. Officer James Dipietro

Officer Dipietro is a sworn police officer with AACoPD and was interviewed by the IID and MSP on February 9, 2022.

Officer Dipietro said he responded to the scene in the same car as Officer Justin Deloatch². Officer Dipietro and Officer Deloatch were the first officers to arrive after the shooting. When they arrived, Officer Dipietro saw that the front door to the house was open, so they went inside and up to the third floor.

On the third floor, Officer Dipietro saw Mr. Quarles lying in the hallway in front of a door. Officer O'Neale and Officer Steffes were near Mr. Quarles, and Officer Dipietro said that it appeared that they were rendering aid to him. Ms. [REDACTED] was also in the hallway when they arrived. Officer Dipietro then observed Officer Ricci come out of the room that Mr. Quarles was laying in front of, and Officer Ricci had blood on his face. Officer Ricci had collapsed on the floor and was unable to talk. Officer Dipietro and Officer Deloatch carried Officer Ricci down to the second floor and began to assess his injuries. Officer Dipietro tried to keep Officer Ricci on his side because he continued to spit out blood. Officer Dipietro noticed that every time Officer Ricci's right hand was touched, he yelled out in pain.

² Officer Deloatch was also interviewed. His account was consistent with the body-worm camera footage and with what Officer Dipietro said.

After paramedics arrived on scene, they rendered aid to Officer Ricci and determined that he needed to be taken to the hospital. Officer Dipietro rode in the ambulance with Officer Ricci. He said that he turned off his body-worn camera in the ambulance because of the distress that Officer Ricci was exhibiting during the ride. Officer Dipietro collected Officer Ricci's clothes during the ambulance ride in order to preserve them for the investigation.

IV. Involved Parties' Backgrounds

As part of its standard investigative practice, the IID obtained information regarding Mr. Quarles and Officer Ricci's criminal histories, as well as Officer Ricci's departmental internal affairs records and relevant training. In this case, this information did not affect the analysis of potential criminal charges.

A. Dyonta Quarles, Jr.

Mr. Quarles was a 20-year-old Black man who lived at [REDACTED] Crofton, Maryland with his mother. Ms. [REDACTED] told investigators that on January 25, 2022, she took Mr. Quarles to the doctors because she believed that he was experiencing [REDACTED] and [REDACTED]. They were awaiting [REDACTED] **Medical Information** [REDACTED] at the time of Mr. Quarles' death. To the extent it exists, any criminal history is being provided to the Anne Arundel County State's Attorney's Office with this report.

B. Officer Jonathan Ricci

Officer Ricci was hired by AACoPD on January 24, 2019, and is currently assigned to patrol. He is a 35-year-old white man. He most recently completed in-person training on AACoPD's use of force policy on October 27, 2021, and completed firearms training on October 29, 2021. Officer Ricci [REDACTED]
[REDACTED]
[REDACTED]. To the extent it exists, any criminal history is being provided to the Anne Arundel County State's Attorney's Office with this report.

V. Applicable Policies

AACoPD has the following policies relevant to Officer Ricci's actions. The complete policy, Use of Force (Index Code 401), is attached as Appendix B.

A. Policy (Index Code 401, II.)

"Police officers may use only the amount of force that is necessary to control an incident, to make an arrest, or to protect themselves or others from harm or death as may be necessary to take a prisoner into custody. If, however, the officer is resisted, he/she may overcome force with force."

“The appropriate level of force is based on the facts known to the officer or reasonably available at the time its use becomes necessary. It is recognized that officers are required to make split-second decisions about the amount of force that is necessary in a particular situation. The appropriate level of force is not dependent on alternative approaches to an incident that may have, but were not, utilized.”

B. Degree of Force (Index Code 401, III, A)

“Officers shall use only the degree of force that is objectively reasonable, necessary under the circumstances and proportional to the threat or resistance of a subject. An Officer should consider all information known regarding the subject and circumstances, including the seriousness of the crime or suspected offense, the level of threat or resistance presented by the subject and whether the subject is posing an immediate threat to officers or a danger to the community.”

“The use of force proportional to threat or resistance does not mean the Officer should use only the force that is equivalent to what they encounter. When Officers make the determination to use force, they must use only that force necessary to terminate the threat or resistance presented rapidly and with consideration of the potential of injury to the subject, the Officer, and other individuals present.”

C. Deadly Force (Index Code 401, IV., A.)

“A police officer may use deadly force when the officer reasonably believes that the action is in defense of human life, including the officer’s own life, or in defense of any person who is in immediate danger of serious physical injury.”

VI. Applicable Laws and Analysis

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

A. Intentional Second-Degree Murder³

Criminal Law § 2-204 states: “A murder that is not in the first degree under § 2-201 of this subtitle is in the second degree.” Intentional second-degree murder differs from first-degree murder in that it is not “willful, deliberate, and premeditated.” MPJI-Cr 4:17.2 Homicide—First Degree Premeditated Murder, Second Degree Specific Intent Murder and Voluntary

³ This report will not separately analyze the charge of first-degree assault because that offense merges with intentional second-degree murder; the elements vary only in that the latter requires proof of the death of the victim. *Sifrit v. State*, 383 Md. 116, 137 (2004).

