



Office of the State's Attorney for Baltimore City  
120 East Baltimore Street  
Baltimore, Maryland 21202

**MEMORANDUM**

**ATTORNEY WORK PRODUCT  
PRIVILEGED**

**To:** 13P299 File (in-custody death/Tyrone West)

**From:** Gerard Volatile, ASA

**Date:** January 16, 2014

**Re:** Officer Jeremy Flores

---

The following represents a summary of the interview of Officer Jeremy Flores by ASA Volatile on or about July 25, 2012

- Witness is a City Officer who was riding with OIC Taras Hnatyshyn the day of the incident.
- Witness relates that they were pretty far away from the location when they heard the Signal 13, and they responded with lights and sirens.
- Witness relates that when they arrived there were officers standing around the guy on the ground who was in cuffs, face down.
- Witness relates that a MSP officer propped the guy up but he was limp.
- Witness relates that OIC noticed something was wrong.
- Witness relates that somebody checked for a pulse and they started CPR.
- Witness relates that he used his cuff key to remove one cuff so they could treat him and that he later removed the cuffs entirely, which he later gave to Officer Beasley.
- Witness remembered seeing Hashagen there, but not Hinton.

- Witness described the scene as NOT secure, too many civilians too close and people yelling “they beat him.”
- Witness remembered a Major, a Lt., Sgt. Chris Warren and Sgt. Harris all arriving after he did

STATE'S ATTORNEY  
Gregg L. Bernstein



OFFICE of the STATE'S ATTORNEY for BALTIMORE CITY  
120 East Baltimore Street Baltimore, Maryland 21202

443-984-6000

November 25, 2013

Rev. Delman Coates  
9832 Piscataway Road  
Clinton, MD 20735

Re: Tyrone West

Dear Rev. Coates:

Thank you for your November 19 letter inquiring as to the status of the circumstances of Tyrone West's death on July 18 while in police custody.

Please be assured that the State's Attorney's Office is working diligently to complete its investigation into this matter, which includes a review of the autopsy report being prepared by the Office of the Chief Medical Examiner, and which we expect to be completed shortly.

Regarding contact with Mr. West's family, as I am sure you are aware, the West family has been represented by counsel since this incident, and accordingly, we are ethically prohibited from communicating with them directly. We are, of course, available to speak with counsel to provide a status report of our investigation should counsel contact us, or even speak to the family directly if we receive permission from their counsel.

Very truly yours,

A handwritten signature in black ink, appearing to be "G. Bernstein", written over the typed name and title.

Gregg L. Bernstein  
State's Attorney for Baltimore City

glb/awp

CC: Gerard Volatile ASA



Office of the State's Attorney for Baltimore City  
120 East Baltimore Street  
Baltimore, Maryland 21202

MEMORANDUM

ATTORNEY WORK PRODUCT  
PRIVILEGED

**To:** 13P299 File (in-custody death/Tyrone West)

**From:** Gerard Volatile, ASA

**Date:** January 16, 2014

**Re:** Officer Melvin Cross

---

The following represents a summary of the interview of Officer Melvin Cross by ASA Volatile on or about August 8, 2012

- Witness is a former City Officer now with Morgan State Police
- Witness parked his car upon arrival on Kelway near intersection.
- When Witness arrived Corey Jennings and "T" (Taras Hnatyshyn) were already doing CPR on the suspect.
- Witness knew that Morgan car would have portable defibrillator so he got one out of the trunk of MSP Officer Lewis' car.
- Witness observed Officer Lewis apply the patch and they waited for the "apply shock" prompt, when they heard it they stopped doing CPR and shocked the suspect, after which "T" immediately went back to doing compressions.



Office of the State's Attorney for Baltimore City  
120 East Baltimore Street  
Baltimore, Maryland 21202

**MEMORANDUM**

**ATTORNEY WORK PRODUCT  
PRIVILEGED**

**To:** 13P299 File (in-custody death/ Tyrone West)

**From:** Gerard Volatile, ASA

**Date:** November 18, 2013

**Re:** interview of PO Derrick Beasley

---

The following represents a summary of the information provided by PO Derrick Beasley during his interview at the SAO on October 22, 2013. Also in attendance were intern Crystal Kyes and Chaz Ball, Esq., counsel for PO Beasley. The interview began at approximately 1:30 p.m., and was conducted pursuant to a grant of use and derivative use immunity as reflected in a letter executed by the parties memorializing the terms. This memorandum also reflects the writer's mental impressions and opinions of the information provided by PO Beasley.

- Officer Beasley has been an officer for approximately 6 years. He knew all the officers involved in the incident, but could not remember Officer Cioffi's name.
- When asked to identify the pictures of his colleagues, the witness made a comment that Morgan State University ("MSU") Officer David Lewis looked thinner in the photograph than at the time of the incident [note that if Lewis was bigger at the time, would impact on degree of force applied by knee].
- Witness was on special detail with MSU Officer Lewis who was driving a MSU vehicle. Witness had been riding with Lewis since January, 2013. Witness stated he was more familiar with the area than Lewis. Witness was seated in the front passenger seat.
- Witness first heard the call for assistance while on a break at a 7-11 near the intersection of the Alemeda and Cold Spring Lane. The witness could hear commotion over the radio,

yelling, and a request for back-up from PO Chapman. N.B.: The witness doesn't recall the suspect ever saying anything throughout the entire incident.

- Witness and Lewis respond to the first Signal 13, and while in route, heard two more Signal 13's.
- Witness and Lewis drove east on Kitmore Road toward the intersection of Kitmore and Kelway Road where the confrontation was occurring between the officers and the suspect. Upon arriving at the scene, witness had a clear view to his right of Officers Chapman and Ruiz who were struggling with the suspect. The witness stated that when he arrived, the suspect was on his feet and throwing punches. The witness exited the car before it came to a complete stop. The car was then hit in the rear by another police car also approaching in an eastbound direction on Kitmore. The witness does not recall any vehicles following them while in route to the incident.
- The witness grabbed the suspect in an attempt to subdue him. The witness stated that the suspect felt sweaty. The witness stated that when he arrived, the other two officers that were the first contact with the suspect (Chapman and Ruiz) had backed away and were attempting to render aid to themselves due to the mace that had been used before the witness arrived in an effort to subdue the suspect.
- The witness recalls striking the suspect with his fist, but does not recall what part of the suspect's body. The witness also recalls being hit in the head by the suspect during the struggle, hard enough that it hurt. The witness was eventually able to get one handcuff on the suspect after he went down to the ground, but could not get the other cuff on.
- The witness believes that while he was the first officer to render assistance to Officers Chapman and Ruiz in the struggle, others arrived very soon thereafter, including Officers Lee, Hinton and Hashagen. He remembers the trainee, Danielle Lee, and Officer Cioffi being present, but not engaging with the suspect.
- Ultimately, the suspect went down to the ground, but the witness is not sure what caused him to go down. The witness believes he may have spun the suspect around to try to get a cuff on him before he went down. Once the suspect was down he got a cuff on him, possibly on his left wrist. He tried to use the cuff to control the suspect, but couldn't because the suspect continued to struggle even while on the ground. The suspect was actively and forcefully attempting to pull his arms away from the grasp of the officers to keep them from cuffing him.

- The witness then backed away because he was unable to cuff the suspect on his own and he was now exposed to the remnants of the mace and was in some discomfort. The witness also mentioned prior injuries to his arm and hand that may have furthered the difficulty in getting the individual cuffed.
- The other officers who had arrived on the scene (with the exception of Officers Ruiz and Chapman) continued to attempt to cuff the suspect's remaining free hand, but the suspect continued to kick and resist while lying on his stomach. The witness does not know who or how the suspect ultimately was cuffed on his remaining wrist.
- The suspect continued to resist (kicking) even after being cuffed. After being cuffed, MSU Officer Lewis put his knee on top of the suspect's back in an effort to control him. The witness stated that MSU Officer Lewis was the last person who was engaged with the suspect. The witness demonstrated how Lewis placed a knee on the suspect's back while he was prone on his stomach. The witness said he could not remember which way Lewis was facing, but he demonstrated that Lewis was on the left side of the body and was facing the individual's head, with his knee/leg somewhat covering the individual's left arm also. He said that he had the knee in the back for 'a minute or two,' and that the individual never stopped resisting. The witness does not recall how long the suspect was on the ground on his stomach before Terrace (sp?) (Officer Hnatyshyn) arrived.
- At one point, PO Hashagan attempted to immobilize the suspect's legs to keep him from kicking, but could not accomplish this, so he backed away.
- Again, the witness doesn't recall the individual saying anything when Lewis had his knee in the suspect's back. The witness does remember that when Terrace arrived, the suspect was not breathing. When Terrace said, 'is he breathing?' Lewis got off of the suspect's back.



