

## **REPORT**

In the matter of the July 16, 2021 police-involved shooting in Gaithersburg, Maryland

Pursuant to an agreement between the Montgomery County State's Attorney's Office and the Howard County State's Attorney's Office, the Montgomery County State's Attorney's Office is providing this summary detailing the investigation and conclusions regarding a police-involved shooting that occurred on July 16, 2021 at the McDonald's located at 18273 Flower Hill Way in Gaithersburg.

### **Timeline of Investigation**

On Saturday, July 17, 2021, Detective Paula Hamill contacted Howard County Deputy State's Attorney (DSA) Chris Sandmann and informed him of a police-involved shooting that occurred late Friday night. Det. Hamill informed DSA Sandmann that 4 officers were involved in the shooting and all of them were wearing body worn cameras (BWC). The initial information provided was that Montgomery County 911 received a call from the employees of the McDonald's located on Flower Hill Way in Gaithersburg at just after 9:00 p.m. The McDonald's employee indicated that a customer had not paid for his order and was refusing to leave the drive-thru line. Due to the volume of calls at the time, police were not able to respond to the McDonald's until almost 10:30 p.m. As the first officer on the scene approached the customer's vehicle, the officer saw a handgun in plain view on the passenger side seat. The officer withdrew his service weapon and began issuing commands to the customer, later identified as Ryan LeRoux (DOB 8/28/1999). LeRoux, who was fully reclined in the driver's seat at the time, did not comply with any of the commands given by the officer. The officer then relayed this information via the police radio and additional officers responded to the scene. At just after 11:00 p.m., LeRoux sat up in the driver's seat of his vehicle and then allegedly pointed a gun at multiple officers on the scene. At that time, Officer Brooks Inman (13 yrs. experience), Officer Sara Vaughan (3 yrs. experience), Officer John Cerny (19.5 yrs. experience) and Corporal Romund Schmuck (23 yrs. experience) discharged their service weapons at LeRoux, striking him multiple times.

After the shooting, multiple officers approached LeRoux's vehicle and observed a handgun on his lap. LeRoux was removed from the vehicle and laid on the ground just outside his vehicle where multiple officers performed first aid. LeRoux was transported to Suburban Hospital via ambulance where additional life-saving efforts were unsuccessful. LeRoux ultimately died at the hospital at approximately 12:30 a.m.

On July 17, 2021, Montgomery County Police Department began sending copies of the body worn camera (BWC) footage from this incident to DSA Sandmann.

On July 18, 2021, Montgomery County Police Department forwarded more BWC footage as well as video interviews of the officers not directly involved in shooting LeRoux.

On July 20, 2021, additional BWC footage was sent from the Montgomery County Police Department to DSA Sandmann.

On July 23, 2021, DSA Sandmann received interview notes from the McDonald's employees that were working the night of the shooting.

On July 25, 2021, DSA Sandmann was provided with a copy of the BWC footage the Montgomery County Police Department planned to release to the media/community at a press conference. The Howard County SAO objected to releasing any information at this time.

On July 27, 2021, Howard County State's Attorney Rich Gibson and Montgomery County State's Attorney John McCarthy participated in an online forum conducted by the NAACP regarding the shooting of LeRoux.

On August 17, 2021, DSA Sandmann received a copy of a letter from Maryland Attorney General Brian Frosh to the President of the Montgomery County Council. The letter indicated the OAG did not have the authority to investigate police-involved shootings resulting in death until October 1, 2021. The letter appeared to be in response to a request made by the President of the County Council for the OAG to formally take over the investigation into LeRoux's death.

On September 3, 2021, DSA Sandmann contacted an attorney hired by the LeRoux family. DSA Sandmann agreed to meet with the attorney and the parents of Ryan LeRoux on Friday, September 10, 2021 at 3:00 p.m.

On September 10, 2021, Howard County State's Attorney Rich Gibson and DSA Sandmann met with the family's attorney, Paul LeRoux and Rhonda LeRoux at the Howard County State's Attorney's Office. At the meeting, Paul LeRoux indicated that his son was left-handed.

