

Officer cleared in Md. man's shooting

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FULL TEXT

Montgomery police find lawful use of lethal force, no breach of policy

The Montgomery County Police Department has cleared a patrol officer of wrongdoing in the fatal shooting of a 41-year-old man in Silver Spring last summer, the officer's lawyer said, while some lawmakers and officials have continued to question why the man was stopped and whether the officer was slow to activate his body camera. The findings of the department's internal investigation, which examined whether Officer Anand Badgujar followed police department policies, follow conclusions last summer by Howard County prosecutors, who cleared Badgujar of any criminal wrongdoing.

The officer, who was placed on administrative leave following the June 11 shooting of Robert Lawrence White, returned to active duty on Sept. 8 and by the end of the year was back on the road with the patrol division, according to police officials.

Badgujar was informed this week of the internal investigation's findings, said his attorney, Morgan Leigh. He was not disciplined or reprimanded by the department, nor should he have been, she added. "He is pleased and relieved," Leigh said.

Her statements were confirmed, in part, by a memorandum released by police officials Wednesday that described key findings in the internal investigation.

"The facts and circumstances of the encounter . . . demonstrate that the use of deadly force was lawful and justified," the officials concluded.

A police spokesman declined to discuss details of the internal investigation saying such investigations are confidential under Maryland law.

Body-camera recordings of the encounter, released by police last year, showed White charging and assaulting the officer in a parking lot before the officer fired at least eight rounds.

Montgomery residents have questioned the shooting and why Badgujar stopped White.

Badgujar did not activate his body camera until after spotting White, following him in his patrol car, getting out of his car and then following him on foot.

That makes it difficult to independently evaluate whether the officer's stated suspicions were enough to stop White, several elected officials said.

In an interview Wednesday, County Executive Marc Elrich (D) said the department should alter its policies to require officers to activate body cameras earlier, when they are about to potentially engage with citizens.

Under current department policy, officers are required to activate the cameras for a variety of duties, including "all enforcement and investigation related citizen contacts." The policy allows officers to delay activating cameras until "the first reasonable opportunity" if it would be "unsafe, impossible or impractical" to do so.

"I can't say there was something suspicious," Elrich said. "I can't say there wasn't anything suspicious, but I don't think it's possible to reach a conclusion based on one party's testimony when the camera footage isn't available." Elrich said a policy on body cameras should reflect the need to capture as much of an encounter as possible and that a policy change would factor into his decision over who will succeed Police Chief J. Thomas Manger, who retired last week.

"What ought to come out of this, the moment you decide you are going to question somebody, the camera goes on - including when you are in the car," Elrich said.

The cameras used by county police have a standby mode set to capture the 30 seconds of video before an officer activates the body camera.

On Thursday, a spokeswoman for Axon, the maker of the cameras, said the feature can be set to capture up to two previous minutes of video and audio.

Badgujar activated his body camera within department guidelines, according to Leigh.

Council member Will Jawando (D-At Large), who has introduced a bill to require independent law enforcement investigators to review Montgomery's police-involved deaths, said he believes White was racially profiled.

The officer is of Indian descent. White was African American.

"I understand he charged the officer, but we have to ask: Did that interaction have to happen? Why wasn't the camera on sooner? Why did you pursue him in the first place?" Jawando said. "It's a tragedy that we have someone dead and nothing's going to happen."

Leigh said her client has always been able to articulate what led him to make the stop and that it had nothing to do with White's race.

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