Office of the State's Attorney for Baltimore City  
120 East Baltimore Street  
Baltimore, Maryland 21202

**MEMORANDUM**

**ATTORNEY WORK PRODUCT  
PRIVILEGED**

**To:** 13P299 File (in-custody death/ Tyrone West)

**From:** Gerard Volatile

**Date:** November 17, 2013

**Re:** interview of PO Nicholas Chapman

---

The following represents a summary of the interview of PO Nicholas Chapman on October 28, 2013 @ 1:30 PM. Present at the interview were ASA Gerard Volatile, Detective Luis Delgado, and Officer Chapman's attorney, Chaz Bell, Esq. The interview was conducted pursuant to a grant of use and derivative use immunity, which is memorialized in a letter executed by the parties. This memorandum also reflects the writer's mental impressions and opinions of the information provided by the witness.

- Witness and PO Ruiz were working together in plain clothes capacity as part of the Operations Unit in a two-man, unmarked car. Vehicle had lights, (light bar on the windshield). PO Ruiz was driving.
- They observed a vehicle unsafely backing up in an intersection near Kitmore. They pulled behind the vehicle at first, then went pass him, and Ruiz made a 3-point turn and began following the vehicle on Kitmore in an easterly direction.
- P/O Ruiz activated the car's lights on Kitmore as the suspect vehicle continued driving slowly down the road. Vehicle then made a right turn on Kelway and stopped just south of the intersection.
- Both while following the vehicle and after it stopped, observed the occupants "dipping down" (shoulders, etc.) as if to hide something or remove something they were holding or carrying.
- P/O Ruiz exited and approached the driver's side, while witness went around to the passenger's side.



- The two occupants were calm and respectful.
- P/O Ruiz asked the driver to step out of the vehicle for a pat down while witness asked the female passenger to step out of the vehicle, and also radioed for a female officer to pat down the female passenger.
- P/O Ruiz then asked the male driver to sit down on the sidewalk, while witness asked the female to sit beside the male driver (which she refused).
- Witness conducted a search of the interior of the vehicle while P/O Ruiz kept an eye on the driver and female passenger. Asked for permission to search the trunk, which was given.
- While searching the trunk, P/O Ruiz asked the driver to let him see his shoes or feet. The individual then began to stand up to try and get away. PO Ruiz grabbed the individual and pushed him against the police vehicle. They both fall to the ground on the sidewalk. P/O Ruiz gets on top of the individual, but the individual continues to try to get up with Ruiz holding him down. Witness holding onto individual's legs who continues to kick. Witness takes out his baton and strikes individual on the calf, which has no effect.
- Individual is able to push himself up with both witness and P/O Ruiz on his back. Individual is now up against the police vehicle. P/O Ruiz is doing a bear hug from behind attempting to control him. Witness faces the individual's side, at which time the individual is able to reach back, in an attempt to punch him. Witness then punches individual in the face with a close fist and individual lands a punch on witness's chest.
- At this point, the individual calms down, stops resisting, looks at them, and says, "Ok, you got me". Witness asks the individual to put his hands behind the back at which point the individual tenses his arm and pulls it away. The individual starts fighting again, and attempts to get up near the grass area. Witness pulls his mace out and attempts to mace individual in the face but he moves away and witness gets mace in his face.
- Individual is able to escape from them and runs towards Kitmore with witness still holding on to individual's belt. He runs towards the mouth of the alley on Kitmore, turns around, and reaches down into his socks and does a throwing motion (N.B. CDS was found near vehicle where initial encounter occurred), wipes his face and yells "Travon Martin", Help".
- Individual assumes a boxing stance like a boxer. P/O Ruiz then re-engages the individual. Ruiz may have used his baton at this point. Individual falls to the ground. Witness kicks individual in the head with the top of his foot, above the instep, not the toes, in an effort to subdue him. He kicks at him a second time, but does not believe he hit him.

- The individual gets up again and walks across the street (south side) and hides behind a truck, assuming a tactical position. At this point, hears sirens nearby. Does not remember how long the individual was behind the truck.
- They decide to re-engage the individual. Witness goes around one side of the truck while P/O Ruiz goes around the other side. The individual lunges at him, poking him in the eye. He is blinded and unable to see what transpires next. He was able to open one eye and see other officers in blue arriving and taking charge. He was unable to see anything further about what was going on with the individual. He stood back and called for medics to assist him and P/O Ruiz who also had been maced. He remembers getting help from P/O Lee.



Office of the State's Attorney for Baltimore City  
120 East Baltimore Street  
Baltimore, Maryland 21202

**MEMORANDUM**

**ATTORNEY WORK PRODUCT  
PRIVILEGED**

**To:** 13P299 (in-custody death/Tyrone West)

**From:** Gerard Volatile, ASA

**Date:** November 18, 2013

**Re:** Officer Matthew Cioffi interview

---

The following represents a summary of the information provided by PO Matthew Cioffi during his interview at the SAO on October 28, 2013 at 3:00 p.m. In attendance were ASA Gerard Volatile, Det. Luis Delgado, BPD, and Chaz Ball, Esq., attorney for PO Cioffi. The interview was conducted pursuant to a grant of use and derivative use immunity as reflected in a letter executed by the parties memorializing the terms. This memorandum also reflects the writer's mental impressions and opinions of the information provided by PO Cioffi.

- Witness may have seen PO Beasley in roll call before beginning his shift that night. PO Ruiz worked on his shift before switching to the Northeast Operations Unit. PO Hashagan and PO Hinton were also working that night and believed they were working together. Witness normally works sector 3; was unaware of the location of incident, nice area, not many calls for service around there.
- Witness was riding with Police Officer Lee and the trainee, Office Lewis, who was driving. Witness was sitting in the rear passenger seat.
- They were on Belair Rd when they heard dispatcher ask for a female officer to search a female. They made their way to Loch Raven, normally a 10-15 min drive. Not in any hurry, heading to the location until they heard the first Signal 13. Then activated lights and siren and started driving fast. Then hear two more Signal 13s. Morgan State vehicle got in front of them, which they followed to the location. Morgan State vehicle slammed on the breaks near the intersection of Kitmore and Kelway and their vehicle struck MSU vehicle in the rear. No one appeared injured. Believed that the trainee was only going 15 MPH.

- He observed the suspect engaging officers near a SUV; suspect is fighting with PO Ruiz. (Does not remember seeing P/O Chapman at this point.). P/O Lee and trainee exit the vehicle. Witness is unable to exit vehicle initially because back door is locked and can only be opened from outside. Witness reaches out to the front of the vehicle and lowers the window, opens the door from the outside, and exits from the vehicle.
- P/O Lee is running towards P/O Ruiz with her baton out. P/O Lee engages the suspect. Does not remember what P/O Ruiz was doing. Suspect was in fight mode. (hands up, trying to swing at officers).
- By the time witness got out of the car and to where the confrontation was taking place suspect was on the ground with one cuff on, pulling away from the officers.
- Witness was on suspect's right side (suspect face down), near his hip. PO Hinton was on the same side, near head. PO Hashagen was across from witness. PO Lee was across from Hinton. Thinks that MSU Officer Lewis was near suspect's feet, but not sure. Trainee did not engage. Does not remember seeing what P/O Beasley did after they went to the ground.
- MSU Officer winds up holding the suspect down (knee on the lower back). Suspect still resisting.
- Witness and PO Hinton gets suspect's right arm to cuff him, and Hashagen may have taken hold of his left arm, but not sure. Hard to grab suspect because he was so sweaty. Estimates 25 or 30 seconds from getting out of car until cuffs on. Doesn't remember suspect saying anything.
- Hashagen got up and suspect tried to kick him. Hashagen tried to cross suspect's legs and pin him down, but never really got it done because suspect kept resisting, so he stepped back, out of range.
- Witness rubbed eyes and got pepper in eyes, went to his vehicle for water, but he had to hunt for it because it had rolled off the seat in the accident. As he walked over to the patrol vehicle, noticed Officer Chapman for the first time. Could no longer see suspect, but believes MSU Officer, Beasley, Hashagen, and Hinton were the ones close to the suspect after he walked away. PO Lee and trainee had also walked away.
- Witness saw the sector supervisor "OIC" (he called him 'Thomas,' really 'Taras' Hnatyshyn) and other officers arrive at the scene 30 or 40 seconds after he walked away from suspect. Also remembers seeing P/O Chapman and PO Ruiz's supervisor at the scene and PO Flores after the incident.
- Remembers seeing someone start CPR on the suspect. (Believes it was OIC). Suspect began turning blue. (Does not remember seeing anything coming out of the nose or mouth). Someone said "Get the hand cuffs off (Doesn't remember who it was) and they continued CPR until they put him in the ambulance.