On September 21, 2021, DSA Sandmann received a copy of the autopsy report for Ryan LeRoux.

On September 21, 2021, Det. Hamill provided DSA Sandmann with copies of the BWC footage that had been analyzed by ResVid, a Virginia company specializing in forensic video analysis.

On September 29, 2021, the attorney who represents all 4 of the shooting officers, sent Det. Hamill copies of statements provided by Officer Brooks Inman and Officer John Cerny. The attorney indicated that he was still waiting on statements from the other 2 involved officers (Officer Vaughan and Corporal Schmuck). Det. Hamill forwarded copies of the statements to DSA Sandmann.

On November 5, 2021, DSA Sandmann contacted Det. Hamill inquiring about getting a copy of her complete case file on the LeRoux shooting.

On November 8, 2021, the attorney for the officers sent a copy of Officer Sara Vaughan's statement to Det. Hamill. Det. Hamill forwarded a copy of this statement to DSA Sandmann.

On November 15, 2021, DSA Sandmann contacted Det. Hamill again about getting a copy of her case file. Det. Hamill indicated it was almost complete.

On November 30, 2021, DSA Sandmann spoke to Det. Hamill about receiving her case file the next day.

On December 1, 2021, Det. Hamill dropped off a copy of her completed case file to DSA Sandmann at the Howard County State's Attorney's Office.

On December 1, 2021, Det. Hamill emailed a rough draft copy of her investigative summary write-up.

On December 2, 2021, Det. Hamill emailed a final version copy of her investigative summary write-up.

On February 8, 2022, Det. Hamill forwarded a copy of Officer Romund "Brian" Schmuck's statement to DSA Sandmann.

On February 9, 2022, Det. Hamill provided DSA Sandmann with contact information for the Maryland State Police (MSP) as the firearms report on the LeRoux case was still not yet complete.

On February 28, 2022, DSA Sandmann received a copy of the completed firearms analysis conducted by the MSP, however, the analysis of the gun found on LeRoux was incomplete.

On March 8, 2022, DSA Sandmann asked Det. Hamill to try and locate LeRoux's ex-girlfriend and attempt to get a statement from her.

On March 10, 2022, Det. Hamill informed DSA Sandmann that she was going to pick up LeRoux's handgun from MSP the following day and attempt to have it analyzed by the Montgomery County Police crime lab as MSP was taking too long.

On March 10, 2022, DSA Sandmann appeared before the Montgomery County Grand Jury in order to give them a general overview of the facts of the case and the reason for Howard County's involvement.

On March 15, 2022, Det. Hamill provided DSA Sandmann with information regarding the dates of hire for all 4 shooting officers.

On March 15, 2022, Det. Hamill provided DSA Sandmann with notes regarding her interview with LeRoux's ex-girlfriend.

On March 17, 2022, Det. Hamill testified before the Montgomery County Grand Jury regarding her investigation into the shooting of LeRoux. DSA Sandmann submitted the following evidence:

- Aerial map of the McDonald's
- Crime scene photos of the scene
- Autopsy Report
- BWC videos for 17 officers
- RESVID analysis of the BWC footage
- Recorded interviews of the non-shooting officers (13 total)
- Firearms Report
- Typed-written statements provided by the 4 shooting officers
- Purchase history regarding the gun found on Ryan LeRoux
- Copy of the initial 911 call made by the McDonald's employees
- Copy of the call between police dispatch and Ryan LeRoux

On March 17, 2022, following the testimony of Det Hamill, the grand jurors began reviewing all the evidence submitted for this investigation.

On March 24, 2022, DSA Sandmann appeared before the Montgomery County Grand Jury and continued reviewing the evidence with the grand jurors for approximately 5 hours. On this day, the grand jurors requested DSA Sandmann to bring in a witness that could speak on how officers are trained on the subjects of "use of force" and "de-escalation."