Manslaughter (Perfect/Imperfect Self-Defense and Perfect/Imperfect Defense of Habitation), MPJI-Cr 4:17.2 (2d Ed. 2021). It is, however, a killing conducted with “either the intent to kill or the intent to inflict such serious bodily harm that death would be the likely result.” *Id.*

To prove intentional second-degree murder, the State must establish: “(1) that the defendant caused the death of [Mr. Quarles]; (2) that the defendant engaged in the deadly conduct either with the intent to kill or with the intent to inflict such serious bodily harm that death would be the likely result; (3) that the killing was not justified; and (4) that there were no mitigating circumstances.” *Id.* “If a man voluntarily and wil[l]fully does an act, the natural consequences of which is to cause another’s death, an intent to kill may be inferred from the doing of the act.” *Lindsay v. State*, 8 Md. App. 100, 105 (1969).⁴

Self-defense is one possible justification or mitigating circumstance. Complete self-defense exists where: “(1) the defendant was not the aggressor”; “(2) the defendant actually believed that [they were] in immediate or imminent danger of death or serious bodily harm; (3) the defendant’s belief was reasonable; and (4) the defendant used no more force than was reasonably necessary to defend [themselves] in light of the threatened or actual force.” MPJI-Cr 4:17.2; *see also Porter v. State*, 455 Md. 220, 234-36 (2017). Partial self-defense exists where the first two of these elements are present, but the defendant either unreasonably believed danger to be imminent or unreasonably believed the amount of force they used was necessary. MPJI-Cr 4:17.2. If the defendant acted in complete self-defense, no charge is appropriate. *Id.* If the defendant acted in partial self-defense, the appropriate charge is voluntary manslaughter rather than second-degree murder. *Id.*

Law-enforcement justification is another possible defense. This defense provides that an officer may use “that force necessary to discharge his official duties” and “[i]n so doing, he is not liable civilly or criminally for the assault or battery that may result, including, if necessary, the use of deadly force.” *Wilson v. State*, 87 Md. App. 512, 519-20 (1991). The rationale for this justification is that officers’ duties are “markedly different” from those of ordinary citizens, requiring that they “threaten deadly force on a regular basis.” *Koushall v. State*, 249 Md. App. 717, 728-29 (2021), *aff’d*, No. 13, Sept. Term, 2021 (Md. Feb. 3, 2022). To use deadly force, an officer must have “probable cause to believe that the suspect poses a threat of serious physical harm.” *Estate of Blair by Blair v. Austin*, 469 Md. 1, 23-24 (2020) (quoting *Tennessee v. Garner*, 471 U.S. 1, 11 (1985)).

For either defense—self-defense or law-enforcement justification—the reasonableness of the officers’ actions “must be evaluated not from the perspective of a reasonable civilian but rather from the perspective of a reasonable police officer similarly situated.” *State v. Albrecht*, 336 Md. 475, 501 (1994). A court will consider “the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *State v. Pagotto*, 361 Md. 528, 555 (2000) (quoting *Graham v. Connor*, 490 U.S. 386, 397 (1989)). However, “an objectively reasonable officer would use deadly force *only* when threatened with serious physical harm.” *Estate of Blair by Blair*, 469 Md. at 24 (emphasis in original). Criminal Law Article§3-

⁴ Because there is no dispute that Officer Ricci intended to fire his weapon at Mr. Quarles, this report will not analyze unintentional (“depraved heart”) second-degree murder.

201 defines “serious physical injury” as “physical injury that... (2) causes permanent or protracted serious: i) disfigurement; ii) loss of the function of any bodily member or organ; or iii) impairment of the function of any bodily member or organ.”

Violations of departmental policy are one “factor to be considered in determining the reasonableness of police conduct.” *Pagotto*, 361 Md. at 557 (citations omitted). As noted above, AACoPD policy states, “A police officer may use deadly force when the officer reasonably believes that the action is in defense of human life, including the officer’s own life, or in defense of any person who is in immediate danger of serious physical injury.” This policy is, in essence, the same as the legal standard applicable at the time of this incident.

In this case, based on the available evidence, it would be difficult for the State to prove that Officer Ricci did not act in self-defense or pursuant to law-enforcement justification. The available evidence suggests that when Officer Ricci initially encountered Mr. Quarles, Mr. Quarles tackled him to the ground, punching him repeatedly in the head. [REDACTED]

Medical Information [REDACTED] When officers had Mr. Quarles on the ground, Officer Ricci was attempting to place Mr. Quarles’ arms in handcuffs. As he was doing so, Mr. Quarles bit down on Officer Ricci’s fingers. Officer O’Neal deployed her taser in an attempt to have Mr. Quarles release Officer Ricci’s fingers which was unsuccessful. Based on Officer Ricci’s spontaneous statement of “he’s biting my fucking finger off!” and Mr. Quarles’ actions at the time, Officer Ricci very likely reasonably believed that Mr. Quarles could severely injure or perhaps even sever his fingers, causing “permanent disfigurement and loss or impairment of any bodily member,” which under Maryland law, constitutes serious physical injury. When faced with the risk of such injury, deadly force was reasonable under Maryland law at the time of this incident.