Office of the State's Attorney for Baltimore City  
120 East Baltimore Street  
Baltimore, Maryland 21202

**MEMORANDUM**

**ATTORNEY WORK PRODUCT  
PRIVILEGED**

**To:** 13P299 File (in-custody death/Tyrone West)

**From:** Gerard Volatile, ASA

**Date:** November 18, 2013

**Re:** Officer Corey Jennings interview

---

The following represents a summary of the telephonic interview of PO Corey Jennings by ASA Gerard Volatile and Detective Luis Delgado on September 3, 2013:

- Witness arrived late to the scene after the suspect had been handcuffed. Ruiz and Chapman appeared disoriented. They were suffering from mace, and were 10 yards from the suspect who was on his stomach, cuffed. Young, white City officer with dark hair (Cioffi?) was standing by with his baton out. PO Lee was standing by with her baton out.
- Morgan State officer, salt and pepper hair, maybe 6'4", dark, early 40s, had his knee in the suspect's back. Nobody else was within reach of the suspect.
- Suspect was not making any noise at all. Somebody (Officer Parker) said, 'get off his back, let him up' and the Morgan officer got off of him. When they rolled him he was 'dead weight' and his face was 'gray.' One leg that was bent stayed bent; they had to straighten it out manually.
- Small white officer (Flores) had cuff key and removed a cuff.
- Did not see any blood. The saliva in his mouth was 'bubbling.' Taras (Hnatyshyn) tried to move his tongue with a pen. They started doing compressions.
- During CPR they got a pulse. A MS officer brought a defibrillator but it didn't appear to work so they continued chest compressions, then finally they shocked him.



Office of the State's Attorney for Baltimore City  
120 East Baltimore Street  
Baltimore, Maryland 21202

**MEMORANDUM**

**ATTORNEY WORK PRODUCT  
PRIVILEGED**

**To:** 13P299 File (in-custody death/Tyrone West)

**From:** Gerard Volatile

**Date:** October 24, 2013

**Re:** PO Office Eric Hinton interview

---

On 10/24/13 @ 3:30 PM, P/O Eric Hinton was interviewed by A.S.A Gerard Volatile and Detective Luis Delgado. During the interview P/O Hinton was represented by the F.O.P Attorney Chaz Ball. The following represents a summary of the interview:

- Works for the Northeast District
- Following Pictures shown: Cioffe, Chapman, P/O Lewis, Ruiz, Lee, Hashagan, Morgan State P/O (Don't know his name) (couldn't remember Hashagan's name, looked it up on his wrist computer)
- P/O Ruiz and Chapman worked with him in Patrol, same shift. Then P/O's went to special unit in the District.
- P/O Ruiz lives across from him.
- P/O Hashagan and P/O Lee works in the same shift.
- P/O Morgan State and P/O Beasley are assigned to a special detail.
- On the date of incident, P/O Hinton was working with P/O Hashagan
- They were at the 7/11 Store on Cold Spring when dispatcher called for additional units.
- Does not remember seeing anyone else at or near 7/11 Store.

- Heard first signal 13, but could not understand the location.
- Waited for the second Signal 13, P/O Hinton drove down the Alameda then made a right on Kitmore.
- Not aware of any Officers behind them.
- While driving down Kitmore Rd, saw patrol cars, P/O Beasley and other Officers assisting P/O Ruiz and P/O Chapman, who were out of commission.
- They were in the intersection of Kitmore and Kelway, near the grass.
- Suspect was facing P/O Hinton's direction towards Kitmore
- Believed someone had sprayed mace.
- Suspect had hands by the face moving back towards the truck then charged towards the Officers involved, mostly in Chapman's direction.
- P/O Beasley, P/O Lee and the others try to hold him down.
- Was not aware where P/O Cioffe was.
- Suspect pushed P/O Beasley back (Beasley is a relatively large man, former HS football player).
- Once suspect was down, P/O Hinton notice individual had the left hand cuffed, but was not aware who had put it on.
- Suspect was trying to push up
- W gave several verbal commands to suspect, in an attempt to get the arm out. "Please let me cuff you" directly at his face.
- Suspect kept saying "No", suspect was also grunting.
- Suspect still pushing up with his right arm.
- Once again said, "Please let me cuff you and this will stop", at which time suspect looked at him, made eye contact, and then suspect stopped resisting and gave in, letting P/O hand cuff his arm.
- P/O's then took a breather and backed away, P/O Hinton then stood by his head (Right side) and Beasley by his foot.

- Was not aware of the other P/O position or involvement in this incident.
- Called for a medic, for the maced officers.
- Notice people coming out of their homes.
- Looked down, notice suspect was a big guy, facing down and not moving.
- Asked to turn the suspect over, believed suspect wasn't breathing.
- Someone turned him over and felt his pulse. (Did not have a pulse).
- Does not remember the first officer who performed CPR, but the second P/O was "T" the OIC.





Office of the State's Attorney for Baltimore City  
120 East Baltimore Street  
Baltimore, Maryland 21202

**MEMORANDUM**

**ATTORNEY WORK PRODUCT  
PRIVILEGED**

**To:** 13P299 File (in-custody death/Tyrone West)

**From:** Gerard Volatile

**Date:** November 17, 2013

**Re:** interview of PO Jorge Bernardez-Ruiz

---

The following represents a summary of the information provided by PO Jorge Bernardez-Ruiz during his interview at the SAO on October 28, 2013 at 3:00 p.m. Present at the interview were ASA Gerard Volatile, Detective Luis Delgado and Officer Ruiz's attorney, Chaz Bell. Esq. The interview was conducted pursuant to a grant of use and derivative use immunity as reflected in a letter executed by the parties memorializing the terms. This memorandum also reflects the writer's mental impressions and opinions of the information provided by PO Ruiz.

- Witness and PO Chapman working in plain clothes capacity. Witness was driving the unmarked vehicle, which had lights, but no siren.
- Witness observed a vehicle unsafely backing up through an intersection and then turning down Kitmore. Witness made a 3-point turn and followed the vehicle down Kitmore. He activated the lights on his vehicle, and the driver looked back at them. Lots of furtive movement by both occupants of the car, 'looking and dipping.' The suspect vehicle was driving very slowly down Kitmore.
- After the lights were activated, vehicle made a right turn on Kelway, heading north and stopped a few feet from the intersection.
- Individuals inside the vehicle were dipping down (Shoulder dip).
- Witness approached the driver's side with caution, only as far as the B-pillar, while P/O Chapman went around to the passenger's side. Everyone in the vehicle was calm and respectful. Asked, 'didn't you see us?' and suspect answered, 'yeah, I saw you.'

