



INDEPENDENT INVESTIGATIONS DIVISION

Interim Report Concerning the Police-Involved Shooting
Death in Frederick County on November 29, 2022

March 20, 2023

**Interim Report of the Independent Investigations Division of the Maryland
Office of the Attorney General Concerning the Officer-Involved Death of
Aaron Fifi Onomah Mensah, on November 29, 2022**

Pursuant to Md. Code, State Gov't § 6-602, the Office of the Attorney General's Independent Investigations Division (the "IID") provides this interim report to the Frederick County State's Attorney regarding the shooting death of Aaron Fifi Onomah Mensah on November 29, 2022.

The IID is charged with "investigat[ing] all police-involved incidents that result in the death of a civilian or injuries that are likely to result in the death of a civilian" and "[w]ithin 15 days after completing an investigation ... transmit[ing] 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 § 6-602(c)(1), (e)(1). Due to the delay in receiving ballistics analysis and the results of the autopsy examinations, in contrast to the finality of all other aspects of the investigation, the IID and the State's Attorney agreed that an interim report would be useful. This interim report is being provided to Frederick County State's Attorney Charles Smith on March 20, 2023. The IID will supplement this interim report when it receives the results of the ballistics analysis and autopsy examinations.

I. Introduction

On November 29, 2022, at 2:10 a.m., deputies with the Frederick County Sheriff's Office (FCSO) responded to a home in the 5800 block of Haller Place after receiving a 911 call regarding a man attacking and stabbing his mother and father. Once on scene, deputies located and began providing medical aid to the father and mother — [REDACTED] — who were both suffering from stab wounds. Around the same time, additional sheriff's deputies, officers with the Frederick City Police Department (FPD), and Maryland State Police (MSP) Troopers responded to the area and found the suspect, later identified as Aaron Fifi Onomah Mensah, in the [REDACTED]. Officers told Aaron Mensah to "drop the knife," and attempted to talk to him to get him to comply with their requests. At 2:29 a.m., Officer Connor Walsleben deployed a less-lethal beanbag shotgun round at Aaron Mensah, who then rapidly moved toward officers. Seconds later, Officer Hailey Leishear and Deputy Joseph Honaker used their Tasers, but only Officer Leishear's probe made contact with Aaron Mensah's body. Less than a second later, Deputies Cassy Boettcher, Travis Stely, and Nathan McLeroy fired their guns. Aaron Mensah was struck by the gunfire and fell to the ground. Officers moved toward him to render aid and take him into custody. Police recovered a knife from under Aaron Mensah's body at the shooting scene, and he was pronounced dead by EMS at 2:45 a.m. [REDACTED] and [REDACTED] were taken to area hospitals, and [REDACTED] was later pronounced dead.

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

II. Factual Findings

The following findings are based on an examination of both the shooting and stabbing scenes; a review of body-worn camera footage from Officers Leishear, Walsleben, and Alexander Mangot, and Troopers Gabriel Berger and Kevin Carter; dash camera video footage; computer-aided dispatch records; police radio transmissions, recordings, and reports; and interviews with civilian and law enforcement witnesses. All materials reviewed in this investigation are being provided to the Frederick County State's Attorney with this report and are listed in Appendix A.

A. Initial 911 Calls at [REDACTED]

At 2:08 a.m. on November 29, [REDACTED] called Frederick County 911 to report that her older brother, Aaron Mensah, was attacking her parents. She told the dispatcher, "My brother doesn't live here, but he got inside the house" at [REDACTED]

[REDACTED] At 2:10 a.m., she screamed, "Ahh, Aaron stop it, stop it." Around the same time, [REDACTED] grandmother, [REDACTED] could be heard in the background screaming, "your brother stabbed your mother." [REDACTED] then repeated this information to the dispatcher, saying, "He stabbed my mom. He stabbed my mom. My brother stabbed my mom and dad." [REDACTED]



Figure 1. View of the front door at 5804 Haller Place.

[REDACTED] also informed the dispatcher that Aaron Mensah had moved out of the home "a couple weeks ago." [REDACTED] relayed that her father had run from the home during the assault, after yelling that he would call the police. [REDACTED] further confirmed that Aaron Mensah had chased after him and her mother and grandmother barricaded the door behind him. At the time of the 911 call, [REDACTED] was unsure of the location of either her brother or her father.

At 2:09 a.m., [REDACTED] [REDACTED] and Aaron Mensah's younger brother, also called 911 from inside the home. Throughout [REDACTED] 911 call, [REDACTED] can be overheard in the background also talking to a dispatcher. At 2:11 a.m., the dispatcher instructed [REDACTED] to apply pressure to his mother's stab wounds. The dispatcher then asked to speak with [REDACTED] the children's mother, at 2:14 a.m. [REDACTED] confirmed that she was attacked by her son, Aaron Mensah, with a knife.

Based on the information relayed in both calls, the dispatcher directed police to the home for a "domestic in progress," with a suspect attacking his parents. Officers from FPD, FCSO, and

MSP responded to the call. Based on the additional information [REDACTED] were providing to 911, the call was upgraded; first to a stabbing, then to a double stabbing, and ultimately to a “possible shooting” when [REDACTED] could not say for certain if [REDACTED] injuries were the result of stab or gunshot wounds.

B. Second Set of 911 Calls and Stabbing of [REDACTED]

While police were responding to the initial 911 calls from [REDACTED] three additional calls came in from others in the neighborhood. The first call, placed at 2:11 a.m., came from [REDACTED]. The female caller requested police immediately, after she woke up to a commotion outside of her house. She said, “I’m hearing ‘help, help, call 911, help.” At 2:16 a.m., a second 911 call came in from [REDACTED]. The female caller said that she had heard shouting and woke up to look out the window. The caller said, “Hi, there was a stabbing outside my window. Now there’s a man lying in the street.” The final 911 call came in at 2:17 a.m. from a man at [REDACTED]. The caller saw a man in front of his home calling, “cops, cops” but he was unsure what happened. On each of the calls, the dispatcher told the caller that there were officers en route.

The first officer to arrive was FCSO Deputy Charles Jenkins II. When later interviewed by IID investigators, he said he used a back road to get to the neighborhood and then proceeded to [REDACTED] on foot. Once on scene, he told investigators that he and another deputy began searching the area to find the people involved in the incident.

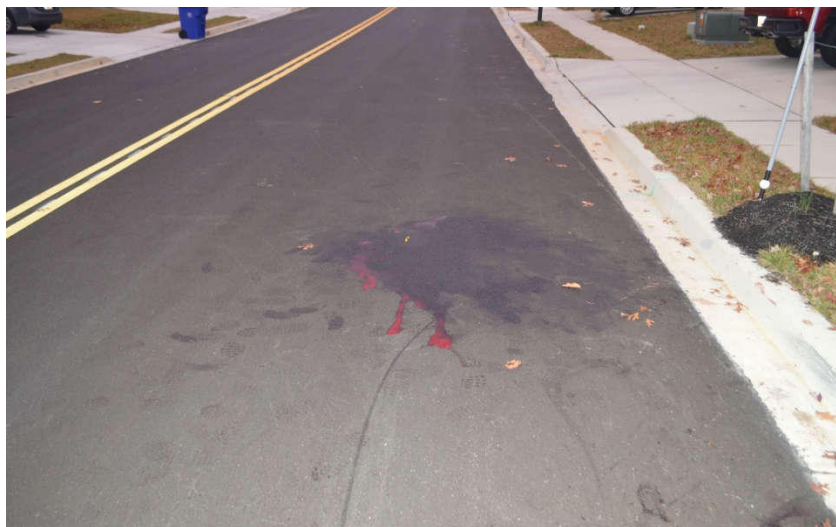


Figure 2. Location of [REDACTED] stabbing on Winding Ridge Way.

At roughly the same time, Trooper Kevin Carter later told IID investigators that he arrived in the neighborhood from the opposite direction and found [REDACTED] lying in the road on Winding Ridge Way. Trooper Carter had his body camera activated during the incident. He later told investigators that he heard [REDACTED] say, “come over here,” and asking for help. As Trooper Carter approached [REDACTED] the video footage shows that [REDACTED] had been stabbed and cut multiple times and, at 2:16 a.m., Trooper Carter requested that EMS respond to [REDACTED]. At 2:19 a.m., the dispatcher requested a helicopter to transport [REDACTED] to a hospital. While waiting for EMS, two deputies can be seen on the video tending to [REDACTED] injuries and covering him with a blanket to stay warm. Trooper Carter maintained security while they provided aid, because the dispatcher repeatedly advised the officers that the suspect was likely still in the area on foot.

On scene officers later told IID investigators that [REDACTED] was able to provide them with limited information, despite his extensive wounds. He gave them a brief description of the suspect— black male, with camouflage pants, armed with a knife — and told them that his wife, [REDACTED] was still inside the house. Shortly afterward, [REDACTED] was transported by EMS to Frederick Memorial Hospital, where he was later pronounced dead at 3:12 a.m.

While Trooper Carter was tending to [REDACTED] Deputy Jenkins and other responding officers later told investigators that they were searching the area for any additional victims and the suspect. Deputy Jenkins said that he saw a woman on the second-floor window of [REDACTED] the location of the initial 911 calls. A review of body camera footage shows that he and the other officers eventually called the remaining Mensah family members out of the house and confirmed with the family that [REDACTED] had been stabbed. Next, Deputy Jenkins and FPD Officer Connor Walsleben, along with two other officers, entered the home to confirm no one else was inside. Officer Walsleben had a department-issued body camera that was active throughout the incident.

While the officers were in the process of making sure no one else was in the residence, they later told IID investigators that they heard Deputy Nathan McLeroy call over the radio, “I’m out with the subject.” Any officer who was not attending to the family responded to Deputy McLeroy’s location on Zoe Lane.

C. Shooting outside of [REDACTED]

Deputy McLeroy located Aaron Mensah in a grassy area adjacent to [REDACTED]. Deputy McLeroy was unsure of his exact location when he radioed to other officers that he had found the subject. However, the dispatcher pinpointed the exact location, through the GPS in his cruiser, as [REDACTED] and provided it to the other officers via the radio; officers from Frederick Police, MSP, and FCSO responded to that location. Deputy McLeroy could be heard over the radio telling Aaron Mensah several times to “drop the knife.”

Deputy Jenkins and Officer Walsleben got into the latter’s cruiser and drove to assist Deputy McLeroy. The pair arrived on scene from the north, so when they got out of Officer Walsleben’s cruiser at 2:28 a.m., they were facing Deputies McLeroy and Cassy Boettcher, who were further down the road. From their vantage point, Deputy Jenkins and Officer Walsleben later estimated that Aaron Mensah was approximately 45-50 yards away, standing on a gravel path to their right, and holding a knife in his right hand. Further, Deputy Jenkins and Officer Walsleben later said they could hear Deputies McLeroy and Boettcher telling Aaron Mensah to drop the knife.

Officers on scene requested less-lethal force to assist in taking Aaron Mensah into custody, and Officer Walsleben could be seen on video retrieving a beanbag shotgun from the trunk of his cruiser. Then, he moved around to the right side of the cruiser and fired the beanbag at Aaron Mensah from approximately 45 yards away. Officer Walsleben later said he believed the beanbag round hit Aaron Mensah’s left leg because he appeared to jump on impact but did not fall.



Figure 3. This image from Officer Walsleben's body-worn camera, taken just before Officer Walsleben deployed his less-lethal shotgun, captured Aaron Mensah standing on the gravel path adjacent to Zoe Lane.

Immediately after that, Aaron Mensah—while still holding the knife— moved toward the sidewalk and into the street, swiftly toward officers on the lower part of the street. Deputy Joseph Honaker and Officer Hailey Leishear, who had her body camera activated, both deployed their Tasers at 2:28:42. Deputy Jenkins later estimated that Aaron Mensah was approximately 10-12 yards away from the officers when the officers used their Tasers. Officer Leishear said in a later interview that Aaron Mensah was within 10 feet when she discharged her Taser. Nearly simultaneously, three FCSO deputies—Boettcher, McLeroy, and Travis Stely—also fired their department-issued handguns at Aaron Mensah. Officer Walsleben estimated that Aaron was closer than “half a roadway distance” away from the officers when they used deadly force.



Figure 4. Aaron Mensah, just as he began to rapidly move towards Officer Leishear. This image is taken from her body camera just before she deployed her Taser.

At 2:29 a.m., Aaron Mensah immediately fell to the ground, and officers approached him. Officers Walsleben and Leishear were the first to reach Aaron Mensah, and Officer Walsleben placed him in handcuffs at 2:29:17 a.m. While Aaron Mensah was being secured, Officer Leishear pulled a knife out from underneath his body and moved it away from him.