Further, the moment he fired his gun, Officer Ricci had no lesser level of force available that would have been appropriate. Mr. Quarles failed to obey numerous verbal commands. The attempt by Officer O’Neale to use less than lethal force—the taser—a few seconds prior to the shooting failed to subdue Mr. Quarles. Officer Ricci could not rely on Officer Steffes because Officer Steffes was using his body to hold down Mr. Quarles and could not safely access any of the weapons on his duty belt.

In looking at the totality of the circumstances leading up to the shooting, it would be difficult to prove that Officer Ricci did not shoot Mr. Quarles in self-defense or pursuant to law-enforcement justification. Officers were responding to the residence for a complaint that Mr. Quarles was assaulting his mother and confining her against her will. When they attempted to intervene, Mr. Quarles charged at Officer Ricci, tackled him to the ground, and repeatedly punched him, causing [REDACTED] to Officer Ricci. When Mr. Quarles was on the ground, he continued to struggle with officers, reached towards Officer Ricci’s left arm, and then bit down on Officer Ricci’s fingers.

B. Voluntary Manslaughter

As discussed above, the State may pursue voluntary manslaughter charges where the defendant acted in partial, but not complete, self-defense. MPJI-Cr 4:17.2. To prove voluntary

manslaughter, the State must establish that the defendant had a specific intent to kill. *Selby v. State*, 361 Md. 319, 335 (2000). Such intent may be inferred by circumstances such as “the use of a deadly weapon directed at a vital part of the human anatomy.” *Chisum v. State*, 227 Md. App. 118, 136 (2016) (distinguishing *Selby* based on the *Selby* court’s “express finding ... that the defendant did not have an intent to kill his victim”).

To prove voluntary manslaughter, the State would need to prove that Officer Ricci’s belief that he was in imminent danger was unreasonable or that he used an unreasonable level of force. Being that Mr. Quarles had Officer Ricci’s fingers in his mouth and would not release them, and given the other background considerations discussed above, it would be difficult for the State to prove either.

C. Misconduct in Office

The crime of misconduct in office requires that 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)).

The State likely could not pursue a charge for misconduct in office under a theory of misfeasance unless it could establish that Officer Ricci acted unreasonably or used an unreasonable amount of force; there is no extrinsic evidence that Officer Ricci specifically acted with corrupt intent, so any such intent would have to be inferred from the inherent wrongfulness of his acts. *See Riley v. State*, 227 Md. App. 249, 264 (2016). For the reasons stated above, such wrongfulness would be difficult to prove here.

D. Other Charges

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 crime of first-degree murder requires the State to prove that the killing was “willful, deliberate, and premeditated.” MPJI-Cr 4:17.2. Said another way, the State must prove “the actual intent, the fully formed purpose to kill, with so much time for deliberation and premeditation as to convince [the jury] that this purpose is not the immediate offspring of rashness and impetuous temper and that the mind has become fully conscious of its own design.” *Ferrell v. State*, 304 Md. 679, 687 n. 2 (1985) (citations omitted). There is no evidence here that Officer Ricci came to a considered decision to kill Mr. Quarles; the evidence suggests he was reacting to a quickly evolving situation.

Criminal Law § 4-204(b), Use of a Firearm in Commission of a Crime of Violence, states: “A person may not use a firearm in the commission of a crime of violence, as defined in §

5-101 of the Public Safety Article, or any felony” Second-degree murder and voluntary manslaughter are both crimes of violence. Pub. Safety § 5-101(c). Second-degree murder, voluntary manslaughter, and involuntary manslaughter are all felonies. Crim. Law §§ 2-204, 2-207. The State could not pursue a charge for use of a firearm in the commission of a crime of violence unless it could prove one of the predicate offenses. For the reasons stated above, proving such a charge would be difficult based on the available evidence.

Involuntary manslaughter is an “unintentional killing done without malice, by doing some unlawful act endangering life, or in negligently doing some act lawful in itself, or by the negligent omission to perform a legal duty.” *Cox v. State*, 311 Md. 326, 331-32 (1988) (citations omitted). The defendant’s negligence “must be gross, that is, criminally culpable.” *Cox v. State*, 69 Md. App. 396, 401 (1986). To prove involuntary manslaughter under a theory of gross negligence, the State must establish: “(1) that the defendant acted in a grossly negligent manner; and (2) that this grossly negligent conduct caused the death of [Mr. Quarles].” MPJI-Cr 4:17.9 Homicide—Involuntary Manslaughter (Grossly Negligent Act and Unlawful Act), MPJI-Cr 4:17.9 (2d Ed. 2021). “‘Grossly negligent’ means that the defendant, while aware of the risk, acted in a manner that created a high degree of risk to, and showed a reckless disregard for, human life.” *Id.* In this incident, the available evidence does not indicate officers acted in a grossly negligent manner. As discussed above, the available evidence suggests that Officer Ricci’s use of lethal force was likely consistent with departmental policy.