- Witness asked the driver to step out of the vehicle for a pat down. Driver started to put hands up, and witness told him to put them down, saying, “we’re just talking.” In the meantime, P/O Chapman asked the passenger to step out of the vehicle, and called for a female officer for a pat down.
- Witness asked the male driver to sit down on the side walk, while P/O Chapman asked the female to sit beside the male driver (she did not comply). P/O Chapman conducted a search through the vehicle for weapons while he kept an eye on the driver and the female.
- P/O Chapman asked the driver permission to search the trunk, which was granted.
- Witness noticed the suspect was pretty big, asked him to sit on the curb. When he did he crossed his ankles without request, and witness noticed a bulge in his sock. He asked the suspect to let him see his shoe and bent over toward the bulge. Suspect then swung at him and attempted to get up. The witness jumped on top of him and a scuffle begins.
- Witness managed to grab the suspect from behind in a bear hug in an attempt to gain control of him and pushes the suspect against the police vehicle. Heard P/O Chapman yell, “stop resisting”. Witness gets on top of the individual in an attempt to pin him against the vehicle. He hits him with body shots a couple of times, but there is no reaction from the suspect. Witness is now yelling to, ‘stop resisting.’
- Suspect goes limp, and says, ‘ok, you got me’ W tells him to put his arms back for handcuffing. Suspect starts to put his hands behind his back, but then ‘explodes off of the car,’ reaching back. Witness thinks suspect is trying to grab officer’s gun.
- Suspect then puts his hands up, and they end up on the ground, Witness again asks suspect to put his hands behind his back and suspect explodes again, at which time P/O Chapman maces suspect, witness and Chapman with most getting on the suspect. Witness was able to strike suspect with his baton in the lower body/legs, but it seemed to have no effect.
- Suspect is able to get up and runs towards Kelway with P/O Chapman holding onto him. Witness tells Chapman to let him go. Suspect runs towards the mouth of the alley on Kitmore (north side), turns around and yells “Travon Martin,” and “Help”. Reached down toward sock then comes up and makes a throwing motion, but witness didn’t see anything thrown. Suspect then assumed a boxing stance, bouncing on the balls of his feet.
- Everybody takes a breather and then officers re-engage suspect (might have used his baton).
- Suspect then walks fast back across the street (south side) and hides behind a truck, assuming a tactical position. P/O Chapman had been calling for Signal 13. Could now hear sirens.

- They decide to re-engage the suspect again, and witness went around one side of the truck while P/O Chapman went around the other side. Sees P/O Beasley and P/O from MSU as the first officers to arrive, and they all square off.
- Suspect tries to rush towards Beasley and Chapman in an aggressive, fighting mode. Witness grabs suspect by the belt, but lets go as suspect is falling; not sure who got him down to the ground.
- Someone then grabs witness by the belt and walks him away to render aid. His eyes are burning and he is having trouble seeing.
- During the encounter, witness recalls suspect throwing punches, but doesn't remember any landing
- Doesn't remember any civilian presence until encounter was all over.



Office of the State's Attorney for Baltimore City  
120 East Baltimore Street  
Baltimore, Maryland 21202

**MEMORANDUM**

**ATTORNEY WORK PRODUCT  
PRIVILEGED**

**To:** 13P299 File (in-custody death/Tyrone West)

**From:** Gerard Volatile

**Date:** November 17, 2013

**Re:** interview of PO Jorge Bernardez-Ruiz

---

The following represents a summary of the information provided by PO Jorge Bernardez-Ruiz during his interview at the SAO on October 28, 2013 at 3:00 p.m. Present at the interview were ASA Gerard Volatile, Detective Luis Delgado and Officer Ruiz's attorney, Chaz Bell, Esq. The interview was conducted pursuant to a grant of use and derivative use immunity as reflected in a letter executed by the parties memorializing the terms. This memorandum also reflects the writer's mental impressions and opinions of the information provided by PO Ruiz.

- Witness and PO Chapman working in plain clothes capacity. Witness was driving the unmarked vehicle, which had lights, but no siren.
- Witness observed a vehicle unsafely backing up through an intersection and then turning down Kitmore. Witness made a 3-point turn and followed the vehicle down Kitmore. He activated the lights on his vehicle, and the driver looked back at them. Lots of furtive movement by both occupants of the car, 'looking and dipping.' The suspect vehicle was driving very slowly down Kitmore.
- After the lights were activated, vehicle made a right turn on Kelway, heading north and stopped a few feet from the intersection.
- Individuals inside the vehicle were dipping down (Shoulder dip).
- Witness approached the driver's side with caution, only as far as the B-pillar, while P/O Chapman went around to the passenger's side. Everyone in the vehicle was calm and respectful. Asked, 'didn't you see us?' and suspect answered, 'yeah, I saw you.'

- Witness asked the driver to step out of the vehicle for a pat down. Driver started to put hands up, and witness told him to put them down, saying, “we’re just talking.” In the meantime, P/O Chapman asked the passenger to step out of the vehicle, and called for a female officer for a pat down.
- Witness asked the male driver to sit down on the side walk, while P/O Chapman asked the female to sit beside the male driver (she did not comply). P/O Chapman conducted a search through the vehicle for weapons while he kept an eye on the driver and the female.
- P/O Chapman asked the driver permission to search the trunk, which was granted.
- Witness noticed the suspect was pretty big, asked him to sit on the curb. When he did he crossed his ankles without request, and witness noticed a bulge in his sock. He asked the suspect to let him see his shoe and bent over toward the bulge. Suspect then swung at him and attempted to get up. The witness jumped on top of him and a scuffle begins.
- Witness managed to grab the suspect from behind in a bear hug in an attempt to gain control of him and pushes the suspect against the police vehicle. Heard P/O Chapman yell, “stop resisting”. Witness gets on top of the individual in an attempt to pin him against the vehicle. He hits him with body shots a couple of times, but there is no reaction from the suspect. Witness is now yelling to, ‘stop resisting.’
- Suspect goes limp, and says, ‘ok, you got me’ W tells him to put his arms back for handcuffing. Suspect starts to put his hands behind his back, but then ‘explodes off of the car,’ reaching back. Witness thinks suspect is trying to grab officer’s gun.
- Suspect then puts his hands up, and they end up on the ground, Witness again asks suspect to put his hands behind his back and suspect explodes again, at which time P/O Chapman maces suspect, witness and Chapman with most getting on the suspect. Witness was able to strike suspect with his baton in the lower body/legs, but it seemed to have no effect.
- Suspect is able to get up and runs towards Kelway with P/O Chapman holding onto him. Witness tells Chapman to let him go. Suspect runs towards the mouth of the alley on Kitmore (north side), turns around and yells “Travon Martin,” and “Help”. Reached down toward sock then comes up and makes a throwing motion, but witness didn’t see anything thrown. Suspect then assumed a boxing stance, bouncing on the balls of his feet.
- Everybody takes a breather and then officers re-engage suspect (might have used his baton).
- Suspect then walks fast back across the street (south side) and hides behind a truck, assuming a tactical position. P/O Chapman had been calling for Signal 13. Could now hear sirens.

- They decide to re-engage the suspect again, and witness went around one side of the truck while P/O Chapman went around the other side. Sees P/O Beasley and P/O from MSU as the first officers to arrive, and they all square off.
- Suspect tries to rush towards Beasley and Chapman in an aggressive, fighting mode. Witness grabs suspect by the belt, but lets go as suspect is falling; not sure who got him down to the ground.
- Someone then grabs witness by the belt and walks him away to render aid. His eyes are burning and he is having trouble seeing.
- During the encounter, witness recalls suspect throwing punches, but doesn't remember any landing
- Doesn't remember any civilian presence until encounter was all over.



Office of the State's Attorney for Baltimore City  
120 East Baltimore Street  
Baltimore, Maryland 21202

**MEMORANDUM**

**ATTORNEY WORK PRODUCT  
PRIVILEGED**

**To:** 13P299 (in-custody death/Tyrone West)

**From:** Alex S. Rothstein, Law Clerk

**Date:** December 13, 2013

**Re:** Officer Alex Hashagen interview

---

The following represents a summary of the information provided by PO Alex Hashagan during his interview at the SAO on December 13, 2013 at 10:00 a.m. In attendance were SA Gregg Bernstein, Law Clerk Alex Rothstein, Det. Lewis Delgado, BPD, and Chaz Ball, Esq., attorney for PO Hashagan. The interview was conducted pursuant to a grant of use and derivative use immunity as reflected in a letter executed by the parties memorializing the terms. The terms of the use and derivative use immunity were explained to PO Hashagan and advised that the protections depended on his complete truthfulness. PO Hashagan affirmed that he understood.

- Witness has been a member of the BCPD since 12/13/2010, and has always been assigned to the Northeast District.
- On 7/18/13, witness was working the evening shift (16:00 – 23:00). He was on patrol, riding in the passenger seat of a marked vehicle with PO Hinton (PO Hinton had been the witness's FTO) for approximately 3.5 hours when they received a "Signal 13" call from PO Chapman, whose voice he recognized. Chapman's call requested "more units," and asked

for “help.” Witness stated that PO Chapman sounded distressed when the call came through..