Figure 5. A still photo of Officer Leishear's body camera showing her moving the knife away from Aaron Mensah.

Immediately after officers secured Aaron Mensah, they began assessing his condition and rendering first aid. Deputy Boettcher retrieved an active shooter medical kit from her cruiser, and officers [REDACTED]

[REDACTED] They also [REDACTED]

[REDACTED] When EMS arrived, Aaron Mensah [REDACTED] and officers removed the handcuffs so that the medics could treat him. EMS personnel and officers [REDACTED]

[REDACTED] until Aaron Mensah was pronounced dead on scene at 2:45 a.m.



Figure 6. Knife with blood on it that Officer Leishear recovered from underneath Aaron Mensah's body.

D. Civilian Witness Statements

1. [REDACTED]

[REDACTED] was interviewed by FCSO investigators at the hospital on November 29. She said that Aaron Mensah was diagnosed with schizophrenia and had not been taking his prescribed medication.¹ [REDACTED] told the investigator that her son's behavior was noticeably different when he was taking his medication versus when he was not. Police had never previously been called to the home, and there had not been any physical altercations in the home prior to the stabbing.

[REDACTED] remembered an incident approximately one month prior, where Aaron Mensah was using a pocketknife to cut his dinner, rather than a kitchen knife. When [REDACTED] his father, told him to put the knife away, Aaron Mensah responded, "Does this knife scare you?" Additionally, when [REDACTED] was asked about other weapons Aaron Mensah possessed, she remembered him having a bat with wire or nails wrapped around it. She also remembered that Aaron Mensah had previously owned a shotgun that either he or [REDACTED] had turned over to FCSO at some point in the past.²

On the night of the stabbing, [REDACTED] said that [REDACTED] received a phone call from Aaron Mensah at approximately 12:30 a.m. Aaron Mensah told [REDACTED] that he had run out of gas, had no money, was hungry, and wished to come into the house to eat. [REDACTED] remembered [REDACTED] telling Aaron Mensah he could come inside if he agreed to start taking his [REDACTED] again. [REDACTED] said that although she told [REDACTED] she did not want Aaron Mensah in the house, [REDACTED] agreed to let him inside.

Next, [REDACTED] said that while she stayed in bed, [REDACTED] went downstairs to let Aaron Mensah into the home, then came back to bed afterward. Sometime later, Aaron Mensah came into their room and stood over [REDACTED] yelling at him for throwing magazines away. At that point, [REDACTED] said she saw [REDACTED] get out of bed. [REDACTED] and Aaron Mensah got into a physical altercation, which caused the TV to fall over, a picture to be knocked down, and Aaron Mensah to ultimately end up on top of [REDACTED]. [REDACTED] said that when she attempted to intervene, Aaron Mensah turned around and began stabbing her with a knife. When Aaron Mensah turned, [REDACTED] got off of the floor and ran downstairs; as [REDACTED] fled, [REDACTED] realized that [REDACTED] had been stabbed because she saw a large amount of blood trailing after him.

¹ When officers subsequently searched the home, they discovered a [REDACTED] in Aaron Mensah's name that had been filled on October 30, 2022. MSP investigators obtained Aaron Mensah's medical records [REDACTED]

² MSP records indicate that Aaron Mensah turned in a black 12-gauge shotgun and ammunition for destruction on September 4, 2022. He told the trooper that he no longer wanted to have the firearm.



Figures 7 and 8. Photographs of the damage to the bedroom caused by the attack on [REDACTED]

Aaron Mensah ran after [REDACTED] while [REDACTED] and her mother, [REDACTED] who had come upstairs, followed them down the stairs. [REDACTED] last saw [REDACTED] at the end of the driveway yelling for help as Aaron Mensah moved towards him. Then, Aaron Mensah stopped and began running back towards the house, and [REDACTED] and [REDACTED] held the front door shut while he fought to get in. During that altercation, Aaron Mensah stabbed [REDACTED] on her arm/wrist area through the partially closed door; he only stopped attacking when [REDACTED] screamed that she was calling 911. She did not see Aaron or [REDACTED] again.

2. [REDACTED]

On November 29, [REDACTED] was interviewed by FCSO investigators. She also provided investigators with a written statement—transcribed by [REDACTED] which reiterates the details that she provided in her interview. [REDACTED] [REDACTED] mother, lives in the United Kingdom and had been staying with the family for approximately four weeks prior to the incident. During that time, she never saw Aaron Mensah, although she was aware that he suffered [REDACTED] in the past.

[REDACTED] told investigators that she slept in the room near the kitchen and kept her door locked at night. [REDACTED] said that sometimes Aaron Mensah would come into the main part of the home late at night or early in the morning to cook food, but otherwise stayed in the basement. On November 29, [REDACTED] heard Aaron Mensah come into the house, but he did not go downstairs. Later, [REDACTED] said that she heard [REDACTED] crying, so she left her bedroom to see what was wrong. [REDACTED] went upstairs to the main bedroom and saw [REDACTED] on the floor and [REDACTED] bleeding. She saw Aaron Mensah standing near a window holding a knife in his hand. [REDACTED] said she pleaded with Aaron Mensah to stop, but he charged towards her. She recalled him saying something to the effect of, “you too.” At that point, [REDACTED] said she saw [REDACTED] get up from the floor and said he would call the police. [REDACTED] said she saw [REDACTED] flee outside of the house. Aaron Mensah chased after him. [REDACTED] did not see either of them again, but she heard Aaron Mensah try to get back into the home through the front door. She and [REDACTED] held the door shut while [REDACTED] called 911.



Figure 9. View of the Mensah's front door where [REDACTED] was stabbed.

3. [REDACTED]

Nineteen-year-old [REDACTED] was interviewed by FCSO deputies on November 29. Like [REDACTED] provided investigators with a written statement of the events that reiterates the details reflected in her interview. [REDACTED] said that she lived at the home on Haller Place with her one-year-old son; her mother and father, [REDACTED] and her little brother, [REDACTED]. On the night of the attack, her grandmother, [REDACTED] was staying with them while visiting from London. [REDACTED] said that Aaron Mensah, her older brother, would usually come into the house at night and had a room in the basement. [REDACTED] was aware that Aaron Mensah had been [REDACTED]. [REDACTED] said that there were previous occasions when her parents would kick Aaron Mensah out of the house because he was not taking his prescribed medications. She told investigators that her parents had most recently kicked Aaron Mensah out of the home a few months prior to the attack, after he purchased a gun. Aaron Mensah had only returned to the residence a few days before the incident, after selling the gun. [REDACTED] also said that [REDACTED] had placed cameras in the house, "for this reason."³ Her parents also told her to lock her bedroom door at night, because "when [Aaron]'s not taking his medications, he is unstable." Despite the family's concerns about Aaron Mensah's mental health, [REDACTED] opined that the family had not expected an incident like this to occur. Further, [REDACTED] said she was not aware of any prior police involvement or any physical altercations between Aaron Mensah and their parents.

³ Investigators obtained surveillance videos from the home, but the footage did not capture the stabbing.

On the night of the attack, sometime between midnight and 1:00 a.m., ██████████ said she was in her room doing homework when she heard the front door unlock. ██████████ thought this was unusual, because Aaron Mensah normally came into the house later in the night. She stated that she also heard steps from the hall, indicating that Aaron Mensah was going upstairs, which she also thought was odd, as he normally went straight to his room in the basement. Approximately five minutes after ██████████ heard Aaron Mensah come upstairs, she said she heard ██████████ scream “Aaron, stop!” Then, ██████████ heard rustling and items falling; in response, she called 911. At the same time, she heard ██████████ go downstairs saying that he would also call 911. ██████████ stayed in her room, so she did not see any of the altercation. She told investigators that ██████████ told her ██████████ had gone outside, and Aaron Mensah chased after him up the street. ██████████ was also aware that Aaron Mensah attempted to get back in the house, but ██████████ and ██████████ had managed to push the door closed and lock it. Afterward, ██████████ said she helped tend to ██████████ injuries, and noticed what she believed were stab wounds on her back.

4. ██████████

FCSO deputies interviewed fifteen-year-old ██████████ on November 29. Like the other family members, he also gave investigators a written statement that reaffirmed the details provided in his interview. ██████████ told investigators that the family moved to the Haller Place residence approximately 9-10 months before the incident, and that while he, his parents, and his sister slept upstairs on the same floor, Aaron Mensah did not sleep in the home, but instead, stayed outside in his car.

██████████ recalled his brother being ██████████ in early 2020 and ██████████ although not consistently. Additionally, as far as ██████████ was aware, Aaron Mensah’s history of violence was limited to a single incident in March 2020, when he had punched ██████████ ██████████ also said that before 2020 and Aaron Mensah’s ██████████ he and his brother had a good relationship and had talked daily.

On the night of the incident, ██████████ told investigators that he was awakened by his mother’s and sister’s screams around 2:00 a.m. He simultaneously called 911 and headed toward the screams; as he headed downstairs, he could see blood on the front door. Though ██████████ never saw ██████████ or Aaron Mensah during the incident, he said he was told by his family that both men were already outside, and also saw that his mother was bleeding from her back and hand/wrist. And at one point, ██████████ said he saw an indecipherable figure outside, but could not describe what that person was doing.

5. Neighbors and Residents of Nearby Homes

While on scene, IID and MSP investigators canvassed the neighborhood, speaking to individuals at 14 homes that overlooked the stabbing and the shooting scenes. None of the people interviewed saw the shooting incident. All the homes in the neighborhood had Ring doorbell cameras, and investigators recovered footage from three homes, but none of the cameras recorded either incident. Additionally, none of the homeowners saw the stabbings.

E. Involved Officers Statements

All subjects of criminal investigations—including police officers—have a right under the Fifth Amendment not to make any statement. That right also applies to written statements. Thus, if a statement is ordered, the result of threat, or otherwise compelled (*i.e.*, not voluntary), it cannot be used against an officer in a criminal investigation and should not be considered by criminal investigators. *Garrity v. State of N.J.*, 385 U.S. 493 (1967) (holding that officers' statements made under threat of termination were involuntary); *Department of Public Safety and Correctional Services v. Shockley*, 142 Md. App. 312, 325 (2002) (“the dispositive issue is whether [the supervisor] **demanded** that the appellee answer the questions”) (emphasis in original).

Under Maryland law effective July 1, 2022, a police officer must “fully document all use of force incidents that the officer observed or was involved in.” Public Safety § 3-524(e)(4). The law does not provide further guidance about what “fully document” means.

Deputies Boettcher, McLeroy, and Stely, the subject officers, did not give interviews. IID investigators spoke to FCSO and confirmed that the department does not require a written statement from the involved officers when there is a criminal investigation into the use of force. FCSO requires a non-involved officer complete the use of force report. FCSO Lieutenant Warner told IID investigators that the department is aware of the law change and believes that their efforts comply with the law, but still protect the officers' rights under the Constitution.

Deputy Stely made a statement on scene, in response to Deputy Motherhead's questions after the shooting. Deputy Motherhead later provided that information to investigators during his interview. That information is included, where relevant, below.

F. Witness Officers Statements

The additional officers present for the shooting—Troopers Gabriel Berger and Kevin Carter; Deputies Brian Motherhead, Charles Jenkins II, and Joseph Honaker; and Officers Hailey Leishear and Connor Walsleben— were all interviewed by IID and MSP investigators. Much of the information that they provided is incorporated into the factual findings above and, to the extent possible, corroborated by body-worn camera footage, radio transmissions, law enforcement interviews, civilian interviews, and forensics. Where any information conflicts, it is noted below.

1. MSP Trooper Gabriel Berger

Trooper Gabriel Berger was interviewed by MSP and IID investigators on November 29. Trooper Berger completed a written report relating to the incident, pursuant to MSP policy. That report is consistent with the information he provided during his interview.

At 2:18 a.m., Trooper Berger said that he began driving to Haller Place in response to a “domestic, with a possible stabbing, and possible shooting.” He arrived at the Haller Place scene around 2:25 or 2:30 a.m. and observed deputies with their firearms pointed at a woman in the

street. Shortly after his arrival, Trooper Berger responded to another area of the scene, where he provided scene security for other officers as they treated [REDACTED] who appeared to have multiple stab wounds. Trooper Berger said that he heard officers ask [REDACTED] for a description of his attacker while they waited for EMS, and he responded, “black male, with camo pants, armed with a knife.” Trooper Berger stayed with [REDACTED] until he was put into the ambulance. Then, Trooper Berger said he heard Deputy Stely say that he was out with the suspect on Zoe Lane and responded to that location with the other officers.