Criminal Law § 3-204(a), Reckless Endangerment, states: “A person may not recklessly [] engage in conduct that creates a substantial risk of death or serious physical injury to another.” To prove reckless endangerment, the State must establish: “(1) that the defendant engaged in conduct that created a substantial risk of death or serious physical injury to another; (2) that a reasonable person would not have engaged in that conduct; and (3) that the defendant acted recklessly.” MPJI-Cr 4:26B Reckless Endangerment, MJPI-Cr 4:26B (2d Ed. 2021). As discussed above, the available evidence does not support a contention that the officers acted unreasonably or recklessly. Further, self-defense applies to the crime of reckless endangerment, *Jones v. State*, 357 Md. 408, 430 (2000), so the previous analysis of self-defense applies here as well.

VII. Conclusion

This report has presented factual findings and legal analysis relevant to the police-involved shooting death of Dyonta Quarles, Jr., that occurred January 30, 2022, in Crofton, Maryland. Please contact the IID if you would like us to supplement this report through further investigation or analysis.

Appendices

Appendix A – Materials Reviewed

911 & Communications (recording)
Body-Worn Camera (41 videos)
CAD Reports (4 documents)
Departmental Policies (2 documents)
Dispatch Recordings (770 audio recordings)
IA History & Training Records (5 documents)
January 29, 2022, Response (1 document, 1 audio recording, 4 videos)
Lab Reports (3 documents)
Medical Records (8 documents)
OAG Reports (13 documents)
Other Video (2 videos)
Photographs (372 photos)
Police Reports (41 items)
Radio Communications (1 audio recording)
Search Warrant (2 documents)
Witness Interviews (2 documents, 4 audio recordings)
Witness Officer Interviews (5 audio recordings)

Appendix B – Relevant AACoPD Policies

See attached.



USE OF FORCE

INDEX CODE: 401

EFFECTIVE DATE: 10-01-21

Contents:

- I. Purpose
- II. Policy
- III. Degree of Force
- IV. Deadly Force
- V. Firearms Regulations
- VI. Less-Lethal Force
- VII. Non-Lethal Force
- VIII. Medical Aid
- IX. Weapons & Ammunition
- X. Reporting Uses of Force
- XI. Department Response
- XII. Disclaimer
- XIII. Proponent Unit
- XIV. Cancellation

I. PURPOSE

The purpose of this policy is to provide police officers with guidelines on the use of force, including deadly, less-lethal, and non-lethal force. A reverence and respect for the dignity of all persons and the sanctity of human life shall guide all training, leadership, and procedures, as well as guide officers in the use of force. This policy adheres to all applicable Federal, State, and Local laws.

II. POLICY

It is the policy of the Anne Arundel County Police Department that police officers may use only the amount of force that is necessary to control an incident, to make an arrest, or to protect themselves or others from harm or death as may be necessary to take a prisoner into custody. If, however, the officer is resisted, he/she may overcome force with force. In making an arrest, officers should always consider the enormity of the crime and the character of resistance, and use only such force as may be necessary to overcome the resistance and make the arrest.

The appropriate level of force is based on the facts known to the officer or reasonably available at the time its use becomes necessary. It is recognized that officers are required to make split-second decisions about the amount of force that is necessary in a particular situation. The appropriate level of force is not dependent on alternative approaches to an incident that may have, but were not, utilized.

When time, circumstances and safety permit, officers should take steps to gain compliance and de-escalate conflict without using physical force. Examples include:

- A. The use of verbal advisements, warnings, and persuasion.
- B. Attempts to slow down or stabilize the situation so that more time, options and resources are available.
- C. Officers should consider whether a subject's lack of compliance is a deliberate attempt to resist or is caused by an inability to comply.

III. DEGREE OF FORCE

- A. Officers shall use only the degree of force that is objectively reasonable, necessary under the circumstances and proportional to the threat or resistance of a subject. An Officer should consider all information known regarding the subject and circumstances, including the seriousness of the crime or suspected offense, the level of threat or resistance presented by the subject and whether the subject is posing an immediate threat to officers or a danger to the community.

The use of force proportional to threat or resistance does not mean the Officer should use only the force that is equivalent to what they encounter. When Officers make the determination to use force, they must use only that force necessary to terminate the threat or resistance presented rapidly and with consideration of the potential of injury to the subject, the Officer, and other individuals present.

- B. Any officer who observes another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall intercede, when feasible, to prevent the use of such excessive force, so long as doing so does not pose a safety risk. Officers shall immediately report these observations to a supervisor, and document the observations prior to the end of shift.

IV. DEADLY FORCE

- A. A police officer may use deadly force when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person who is in immediate danger of serious physical injury.