- Witness was uncertain as to the nature of the situation to which they were responding, but ascertained that it “didn’t sound good,” in part, based on the delayed responses from PO Chapman to the dispatcher’s responses to his “Signal 13.”
- Witness and PO Hinton arrived roughly one minute after the “Signal 13” as they were about one-half a mile way. They approached the intersection of Kitmore and Kelway via Kitmore, traveling in easterly direction. They arrived at roughly the same time as a BCPD vehicle and an MSU vehicle, though their car was the last in the line of three. At the time, he did not notice that the other BCPD vehicle had collided with the MSU vehicle. The officers emerged from the three vehicles at the same time and ran over to where Officers Chapman and Ruiz were engaged with the suspect.
- Witness recognized POs Ruiz and Chapman as he knows them both. He observed the suspect on the sidewalk next to a truck where he appeared to be hiding.
- Witness observed the suspect fighting with Officers Ruiz and Chapman. Ruiz and Chapman had a hard time seeing because of exposure to mace, and they were taking turns swinging their batons, although neither made contact with the suspect. They were also attempting to wipe the mace off their faces.
- Witness stated that the MSU officer got their first, but they all engaged with suspect at the same time. After a quick pause to assess, they proceeded to all tackle the suspect to the ground. All were attempting to subdue the suspect.
- Witness stated that the suspect lay on his right side with his left arm facing the witness. Witness approached from over the top of the suspect’s



feet. At this point, witness specifically recalls Officer Lee telling the suspect to “give me your hands” so that he could be handcuffed. Without specific recollection, witness states that the other officers were giving the same command. The suspect was non-compliant, but was not emphatically resisting either; he was just “tensed up.”

- Witness stated that he punched the suspect around the temple area with a closed fist, but that the punch was ineffective because it glanced off. The suspect began to buck and the witness delivered another punch to the same area, which was also ineffective. The witness never used his baton.
- At this point, the witness states that PO Hinton approached and grabbed the suspect’s arm/wrist and yelled “give me your hands, stop resisting!” At this time, the witness sought to control the suspect’s legs in accordance with academy training (which was demonstrated).
- During the struggle, Witness was aware that Officer Lee struck the suspect’s body with her baton. Witness was aware of other officers striking the suspect (only Lee using her baton), but could not specifically state who else was doing so. During this struggle, the suspect did not say anything or yell at all.
- The leg technique consisted of bending one leg at a right angle and applying pressure over the bent leg with the other leg. The witness made two attempts at this maneuver. The first time, the suspect bucked and kicked, throwing the witness backwards. The second time, the witness applied all his weight behind the top leg. Both attempts lasted for roughly 15-20 seconds, with the total time the witness applied this maneuver lasting 30-45 seconds. It was during the second attempt that the MSU officer placed his knee on the suspect’s back.
- After the handcuffs were secured, the witness, determining suspect was no longer a threat, stood up and attended to POs Ruiz and Chapman as they were suffering from the effects of the mace combined with the heat

(witness viewed PO Chapman as he removed his vest). It was at this point that the witness noticed that OIC Taras Hnatyshyn had arrived. At this point, the suspect was still alive.

- Witness turned his back on the suspect and the MSU officer as he called for a medic/mace wash-down. Witness said it took about two minutes to arrive although it felt longer. He stated that he had his back turned for roughly 30-60 seconds.
- With the MSU officer still with his knee on the back of the suspect, OIC Hnatyshyn ordered that they roll the suspect over as the suspect's current position was unsafe.
- When they rolled over the suspect, witness stated he noticed the suspect "was blue" and that they all knew that something was wrong.
- OIC Hnatyshyn ordered the handcuffs removed and began to administer CPR for two minutes prior to the arrival of the medics. He was the only officer to administer CPR.
- It was at this time that neighbors began congregating around the scene, shouting "you killed him" to the officers present.
- Witness does not know the name of the MSU officer, but knows his face from occasional BCPD/MSU joint detail. Witness knows PO Lee as she is in his squad and knows trainee Lewis and knows PO Cioffi.
- Witness did not participate in the follow up investigation, though he was present for the vigil.
- Witness positively identified Hnatyshyn, Hinton, the trainee, Cioffi, Chapman, Ruiz, Beasley, the MSU officer, and Lee.
- The witness does not know Corey Jennings personally, but knows of him.

- The witness was eventually aware of a black female in or near the suspect's car, but did not become aware of her involvement until hours later. She never said anything.
- The witness never saw any CDS.
- Witness states the trainee was more of a "spectator," that Beasley helped roll the suspect over, but that he did not do much more, but did get mace on him. Witness does not know what role Cioffi played.



Office of the State's Attorney for Baltimore City  
120 East Baltimore Street  
Baltimore, Maryland 21202

**MEMORANDUM**

**ATTORNEY WORK PRODUCT  
PRIVILEGED**

**To:** 13P299 (in-custody death/Tyrone West)

**From:** Gerard Volatile

**Date:** November 18, 2013

**Re:** Interview of PO Latreese Lee

---

The following represents a summary of the information provided by PO Latreese Lee during her interview at the SAO on October 3, 2013 by SA Gregg Bernstein, ASA Gerard Volatile and Detective Luis Delgado. Also in attendance was Chaz Ball, Esq., counsel for PO Lee. The interview was conducted pursuant to a grant of use and derivative use immunity memorialized in a letter executed by the parties. This memorandum also reflects the writer's mental impressions and opinions of the information provided by the witness.

- Witness has been a police officer for past five years (2 years as a cadet), and has worked as FTO for past year, supervising trainees.
- Witness knows Chapman from the Academy.
- On July 18, was on patrol with trainee Lewis (driving) and PO Cioffi (in back set).
- Hear a call on the radio for a "female search" while parked at Cold Spring and Harford Roads (knew it was Ruiz and Chapman on the radio). Did not know any other info about the call. Began to drive over at normal speed. Later hear a call for 10-16 (request for general backup). At Coldspring and Hillen/Northern Parkway hears call for Signal 13. Speeds up vehicle and activates lights and siren. While west on Coldspring, hears call for second Signal 13. At Alameda, turns right. At Alameda and Kitmore, observes MSU vehicle coming the other way and make a left onto Kitmore. Make right on Kitmore. At this point, 2 blocks from Kelway.

- As they drive down Kitmore, observe a truck parked on the right side, and suspect and PO Ruiz standing against truck and fighting; suspect is trying to get away.
- At this point, their car runs into the back of MSU vehicle and witness hurts her neck.
- Witness and PO Beasley (in MSU vehicle) exit their two cars at same time and walk over to scene. Witness observes Chapman a few feet away on Kelway in distress (from the mace).
- As she approaches, suspect is still on his feet tussling with PO Ruiz. Trainee Lewis also jumps out. Cioffi cannot get out because he's in the back with the door locked.
- PO Beasley the first to get to the suspect; witness is a second behind. Suspect somehow gets to the ground, but does not know whether Beasley or Ruiz tackled him. She could smell mace in the air so knew it had been deployed before she arrived. Witness does not recall whether Ruiz or Chapman had their batons in the air, but witness pulled her baton out.
- By the time the suspect hit ground, PO Hinton and PO Hashagen had arrived running up from their vehicle that had pulled behind the vehicle driven by trainee Lewis.
- At this point, the suspect is on his stomach. Witness begins hitting suspect on his left shoulder with her hand telling him to put his hands behind his back; Suspect refuses. There is a handcuff on right hand of suspect, but he will not put his left arm behind his back despite commands from the officers. Witness then takes out her baton and strikes V on his left shoulder several times to get him to put his arm back. Witness is not sure how, but someone finally gets his arm back and he is handcuffed (later heard that Hinton the one who put cuffs on him). Suspect actively resisted, particularly when witness was trying to get him to put his left arm behind his back. While resisting, suspect was yelling.
- MSU officer had his knee or elbow in suspect's back, and releases after suspect is handcuffed.
- Once handcuffed, witness goes to assist Chapman. As she walks over to Chapman, sees Hashagen with his arms locked around V's legs. Hashagen never pushed down on his legs; just was holding them up to keep suspect from kicking (suspect kept kicking). Suspect did not comply with any commands.
- Trainee never touched suspect. Did not see anyone strike suspect. Only person who she saw touch suspect was her, the MSU officer and Hashagen. She did not see what Beasley or any of the other officers were doing.