When Trooper Berger arrived at Deputy Stely’s location, he said he saw a black male wearing camouflage pants and holding a knife—later identified as Aaron Mensah—standing in the grass next to a house. Trooper Berger, a sheriff’s deputy, and a Frederick Police officer were approximately 100 feet uphill from Aaron Mensah. He said he could hear numerous officers telling Aaron Mensah to drop the knife. However, Aaron Mensah did not appear to comprehend their orders, and approximately 45 seconds after arriving, Trooper Berger saw Aaron Mensah “shuffle,” “hop,” or “light[ly] jog” towards those officers. Trooper Berger told investigators that he could hear the Frederick Police officer fire his beanbag shotgun but was unsure if it made contact. Then, Aaron Mensah “took off running, directly at the group of officers [below him].” From Trooper Berger’s perspective, it appeared that all the officers held their ground, and fired their weapons “once [Aaron Mensah] was pretty much on them.” Trooper Berger said he heard 7-8 gunshots and saw Aaron Mensah fall to the ground, then saw officers begin providing medical aid to him.

2. MSP Trooper Kevin Carter

Trooper Carter was interviewed by MSP and IID investigators on November 29. Trooper Carter told investigators that he was on routine patrol when he heard the dispatcher call for officers to respond to a “domestic in progress.” Because he was only 5-10 minutes away from the address, he self-dispatched to the call to assist. While en route, he learned that a fifteen-year-old was reporting that his brother was attacking his parents, and that the attack involved a stabbing and a possible shooting. When Trooper Carter arrived on scene, he found [REDACTED] and said that he became aware that the suspect of the stabbing was not in custody, but officers had two descriptions of him: wearing camouflage pants or wearing a black t shirt and khakis. Trooper Carter headed toward Deputy McLeroy’s location after hearing him report over the radio that he located the suspect. Trooper Carter said that he was still in his cruiser when he heard over the radio that shots had been fired; he arrived on scene approximately one minute after the shooting and observed four officers tending to Aaron Mensah on the ground. He said that did not hear the shots or have any interaction with Aaron Mensah.

3. FCSO Deputy Brian Motherhead

Deputy Brian Motherhead was interviewed by MSP and IID investigators on December 7. Deputy Motherhead was the Field Training Officer⁴ for Deputy Stely on November 29. They responded to the dispatcher’s call of a “stabbing in progress” and en route, he said that they

⁴ A “Field Training Officer” is an experienced member of the police department who is responsible for training and supervising a new member of the department.

heard Deputy McLeroy call over the radio that he had located the suspect on Zoe Lane and that the suspect was not complying with commands. The suspect—later identified as Aaron Mensah—was described as a black male wearing a black shirt and camouflage pants. Deputies Motherhead and Stely responded to Zoe Lane directly.

When they arrived on Zoe Lane, Deputy Motherhead told investigators that he could see Aaron Mensah in a grassy area in front of a house on Zoe Lane. Deputy Motherhead asked Deputy Stely to shine their cruiser's spotlight on Aaron Mensah, which allowed Deputy Motherhead to see a knife in Mr. Mensah's right hand; he was rocking back and forth. Aaron Mensah was approximately 25-30 feet from the officers. Both officers exited the cruiser; Deputy Motherhead went to the trunk to retrieve a rifle and could hear officers shouting verbal commands to "drop the knife." When Deputy Motherhead closed the trunk, he said that he heard officers yelling louder, "get on the ground, get on the ground!" Deputy Motherhead saw Aaron Mensah standing approximately 15-20 feet away from officers and "charge" forward "at a pretty rapid pace." Although Deputy Motherhead lost sight of him, he told investigators that he heard a Taser deployment, shotgun fire, and multiple gun shots. Deputy Motherhead came around the side of the vehicle and saw Aaron Mensah lying in the street. Deputy Motherhead estimated that approximately ten seconds had elapsed between the time they were on scene to the time of the shooting.

Deputy Motherhead asked Deputy Stely after the shooting if he was all right and if he fired his weapon. Deputy Stely responded that he had fired approximately three times.

Deputy Motherhead explained to investigators that he had been trained on a 30-foot rule, meaning that if someone has a knife they should not be allowed within that distance because they could attack before an officer has a chance to defend themselves from death or serious bodily injury. [REDACTED]

4. FCSO Deputy Charles Jenkins II

Deputy Charles Jenkins II was interviewed by MSP and IID investigators on December 7. Deputy Jenkins was working patrol on November 29 when he heard the call over the radio. He told investigators that he was the first officer on scene, but had to arrive on foot as his entry into the neighborhood was blocked by a gate. He and another sheriff's deputy searched the area for the involved parties but were unable to locate anyone before they saw a woman in the window of [REDACTED]. Simultaneously, Deputy Jenkins said he heard Trooper Carter yell, "I got the victim down here," in reference to [REDACTED]. During Deputy Jenkins's brief interaction with [REDACTED] he saw that [REDACTED] was covered in blood. He described [REDACTED] looking as if someone had "completely dump[ed] red paint across a person's body," but [REDACTED] was conscious, breathing, and able to confirm the address was correct.

Deputy Jenkins said that he returned to [REDACTED] and was able to get everyone out of the house. While the family was coming out, they said that [REDACTED] had been stabbed. Deputy Jenkins said that he did not see her wounds before he and Officers Walsleben, Boland, and Ivans entered 5804 Haller Place to see if Aaron Mensah was there. Before they

cleared the first floor, Deputy Jenkins heard Deputy McLeroy call out over the radio that he had located Aaron Mensah.

The officers left the home and went to the address on Zoe Lane; Deputy Jenkins said that they rode in Officer Walsleben's cruiser, and he provided directions to the location. When they arrived, Deputy Jenkins said that he could see Deputies McLeroy and Boettcher on the lower side of the road behind a police cruiser. He also saw Aaron Mensah, approximately 45-50 yards away from him, standing to the left of the deputies and holding a knife in his right hand. Deputy Jenkins described Aaron Mensah as "tensed up" and having a "1,000-yard stare," referring to the fact that he gave no verbal response to the officers, nor did he make any movements indicating an intent to do what officers asked. Deputy Jenkins was unable to say whether Aaron Mensah made any movements with the knife.

Deputy Jenkins told investigators that he drew his handgun after assessing the situation, and Officer Walsleben retrieved his less-lethal shotgun from the trunk of his cruiser. Deputy Jenkins estimated that they were approximately forty-five yards away when Officer Walsleben fired the beanbag shotgun at Aaron Mensah. He believed the less-lethal shot hit Aaron Mensah's left leg because that leg kicked and jumped forward. Next, Deputy Jenkins saw Aaron Mensah move towards the deputies who were behind Deputy McLeroy's car. When Aaron Mensah was approximately 10-12 yards from the deputies, Deputy Jenkins said that he saw officers deploy their Tasers; very quickly afterwards, when Aaron Mensah was "a couple" steps closer, he saw officers fire their handguns multiple times.

After Aaron Mensah fell to the ground, Deputy Jenkins and Officers Leishear and Walsleben approached Aaron and handcuffed him, then immediately began administering first aid. Deputy Jenkins told investigators that he and Officer Leishear performed CPR until EMS took over, then pronounced Aaron Mensah deceased.

5. FPD Officer Hailey Leishear

Officer Hailey Leishear was interviewed by IID and MSP investigators on December 7. Officer Leishear was one of the three FPD officers equipped with a body camera. She activated her camera as she was driving to the scene.

On November 29, Officer Leishear was on patrol on the east side of Frederick and drove to Haller Place in response to Officer Walsleben's request for additional officers to help search the area for a stabbing suspect. While she was on her way, a dispatcher upgraded the call, saying the suspect had been located and "he ha[d] a possible knife." Officer Leishear activated her lights and sirens and arrived at the Zoe Lane address roughly two minutes later. At the scene, she said she heard several sheriff's deputies request "less lethal;" she drew her department-issued Taser and ran to the other officers. Around the same time, she said that she heard other deputies telling Aaron Mensah to drop the knife, and he began running down the street towards herself and other officers.

When Aaron Mensah was approximately 25-30 feet away from the officers standing near [REDACTED] he was "dancing almost side to side on the sidewalk." At that point, Officer

Leishear twice told Aaron Mensah to “drop it,” and he responded by charging toward her and Deputy Boettcher. She remembered that she and Deputy Boettcher backed away from Aaron Mensah in an attempt to create distance between them, then she used her Taser, striking Aaron Mensah when he was approximately 15 feet away from them. “Milliseconds” later, she said that she heard deputies fire lethal shots and saw Aaron Mensah fall to the ground. Then, she dropped her Taser, approached, and handcuffed him. She told investigators that, as she was handcuffing him, she saw the silver pocketknife that he had been holding underneath him. She grabbed the knife and threw it toward the other side of the street. She and other officers immediately began providing medical aid to Aaron Mensah— [REDACTED]

Officer Leishear reported that Aaron Mensah never spoke to the officers, had a “hopeless” expression on his face and looked “as if he wasn’t there.”

Officer Leishear said that she had been trained on a “21-foot rule” relating to knives. Anecdotally, she said that he “got to [them] really fast,” because he was more than 21 feet away from the officers to begin with but was within 10 feet of them when they discharged their weapons.

6. FPD Officer Connor Walsleben

Officer Walsleben was interviewed by IID and MSP investigators on December 7. Officer Walsleben was one of the three FPD officers equipped with a body camera. He activated his camera as he was driving to the scene.⁵

He said that he was scanning the radio and overheard a call for a “violent domestic, possible shooting, possible stabbing, unknown on details, multiple victims injured, multiple people bleeding” on the sheriff’s department channel. He obtained supervisor approval to respond to the call, and after receiving permission, made his way to the area while continuing to monitor the radio. He said that he learned that officers on scene were initially unable to locate anyone, and some officers told him that they thought the call might be an ambush or a “swatting” attempt.⁶ However, as Officer Walsleben arrived in the area, he heard on the radio that officers had located the victims.

When Officer Walsleben got to [REDACTED] he told investigators that he saw people in the roadway and on the house’s stoop who were yelling that the suspect and father had left. He knew from the dispatcher’s notes that “brother stabbed the father, something about the mother, the call taker had possibly been shot.” Officer Walsleben said that he saw blood everywhere in the home’s doorway and entered the home with other officers to confirm it was empty. They checked a “quarter to half of the first floor” before he heard over the radio that

⁵ The remaining FPD officer equipped with a body camera was Officer Alexander Mangot. Officer Mangot arrived on scene after the shooting and did not record anything of evidentiary value.

⁶ “Swatting” refers to the act of making a false call to emergency services to bring about the dispatch of many armed police officers to a particular address.

officers had located the suspect with a knife on Zoe Lane. Officer Walsleben and the other officers immediately headed toward that location to provide backup.

When Officer Walsleben arrived on Zoe Lane, he said that he saw Aaron Mensah illuminated by car lights—holding a knife, pacing back and forth, and not responding to any of the officers’ commands. Officers called out for less-lethal force, so he went to the trunk of his cruiser and retrieved his beanbag shot gun. He positioned himself and fired a bean bag at Aaron Mensah and was told by other officers that he made a “good hit on the thigh.” Officer Walsleben said that he saw Aaron Mensah jump when he was hit by the beanbag, then started making his way to the other deputies while still holding the knife. Officer Walsleben recalled that Mr. Mensah was “not running, but erratic. Kind of making his way to them. Not a dead out sprint. Coming at them with intention to get to those deputies.” Officer Walsleben said that when Aaron Mensah moved onto the road, he no longer could see him and thus, did not see the shooting. After Aaron Mensah was shot, Officer Walsleben saw that a set of Taser of prongs was attached to Aaron Mensah’s body. Officer Walsleben estimated that the distance between the officers and Aaron Mensah when the shooting occurred was roughly half the road width.

Officer Walsleben was one of the officers who handcuffed Aaron Mensah before providing him with medical aid after the shooting. He said that he and another officer searched for bullet holes and [REDACTED]

7. FCSO Deputy Joseph Honaker

Deputy Joseph Honaker was interviewed by IID and MSP investigators on December 7. He said that on the date of the incident, he was heading home at the end of his shift when he heard a call on the radio for a “domestic in progress” where a caller reported that her “brother was fighting with mom.” The call escalated when the caller told the dispatcher that the brother had stabbed the mother. At one point, the call changed to a potential shooting, and Deputy Honaker recalled that there was a lot of confusion about the validity of the call, but he chose to respond anyway. While en route, he learned that there were victims present, but no suspect on scene. While he was traveling on Interstate 70 near Route 144, Deputy Honaker heard Officer McLeroy say over the radio that the suspect had been located with a knife on Zoe Lane.