- B. A police officer may use deadly force to prevent the escape of a suspect fleeing from a felony of violence that the officer has probable cause to believe will pose an immediate threat to human life should escape occur.

- C. A police officer may not use an intentional chokehold, neck hold, stranglehold, lateral vascular neck restraint, carotid restraint or any other use of physical force that restricts oxygen or blood flow to the head or neck except in the case of the use of deadly force in the defense of human life as authorized by this index code.

- D. The circumstances surrounding every use of deadly force will be highly examined during post-incident review.

V. FIREARMS REGULATIONS

- A. Before discharging a firearm for a law enforcement purpose, police officers shall identify themselves and state their intent to shoot, where feasible.

- B. Warning shots are prohibited.

- C. Police officers should refrain from discharging firearms at or from moving vehicles, unless a person in the vehicle is immediately threatening the officer or another person with deadly force and innocent persons would not be unduly jeopardized by the officer's action. Police officers shall, as a rule, avoid tactics that could place them in a position that a vehicle could be used against them.

- D. Officers may not carry firearms when consuming alcoholic beverages unless participating in a covert investigation as authorized by a Captain or above, or the Commanders of the Narcotics and Special Investigations Section or Organized & Economic Crimes Section.

- E. Officers may not carry firearms when under the influence of alcohol or drugs, or when under the influence of medication that may hinder judgment or motor coordination.

- F. Firearms may not be discharged when it appears likely that an innocent person may be injured.

- G. A police officer may discharge a firearm to destroy an animal that represents a threat to public safety, or as humanitarian gesture where the animal is seriously injured.

- H. A police officer may discharge a firearm during range practice and/or qualification.

VI. LESS-LETHAL FORCE

Police Officers, who are properly trained and certified, are authorized to use departmental issued less-lethal weapons (See Index Code 402.2, 404, 406, and 407). Less-lethal weapons are designed to provide officers with options during use of force incidents. Less-lethal weapons may be used to resolve incidents in a less-lethal manner, to

protect officers and other persons from harm, to protect a suspect/subject from self-inflicted injury, or to end incidents involving combative, or violent suspects. Officers shall not interpret this policy to mean that a less-lethal weapon replaces the use of deadly force when deadly force is justified. During situations where less-lethal weapons are deployed and deadly force is justifiable, lethal cover must be provided for the less-lethal weapon operator.

VII. NON-LETHAL FORCE

Police officers are authorized to use department approved non-lethal force techniques/personal weapons to protect themselves or others from physical harm, to restrain or subdue a resistant individual, and to bring an unlawful situation safely and effectively under control. This does not authorize the use of non-lethal force/personal weapons because a subject is resistant through mere non-compliance unless the subject's actions present an obvious safety threat.

Officers must assess each incident to determine which non-lethal force technique will best deescalate the situation and bring it under control in a safe manner.

VIII. MEDICAL AID

Police officers are responsible for obtaining medical aid for individuals who complain of, or show signs of injury as a result of any use of force.

Officers will request an ambulance and begin medical evaluation and care of such individuals as soon as practical. Fire Department emergency medical personnel at the scene of an incident will assess the need for further medical care beyond that provided at the scene.

IX. WEAPONS & AMMUNITION

Only weapons and ammunition meeting department specifications may be used by police officers carrying out law enforcement responsibilities, both on or off duty. A list of all such weapons and ammunition appears in Index Code 402.2.

X. REPORTING USES OF FORCE

A. Incidents Requiring a Use of Force Report

A Use of Force report entered into Blue Team is required whenever:

1. An employee discharges a firearm, except in the following circumstances:
 - a. The firearm was discharged for training purposes.
 - b. The firearm was discharged for recreational purposes.
 - c. The firearm was discharged for destroying an aggressive or seriously injured animal.
 - d. The firearm was unintentionally discharged;
2. An employee takes an action that results in (or is alleged to have resulted) any injury or death of another person;
3. An employee applies force through the use of a lethal, less-lethal, non-lethal, personal weapon (i.e., punches, elbow strikes, knee strikes, kicks), or a weapon of opportunity.
5. A department canine bites or inflicts injury to an individual.

A Use of Force report is not required in those instances where a firearm is displayed to assure officer safety or when using weaponless, hand-to-hand control techniques that have little or no chance of producing injuries when gaining control over, or subduing, non-compliant or resisting persons.

The Use of Force report does not replace the Incident Report or revoke any current reporting requirements. It is to be submitted in addition to any reports that are currently required.