Office of the State's Attorney for Baltimore City  
120 East Baltimore Street  
Baltimore, Maryland 21202

MEMORANDUM

ATTORNEY WORK PRODUCT  
PRIVILEGED

**To:** 13P299 File (in-custody death/Tyrone West)

**From:** Gerard Volatile, ASA

**Date:** January 16, 2014

**Re:** Officer Reggie Parker

---

The following represents a summary of the interview of Officer Reggie Parker by ASA Volatile on or about August 30, 2013

- Witness has been in the District for 23 years, now in the Drug Unit with Corey Jennings.
- Witness was near Alemeda and St. Lo Drive when the Signal 13 came out.
- When Witness arrived it was all over. Witness found Officer Beasley "maced and delirious," and Chapman showing the effects of mace.
- Witness saw the suspect cuffed behind his back, on his stomach, with a MSP officer "standing over him," and Officer Lee right next to him.
- Witness never got closer than 15' away from the suspect.
- Witness went to help with crowd control and didn't notice anything until he heard Taras "screaming and excited, doing chest compressions."



Office of the State's Attorney for Baltimore City  
120 East Baltimore Street  
Baltimore, Maryland 21202

**MEMORANDUM**

**ATTORNEY WORK PRODUCT  
PRIVILEGED**

**To:** 13P299 File (in-custody death/Tyrone West)

**From:** Gerard Volatile, ASA

**Date:** January 16, 2014

**Re:** Sgt. Daraine Harris

---

The following represents a summary of the taped interview of Sgt. Daraine Harris by Det. Delgado on July 19, 2013

- Witness heard Det. Chapman's voice calling a Signal 13.
- When witness arrived he found Detectives Chapman and Ruiz suffering from mace and being treated by other officers.
- Witness then noticed that the suspect was being given CPR by Officer Hnatyshyn and Det. Cory Jennings.
- Witness related that Det. Chapman told him that it started as a car stop but that the guy originally did NOT stop and when the car finally pulled over the Detective could see the driver and the passenger making "furtive" movements and that it appeared to him that the driver was trying to hide something under the seat.
- Witness related that Det. Chapman told him that they asked the occupants to get out of the car and that the male sat on the curb while the female stood by. When Det. Ruiz asked the driver to cross his ankles Ruiz saw a bulge in his sock and reached for it believing it was CDS. Chapman said that at that point the guy began to fight, throwing punches, kicking, and trying to get up. According to Chapman they could not control him and called for a Signal 13.

- Witness related that Chapman told him that half a block down he deployed mace and sprayed himself and Ruiz. Finally they got him down to the ground when backup arrived and he and Ruiz let the other officers cuff the guy.
- Witness related he spoke to Det. Ruiz and got pretty much the same information. According to Ruiz the guy got up and wouldn't put his hands behind his back and that they could not get him in custody.
- Witness related he saw what he believed to be CDS near where it started, green zips in a sandwich bag.
- He had the bag recovered and submitted. (13 green zips in a plastic bag with residue were tested and found to be positive for Cocaine)





Office of the State's Attorney for Baltimore City  
120 East Baltimore Street  
Baltimore, Maryland 21202

MEMORANDUM

ATTORNEY WORK PRODUCT  
PRIVILEGED

**To:** 13P299 File (in-custody death/Tyrone West)

**From:** Gerard Volatile, ASA

**Date:** January 16, 2014

**Re:** Shawanda Lewis (AKA Bann)

---

The following represents a summary of the interview of Shawanda Lewis by ASA Volatile on or about August 13, 2013

- Witness lives on Kelway a few doors from the corner.
- Witness arrived on scene with Ms. Rucker, who was driving.
- Witness noticed a guy standing in front of an officer and they are talking, a woman is standing nearby.
- As Rucker parks the car Witness moves her side-view mirror so that she can see what is going on. The next thing she notices is that the African American officer yells "get the fuck on the ground" so Witness jumps out of the car, leaving her door open, and runs to the corner where now all three men are "passing licks" and throwing punches.
- After about 3 minutes of fighting the police get the guy on the ground, face down.
- Witness relates that "one of them was pulling his hair and the other one sprayed mace in his face," and "they could have arrested him but they didn't."
- Witness states that the guy "jumped up" and ran away screaming "help me, help me, this shit is burning my face."

- Witness relates that as the guy got near the alley the police got him down again and that the AA officer was hitting him with a baton while the white officer was punching him, and that “they had another opportunity to arrest him and they didn’t.”
- Witness relates that the guy got up again and the police “beat him across the street.”
- Witness relates that when backup arrived “they beat him too,” but that while the black officer stayed for the beating the white officer went around the corner to where the cars had been left and poured water on his face.
- Witness relates that the backup was first a MSP car, with 2 officers, followed by a City car with 2 officers, and she distinctly remembered because they crashed.
- Witness relates that when the backup arrived the guy was NOT cuffed, but the police started kicking him and beating him about the upper body and neck area with batons for 5-7 minutes before they abruptly stopped and a new white officer ran up and started doing CPR. (Hnatyshyn is white)
- Witness stated that “as soon as the officers realized there were spectators around they moved the spectators to where they would not be able to see the guy.”
- Witness never saw the guy cuffed at any time.



Office of the State's Attorney for Baltimore City  
120 East Baltimore Street  
Baltimore, Maryland 21202

**MEMORANDUM**

**ATTORNEY WORK PRODUCT  
PRIVILEGED**

**To:** 13P299 (in-custody death/Tyrone West)

**From:** Gerard Volatile, ASA

**Date:** July 18<sup>th</sup>, 2013

**Re:** Stephan Williams taped interview at Homicide

---

The following represents a summary of the taped interview of Stephan Williams done at Homicide by Det. Aaron Cruz and Det. Mark Veney. This memorandum also reflects the writer's mental impressions and opinions of the information provided by Mr. Williams.

Mr Stephan Williams indicated he lives with his girlfriend at 1363 Kitmore Rd, 7/18/13. The interview was conducted by Dets. Aaron Cruz and Mark Veney, at the Homicide Office

The Witness said that he was upstairs at his computer with the window up when he heard a crash. He believed the sound was from a City police car hitting a Morgan State police car. He looked out the window and saw a guy with dreads who he thought was girlfriend's brother because he has dreads. Her other brother was in the room next to the W. The W called to the brother that was home and they went downstairs.

After he ran down he saw it was NOT her brother, but now the guy was cuffed already and 'being beaten.' He reports that he sees a heavy set African American officer engaging the guy with dreads. He says he also sees a white officer with an olive green shirt and a police vest who looked like he had been maced (his eyes were red), saying something, but the W couldn't hear what was said. This officer was leaning over saying something directly into the guy's face. At this point he believed there were about 8 officers on scene, surrounding the guy with dreads on the ground

The guy was in cuffs already when he got downstairs. He saw a white officer put the guy's legs into an L shape and push down on them, guy was saying 'you got me, you got me.'

He also remembered a female officer with her baton out, but NOT using it, although he assumed she must have when he wasn't looking.

Mr. Williams sounded very emotional and at the end of the tape he seems to be in tears. He describes being amazed that he saw some die...



Office of the State's Attorney for Baltimore City  
120 East Baltimore Street  
Baltimore, Maryland 21202

MEMORANDUM

ATTORNEY WORK PRODUCT  
PRIVILEGED

**To:** 13P299 File (in-custody death/Tyrone West)

**From:** Gerard Volatile, ASA

**Date:** January 16, 2014

**Re:** OIC Taras Hnatyshyn

---

The following represents a summary of the interview of OIC Taras Hnatyshyn by ASA Volatile on or about July 25, 2012

- Witness was OIC the day of the incident
- Witness relates that when they heard the Signal 13 they were at the upper end of Belair Rd. and that there were 3 signal 13s.
- Witness believes it took 4 to 5 minutes to get to the scene, and when they were turning off onto Kelway he heard the Signal for "sufficient officers on scene."
- Witness relates that when he arrived he saw Chapman and Ruiz who appeared to have been maced.
- Witness went to check on the Suspect, approx. 30 feet from the corner, face down, cuffed behind his back.
- Witness stated that nothing seemed out of the ordinary at first, but he asked to have the guy rolled onto his side.
- Witness relates that the Morgan State officer who was right there rolled the guy over and the guy's right leg seemed to be stiff, which looked odd. Witness looked at his chest and couldn't tell if he was breathing. Witness relates that he asked "is he fucking breathing?"