On March 31, 2022, Captain Marc Erme of the Montgomery County Police Department testified before the Grand Jury regarding "use of force" and "de-escalation" training. After the testimony of Captain Erme, the grand jurors continued to review the previously admitted evidence. After reviewing the evidence, the grand jurors requested to begin deliberations. At the end of their deliberations, the grand jurors decided the officer's actions were legally justifiable and that criminal charges were not warranted.

### **Evidence Reviewed**

DSA Chris Sandmann reviewed the following evidence:

- Police Radio Communications
- Computer Aided Dispatch (CAD) Reports
- Recorded Interviews
  - Off. Dominick Raysick
  - Off. Chad Eastman
  - Sgt. Eddie Le
  - Off. John Ceresini
  - Off. Daniel Kim
  - Off. Christopher Mumper
  - Off. Christopher Wolff
  - Off. Ana Owen

- Off. Tyler Martinez
- Sgt. Adam Taylor
- Cpt. Brian Dillman
- Sgt. Peter Worden
- Off. Elizabeth Sama
- Off. Chad Warren
- Crime Scene Unit
  - Notes
  - Reports
  - Photographs
  - Crime scene sketch
  - Sketch measurements
  - Evidence collection logs
  - Evidence property reports
  - FARO scans
- Office of the Chief Medical Examiner
  - Autopsy report
  - Photos
- Police Reports
- Officers Notes
- Detectives Notes
  - Det. Glass
  - Det. Carin
  - Det./Sgt. Diaz
  - Det. Corvoisier
  - Det. Hamill
  - Det. Kucsan
  - Det. Rule
  - Det. Springer
- Body Worn Camera footage from officers responding to the scene
  - Off. Dominick Raysick
  - Off. Chad Eastman
  - Sgt. Eddie Le
  - Off. John Ceresini
  - Off. Daniel Kim
  - Off. Christopher Mumper
  - Off. Christopher Wolff
  - Off. Ana Owen
  - Off. Tyler Martinez
  - Sgt. Adam Taylor
  - Cpt. Brian Dillman
  - Sgt. Peter Worden
  - Off. Elizabeth Sama

- Off. Chad Warren
- Cpl. Romund Schmuck
- Off. Brooks Inman
- Off. John Cerny
- Off. Sara Vaughan
- Firearms Examination Unit Reports
  - Officer's weapons
  - Gun belonging to Ryan LeRoux
- ATF Firearms Trace Summary for the gun belonging to Ryan LeRoux
- Purchase records for the gun belonging to Ryan LeRoux
- ResVid analysis of BWC footage
- Call between Montgomery County dispatcher and Ryan LeRoux
- 911 call made by McDonald's
- Written statements of all 4 shooting officers provided by their attorney
- BWC footage of prior trespassing arrest of Ryan LeRoux
- Search warrant for room Ryan LeRoux was renting
- Interviews of people who lived in same house as Ryan LeRoux
- Notes of interview with ex-girlfriend of Ryan LeRoux

### **Summary of Facts**

On Friday, July 16, 2021, at approximately 9:12 p.m., Montgomery County 911 received a call from an employee working at the McDonald's located at 18273 Flower Hill Way in Gaithersburg, Maryland. The caller indicated that a customer, later identified as Ryan LeRoux, had ordered food at the drive-thru, but was refusing to pay for it and refusing to leave. Due to the area having received a high volume of calls that night, the McDonald's call, which was originally labeled a "trespassing" call, was held until an officer was available to respond to the scene.