Deputy Honaker told investigators that he drove directly to Zoe Lane and arrived simultaneously with several other officers. After exiting his cruiser, Deputy Honaker said that drew his Taser and saw Aaron Mensah—approximately 15-20 feet away from some other officers—pacing on the sidewalk, “sidestepping,” and being told to “drop the knife,” by numerous officers. He never heard Aaron Mensah speak. Deputy Honaker estimated that the shooting unfolded in under one minute—almost as soon as he took cover behind the trunk of a vehicle. He recalled an officer firing a less-lethal shotgun, Aaron Mensah doing “a skip thing” after the shot, and then moving toward the officers, “closing [the approximately 15-foot] distance between where he was on the sidewalk and all of us in a line pretty much behind the car.” As Aaron Mensah got closer, Deputy Honaker, who saw a knife in his hand, said he yelled “Taser” and fired twice. He did not see either Taser cartridge strike Aaron Mensah, who still had the

knife in his hand and continued to move toward the officers. Next, he recalled that other officers fired their handguns at Aaron Mensah when he was approximately 5-6 feet away and still holding the knife. After he fell to the ground and was handcuffed, Deputy Honaker said that he saw Officer Leishear pull the knife away from the left side of Aaron Mensah's body and kick it toward the curb. Immediately afterward, other officers began administering first aid.

Deputy Honaker said that during training to deal with knife-wielding suspects, "we're told from 21 feet and under, somebody can close distance on you before you can get your gun out of your holster and fire a shot, before they're close enough to you that they're going to stab you." He estimated that Aaron Mensah was always within 21 feet of the officers during the interaction.

G. Medical Examination

Aaron and [REDACTED] were transported to the Office of the Chief Medical Examiner for autopsy examination. The IID has not received the results of either examination as of the date of this report. The IID will provide a supplemental report to the State's Attorney's Office upon receipt of the reports.

[REDACTED] was transported via medevac helicopter to University of Maryland Medical Center-Shock Trauma. She suffered [REDACTED]. She was treated and released from the hospital on November 29.

H. Forensic Examination

The IID has not received the results of the ballistics examination from the Maryland State Police Forensics Science Division as of the date of this report. The IID will provide a supplemental report to the State's Attorney's Office upon receipt of the examination report.

III. Involved Parties' Backgrounds

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

A. Aaron Fifi Onomah Mensah

A 23-year-old black man who lived in Frederick, Maryland.

B. Deputy First Class Cassy Boettcher

A 36-year-old white woman at the time of the shooting. She has been employed by FCSO since April 2020 and has two total years of law enforcement experience. [REDACTED]

[REDACTED]

C. Deputy Travis Stely

A 28-year-old white man at the time of the shooting. He has been employed by FCSO since September 2022 and has six total years of law enforcement experience. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

D. Deputy Nathan McLeroy

A 28-year-old white man at the time of the shooting. He has been employed by FCSO since July 2022 and has three total years of law enforcement experience. [REDACTED]

[REDACTED]

[REDACTED]

IV. Applicable Policies

This section includes relevant excerpts from FCSO policies and training concerning officers' use of force, including their decisions to use deadly force. The complete policies are attached as Appendix B.

A. 1.3.2 Policy

Deputies will use the amount of force, which is reasonable to control a situation, effect and maintain an arrest, or defend themselves or others from bodily injury or death, and whenever possible, employ de-escalation techniques.

[REDACTED]

Deputies must weigh the circumstances of each individual case and employ only the amount of force, which is necessary, proportional, and reasonable to control the situation or individuals.

Deadly force may only be used when the deputy reasonably believes the action is in defense of human life, including the deputy's own life, or in defense of any person in imminent danger of serious bodily injury, and when possible, other means have been reasonably exhausted.

Deputies will ensure appropriate medical aid is administered or provided when needed following any use of force.

B. 1.3.4 Progressive Use of Force

The use of force by deputies will, whenever possible, be progressive in nature. The force may be in the form of advice, warnings, or persuasion, verbal encounters, physical contact, use of a baton or other less lethal weapons, or the use of deadly force.

Levels of Force

1. Verbal – advice, warnings, persuasion, etc.
2. Physical
 - a. Empty Hand Control
 - b. Active countermeasures
3. Intermediate
 - a. Baton
 - b. OC Spray
 - c. Taser
 - d. Less-lethal Shotgun
 - e. Other authorized less-lethal weapons
4. Deadly

When force is used, the degree of force that is employed should be in direct relationship to the amount of resistance employed by the person or the imminent threat the person poses to the deputy or others.

C. 1.3.6 Use of Deadly Force

A deputy may use deadly force only when the deputy reasonably believes that the action is in defense of human life, including the deputy's own life, or in defense of any person in imminent danger of serious bodily injury, and, when possible, other means have been reasonably exhausted.

VI. Applicable Law and Analysis

The IID analyzed criminal offenses that could be relevant in a shooting of this nature. The essential question in many officer-involved uses of force is whether the officer's actions

were justified. This section will address that question first, then it will address specific charges, if any, for which additional discussion is warranted given the facts of this incident.

A. Excessive Force

Effective July 1, 2022, the Maryland Use of Force Statute makes it a crime for officers to intentionally use force that is not, “under the totality of the circumstances . . . necessary and proportional to: (i) prevent an imminent threat of physical injury to a person; or (ii) effectuate a legitimate law enforcement objective.” Public Safety § 3-524(d)(1).

Before the Use of Force Statute was enacted, Maryland had no specific crime punishing officers’ use of excessive force. Instead, officers could be charged with the same crimes as any civilian, including force-related crimes such as murder, manslaughter, and assault. Officers could not be convicted of these offenses if they had acted reasonably; that is, if they acted as a reasonable officer would given the circumstances. Now, with the Use of Force Statute, officers may still face these traditional charges, but they may also face the specific charge of using excessive force if the force they used was not necessary and proportional given the totality of the circumstances.

The Use of Force Statute’s reference to “the totality of the circumstances” likely encompasses several factors courts have previously considered when evaluating officers’ uses of force, including, but not limited to: the severity of the underlying crime; the existence of an articulable basis to believe the suspect is armed; the threat, if any, the suspect posed; information known to the officer before the use of force; time of day; how the officer approached the suspect; whether the officer issued a warning or threat to the suspect; whether the officer afforded the suspect an opportunity to respond to commands; the suspect’s statements; the suspect’s mental well-being; attempts to evade or resist arrest; aggressive behavior; and the reactions of other officers to the use of force. *See generally, Graham v. Connor*, 490 U.S. 386, 396 (1989); *Koushall v. State*, 249 Md. App. 717, 730 (2021), *aff’d*, 479 Md. 124 (2022); *Estate of Blair by Blair v. Austin*, 469 Md. 1, 23, 25-26 (2020); *Salvato v. Miley*, 790 F.3d 1286, 1293 (11th Cir. 2015); *Deering v. Reich*, 183 F.3d 645, 650-52 (7th Cir. 1999). Also likely factoring into this analysis is the Use of Force Statute’s requirement that “when time, circumstances, and safety allow, [officers shall] take steps to gain compliance and de-escalate conflict without using physical force.” Public Safety § 3-524(e)(1).

The terms “necessary” and “proportional” are not defined by statute or by Maryland caselaw. However, [an opinion](#) issued by the Office of the Attorney General concluded that the “necessary and proportional” standard “involves three core principles”:

First, the use of force is not “necessary” unless there is no reasonable alternative to using force that, under the circumstances would safely and effectively achieve the same legitimate ends. Second, even when the use of some force is necessary, the degree and amount of force must correspond to, and be appropriate in light of, the objective that the officer aims to achieve. Third, the proportionality requirement further prohibits an officer from using force if the harm likely to result is too severe in relation to the value of the interest that the officer seeks to protect.

107 Md. Op. Att’y Gen. 33, 66 (Feb. 25, 2022) (emphasis added).

The Use of Force Statute provides that necessary and proportional force may be appropriate to “prevent an imminent threat of physical injury to a person” or to “effectuate a legitimate law enforcement objective.” Public Safety § 3-524(d)(1)(i), (ii). “Imminent” is defined as “likely to occur at any moment; impending.” *Howell v. State*, 465 Md. 548, 564 n. 15 (2019).⁸ Officers must have probable cause to believe that an individual poses such an imminent threat. *Estate of Blair*, 469 Md. at 23. Probable cause “means something less than ‘more likely than not.’” *Whittington v. State*, 474 Md. 1, 41 n. 29 (2021) (quoting *Freeman v. State*, 249 Md. App. 269, 301 (2021) (cleaned up)).

The Use of Force Statute does not define “legitimate law enforcement objective,” but other sections of the Public Safety Article provide some guidance. For example, Section 3-701 defines “legitimate law enforcement objective” as “the detection, investigation, deterrence, or prevention of crime, or the apprehension and prosecution of a suspected criminal.” Public Safety § 3-701(a)(7); *see also* Public Safety § 3-509(a)(8) (defining a “legitimate law enforcement purpose” as “the investigation, detection, or analysis of a crime or a violation of the Maryland vehicle laws or the operation of terrorist or missing or endangered person searches or alerts”).

The Use of Force Statute specifically provides that an officer must cease the use of force when either of the above conditions are no longer met, or when the target of the force is under the officer’s control. Physical restraint is not a prerequisite to “control.” *Michigan v. Long*, 463 U.S. 1032, 1051 (1983) (“During any investigative detention [*i.e.*, a *Terry* stop], the suspect is ‘in the control’ of the officers in the sense that he may be briefly detained against his will.”) (cleaned up). An individual who is complying with an officer’s commands without physical restraint is under the officer’s control because the officer has a “directing influence” over them. *See Bryant v. State*, 229 Md. 531, 537 (1962) (citations omitted) (applying dictionary definitions of “control,” *i.e.*, “to exercise restraining or directing influence over”); *cf. Bailey v. State*, 412 Md. 349, 371 (2010) (“Although the display of force often involves placing the individual who is seized in handcuffs, application of handcuffs is not a necessary element of an arrest.”); *Henderson v. State*, 89 Md. App. 19, 23 (1991) (suspect was not seized where he “was neither under the physical control of the officers, nor was he acquiescing to their authority”).

Unintentional violations of the Use of Force Statute do not constitute criminal offenses. While it is possible the General Assembly meant only that the officer’s actions must have been intentional, it is more likely the General Assembly meant to require that the officer knew the level of force that would have been permissible and intentionally crossed that threshold. The Office of the Attorney General’s Opinions Division stated in a January 18, 2023, advice letter to the Prince George’s County State’s Attorney’s Office that this latter interpretation was better

⁸ “Imminent” differs from “immediate,” which means “occurring or accomplished without lapse of time; instant; of or relating to the present moment.” *Howell*, 465 Md. at 564 n. 15. However, imminence still requires a reasonable degree of proximity and specificity; a threat that may occur “sometime in the future” is not imminent. *Madrid v. State*, 474 Md. 273, 339 (2021).

supported by the plain language of the statute.⁹ [Letter](#) of Assistant Attorney General Rachel A. Simonsen to State’s Attorney Aisha N. Braveboy, Prince George’s County State’s Attorney’s Office (Jan. 18, 2023).

To secure a conviction, the State would have to prove any officer’s force intentionally exceeded that which was necessary and proportional. Regarding necessity, when the officers initially attempted to end the confrontation using verbal commands and less lethal force, Aaron Mensah responded by moving toward them while continuing to hold the knife. Moreover, at the time Aaron Mensah moved toward them, officers were aware that he had already stabbed his parents, both of whom required emergency medical treatment and transportation to a hospital. Regarding proportionality, officers had unsuccessfully attempted numerous de-escalation tactics to gain compliance from Aaron Mensah. Given his actions toward his victims and his continued possession of a deadly weapon, despite verbal commands and the deployment of less-lethal force, it is reasonable to conclude that as he advanced toward the officers, he posed a significant threat of serious bodily injury or death to them. Any less lethal response by these officers would likely not be sufficient to counter the level of deadly force presented by Aaron Mensah. In short, the available evidence would make it difficult to prove that any officer’s use of deadly force violated the Maryland Use of Force Statute.

B. Homicide Charges

In addition to the new excessive force charge, officers may still be charged with traditional statutory and common law offenses. There are two charges related specifically to officers killing Aaron Mensah that could be relevant given the facts of this incident: intentional second-degree murder and voluntary manslaughter.¹⁰

Intentional second-degree murder is a killing done with “either the intent to kill or the intent to inflict such serious bodily harm that death would be the likely result,” but which is not “willful, deliberate, and premeditated.” MPJI-Cr 4:17.2 Homicide—First Degree Premeditated Murder, Second Degree Specific Intent Murder and Voluntary Manslaughter (Perfect/Imperfect Self-Defense and Perfect/Imperfect Defense of Habitation), MPJI-Cr 4:17.2 (2d ed. 2021). To prove this charge, the State must, among other things, establish beyond a reasonable doubt that the killing was not legally justified. *Id.*

An officer’s use of deadly force is legally justified if it is done in self-defense, in defense of others, or pursuant to law-enforcement justification.