B. Officers' Responsibilities

1. Officers will immediately report to their supervisor any use of force or firearm discharge. Exception: Firearm discharge during range practice or qualification.
2. Officers will complete or provide information for the completion of the following documents before the end of their tour of duty. Any delay in submission requires approval of their immediate supervisor:

- a. Incident Report. Each officer is required to complete their own original or supplemental report to document their explanation and articulation of the specific facts, and reasonable inferences from those facts, which justify their individual use of force. Exception: An officer who uses deadly force, force that causes death or serious injury, or discharges their firearm in any other incident other than destroying seriously injured or aggressive wildlife, will not complete an incident report. Another officer will complete the incident report in these cases.
 - b. Use of Force Report as outlined in Section A. The Use of Force Report will be completed as an entry in Blue Team by the officer using force. A separate Use of Force Report entry in Blue Team is required for each involved citizen. In cases involving more than one officer using force, the officer who applied the initial use of force is responsible for initiating the Use of Force Report entry in Blue Team. Each involved officer, who used force on the same citizen, will sit with the initiating officer and add themselves & their force applied diagram, to the Blue Team Entry of the initiating officer. The single Blue Team report will be routed through the initiating officer's chain of command. If any issues arise regarding same time submission, the supervisor will make arrangements to have the subsequent officer(s) complete their portion ASAP. The officer's justification will be reviewed to determine whether or not the force used was in or out of policy. (Exception: A supervisor will complete the Use of Force Report entry in Blue Team in cases involving the use of deadly force or force that results in death or serious injury.)
 - c. Charging documents, if applicable. Exception: An officer who uses deadly force or force that results in death or serious injury will not complete any charging documents. Another officer will complete charging documents in these cases, as directed by a supervisor.
3. Officers who are off-duty or working secondary employment, who are involved in a reportable use of force incident, will immediately report the event to the on-duty supervisor of the patrol district of occurrence, and are required to fulfill all the reporting requirements of this directive. The officer will submit their Use of Force Report to their own chain of command for review.
 4. Officers will ensure that photos are taken, and submitted into ARS, of any injury or alleged injury location on a suspect due to a use of force, unless the Evidence Collection Unit is already required to do so under this or another index code. Officers will also ensure that photos are taken, and submitted into ARS, of any impact location on a suspect resulting from a use of force, even if no injury is suspected or alleged. A full body photo will also be taken of the suspect. If an officer is injured or has property damaged (ie. clothing) during a use of force incident, the officer will ensure that photos are taken and submitted into ARS, of the injury and/or damaged property.
 5. Enter all pertinent reports, all relevant URL/hyperlink(s) to all Evidence.com files, and photos into Blue Team.

C. Supervisors' Responsibilities

A supervisor is responsible for the following actions:

1. Respond to the scene of any use of force incident where an injury occurs, unless exigent circumstances exist which prohibit the notified supervisor from responding directly to the scene.
2. Gather and review any known video of the use of force incident, including Body Worn Camera Video, business surveillance video, and other sources. If the video source is not immediately available, the supervisor will make arrangements to obtain a copy as soon as possible. External video footage should be forwarded through the chain of command to Staff Inspections. With the exception of digital evidence stored in Evidence.com (i.e. Body Worn Camera recordings, etc.), all video will be uploaded into Blue Team, if possible. The URL/hyperlink(s) to all Evidence.com files will be copied to the Blue Team record in the attachments section.
3. Ensure that any officer involved in a reportable use of force event fulfills the requirements of this directive. Complete or have another officer complete the required incident reports if the officer is unable or is

involved in a deadly force or a firearms discharge incident as described in Section A. The supervisor will complete the Use of Force report in these situations.

4. Ensure that all witness officers complete a written report documenting all activities/actions taken.
5. Review all reports and charging documents for accuracy and completeness. Approve completed reports in ARS. Ensure that all pertinent finalized reports have been entered into Blue Team. Render a policy determination in the "Task" section of Blue Team, approve the Blue Team Report, and forward up the chain of command within three workdays. Any delay in submission requires approval of their immediate supervisor.
6. If the use of force event occurs while an officer is off-duty or working secondary employment, a patrol supervisor in the district of occurrence is responsible for satisfying the supervisors' responsibilities and ensuring that a copy of the incident report is routed to the officer's assigned commander. The Use of Force Report, however, will be completed and/or reviewed by the initiating officer's chain of command. If an officer who subsequently uses force is not in the initial officer's chain of command, then the Blue Team report will be sent to their Captain using the cc function.
7. If the Use of Force report was initiated on an incident involving deadly force or an internal affairs investigation has commenced before the supervisory review process in Blue Team has begun, it will be routed directly to the Office of Professional Standards commander without determining if the incident was "in" or "out" of policy.
8. Notify the Internal Affairs Section, if the use of force appears to be excessive or in violation of this policy.
9. If the officer is injured, complete the First Report of Injury report, authorization for medical treatment form, and any other required workers' compensation or administrative reports.

XI. DEPARTMENT RESPONSE

A. Aggressive or Seriously Injured Wildlife Firearm Discharge

A patrol supervisor in the district of occurrence will be notified prior to discharging a firearm, where feasible.