At approximately 10:28 p.m., 1 hour and 16 minutes after the call was first reported, Officer Brooks Inman responded to the McDonald's. Upon Officer Inman's arrival, he parked his patrol cruiser in the McDonald's parking lot, activated his BWC, exited his vehicle and approached LeRoux's vehicle which was still parked at the McDonald's drive-thru window. Upon his approach to LeRoux's vehicle, which was a white Honda CRV (small SUV), Officer Inman had a conversation with a McDonald's employee who was waiting just outside the restaurant's door. The employee was begging Officer Inman to get LeRoux to leave. As Officer Inman got to LeRoux's vehicle, he knocked on the passenger window and shined his flashlight into the vehicle. At that moment, LeRoux was fully reclined in the driver's seat with headphones on and had both his hands on his cell phone. Based on the BWC footage, immediately after knocking on the window, Officer Inman withdrew his service weapon, pointed it towards LeRoux and told him to "put your hands up." Officer Inman then got on the radio and advised that he saw a gun on the front passenger seat of LeRoux's vehicle, however the handgun is not

seen on Officer Inman's BWC footage due to the angle/position of the BWC. Officer Inman began giving loud commands to LeRoux and attempted to open the passenger side door which was locked. Officer Inman shouted at LeRoux to unlock the door multiple times, however LeRoux did not comply. Officer Inman then got back on the radio and advised that he was backing away from the car as LeRoux was not listening to any of the commands given to him. Officer Inman backed away approximately 15-20 feet and took cover behind a concrete light post in the McDonald's parking lot. During that time, other officers began to arrive on scene to assist. Numerous police officers, all equipped with BWC's, responded to the scene that evening. Shortly after other officers began to arrive on the scene, Officer Inman left his position behind the light post and retreated back behind his parked patrol vehicle.

At approximately 10:33 p.m., Officer Sara Vaughan arrived at the McDonald's in a marked patrol vehicle. Officer Vaughan exited her vehicle with her BWC activated and took up a position behind a civilian vehicle that was parked in the parking lot next to Officer Inman's patrol vehicle. From Officer Vaughan's position, it appears she had a clear and unobstructed view into the front passenger side window of LeRoux's vehicle.

At 10:34 p.m., Officer Christopher Mumper got on the police radio and called in the license plate number on LeRoux's vehicle. LeRoux's vehicle had a temporary tag from Virginia.

At 10:36 p.m., Officer John Cerny arrived on scene with his BWC activated. Upon exiting his vehicle, Officer Cerny retrieved his patrol rifle from the trunk and then took up a position on the passenger side of Officer Inman's patrol vehicle with his rifle trained on LeRoux's vehicle. Officer Cerny also appeared to have a clear and unobstructed view into the passenger side of LeRoux's vehicle.

At the same time, police radio announced the "vehicle comes back to a Ryan LeRoux." The radio further advised that a phone number was listed, but there was uncertainty if it was still valid as it dated back to April 7, 2019.

At approximately 10:38 p.m., Officer Romund "Brian" Schmuck activated his BWC as he was already on the scene taking a position behind a light post in the parking lot. Officer Schmuck had a ballistic shield with him at the time. At 10:41 p.m., Officer Schmuck assisted Officer Mumper and Officer Chad Warren with placing "stop sticks" in front of LeRoux's vehicle. "Stop sticks" are used to deflate the tires of a vehicle that runs over them.

At 10:46 p.m., Officer Vaughan is heard on her BWC saying "he just reached...I don't know what he's reaching for." Seconds later, Officer Vaughan ducked down and shouted "he's raised the gun! He's raised the gun!" LeRoux allegedly raising the gun cannot be seen on Officer Vaughan's BWC due to the fact that Vaughan's arms are blocking the view of the camera as she had her gun drawn.

During this same time period, the BWC of Officer Cerny appears to show LeRoux possibly pointing something towards the officers for a very brief moment just prior to Officer Vaughan shouting that LeRoux "raised the gun."

Just after this occurs, Captain Brian Dillman arrived on the scene at approximately 10:47 p.m. Captain Dillman was the Duty Commander during this time and was the only executive level officer in charge of the scene. Captain Dillman was also wearing a BWC that was activated. According to his BWC, when Captain Dillman first arrived, he spoke with Sergeant Peter Worden who provided Dillman with preliminary information. The two then discuss a possible plan of busting out the window of LeRoux's vehicle and grabbing the gun, but ultimately Captain Dillman cautions against "forcing the situation" and stresses trying to talk with LeRoux first.