- Witness relates that he grabbed some gloves and checked for a pulse but didn't find one. He then said something like "he's down, got to start working on him."
- Witness relates that at that point Officer Jennings came up and suggested putting him on the grass so they dragged him to the grass next to the sidewalk on which he was originally found.
- Suspects cuffs were removed and the Witness checked for an airway. At this point the suspect's mouth was closed and his eyes were open.
- Witness then forced a pen between the suspect's teeth and was able to open his mouth about a half an inch at which time he could see that the suspect's tongue was rolled back in his throat so the Witness tried to move his tongue. At this point the suspect was still not breathing.
- Officer Jennings suggested mouth to mouth but Witness remembered that currently just compressions are done so they started doing compressions.
- Witness remembered that at some point someone brought a portable defibrillator but he did not know how to use it. Finally someone who knew how it worked stepped in but the machine seemed to take a long time to "power up."
- Witness says that finally they were able to shock him but had to stop the compressions to do it. As soon as he had been shocked they went back to doing compressions. Finally the medics showed up and they put the suspect in the ambo.
- Witness remembers that the suspect's eyes were "white and watery, not bloody or bloodshot."
- Witness realized later he had picked up mace from contact with the suspect.

## **TYRONE WEST IN-CUSTODY DEATH**

### **INTRODUCTION**

The State's Attorney's Office ("SAO"), the Baltimore Police Department ("BPD"), and the Office of the Chief Medical Examiner ("OCME"), have completed their joint investigation into the circumstances surrounding the death of Tyrone West during an encounter with police officers on July 18, 2013. Based on our extensive and thorough investigation, we have concluded that there is no evidence to support the filing of criminal charges against any of the officers involved in this incident. As documented in the autopsy report prepared by the OCME, the investigation revealed that Mr. West's death was caused by a number of factors while actively resisting arrest, including abnormalities in Mr. West's cardiac conduction system, necessitating the use of objectively reasonable force by the officers to subdue and contain a suspect who the officers believed may have been engaged in some type of criminal activity.

Let me begin by expressing my sympathies to the West family who we met with today and their counsel to inform them of the results of our investigation. The loss of life is tragic under any circumstances, and I join the family in mourning their loss and hope they derive some measure of closure now that the full details of what occurred have been brought to light and explained to them.

## **INVESTIGATIVE ACTION BY SAO AND BPD**

As in all cases, and particularly those involving police officers where a suspect has died in custody, our investigation was thorough and detailed, and was handled in conjunction with detectives from BPD. The investigation consisted of the following:

- Interviews of the BPD officers who were either involved in the initial encounter with Mr. West; assisted in subduing him while engaged in a violent struggle with the officers; or arrived at the scene minutes later.
- Interviews of civilian witnesses who observed various parts of the encounter.
- Review of the autopsy report of the OCME and interviews with the Assistant Medical Examiner.
- Analysis of the narcotics found at the scene, which were in Mr. West's possession.
- Review of BPD training guidelines regarding arrest procedures, particularly when the suspect is resisting and refusing to follow the officers' commands, which occurred in this case.
- An examination of the scene where the encounter occurred.



**OUR INVESTIGATION REVEALED THE FOLLOWING FACTS:**

On July 18, 2013, at approximately 7:00 p.m., Baltimore Police Officers Nicholas Chapman (start date: 4/15/10) and Jorge Bernardez-Ruiz (start date: 5/2/11), who were both part of the Northeast Operations Unit (Ruiz assigned on 6/30/13; Chapman on 01/02/13), were operating in the NE District when they observed a vehicle, later determined to be operated by Tyrone West, unsafely backing up in an intersection and turning onto Kitmore Road, heading in an easterly direction well below the posted speed limit. The officers turned their unmarked car around and began following the vehicle driven by Mr. West.

In the vehicle with Mr. West was a female friend who had received rides from him in the past when he was working as a hack, and on this particular evening had called Mr. West for a ride from her mother's house in the NE Baltimore area. Mr. West's friend's mother was not home, and the friend wanted to wait for her to return. After meeting at the corner of Loch Raven Blvd and Winston Avenue, Mr. West and his friend drove a few blocks west to the corner of Kitmore and Northwood Drive, and after a short period waiting in the car, they began to drive east on Kitmore toward the mother's house.

## INITIAL STOP

As the officers followed Mr. West's vehicle, they observed Mr. West and his friend begin looking back at the officers, and dipping their heads and arms down below the windows of the car (which was confirmed by Mr. West's friend during her interview), which caused the officers concern that the driver and passenger might be attempting to hide a weapon or contraband. The officers then activated the lights on their unmarked vehicle to effectuate a traffic stop while Mr. West continued to drive slowly down Kitmore Road.

Mr. West eventually came to a stop after turning right onto Kelway Road. The two officers pulled up behind Mr. West's vehicle. Officer Ruiz approached the driver's side while Officer Chapman approached the passenger side. After a brief discussion, both individuals were asked to exit the vehicle. Mr. West was 6' tall and weighed 237 lbs., and because of his size, Officer Ruiz asked Mr. West to sit on the curb. Officer Ruiz asked Mr. West for permission to search the inside of the car and the truck, which was granted, and Officer Chapman asked the female passenger if she would agree to be searched by a female officer, which was also granted. Officer Chapman then radioed for the assistance of a female officer to conduct the search.

I would note that Mr. West had an extensive history of assaultive behavior both in and out of correctional institutions, including three separate resisting arrest convictions, and he was on parole for a narcotics violation, backing up approximately eight years in prison should he have been found to have violated his parole. We highlight this fact in no way to denigrate or be disrespectful to Mr. West, but instead, to provide some context regarding his possible state of mind and demeanor given what followed.

PHIYSICAL ENCOUNTER #1: fighting while looking at sock

After Mr. West sat down on the curb, Officer Ruiz observed a bulge in Mr. West's sock, and when the officer bent over toward Mr. West to inspect his shoe Mr. West began swinging at the officer and attempted to get up. Officer Ruiz grabbed Mr. West in a bear hug and pushed him against the vehicle. They both fell to the ground with Officer Ruiz on top of Mr. West and the two began struggling. Officer Ruiz repeatedly yelled at Mr. West to stop resisting, but Mr. West ignored him as the two began to exchange blows, which was confirmed by the female passenger. Officer Chapman ran over to assist, and attempted to grab Mr. West's legs, but was unable to obtain a hold because Mr. West was kicking. Mr. West was then able to stand up with Officer Ruiz clinging to his back.

Around this time that the first Signal 13 was radioed by Officer Chapman, which informs the police dispatcher and any officers listening on the radio that the officer is in need of immediate assistance because of some threat.

PHYSICAL ENCOUNTER #2: first attempt to handcuff

Ultimately, Mr. West relaxed his body, and Officers Chapman and Ruiz asked him to put his hands behind his back in order to be handcuffed, whereupon Mr. West tensed his arms and pulled away from his car where he had been leaning and reached back behind Officer Ruiz who believed Mr. West possibly was trying to reach for his gun.

PHYSICAL ENCOUNTER #3: second attempt to handcuff

After a brief struggle, Mr. West again raised his hands, and the officers *again* asked him to put his hands behind his back for handcuffing. Mr. West may have fallen again at this point, but the situation had become chaotic with Mr. West fighting and punching the officers. According to the female passenger who was also out of the car, at one point Mr. West said to the officers, "it's

only a measly 4 bags.” Officers later recovered from the scene, however, 13 separate glassine bags of cocaine (approximately 1 gram) all in a single, larger glassine bag.

Instead of putting his hands behind his back as instructed, Mr. West once again reacted by attempting to wrestle free of the officers. The officers attempted to mace Mr. West, and all three were sprayed in the melee. One of the officers struck Mr. West on the legs with his baton in an effort to subdue him, which had no effect. Both the use of the mace and the baton are consistent with BPD policies and procedures when a suspect is acting in a physically aggressive manner as was Mr. West. Mr. West then broke free and ran across Kitmore Road toward the mouth of an alley.

#### PHYSICAL ENCOUNTER #4: fight on Kitmore

As the officers followed and approached him, Mr. West appeared to reach down and throw something. He then assumed a boxer’s stance with his fists raised, and the officers again attempted to subdue and contain him. Civilian witnesses confirmed that at this point Mr. West continued to throw punches at the officers, and the officers also responded with punches and kicks. In the struggle, Mr. West fell to the ground, but got up and backpedaled back across Kitmore and hid behind a truck parked next to the curb. The officers attempted to re-engage Mr. West from both sides of the vehicle, and Mr. West charged toward Officer Chapman, poking him in the eye. The female passenger was yelling at Mr. West to just lay down and stop fighting, but he ignored her as well.