⁹ The Opinions Division is a unit within the Office of the Attorney General that is responsible for answering significant legal questions involving Maryland law or other law that governs the actions of Maryland public officials. The Division issues both formal opinions and less formal advice letters; neither serves as binding precedent, though they may be used as persuasive authority.

¹⁰ First-degree murder is not analyzed because there is no evidence that officers’ killing of Aaron Mensah was premeditated. Unintentional (“depraved heart”) second-degree murder and involuntary manslaughter are not analyzed because there is no dispute that officers intended to fire at Aaron Mensah.

Self-defense and defense of others may be either complete (*i.e.*, the use of deadly force was completely justified) or partial (*i.e.*, the use of deadly force was partially, but not completely, justified). If the defendant acted in complete self-defense or complete defense of others, no assaultive charge, including murder and manslaughter, is appropriate. MPJI-Cr 4:17.2; MPJI-Cr 4:17.3 Homicide—First Degree Premeditated Murder, Second Degree Specific Intent Murder and Voluntary Manslaughter (Perfect/Imperfect Defense of Others), MPJI-Cr 4:17.3 (2d ed. 2021). If the defendant acted in partial self-defense or partial defense of others, the appropriate charge is voluntary manslaughter rather than second-degree murder. *Id.*

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.

Complete defense of others exists where: “(1) the defendant actually believed that the person [they were] defending was in immediate or imminent danger of death or serious bodily harm; (2) the defendant’s belief was reasonable; (3) the defendant used no more force than was reasonably necessary in light of the threatened or actual force; and (4) the defendant’s purpose in using force was to aid the person [they were] defending.” MPJI-Cr 4:17.3. Partial defense of others exists where the first and fourth of these elements are present, but the defendant either unreasonably believed the person they were defending was in immediate or imminent danger or unreasonably believed the amount of force they used was necessary. *Id.*

Law-enforcement justification exists where an officer uses “only that amount of force reasonably necessary under the circumstances to discharge his duties.” *Wilson v. State*, 87 Md. App. 512, 520 (1991). The defense provides that in using reasonably necessary force, officers are “not liable civilly or criminally for the assault or battery that may result, including, if necessary, the use of deadly force.” *Id.* at 519. The rationale for this justification is that officers’ duties are “markedly different” from those of ordinary citizens, requiring that officers “threaten deadly force on a regular basis.” *Koushall*, 249 Md. App. at 728-29. 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*, 469 Md. at 23-24 (quoting *Tennessee v. Garner*, 471 U.S. 1, 11 (1985)).

Each of these defenses is viable only if an officer acted reasonably. The reasonableness of an officer’s 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*, 490 U.S. at 397). However, “an objectively reasonable officer would use deadly force *only* when threatened with serious physical harm.” *Estate of Blair*, 469 Md. at 24 (emphasis in original). Violations of departmental policy are one “factor to be

considered in determining the reasonableness of police conduct.” *Pagotto*, 361 Md. at 557 (citations omitted).

There has not yet been any judicial analysis of how the new Maryland Use of Force Statute, discussed above, affects this common law reasonableness analysis. It is possible that the new “necessary and proportional” standard supplants reasonableness as the benchmark against which officers’ conduct should be measured. But it is also possible that the new standard applies only to the new excessive force offense created by the Maryland Use of Force Statute, leaving reasonableness as the appropriate standard for other offenses. The Office of the Attorney General’s Opinions Division concluded that this latter interpretation is more likely for several reasons, including the fact that the General Assembly did not express an intent to supersede the existing reasonableness standard for offenses other than the newly created excessive force crime. Letter of Assistant Attorney General Rachel A. Simonsen to State’s Attorney Aisha N. Braveboy, Prince George’s County State’s Attorney’s Office (Jan. 18, 2023).

The Opinions Division noted, however, that necessity and proportionality may still be salient factors in the reasonableness determination because the new standard has now been incorporated into law enforcement policies and training statewide. The advice letter states: “Maryland’s appellate courts have often considered an officer’s compliance with police department policies or training guidelines when assessing the reasonableness of the officer’s use of force.” *Id.* (citing *Koushall*, 479 Md. at 152, 156 & n.11 (non-compliance with departmental policy “highlight[ed] the [officer’s] unreasonable use of force under the circumstances”); *Albrecht*, 336 Md. at 477-78, 487, 502-03 (noting that “the record [was] replete with evidence . . . that [the officer] did not comply with . . . departmental guidelines, procedures or practices” and thus, did not act as “act as a reasonable police officer under the circumstances” but, rather acted “in a grossly negligent and reckless manner”); *Pagotto*, 361 Md. at 550-53 (considering three departmental guidelines about how to approach a suspect when analyzing convictions for involuntary manslaughter or reckless endangerment)).

In this case, the available evidence would make it difficult to prove that any officer’s use of deadly force was not in complete self-defense, in complete defense of others, or pursuant to law-enforcement justification. As discussed in the Excessive Force section above, the officers attempted to end the confrontation by giving Aaron Mensah verbal commands and using two different types of less-lethal force, but he instead moved towards them with a knife in his hand. Given the threat Aaron Mensah posed when he approached the officers, the available evidence would make it difficult to prove that any officer was not legally justified when they used deadly force.

C. Other Charges

There are additional potential charges that are not discussed further because they would merge with the homicide charges discussed above. Those charges include: first-degree assault, *Sifrit v. State*, 383 Md. 116, 137 (2004); and reckless endangerment, *Williams v. State*, 100 Md. App. 468, 490-91 (1994). The analysis of these charges would parallel that of the charges above.

There are other charges that could not be proven unless the State proved one of the charges above as a requisite predicate offense. Those charges include: use of a firearm in the commission of a crime of violence, Criminal Law § 4-204(b); and misconduct in office, a common law offense. For the reasons discussed above, the State would have to prove that officers used force unreasonably, unnecessarily, or disproportionately. Also, specifically regarding misconduct in office, there is no evidence the officers acted with “a sense of depravity, perversion, or taint” necessary to establish the required corrupt intent. *Sewell v. State*, 329 Md. App. 571, 604 (2018) (citation omitted).

VII. Conclusion

This interim report has presented factual findings and legal analysis relevant to the death of Aaron Fifi Onomah Mensah that occurred on November 29, 2022, in Frederick, Maryland. The IID will supplement this report when it receives the results of ballistics analysis and the autopsy examinations, but please feel free to contact the IID if you would like us to supplement this report in any other way through further investigation or analysis.

Appendices

Appendix A – Materials Reviewed

911 Calls (3 audio recordings)
Body-Worn Camera Video (5 recordings)
CAD Reports (13 items)
Civilian Witness Statements (4 interviews, 1 written statement, and 1 transcript)
Communications Audio (5 recording)
Dash Cam Video (2 recordings)
Departmental Policies (1 item)
IA History and Training Records (14 items)
Lab Reports (8 items)
Medical Records (15 items)
MSP Reports (19 items)
OAG Reports (19 reports)
Officer Witness Statements (12 interviews)
Other Video (multiple recordings)
Photographs (714 photos)
Police Reports (36 items)
Search Warrant (3 items)
Subpoenas (6 items)

All materials reviewed have been shared with the Frederick County State's Attorney's Office via a secure filesharing service.

Appendix B – Relevant Frederick County Sheriff Office Departmental Policies

See attached policies.

Appendix B
Relevant Frederick County Sheriff Office
Departmental Policies



1.3 USE OF FORCE

| FREDERICK COUNTY SHERIFF'S OFFICE GENERAL ORDER | | |
|---|-------------------------|---------------------------|
| Effective Date: 06/01/2004 | Review Date: 06/17/2022 | Revision Date: 07/01/2022 |
| Related CALEA Standards: 1.2.10, 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6 | Page 1 of 12 | |

- 1.3.1 Applicability
- 1.3.2 Policy
- 1.3.3 Definitions
- 1.3.4 Progressive Use of Force
- 1.3.5 Use of Less-Lethal Force
- 1.3.6 Use of Deadly Force
- 1.3.7 Medical Aid
- 1.3.8 Duty to Intervene
- 1.3.9 Restrictions/Prohibitions
- 1.3.10 Notifications
- 1.3.11 Use of Force Report
- 1.3.12 Administrative Review
- 1.3.13 Duty Status
- 1.3.14 Training and Certification Requirements

1.3.1 Applicability

This general order is applicable to sworn employees, special police officers, civil process servers, and any other Sheriff's Office employee trained in the use of and authorized to use less-lethal and lethal weapons, and weaponless control techniques. For brevity, the word "deputy" in this general order refers to all Sheriff's Office employees who are trained in the use of and authorized to use less-lethal and lethal weapons and weaponless control techniques.

1.3.2 Policy

- A. Deputies will use the amount of force which is reasonable to control a situation, effect and maintain an arrest, or defend themselves or others from bodily injury or death, and whenever possible, employ de-escalation techniques. (CALEA 4.1.1)
- B. Deputies must weigh the circumstances of each individual case and employ only the amount of force which is necessary, *proportional*, and reasonable to control the situation or individuals.
- C. Deadly force may only be used when the deputy reasonably believes the action is in defense of human life, including the deputy's own life, or in defense of any person in imminent danger of serious bodily injury, and, when possible, other means have been reasonably exhausted. (CALEA 4.1.2)
- D. Deputies will ensure appropriate medical aid is administered or provided when needed following any use of force.

1.3.3 Definitions

- A. Force – conduct used in order to control a situation, the actions of one or more persons, or a domestic animal.
- B. Progressive Force – the escalation of force used to control a situation or the actions of one of or more persons.
- C. Deadly force – that force that has a likely consequence of death or serious bodily injury, or such force that a reasonable and prudent person would consider likely to cause death or serious bodily injury.
- D. Reasonable belief – the fact that the actor believes that a given fact or combination of facts exists, and that the circumstances which he knows, or should know, are such as to cause a reasonable man so to believe. (Black’s Law Dictionary)
- E. Less-lethal weapon – any weapon, other than a firearm, used to control individuals or defend a deputy from harm. Handcuffs are considered a restraining device, not a weapon.
- F. Domestic Animal – An animal that has been tamed and/or kept by humans as a pet, work animal, or a food source. It does not include untamed wildlife, such as a deer, bear, etc.
- G. Serious bodily injury – bodily injury that creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.
- H. Vascular neck restriction – any use of force application intended to gain control of a subject by restricting blood flow to the brain for the purpose of incapacitation.
- I. Choke hold – any technique intended to gain control of a subject by restricting the intake of oxygen.
- J. UOF – Use of Force
- K. FCSO – Frederick County Sheriff’s Office
- L. CEW – Conducted Electrical Weapon

1.3.4 Progressive Use of Force

- A. The use of force by deputies will, whenever possible, be progressive in nature. The force may be in the form of advice, warnings, or persuasion, verbal encounters, physical contact, use of a baton or other less lethal weapons, or the use of deadly force.
- B. Levels of Force
 1. Verbal – advice, warnings, persuasion, etc.
 2. Physical
 - a. Empty Hand Control
 - b. Active countermeasures
 3. Intermediate
 - a. Baton
 - b. OC Spray
 - c. Taser
 - d. Less-lethal Shotgun
 - e. Other authorized less-lethal weapons
 4. Deadly
- C. When force is used, the degree of force that is employed should be in direct relationship to the amount of resistance employed by the person or the imminent threat the person poses to the deputy or others.