B. Unintentional Discharge of Firearm

1. A patrol supervisor and a platoon commander in the district of occurrence will respond to the scene of any unintentional discharge of a firearm (if the platoon commander is not available from the district of occurrence, then a platoon commander from another district will respond), secure the scene, and will make contact with the District Detective Supervisor of the district of occurrence and the Evidence Collection Unit. If the incident occurs outside of the County, a patrol supervisor and platoon commander of the closest district to the location will respond to the scene.
2. A District Detective will respond to the scene to conduct the critical incident investigation. The District Detective will complete an ARS Report labeled "Police Information". If the unintentional discharge occurred during another call for service, then the discharge will be mentioned in the initial report of that incident also, if completed (The District Detective will still complete the "Police Information" report with more specifics).
3. An Evidence Collection Technician will respond and fully process the scene.
4. A member of the Firearms/Specialized Training Unit will respond to the scene to assist in the investigation.
5. Within 24 hours the Internal Affairs Section will be notified and an email titled "Unintentional Discharge of Firearm" will be sent to the Staff Inspections Unit (staff-inspections@aacounty.org), including a copy of the detailed ARS report, all relevant URL/hyperlink(s) to all Evidence.com files, and a list of all responding department units (ECU, Training, etc.) Staff Inspections will complete the Firearms Discharge Report in Blue Team.

6. The affected officer must be immediately scheduled remedial training with the Training Division by the officer's chain of command or the responding platoon commander, if the officer was not working with their platoon/section at the time of the incident. The affected officer will not return to his/her normal duty until the training is completed and their Bureau Commander approves their return to normal duty.

C. Discharge of Firearm on a Domestic Animal

1. A patrol supervisor and a platoon commander in the district of occurrence will respond to the scene of any discharge of a firearm on a domestic animal (if the platoon commander is not available from the district of occurrence, then a platoon commander from another district will respond); secure the scene, initiate a crime scene log, and will make contact with the District Detective Supervisor, the Evidence Collection Unit, the PIO, and a member of Peer Support (if requested). If the incident occurs outside of the County, a patrol supervisor and platoon commander of the closest district to the location will respond to the scene
2. A District Detective will respond to the scene to conduct the critical incident investigation.
3. An Evidence Collection Technician will respond and fully process the scene.
4. The PIO will be notified.
5. A member of Peer Support will respond to the scene if requested by the involved officer.
6. The district Executive Officer of the district of occurrence will conduct an administrative review of the incident. If the incident occurs outside of the County, the District Executive Officer of the closest district to the location will conduct the administrative review.
7. Within 24 hours the Internal Affairs Section will be notified and an email titled "Discharge of Firearm on a Domestic Animal" will be sent to the Staff Inspections Unit (staff-inspections@aacounty.org), including a copy of the detailed ARS report, all relevant URL/hyperlink(s) to all Evidence.com files, and a list of all responding department units (ECU, Training, etc.) Staff Inspections will complete the Firearms Discharge Report in Blue Team.

D. Use of Deadly Force or Force that Results in Death or Serious Injury Incidents (To include Deadly Force which does not cause injury)

1. The patrol supervisor and platoon commander in the district of occurrence will respond *and do the following*:
 - a. *Secure the scene pending arrival of investigators (if the platoon commander is not available from the district of occurrence, then a platoon commander from another district will respond).*
 - b. *Locate and isolate any witnesses for the arrival of investigators.*
 - c. *Render assistance to the affected officer.*
 - d. *Initiate a crime scene log.*
 - e. *Immediately take photo of affected officer at scene, then secure all weapons used in the incident for the follow-up investigator. Firearms will be placed, as is, in an "Officer Involved Weapon Collection Kit". Firearms will not be rendered "safe" and no magazines or rounds will be removed from the firearm.*
 - f. *Complete the Use of Deadly Force Investigation Guide (PD 401) and submit a written report of their activities.*
 - g. *Notify the District Commander (or Night Commander if applicable) on-call CID supervisor, the Training Division Commander, the Evidence Collection Unit, the PIO, FOP representative, and a member of Peer Support.*
 - h. *If no other police officer or other credible witness is available to provide the following information, the platoon commander will ensure that brief public safety information is collected individually from the involved officer(s) (who used deadly force or force that resulted in death or serious injury) on the scene, covering only information necessary to focus initial police response. This includes information on:*
 1. *type of force used;*