#### Arrival of other officers

As mentioned previously, at some point during the incident when the officers were struggling with Mr. West by his car, the officers radioed a “Signal 13” indicating officers in need of assistance. Typically, a Signal 13 call will cause all available officers to come to the scene to aid

the officer or officers in trouble. In this instance, Officer Chapman radioed a Signal 13 several times as did the dispatcher. Multiple officers began to respond. As Officers Ruiz and Chapman were engaging Mr. West by the truck, other officers began arriving.

The first car to arrive was a Morgan State University ("MSU") police vehicle with MSU Officer David Lewis driving and BPD Officer Derrick Beasley in the passenger seat (BPD officers routinely travel with MSU officers in the area surrounding and near the campus). The two officers jumped from their car and ran over to where Mr. West and Officers Chapman and Ruiz were fighting.

A few seconds later, a BPD marked police vehicle containing three BPD officers pulled up behind the MSU vehicle, striking it from behind. Trainee Danielle Lewis was driving; Officer Latreese Lee was in the passenger seat; and Officer Matthew Cioffi was in the back seat. These officers also exited from their vehicle and joined the fray.

Finally, a few seconds after that, a third BPD marked patrol vehicle arrived just behind the first BPD vehicle, and Officers Eric Hinton and Alex Hashagen jumped out and also ran over.

Mr. West continued to fight with the officers and blows were exchanged. Consistent with their training, some of the officers used their batons, striking Mr. West on the legs and thighs in an effort to get him to the ground. In the meantime, the original two officers who had first engaged Mr. West, Officers Ruiz and Chapman, had backed away once the other officers arrived because they were blinded and incapacitated from the mace they had sprayed on Mr. West and, inadvertently, themselves.

The officers were finally able to get Mr. West on the ground in a prone position on his side. At least one of the officers instructed Mr. West to put his hands behind his back so he could be handcuffed, but he continued to resist, refusing to put his arms behind his back and kicking the

officers with his legs. Officer Beasley was able to put a cuff on one of Mr. West's wrists, but Mr. West continued to refuse to put his other arm behind his back to be handcuffed. Officer Hashagen attempted to pin Mr. West's legs by grabbing them around his knees and pressing them toward his back, but he was unsuccessful because Mr. West continued to kick, throwing Officer Hashagen backwards. Officer Lee struck Mr. West several times with her baton on his arm in an effort to get him to put his arms behind his back, but it had no effect. Officer Hashagen again pressed on the back of Mr. West's legs, and MSU Officer Lewis placed his knee on Mr. West's back in an attempt to hold him down. A few seconds later, the officers were finally able to subdue Mr. West, and he allowed them to handcuff him.

Once Mr. West was handcuffed, Officer Hashagen released his hold on Mr. West's legs and turned his attention to Officers Chapman and Ruiz who were incapacitated and in substantial discomfort from the encounter. Officer Lee also provided assistance to the two officers. MSU Officer Lewis continued to hold Mr. West down for anywhere between a few seconds to 1-2 minutes.

As Officer Hashagen turned his attention to Officers Chapman and Ruiz, the Officer-in-Charge, Officer Hnatyshyn, arrived on the scene. After assessing the situation, Officer Hnatyshyn walked over to where Mr. West was lying on the ground and observed that Mr. West had stopped breathing; however, we are unable to determine the precise point at which this occurred. Regardless, once it was determined that Mr. West had stopped breathing, Officer Hnatyshyn directed MSU Officer Lewis to roll Mr. West over and efforts to resuscitate him were attempted first by the officers, and later by the paramedics who arrived at the scene, but to no avail. The entire incident from when Mr. West and his friend first exited their car until the paramedics arrived lasted approximately fifteen minutes.

## OCME

The OCME completed an autopsy of Mr. West and determined that he died of **cardiac arrhythmia** (i.e., his heart suddenly stopped beating) **due to cardiac conduction system abnormality** (i.e., there was some degree of heart abnormality in the mechanism that controls the heart beat; e.g., scarring on the tissue), which was complicated by **dehydration** (materially elevated electrolytes) and the **exertion** and **excitement** (leading to elevated heart rate) during the encounter **while in police restraint**.

As to the **manner** of death, the OCME concluded that while all of these factors increased the potential for Mr. West's sudden death, it could not be determined which factor or factors was the absolute relative manner in which he died, and as a result, the manner of death is **undetermined**. In other words, Mr. West died because his heart stopped beating, but the OCME was unable to say whether any one of the factors noted above was the absolute or even primary reason why Mr. West's heart stopped beating.

The cardiac conduction system controls the heart rate by generating and conducting electrical impulses causing the heart to contract and pump blood throughout the body. Defects in this system, which were found, can predispose one to sudden death. Further dehydration also stresses the body and can cause an increase in the heart rate, causing the heart to beat harder and irregularly, and contribute to sudden death as in the case of Mr. West. In addition, the extreme heat that day (high 90s with heat index in low 100s) plus the excitement from the exertion in fighting with the officers over a prolonged period adds further strain to an already weakened heart system. The period in which Mr. West was fighting with the officers likely was associated with a high output of adrenalin, leading to increased energy exertion and use of oxygen reserves that further increased the stress on Mr. West's heart. These were all predisposing factors, and

when coupled with the restraint by the police after finally subduing Mr. West, all contributed to causing his death.

The autopsy report states that there was no evidence of any “significant injury to vital structures or vital areas of the body” that may have been consistent with a beating or other physical harm. According to the report, there was evidence of superficial soft tissue injuries to the forehead, knees, elbows, and arms that were consistent with scraps and abrasions caused by falls to the ground, as well as bruising on the thighs consistent with baton strikes. There was also no evidence of asphyxia, nor any marks indicating that Mr. West had been tased by any of the officers, contrary to news reports.

The autopsy also revealed that while Mr. West did have traces of cocaine in his system, it did not indicate recent use, and the trace elements could have been in his system for days or even weeks.



## **Legal Analysis**

In making the determination whether the force used by any of the officers or collectively to effectuate the arrest of Mr. West was so excessive as to warrant criminal prosecution, we look to the objective reasonableness of the Officers' actions. In other words, we are not governed by 20/20 hindsight, but from the perspective of a reasonable officer on the scene, and the calculus of what constitutes reasonable use of force includes consideration of the split-second judgments officers are often required to make in sometimes tense, uncertain and rapidly-evolving situations when confronting criminal suspects who may possess illegal contraband or a weapon.

Using these legal standards as our guide, our investigation concluded that none of the officers involved in this incident acted with the intent to cause death or serious physical injury to Mr. West. Nor were their actions a gross deviation from the standard of care used by officers to subdue an active and violently resisting suspect such that their conduct constituted a wanton or reckless disregard for human life. Instead, all the evidence reveals that the officers utilized appropriate levels of force consistent with BPD training (which we observed demonstrated at the Educational & Training facility at the BPD Academy) in order to respond to Mr. West's active, ongoing and violent resistance to the officers' commands and ensure that he did not flee or otherwise cause anyone further harm. As a result, the officers did not act in a grossly negligent manner that created a high degree of risk to human life. Regardless, based on the OCME report, there was no forensic evidence found to establish that any of the officers' actions were the immediate and direct cause of death.

One can only speculate why Mr. West chose to act in the manner that he did, which led to the violent and intense struggle with the officers and his eventual death. Perhaps it was a fear of

going back to jail on the likely parole violation if he was found with 13 bags of cocaine. Perhaps he was innately resistant to authority as evidenced by his multiple prior resisting arrest charges and his assaultive behavior while in prison serving a sentence for a narcotics violation. We will never know. But what we do know is that Mr. West ignored repeated verbal commands by the officers, and fought with them over an extended period of time in multiple locations that continued even after being sprayed with mace, and after falling to the ground several times. A violent struggle that continued even after the arrival of other officers who came to the aid of Officers Ruiz and Chapman and who needed to physically restrain him even after he was lying on the ground in order to handcuff him.

Accordingly, based on these facts, the findings of the OCME, and Mr. West's own actions, there is insufficient evidence to indicate that any of the officers' were unreasonable or that their conduct constituted a reckless disregard for human life to warrant criminal action. My condolences again to the West family.