1.3.5 Use of Less-Lethal Weapons

A. General

1. Less-Lethal weapons authorized by FCSO are:
 - a. Conducted Electrical Weapon (CEW)
 - b. Oleoresin Capsicum (OC) Spray
 - c. Baton
 - d. Impact Munitions
 - e. Chemical Munitions
 - f. Tire Deflation Device
2. Deputies may only carry and use those less-lethal weapons which are authorized for use by the FCSO, and for which they have received FCSO authorized training and demonstrated proficiency.
3. All displays of less-lethal weapons as a show of force must be documented on the UOF Form as required in this General Order
4. All accidental discharges of less-lethal weapons will be reported on an Incident Report

B. Use of CEW

1. The CEW will only be assigned to and used by sworn deputies who have been specifically trained on the model of CEW selected and are currently certified on its use.
2. The use of the CEW shall be consistent with current case law and the latest training provided by Taser International and the Training Services Section.
3. For reporting purposes, the following terms will be utilized:
 - a. Display/Deployment – The visible presence of the CEW outside the holster to include: public display, sparking the Taser or “painting the target” with the CEW’s red laser sight, to gain compliance.
 - b. Discharge – The delivery of an electrical energy charge via the probes or a Drive Stun.
4. The CEW may be utilized to gain control of a subject who is violent (active aggression), who may imminently become violent, or is actively resisting by fighting.
5. A deputy will immediately notify Emergency Communications and the on-duty supervisor after they discharge a CEW.
6. After Care
 - a. Deputies will complete an initial medical assessment of all subjects who have received a CEW discharge. The subject will be monitored and, if necessary, deputies will administer first aid to the subject until emergency medical personnel have arrived on the scene.
 - b. All subjects upon whom a CEW has been discharged will be evaluated or treated by competent medical personnel (Department of Fire and Rescue Services - DFRS).
 - c. All arrestees and persons subject to Emergency Petition procedures will be transported to a hospital by DFRS for medical evaluation or treatment following a CEW discharge.
 - d. Any persons, upon whom a CEW has been discharged, will be kept under observation for a period of two (2) hours following exposure. In the unlikely event that the subject is not criminally charged or subject to Emergency Petition procedures, deputies shall ensure that appropriate advice regarding medical treatment/observation is provided and documented.
 - e. A subject who declines transportation to the hospital should sign the DFRS refusal or medical treatment form. The deputy will secure a copy of the signed form and submit it with the Use of Force Report.
 - f. Deputies will notify Frederick County Adult Detention Center Central Booking/Holding personnel if their prisoner was subject to a CEW discharge. Deputies will note the name of the notified FCADC personnel and the time of the notification in their Use of Force Report.

7. Downloading

- a. CEW data will be downloaded after each discharge by the on-duty supervisor/commander, prior to re-issuance, and included with the UOF report.
- b. Deputies should review the downloaded data with the supervisor/commander, prior to completing all required written reports

8. Reporting

- a. The following CEW specific information will be recorded on the UOF Report:
 - (1) Probe mode or Drive-stun application
 - (2) Number of cycles (taken from download report)
 - (3) If multiple cycles, length of time between cycles (taken from download report)
 - (4) Warning given prior to discharge, or, if not given, provide explanation
 - (5) Number of law enforcement personnel on the scene at time of discharge
 - (6) Points of contact (specific with photos)
 - (7) If subject had weapon; not weapon type
 - (8) CEW effectiveness; success or failure and explanation
 - (9) Name of supervisor/commander who downloaded the CEW and date and time of download
 - (10) Name of personnel collecting evidence – AFIDs, blast doors, wires, and spent cartridge, if applicable
- b. Any accidental discharge of a CEW will be reported on an incident report. The CEW will be brought to Training Services for download and inspection. Any remedial training will be addressed at that time.

C. Use of Impact Munitions

1. Only shotguns that have been dedicated to and clearly marked as less lethal shotguns, minimally by orange stocks and fore grips, shall be utilized.
2. Deputies deploying Impact Munitions shall:
 - a. In conjunction with another qualified operator, ensure that the weapon is properly loaded with authorized rounds.
 - b. Request the response of a supervisor, if not already on scene or enroute.
 - c. Upon arrival on scene, announce over the radio that you are 10-23 and intend to make use of impact munitions.
 - d. Prior to firing the IMs at the target, broadcast - over the radio if possible, words to the effect of:

“DEPLOYING LESS LETHAL. HOLD YOUR FIRE UNLESS YOU HAVE CAUSE. DEPLOYING LESS LETHAL.”

- e. Provide necessary medical treatment (see #6. below) for the suspect.
 - f. Document the incident by submitting a Use of Force report with the Incident Report.
 - g. If they can be retrieved, the bean bag and the shotgun shell should be collected and placed into evidence. The deputy should be aware that, if the SIMs struck bare skin it could possibly have traces of blood on it. The deputy should wear protective latex gloves when collecting and handling the beanbag. If the round struck bare skin, a biohazard sticker should be placed on the envelope when placing the beanbag on property.
3. The use of Impact Munitions constitutes a Use of Force. Impact Munitions targeting a green or yellow strike zone are approximately equivalent to the use of a baton.
4. In Civil Disturbance or Riot Situations:
- a. Use common sense
 - b. Impact Munitions can be used to:
 - (1) Provide protection to the skirmish line.
 - (2) Protect the gas lines when riot control agents are deployed.
 - (3) Preemptively target individuals on whom charges already exist or whom, if apprehended, will be charged, but are likely to flee if an arrest team approaches.
 - c. Preemptive use should be closely coordinated with arrest teams in order to maximize the likelihood of apprehension while minimizing the number of IMs required to stun/distract/temporarily immobilize the suspect prior to arrest while significantly minimizing serious or life threatening injuries.
 - d. Green or yellow strike zones, as defined in training, should be targeted unless circumstances are present which would authorize the use of deadly force.
 - e. Be prepared to follow up with additional rounds if, required.
5. Treatment of persons subjected to Impact Munitions
- a. Once in custody, the deputy(s) shall advise the supervisor that the person has been impacted by a IM deployment and the approximate time the action occurred.
 - b. Examine the impact site(s) in order to determine if there are any readily apparent significant injuries requiring treatment.
 - c. Photograph the impact site(s) for injuries, or lack thereof.
 - d. Summon EMS if requested by the suspect or if the deputy feels injury may have resulted from the deployment.
 - e. If the suspect is transported to the hospital, clearance from the emergency room physician shall be obtained prior to departing the hospital.

- f. Deputies should be aware that an easily overlooked aspect of injury as a result of Impact Munitions is secondary injuries from falling. An examination with particular emphasis to secondary injuries should be performed by the on-scene supervisor, or by EMS if they are on scene.

6. Submit a Use of Force Report with a copy of the Incident Report.

1.3.6 Use of Deadly Force

- A. A deputy may use deadly force only when the deputy reasonably believes that the action is in defense of human life, including the deputy's own life, or in defense of any person in imminent danger of serious bodily injury, and, when possible, other means have been reasonably exhausted. *This includes fleeing felons under circumstances outlined in 1.3.6 C.*
- B. Deadly force may consist of the use of items, articles, instruments, or equipment other than firearms which are designed, intended, and routinely used for other legitimate law enforcement purposes, such as vehicles, batons, flashlights, etc.

C. Fleeing Felons

1. Deputies may employ deadly force in the performance of their official duties to prevent the escape of a felony suspect only when all of the following conditions exist:
 - a. There is direct knowledge or probable cause to believe the perpetrator is a felon, and actually used or threatened the use of deadly force in the commission of a crime; and
 - b. The deputy has reason to believe the felony suspect poses an imminent threat by using deadly force against the deputy or others if not apprehended; and
 - c. Where feasible, the deputy has given notice of intent to use deadly force and the felony suspect refuses to obey the order to stop.
2. Deadly force against fleeing felons must never be used on mere suspicion that a crime, no matter how serious, was committed or that the person being pursued committed the crime. The deputy should either have witnessed the crime or should have sufficient probable cause to believe that the suspect had committed, is committing, or is about to commit an offense for which the use of deadly force is authorized.

1.3.7 Medical Aid

- A. Personnel will render appropriate medical aid consistent, with their training, as quickly as reasonably possible and safe to do so, for individuals
 - 1. Who show signs of injury following any use of force
 - 2. Who complain of injury resulting from a use of force and the person requests it
 - 3. When the involved personnel reasonably believe an individual is in need of medical attention following a use of force

- B. Personnel will request emergency medical response via Communications when:
 - 1. The subject has obvious severe injuries
 - 2. Medical distress is apparent
 - 3. The subject is unconscious
 - 4. In any other circumstance that the personnel on the scene feel the subject needs emergency medical services (CALEA 4.1.5)

1.3.8 Duty to Intervene

Any employee who observes another agency employee or public safety associate engaging in any unreasonable use of force or who becomes aware of any violation of departmental policy, state/provincial or federal law, or local ordinance must intervene and notify a supervisor. (CALEA 1.2.10)

1.3.9 Restrictions/Prohibitions

- A. Members of the Frederick County Sheriff's Office must reasonably anticipate a situation justifying the use of a weapon before removing it from its holster or otherwise displaying it.

- B. Under no circumstances will personnel display a weapon in a flagrant manner which is unsafe or would cause unnecessary alarm to the public.

- C. Deliberate use of any item, article, instrument, or equipment for any purpose other than that for which it was designed and intended, or in a potential deadly manner (i.e. as a club or ramming with a vehicle) is prohibited except in cases when the use of deadly force is specifically authorized in section 1.3.6 of this General Order.

- D. Personnel are prohibited from using any technique that restricts the intake of oxygen unless deadly force would be considered reasonable. (CALEA 4.1.7)

- E. Techniques using vascular neck restriction are not part of employee use of force training and are not authorized. (CALEA 4.1.6)

- F. Deputies involved in shooting incidents or any use of deadly force incidents shall refrain from discussing the incident with anyone other than their commander, the investigators assigned to conduct the criminal and administrative investigations, or their selected counsel, until authorized to do so by their commander or higher authority.

- G. Personnel authorized to carry firearms shall not discharge their weapon as a warning. (CALEA 4.1.3)

1.3.10 Notifications

- A. Following any use of force that results in or is alleged to have resulted in death or serious bodily injury, immediate notification will be made to the:
 - 1. On-duty patrol supervisor or other on-duty supervisor if the patrol supervisor is not available
 - 2. Office of Policy and Compliance
 - 3. Criminal Investigations Division
 - 4. MD Attorney General's Independent Investigations Division (made by CID)

- B. As soon as practical following any use of force that results in or is alleged to have resulted death or serious bodily injury, the following will be notified
 - 1. Sheriff
 - 2. Public Information Officer

- C. Any agency personnel who are involved in or witness an incident involving the use of force shall notify the on-duty shift supervisor as soon as practical in their respective division or bureau. If their supervisor is not available, the on-duty shift supervisor in Patrol Operations will be contacted.

1.3.11 Use of Force Report

- A. The Use of Force Form shall be completed within 24 hours of the incident when any deputy:
 - 1. Displays a firearm or less-lethal weapon while acting in an official capacity and threatens its use, either explicitly or implicitly to one or more persons.
 - 2. Employs any use of force, including:
 - a. Discharging a firearm, except for the following:
 - (1) training,
 - (2) destroying an injured, non-domestic animal;
 - (3) participating in an agency-approved competition; or
 - (4) during off-duty practice at an approved range (CALEA 4.2.1a)
 - b. Applying force through the use less-lethal weapons (CALEA 4.2.1c)
 - c. Applying weaponless physical force upon another to the extent it is likely to cause or lead to injury, claim of injury, or allegations of excessive force (CALEA 4.2.1d)
 - d. Taking an action that results in, or is alleged to have resulted in, injury or death of another person or domestic animal (CALEA 4.2.1b)
 - e. The use of hobble restraints
 - f. The use of stop sticks

B. The Use of Force Form for all incidents of force or display of weapons shall be in addition to any other required reports and forms related to the original incident.

C. Completing the Use of Force Form

1. As soon as possible following a use of force, the deputy using force or another deputy on scene will verbally notify the on-duty supervisor. It is the responsibility of the deputy using force to make sure the on-duty supervisor is notified.
2. Whenever possible, the deputy who uses force on a subject will complete the Use of Force report within 24 hours of the incident.
3. When the deputy who uses force is unable to complete the UOF Report, the deputy's supervisor must complete it within 24 hours of the verbal report

When a deputy displays a weapon while acting in official capacity, the deputy will check the "Display of Weapon Only" box at the top of the form and complete all applicable sections. All other uses of force require the entire form to be completed.

1.3.12 Administrative Review

- A. Every discharge of a firearm by deputies of this agency in the performance of their duties and every use of force incident that results in death, serious injury, or where there is a high probability of litigation, including incidents involving domestic animals, are subject to administrative review to determine whether such action was in conformance with Sheriff's Office policies and procedures. (CALEA 4.2.2)
- B. Each commander in the review process will evaluate the incident and make recommendations through the chain of command to determine whether the force conformed to Sheriff's Office policies and procedures.
- C. All such reports shall be forwarded to the Bureau Chief with the chain of command assessment and Training Services review completed. Each commander in the review process will evaluate the use of force and can refer the incident, whether consistent or not consistent with training and policy, for additional review by the Office of Policy and Compliance, Training Services, or the Patrol Commander.
- D. The Bureau Chief will forward the original report to the Personnel Supervisor.
- E. Unless indicated elsewhere in this General Order, the deputy's shift commander will, when notified of the firearm discharge, use of force, or use of deadly force, immediately contact the OPC investigator who will conduct the administrative investigation. The OPC should allow time for the involved deputy to seek psychological, medical, and legal assistance prior to conducting an interview unless circumstances dictate otherwise.
- F. After completion of the OPC investigation, the OPC investigator will send the investigative report directly to the involved deputy's commander. The report's investigative summary shall include a recommended finding that the use of force either conformed or did not conform to Sheriff's Office policies and procedures.