2. *direction and approximate number of shots fired by officers and suspects;*
 3. *location of injured persons;*
 4. *description of at-large suspects and their direction of travel;*
 5. *time elapsed since any suspects were last seen and any suspect weapons;*
 6. *any other information necessary to ensure officer and public safety and to assist in the apprehension of at-large suspects.*
2. A Homicide Detective *and Homicide Supervisor* will respond to the scene.
 3. *In all cases involving a Use of Force resulting in death, the Homicide Supervisor will notify the Maryland State Police Headquarters Duty Officer (410-653-4200) of the incident. The Homicide Supervisor will brief the Office of the Attorney General's Independent Investigations Division (IID)/Maryland State Police Investigators of the incident upon call back. The IID/MSP investigators will determine if they will respond out to investigate the incident.*
 4. The Criminal Investigation Division Homicide Unit will conduct a criminal investigation *of any other deadly force incident not investigated by IID/MSP*. A report of the criminal investigation will be submitted to the State's Attorney's Office and the Staff Inspections Unit within 30 days. The State's Attorney will decide whether the officer's actions were lawful or unlawful, and whether to initiate criminal action against officers whose actions are deemed unlawful.
 4. An Evidence Collection Technician will respond and fully process the scene, *unless directed otherwise*.
 5. A member of the Firearms/Specialized Training Unit will respond to the scene to assist in the investigation.
 6. The PIO will respond to the scene.
 7. A member of Peer Support will respond to the scene. Mobile Crisis and/or the department chaplain, are also available if needed to respond to the scene of a traumatic incident and provide counseling to employees. The decision to request these services rests with an on-scene patrol supervisor of the rank of Police Lieutenant or above. Communications should be notified if either or both of these resources are needed at the scene. It is the responsibility of the affected employee's immediate supervisor to set a Traumatic Incident Counseling appointment for the employee with the Departmentally-contracted psychologist per Index Code 403.
 8. If the incident occurs outside of the County, a patrol supervisor and platoon commander of the closest district to the location will respond to the scene. They will render assistance to the affected officer and notify the designated representative of FOP Lodge 70 and Peer Support. They will also notify the PIO, assist the investigating agency, and submit a written report of their activities. The investigating agency will be responsible for the criminal investigation.
 9. The Staff Inspections Unit will conduct a detailed administrative investigation of every use of deadly force or force by a police officer that results in death or serious injury of a person. This report will be completed and submitted to the Chief of Police within 20 working days of the Staff Inspections Unit receipt of the criminal investigative report requiring review. The report will include the relevant facts and circumstances surrounding the incident and a conclusion as to whether the officer's actions were in violation of any policy. Actions deemed to be in violation of policy will be referred to the Internal Affairs Section for investigation. The Office of Professional Standards commander will make the final determination if the incident was "in" or "out" of policy at the conclusion of the administrative investigation.
 10. When a police officer uses deadly force against a person or uses force that causes death or serious injury to a person, the officer shall be placed on administrative leave by the Bureau Chief, after completing all on-scene investigative and reporting requirements, until they complete all "Post Incident Requirements" within 10 days of the incident:
 - a. A mental health professional recommends that the police officer is ready to return to duty. See Index Code 403 for details and procedures; and

- b. The officer must report to the Police Academy for firearm re-qualification and judgmental shooting training.
- 11. The officer may not return to line duty until an administrative review is conducted by the Senior Command Staff and the Chief of Police approves the return to line duty.
- 12. In the event that employees are involved in situations in which they, in the performance of their duties, use deadly force which seriously injures or kills another person, the department/County will provide a weapon and/or radio to the employee if either is retained by the investigating agency (unless the employee is suspended from duty).
- 13. Agency personnel responsible for conducting criminal and administrative investigations of Use of Deadly Force or any police action that results in death or serious injury will receive training for conducting and managing these investigations.
- 14. All agency personnel potentially impacted by Use of Deadly Force or any police action that results in death or serious injury will receive awareness training regarding the process of investigating and managing these incidents.

E. Less-Lethal Use of Force Incidents

Refer to Index Codes 406 and 407.

F. Uses of Force

All reported uses of force will be reviewed to determine whether:

- 1. Department rules, policies, or procedures were violated;
- 2. The relevant policy was clearly understandable and effective to cover the situation.

This initial administrative review is conducted by the affected officer's chain of command, ending at the level of Bureau Commander. Each supervisory officer in the chain will:

- 1. Thoroughly review all submitted reports, documentation and photographs.
- 2. Review all known video of the incident.
- 3. Request additional information and/or documentation if needed.
- 4. Based on the facts and information available at the time of review, make a determination if the use of force was in policy by making proper notation in Blue Team.
- 5. Sign the Use of Force form and promptly submit the entire file to the next officer in the chain of command.

If the initial administrative review determines that the use of force violated department policy, the Bureau Commander will refer the case to Internal Affairs for investigation and promptly notify the respective Deputy Chief.

The Staff Inspections Unit will prepare an annual analysis of reportable uses of force by police officers, as well as use of force policies and practices, for the Chief's review. The analysis will identify the date and time of incidents, types of encounters resulting in use of force, trends or patterns related to race, age, and gender of subjects involved, trend or patterns resulting in injury to any person including employees, and impact of findings on policies, practices, equipment, and training. The Staff Inspections Unit will also conduct an annual review of all assaults on employees to determine trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues. The Staff Inspections Unit will coordinate with the Training Division to address any training issues.

XII. DISCLAIMER

The Anne Arundel County Police Department's policy on the use of force is for department use only and does not apply in any criminal or civil proceeding. The department's policy will not be construed as the establishment of a higher legal standard of safety or care with respect to third party claims.

XIII. PROPONENT UNIT: Training Division & Staff Inspections.

XIV. CANCELLATION: This directive cancels Index Code 401, dated *07-15-21*.