

Maryland prosecutors clear officer who killed unarmed man during chaotic parking lot encounter

Morse, Dan . The Washington Post (Online) , Washington, D.C.: WP Company LLC d/b/a The Washington Post. Jul 30, 2018.

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FULL TEXT

A Montgomery County police officer's actions were legally justified when he repeatedly and fatally shot an unarmed man who attacked him in a Silver Spring parking lot last month, according to prosecutors who reviewed the encounter.

"We have, unanimously, concluded that [the officer's] actions were justified under the circumstances," Howard County State's Attorney Dario J. Broccolino wrote in a brief letter, released Monday, stating that he was closing the case, which had been transferred to his jurisdiction.

The officer, Anand Badgujar, a two-year Montgomery County veteran, was driving his police car the afternoon of June 11 when he saw Robert Lawrence White, 41, walking in the area of Three Oaks Drive near Sligo Creek Parkway. The officer thought White was acting suspiciously, police officials have said, and got out of his car, followed White on foot and tried to talk to him.

The department has not said specifically what White was doing that drew the officer's attention.

Video recordings of the encounter were captured by body cameras worn by Badgujar and a second officer who came to his assistance. That footage, police said, is expected to be released this week after police commanders meet with White's family members.

The fatal shooting was one of two by Montgomery County police officers in a span of six weeks.

On July 23, SWAT team member Edward Cochran fatally shot a 30-year-old man who had barricaded himself and his 3-year-old son in a bedroom and allegedly began lighting fires inside as the boy could be heard screaming.

The 1,300-member force, just north of the District, had one such fatal shooting from 2015 to 2017.

So far this year, The Washington Post has documented 584 fatal shootings by police nationwide. The rate is similar to totals in 2015, 2016 and 2017 tracked by The Post.

After the two fatal shootings in Montgomery this year, both officers remain on administrative leave, as is department protocol.

The June 11 case in Silver Spring drew concern from White's family, county residents and community activists, who met with Montgomery police officials. An investigation into the shooting was conducted by Montgomery detectives, who turned over their results to prosecutors in neighboring Howard County. The two Maryland jurisdictions have a standing agreement to review each other's cases related to officer-involved shootings.

According to earlier accounts by Montgomery officials, it was after Badgujar called out to White that White became combative and assaulted the officer. Badgujar got away from White, kept him in sight and called for assistance, police said. More than a minute later, White came at the officer again, officials said, causing Badgujar to back up.

"White knocked him down as the officer discharged his weapon," Montgomery police officials said in a June 12 news release. "White fell, got up, stood over the officer who was still on the ground, and continued to assault the officer, at which time the officer fired additional rounds."

The investigation by prosecutors probably covered several areas, including: What basis did the officer have to

deem White a "suspicious" person and try to speak with him? What efforts did the officer make to try to defuse and de-escalate the encounter? Why did the officer think he was justified to shoot White and to shoot him so many times?

Howard County prosecutors concluded their investigation late last week. On Friday, Broccolino notified Montgomery County Police Chief J. Thomas Manger in writing that no charges would be filed against the officer. The letter also indicated that Broccolino did not present the case to a grand jury. The letter did not specify why Howard officials concluded that the Montgomery officer's actions were justified.

The letter released Monday by Montgomery County officials stated:

"On June 11, 2018, pursuant to the agreement between this office and the office of the state's attorney for Montgomery County, this office was contacted and advised that a police officer involved shooting occurred in the 9200 block of Three Oaks Drive, in which Mr. Robert White was fatally shot.

"Two of our senior prosecutors were assigned to this investigation and began to collect evidence regarding the circumstances of Mr. White's death. The prosecutors reviewed the video footage of the incident between Officer Badgujar and Mr. Robert White, including the body camera video footage from both Officer Badgujar and the backup officer. This office has reviewed all available witness statements, witness interviews, and crime scene photographs, including the photographs and video taken by witnesses at the scene of the shooting.

"Further, we spoke to the investigating detectives, officers with the education and training divisions of the Montgomery County Police Department and the Howard County Police Department who are experts in police training, including the use of force. Officer Badgujar, through his attorney, Morgan Blackledge, has responded to questions the investigating prosecutors posed to him.

"After reviewing all the pertinent evidence, and after a thorough review of the law, by myself and the members of our senior staff, we have, unanimously, concluded that Officer Badgujar's actions were justified under the circumstances. As a result, no further action will be taken by this office."

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Credit: By Dan Morse

DETAILS

Subject:	Criminal investigations; Attorneys; Assaults; Deadly force
Location:	Maryland
Publication title:	The Washington Post (Online); Washington, D.C.
Publication year:	2018
Publication date:	Jul 30, 2018
Dateline:	2018073018590100
Section:	COPS-COURTS
Publisher:	WP Company LLC d/b/a The Washington Post
Place of publication:	Washington, D.C.
Country of publication:	United States, Washington, D.C.

Publication subject:	General Interest Periodicals--United States
ISSN:	26419599
Source type:	Blogs, Podcasts, & Websites
Language of publication:	English
Document type:	News
ProQuest document ID:	2079675704
Document URL:	https://search.proquest.com/docview/2079675704?accountid=14026
Copyright:	Copyright WP Company LLC d/b/a The Washington Post Jul 30, 2018
Last updated:	2018-07-31
Database:	Global Newsstream

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