- G. Personnel Services will be the central repository for all information concerning the use of force and the use of deadly force.
- H. The *Training* Commander will conduct an annual analysis of all use of force and display of weapon incidents and identify any problems or trends that indicate specific training needs, equipment upgrades, and/or policy modifications. (CALEA 4.2.4)

1.3.13 Duty Status

A. Relief from Duty

1. Employees involved in any shooting incident or any use of deadly force incident shall be afforded their rights as provided by law, including the right to legal representation.
2. When death or serious injury has resulted from action(s) or the use of force in an official capacity by a deputy, that deputy will be relieved from field duty by the supervisor pending an administrative review into the incident by the Sheriff's Office (CALEA 4.2.3), and
3. During the period of time an investigation into the incident is being conducted, the Sheriff may, at his option, assign the deputy involved to administrative duties. Such a relief from duty:
 - a. will not be considered a suspension or disciplinary action taken against the member,
 - b. is administrative course of action for the purpose of relieving the deputy from field duties while undergoing the extreme emotional stress of having used deadly force, and permitting the Sheriff's Office time to conduct an objective investigation.
4. The period of time spent on administrative leave or inside duty will be determined by the Sheriff.

B. Return to duty

1. Prior to returning to full duty, a deputy involved in any incident below, is mandated to participate in a mental health consultation.
 - a. a serious injury to the police officer;
 - b. an officer-involved shooting; or
 - c. any use of force resulting in a fatality or serious injury.
2. Additionally, volunteer counseling services are recommended for deputies who are involved in an incident involving an accident resulting in a fatality

1.3.14 Training and Certification Requirements

A. Policy Training

1. All personnel authorized to carry less-lethal and lethal weapons shall:
 - a. be issued a copy of General Order 1.3 Use of Force, and
 - b. acknowledge receipt of General Order 1.3 Use of Force, and
 - c. receive classroom instruction on its contents.
2. General Order 1.3 Use of Force shall be an annual component in the Sheriff's office in-service training program.

B. Documentation

1. Training Services will document each employee's use of force training.
2. OPC will document use of force policy receipt.

- #### C.
- All personnel authorized to carry lethal and less-lethal weapons must demonstrate proficiency in the use of agency-authorized weapons and acknowledge receipt of General Order 1.3 Use of Force prior to being approved to carry such weapons. Proficiency must be demonstrated during initial training and annually as part of the Sheriff's Office in-service training program.



1.4 WEAPONS AND AMMUNITION

| FREDERICK COUNTY SHERIFF'S OFFICE GENERAL ORDER | | |
|---|-------------------------|---------------------------|
| Effective Date: 06/01/2004 | Review Date: 05/24/2021 | Revision Date: 05/25/2021 |
| Related CALEA Standards: 4.3.1; 4.3.2; 4.3.3; 4.3.4 | Page 1 of 10 | |

This General Order consists of the following sections:

- 1.4.1 Policy
- 1.4.2 Authorized Weapons and Ammunition
- 1.4.3 Less-Lethal Weapons
- 1.4.4 Special Weapons
- 1.4.5 Personal/Secondary Weapons
- 1.4.6 Off Duty/Back-up Weapons
- 1.4.7 Carrying of Weapons by Retired Personnel
- 1.4.8 Firearms Qualification
- 1.4.9 Recognition of Plainclothes Personnel

1.4.1 Policy

- A. Only weapons that are listed on the Specification Approval Sheet are permitted to be carried and used by personnel.
- B. No personnel will be issued or authorized to carry any lethal or less-lethal weapons until:
 - 1. the completion of entry-level training, in-service training, or a comparable course of instruction.
 - 2. Instruction in and acknowledgement of General Order 1.3 – Use of Force
- C. No personnel will at any time while on duty or on special assignment have in their possession, carry, or use any of the following:
 - 1. brass knuckles,
 - 2. slappers,
 - 3. saps,
 - 4. sap gloves,
 - 5. Black jack,.
 - 6. Karate sticks, Kanchaku, or numchucks
 - 7. Any other weapon which could be considered a defensive weapon unless approved by the Sheriff.

1.4.2 Authorized Weapons and Ammunitions

A. Firearms

1. No member of the Frederick County Sheriff's Office, while in the normal exercise of their duties, shall carry, use, or discharge any firearm except those authorized by the agency and with which the member has qualified and met agency requirements.
 - a. While on duty, deputies, SPOs, and correctional officers shall carry their issued weapon with the caliber ammunition the weapon is designed for.
 - b. Plainclothes personnel may carry an approved off-duty weapon while in an on-duty status, with the approval of the Law Enforcement Bureau Chief.
 - c. SPOs shall carry their issued weapon at all times in the courthouse while on duty and in uniform.
 - (1) SPOs residing in Maryland are authorized to carry their issued firearm between their residence and the Frederick County Courthouse complex.
 - (2) SPOs are authorized to be in uniform during their assigned work hours and while directly enroute to and from their residence to duty location only. No stops will be permitted between residence and place of employment while in uniform.
 - d. Authorized single-action weapons will NOT be carried in the cocked position.
2. All firearms, for on-duty and off-duty use, shall be inspected and approved by a Sheriff's Office armorer prior to being issued.

B. Ammunition

1. Members will only use the ammunition that is issued by this office in their issued, on-duty weapons.
2. Ammunition for off-duty weapons will be purchased by the officer.
3. Only ammunition that is listed on the Specification Approval Sheet is permitted to be carried and used by Sheriff's Office personnel.

C. Modifications

1. No modification shall be made or accessories added to any approved weapons carried or used by Sheriff's Office personnel without the express written permission of the Bureau Chief. Requests will be submitted on FCSO Form 42-C.
2. Modifications and accessories shall include any alteration to the weapon, or attachment of any object, including but not limited to:
 - a. Shotgun magazine extension tubes
 - b. Shotgun slings
 - c. Ammunition carriers
 - d. Pistol grips

- e. Laser sights
 - f. Scope sights
3. Any modification or accessory approved by the Bureau Chief shall be installed or added by a competent gunsmith or armorer. Any expense incurred as a result of a modification permitted under this order shall be the responsibility of the member.

D. Repair/Replacement

- 1. When a Frederick County Sheriff's Office issued weapon has been damaged or is in need of repair, the member shall immediately report to a Sheriff's Office armorer.
- 2. The armorer will determine if the weapon needs to be repaired or replaced.
- 3. The damaged or unserviceable weapon will then be removed from service and a comparable weapon issued.
- 4. If a weapon is repaired and not permanently removed from service, it will be reissued to the same person.
- 5. If a comparable weapon is issued to the member, he/she must qualify with the temporarily issued weapon before carrying it on or off duty.

1.4.3 Less-Lethal Weapons

- A. Less-lethal weapons authorized for use by deputies who receive agency-approved training and demonstrate proficiency include:
 - 1. Issued baton
 - 2. OC aerosol spray
 - 3. Conducted Electrical Weapons (CEW)
 - 4. Specialized Less-lethal Weapons
 - a. Impact Munitions
 - b. Chemical Munitions
 - c. Hobble Restraint
 - d. Tire Deflation Devices
- B. While on-duty, uniformed deputies and special police officers (SPOs) at the rank of Sergeant and below, and all uniformed members working Office extra duty, will carry on their person at least two of the unless they are not trained and certified in its use:
 - 1. issued baton
 - 2. OC aerosol spray
 - 3. CEW
- C. While on duty in the field, deputies at the rank of Sergeant and below, working plainclothes assignments, will have available at least one of the following less lethal weapons
 - 1. issued baton
 - 2. OC aerosol spray
 - 3. CEW

D. Members actively working undercover assignments are exempt from the requirement to carry a less-lethal weapon, but may do so at their own discretion.

E. Batons

Deputies, SPOs, and correctional officers may be issued and certified in the use of batons which:

1. Are considered less-lethal weapons
2. May only be used in accordance with provisions of General Order 1.3 – Use of Force and Sheriff's Office training standards

F. OC Aerosol Spray

1. Deputies and SPOs shall be issued, and deputies, SPOs and correctional officers shall be trained in the use of OC (Oleoresin Capsicum) aerosol spray.
2. OC aerosol spray is considered a less lethal weapon which shall only be used in accordance with provisions of General Order 1.3 – Use of Force and Sheriff's Office training standards
3. Only the OC aerosol spray issued by the Frederick County Sheriff's Office is approved for use by Sheriff's Office personnel.
4. No personnel shall be issued or allowed to carry OC aerosol spray before the completion of the OC aerosol spray entry-level training, in-service training, or a comparable course of instruction.

G. Specialized Less-Lethal Weapons

1. Only authorized, trained members who demonstrate proficiency in the use of agency-authorized specialized weapons may be approved to carry and use these weapons.
2. Trained personnel have access to specialized less-lethal weapons such as chemical munitions and specialty impact munitions (SIMs).
 - a. Chemical Munitions – may only be deployed by SWAT or other trained personnel upon authorization of a commander.
 - b. Specialty Impact Munitions (SIMs) – may only be deployed by trained personnel upon the discretion of the on-scene supervisor.
 - c. Deputies may only carry and deploy those munitions for which they are specifically trained.
 - d. In an emergency situation, where there is reasonable belief that an imminent threat of serious bodily injury or death exists, chemical and/or specialty impact munitions may be deployed without authorization.

3. In the event that a chemical agent is deployed within a structure, the deputy deploying the chemical munition will ensure that a FCSO Chemical Agent Notification Form (FCSO Form 42-B) is posted on the front door of the structure. If the resident/owner is present, a copy may be also be given to him/her.

H. Tire Deflation Devices

1. The current tire deflation device utilized by FCSO is Stop Sticks
2. Stop Sticks is a non-lethal weapon which shall be used in accordance with Vehicle Pursuit Policy 41.2.5.
3. Only authorized and trained personnel will be allowed to carry and use the Stop Sticks.
4. Personnel will be trained in the use of the Stop Sticks according to manufacturer's specifications and guidelines.
5. Anyone injured as a result of the use of a controlled tire deflation device will have the appropriate medical aid rendered immediately.
6. Any death or injury which occurs as a direct result or deployment of Stop Sticks will be handled according to FCSO Use of Force Policy 1.3.
7. Use of the Stop Sticks will be reported on an incident report.
8. Patrol Operations Sergeants are responsible for maintaining a record of who is assigned the Stop Sticks on their team.
 - a. Supervisors will inspect the Stop Sticks during monthly line inspections. Any problems or damage occurring to the Stop Sticks will be documented and immediate action will be taken to replace or repair the damaged Stop Sticks.
 - b. Supervisors will coordinate annual Roll Call Training with the Training Services Supervisor for personnel authorized to carry the Stop Sticks. Personnel not receiving the annual training will not be authorized to carry the Stop Sticks.

I. Conducted Electrical Weapon (CEW)

1. The current Conducted Electrical Weapons (CEW) utilized by the Frederick County Sheriff's Office is the Taser X-26, Taser X2 and Taser X-26P. All of which will be referred to as a CEW.
2. Bi-annual Inspections

Each supervisor will inspect and download all issued CEW's in their command to ensure that all recorded discharges have been properly reported. The inspections will be conducted by January 15 and July 15 of each calendar year.

1.4.4 Special Weapons

- A. The Frederick County Sheriff's Office has in its possession certain specialized weapons, such as shotguns, long-range sniper rifles, sub-machine guns, and automatic rifles.
- B. Only properly authorized and trained personnel, demonstrating proficiency in the use of these weapons are permitted to possess or use these weapons.
- C. The Patrol Commander shall designate who is qualified to possess or use these specialized weapons.

1.4.5 Personal/Secondary Weapons

- A. No Sheriff's Office personnel shall carry a personally-owned firearm, secondary or back-up firearm, or Law Enforcement rifle while on duty without written permission from the Bureau Chief.
 - 1. Requests for such permission shall be in writing to the Sheriff, through the chain of command, with adequate justification for the need to carry a personally owned firearm or more than one firearm.
 - 2. Personal and/or secondary weapons shall be subject to all the provisions of off-duty weapons contained in this and any other relevant general orders.
 - 3. Only ammunition that is listed on the "Specification Approval Sheet" is permitted to be carried and used by Sheriff's Office personnel.
- B. Civil Process Servers
 - 1. Frederick County Sheriff's Office Civil Process Servers may, at their own expense, obtain a handgun permit from the Maryland State Police under the provisions of Title 5, Subtitle 3 of the Public Safety Article. Civil Process Servers authorized to carry a handgun under the provisions of the statute may carry an approved personal handgun in the performance of their duties subject to the provisions placed on such a handgun permit by either the Maryland State Police or the Sheriff of Frederick County.
 - 2. Civil Process Servers meeting the definition of "qualified retired law enforcement officer," as defined in US Code Title 18, Section 926C, under the authority of the Law Enforcement Officers Safety Act (LEOSA) may carry an approved personal handgun in the performance of their duties subject to the provisions of the statute and the Sheriff of Frederick County.
 - 3. Civil Process Servers authorized to carry a handgun under the provisions of this section shall carry the handgun in a concealed manner.
 - 4. Civil Process Servers authorized to carry a handgun under provisions of this section shall be subject to all the provisions of General Order 1.3.

5. Civil Process Servers authorized to purchase at their own expense and carry a handgun under provisions of this section shall carry only the handgun approved in accordance with section 1.4.6 of this General Order, and qualify in accordance with section 1.4.8.
6. Civil Process Servers who carry under the authority of LEOSA may elect to use their FCSO qualifications to satisfy the requirements of that statute. However, qualifications performed at another agency may not substitute for the annual FCSO requirements of section 1.4.8.

C. Rifles

1. Sworn deputies may carry an agency-approved semi-automatic rifle so long as the deputy has successfully completed an MPCTC approved Type 3 rifle school/class and remains qualified with the weapon in accordance with agency policy contained in section 1.4.8 of this order.
2. Personally owned rifles will be a .223/5.56 caliber carbine or rifle with front and rear iron sights and a barrel length between 14 ½ and 20 inches.
3. The only approved optional components are a sling, a stock-mounted spare magazine carrier, an optical/electronic sight, and a weapon-mounted light.

1.4.6 Off Duty/Back-up Weapons

- A. The carrying of firearms by sworn deputies while off duty shall be optional, leaving the decision up to the professional judgment of the individual deputy. When going out into the community while off duty and considering whether or not to arm themselves, personnel should take into consideration their destination, purpose, and dress, as well as any other pertinent variables.
- B. Sheriff's Office personnel shall not be armed while consuming or under the influence of alcohol.
- C. Sworn deputies may carry an approved personal handgun having a minimum caliber of .380 up to a maximum of .45 as long as the deputy remains qualified with the weapon in accordance with Sheriff's Office policy contained in section 1.4.8 of this order. Off-duty and backup weapons shall be approved by the Bureau Chief with recommendations by the Sheriff's Office Armorer.
- D. Sworn deputies will be permitted to designate two (2) handguns as off-duty and/or on-duty backup weapons.
 1. Personnel will be permitted to carry only one (1) of the designated weapons at one time while on duty.
 2. In cases where either or both weapons are approved backup or secondary weapons, to be carried on duty, personnel shall only be permitted to carry in a manner that will conceal it from view.

E. Corrections officers

1. Shall not be permitted to carry weapons while off duty except under provisions of Title 4, Subtitle 2 of the Public Safety Article.
2. May, at their own expense, obtain a handgun permit from the Maryland State Police under the provisions of Title 5, Subtitle 3 of the Public Safety Article, in which case they shall be subject to any provisions placed on such a permit by either the Maryland State Police or the Sheriff of Frederick County.

1.4.7 Carrying of Weapons by Retired Personnel

- A. The Law Enforcement Officers Safety Act (LEOSA) allows retired members of the Sheriff's Office to carry personally owned weapons without a State of Maryland gun permit. There are regulations that govern the carrying of these weapons by retired agency personnel.
- B. All records and procedures related to LEOSA are maintained by Training Services

1.4.8 Firearms Qualifications

A. Issued Firearms

1. Agency personnel of the Frederick County Sheriff's Office authorized to carry firearms will comply with the MPCTC regulations. These regulations state that all sworn personnel will qualify at least once a year with their issued firearm. All firearms proficiency training must be monitored by a certified firearms instructor.
 - a. The minimum passing score for qualification for handgun and shotgun will be 70% for the practical exercise. The minimum passing score for qualification for law enforcement rifle will be 80% for the practical exercise. If an employee is dissatisfied with his/her initial score he/she will be allowed to shoot one more time. The higher score will be used for qualification purposes, however both scores will be recorded.
 - b. A written examination covering firearms safety, care, cleaning and use of the weapon, as well as the use of deadly force, is required to be given prior to participating in the practical exercise. A minimum of 70% correct answers will be required to pass the written examination.
 - c. All Sheriff's Office personnel authorized to carry or use personal and/or Sheriff's Office firearms shall qualify with each authorized weapon annually. The minimum standard for firearms qualifications is set by MPCTC

B. Personally-Owned Firearms

All personnel wishing to carry an authorized firearm off duty shall initially qualify with the off-duty firearm. After the initial successful qualification and assignment of the particular firearm, personnel will qualify based on the same standards and course of instruction as prescribed for issued firearms as required by MPCTC.

1. All personnel must submit FCSO Form 1-A (Permission for Use of Personally-Owned Firearm).
2. Personnel must complete initial qualifications prior to being authorized to carry the firearm(s).
3. Failure to comply will result in automatic rescindment of authorization. The employee will be notified of rescindment by the Personnel *Supervisor*.
4. If personnel do not qualify with a previously-approved, secondary/personally-owned firearm throughout the course of the year, their right to carry the firearm will be rescinded.
 - a. The employee will be notified by the Personnel *Supervisor*.
 - b. If the employee wishes to carry the same firearm again, they must restart the approval process as described above.

C. Records

1. Firearms instructors shall provide the Training Specialist (sworn) or Director of Administrative Services (corrections) with a legible list of all sworn personnel with their range scores for both day and night fire, and the original copy of each deputy's or correctional officer's written examination.
2. All range scores and examinations will be maintained in the deputy's or correctional officer's training file.

D. Failure to Qualify

1. During a scheduled firearms qualification day, exclusive of the handgun stress course, Sheriff's Office personnel authorized to carry firearms will have a maximum of three (3) attempts to qualify. Failure to qualify in the allotted three (3) attempts will result in the affected member losing Sheriff's Office certification to carry and/or use a firearm in the performance of their duties.
2. Corrections officers failing to qualify shall be reassigned to duties not requiring the carrying of a firearm. Corrections officers may, at the discretion of the Corrections Bureau Chief, receive remedial training outlined in this directive. After successful remedial training and re-qualification they may be reassigned to duties requiring the carrying/use of firearms.

3. Sworn deputies and SPOs failing to qualify shall be relieved of their issued weapon by the range officer.
 - a. Such deputies or SPOs shall respond directly to their duty assignment and report to their immediate supervisor.
 - b. The affected deputy's or SPO's supervisor (sergeant or above) shall suspend their police powers and immediately prepare a report to the Sheriff through the chain of command. If the deputy's or SPO's immediate supervisor (sergeant or above) is not available due to day off, tour of duty, vacation, etc., the Patrol Operations Commander shall act on their behalf, copying the deputy's supervisor on the report to the Sheriff.
 - c. The affected deputy's Bureau Chief shall be notified immediately.
 - d. Affected deputies or SPOs shall be temporary assigned administrative duties until remedial training and requalification can be achieved.
4. Remedial Training
 - a. Remedial training shall be provided before the deputy, SPO, or correctional officer returns to duties requiring the carrying/use of a firearm.
 - b. Remedial firearms training shall consist of a one-day course of instruction on a one-on-one basis (one instructor for one student).
 - c. Upon completion of remedial training and requalification, a report shall be forwarded from the range officer to the Sheriff outlining the problem that was identified, remedial training methods employed, attempted requalification scores, and the final score.
 - d. Failure to requalify after remedial training will continue the affected employee in their special duty status and assignment until the Sheriff renders a decision on further action. Sworn personnel that fail to qualify may be separated from service.

1.4.9 Recognition of Plainclothes Personnel

- A. Purpose - This policy establishes guidelines for the recognition of plainclothes personnel from the law enforcement agencies throughout the Washington Metropolitan area by uniformed members. It is designed to reduce the hazards inherent in confrontational situations between uniformed and plainclothes law enforcement personnel. These procedures are designed for both on and off-duty personnel. The safety of all law enforcement personnel is of paramount importance. The quick and effective recognition of plainclothes personnel utilizing consistent procedures is an important component of ensuring that safety.
- B. It is very important that personnel in plainclothes be properly identified when required to exercise overt responsibilities. It is of great benefit that citizens, offenders, and fellow law enforcement personnel be able to identify plainclothes personnel in their true capacity in order to reduce the likelihood of false reports, crime scene confusion and misidentification as criminals.
1. Personnel in plainclothes will, when present at crime scenes, calls for service, or whenever it is necessary to be prominently identified, conspicuously display their badge. Additionally, a fluorescent sheriff arm band or raid jacket displaying their agency's badge and/or patch may be worn. The arm band is worn over either bicep.
 2. Personnel working plainclothes assignments, but not undercover, shall carry their badge, fluorescent sheriff arm band, and credentials with them at all times.



INDEPENDENT INVESTIGATIONS DIVISION

Supplemental Report Concerning the Officer-Involved Death
of Aaron Fifi Onomah Mensah, on November 29, 2022

May 1, 2023

**Supplemental Report of the Independent Investigations Division of the Maryland
Office of the Attorney General Concerning the Officer-Involved Death of
Aaron Fifi Onomah Mensah, on November 29, 2022**

The Office of the Attorney General’s Independent Investigations Division (the “IID”) is charged with “investigat[ing] all police-involved incidents that result in the death of a civilian” 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 § 6-602(c)(1), (e)(1).

Due to the delay in receiving ballistics analysis and the results of the autopsy examinations, in contrast to the finality of all other aspects of the investigation, the IID and the Frederick County State’s Attorney (“SAO”) agreed that an interim report would be useful. The IID agreed to supplement the interim report upon receipt of the ballistics analysis and autopsy examinations. On March 20, 2023, the IID transmitted its interim report to the SAO, who issued a declination of prosecution on April 17, 2023.

This supplemental report provides the results of the previously outstanding examinations and concludes the IID’s investigation.

I. Ballistics Analysis

According to a firearm and toolmark analysis performed by the Maryland State Police Forensic Sciences Division, the firearms recovered from Officers Travis Stely, Cassy Boettcher, and Nathan McLeroy were operable and capable of being fired.

Three cartridge casings recovered at the scene and two bullets recovered from Aaron Mensah at the autopsy were confirmed as having been fired from Officer McLeroy’s gun. Two cartridge casings recovered at the scene and one bullet recovered from Aaron Mensah at the autopsy were identified as being fired from Officer Stely’s gun. Additionally, two cartridge casings and one bullet, all recovered at the scene, were identified as having been fired from Officer Boettcher’s gun. Three remaining metal fragments were unsuitable for comparison or analysis.

II. Autopsy Examinations

Aaron Mensah’s autopsy was conducted by Dr. Michael Pagacz, associate pathologist at the Office of Chief Medical Examiner, on November 30, 2022. The IID received the final autopsy report on April 13, 2023. Dr. Pagacz identified Aaron Mensah’s cause of death as multiple gunshot wounds, and the manner of death as homicide.¹ Aaron Mensah sustained seven gunshot wounds: a wound to the head that was associated with focal subarachnoid hemorrhage of

¹ Manner of death is a classification used to define whether a death is from intentional causes, unintentional causes, natural causes, or undetermined causes. The Office of the Chief Medical Examiner of Maryland uses five categories of manner of death: natural, accident, suicide, homicide, and undetermined. “Homicide” applies when death results from a volitional act committed by another person to cause fear, harm, or death. These terms are not considered a legal determination, rather they are largely used to assist with public health statistics. “A Guide for Manner of Death Classification”, First Edition, National Association of Medical Examiners, February 2002.

the brain; a wound to the base of left lower neck; a wound to the supero-medial left shoulder; three wounds to the torso that injured the small bowel, bowel mesentery, left kidney, rib cage, and right lung; and one wound to the left forearm. There was no evidence of close-range discharge on any of the wounds.

In addition to the gunshot wounds, Dr. Pagacz observed a series of superficial cutting wounds to the right index finger and right thumb. He also observed scattered abrasions to the supero-medial left shoulder, left upper back, anterior right shoulder, posterior proximal right forearm, medial right thumb, and a black subungual hematoma of the fingernail on the right thumb. Toxicology testing was negative for both alcohol and other drugs.

[REDACTED]

[REDACTED]

III. Conclusion

This supplemental report has presented additional factual findings relevant to the investigation into the officer-involved shooting death of Aaron Mensah in Frederick, Maryland. Nothing in this report alters the legal analysis provided in the interim report. This report concludes the IID's investigation into this matter. Please contact the IID if you would like us to undertake any additional investigative steps.