At 10:48 p.m., Captain Dillman spoke with Officer Schmuck and Officer Mumper, who informed him that LeRoux had allegedly just picked up the gun and pointed it, but that nobody knows where he put the gun afterward. At 10:49 p.m., Captain Dillman got on the police radio and stated, "can you see if you have any crisis negotiators working and to have one or two of them respond here to the McDonald's?" After this, Captain Dillman asked Sergeant John Ceresini to get on the PA system (loudspeaker) of his patrol vehicle and begin issuing commands to LeRoux.

At 10:49 p.m., Officer Ceresini began announcing over the PA system: "vehicle driver, if you can hear us, put your hands up so we can see them." Officer Ceresini issued these commands 12 times over the course of a six-minute time period.

At 10:52 p.m., Sgt. Worden attempted to contact LeRoux's cell phone. Sgt. Worden left a voice message stating "hello, if this is Ryan LeRoux, this is Sgt. Worden, County Police, please give me a call back at 240-XXX-XXXX, thank you".

At 10:53 p.m., the police radio advised that a crisis negotiator was in route. They also advised that they were currently on a line with LeRoux and trying to get him to stick his hands out the window.

At 10:54 p.m., Officer Vaughan's BWC captured a conversation she had with Officer Daniel Kim. During the conversation, Officer Vaughan tells Officer Kim that "he picked up the gun and pointed it at me." She then described to Officer Kim that LeRoux picked it up one-handed..." had it like this" (as if showing to Officer Kim how LeRoux pointed the gun).

At 10:55 p.m., the police radio stated "I have the call-taker speaking with the subject in the vehicle. He's saying that his hands are up, but he's refusing to put them down and open his doors and windows." The radio caller then asked for confirmation from the officers on the scene as to whether LeRoux's hands were out the window. The BWC's of Officer Schmuck and Officer Ceresini indicate that both officers moved their bodies to get a better view on whether LeRoux's hands were out the driver side window. Both BWC's seem to show that LeRoux never put his hands out the window and both officers acknowledged on their BWC's that they didn't see LeRoux's hands outside the window. Furthermore, according to Officer Inman's BWC, he stated that LeRoux's hands are not up right now and that he was on his phone. Officer Cerny's BWC captured him stating "they're not up right now."

At 10:56 p.m., police radio indicated that "the subject just hung up on us."

At 10:58 p.m., Captain Dillman asked Sgt. Worden to try and give LeRoux a call.

At 10:59 p.m., Sgt. Worden attempted to call LeRoux's cell phone multiple times. Based on Sgt. Worden's BWC, LeRoux may have picked up on one of the attempts as Sgt. Worden is heard saying "hey, Ryan, this is Sgt. Worden up here at the McDonald's, what's going on man?" --- "hello?" --- "he just hung up on me."

As contact with LeRoux was attempted to be reestablished, Officers Mumper and Warren went inside the McDonald's with the intent of removing Officer Warren's BWC and placing the camera in the drive-thru window facing out towards LeRoux. During the placement of the BWC, Officer Mumper is heard saying the "gun is still on the seat" and "gun and bourbon on the front seat still." This information was relayed over the police radio by Officer Dominick Raysick who was present with Officers Mumper and Warren inside the McDonald's.

At around 11:01 p.m., Captain Dillman began loudly issuing commands to the officers on the scene. According to his BWC, Captain Dillman stated "John Cerny, just listen to me, don't look at me, okay? The only way we're gonna get him out of the car is the passenger side. So, what I want is...I want you to be lethal coverage. The guy to the left of you (Officer Inman), I want to give commands, alright? And then, the other two on the right side of you (Officers Vaughan and Kim), they'll be the arrest team, okay? Walk him back if he comes back...walk him back to the rear of the car, alright? Don't walk up and approach him, alright?"

At 11:02 p.m., the crisis negotiator calls out on the police radio that "I'm about two minutes out."

Just a few seconds after this, Officer Warren's BWC, which is now stationed at the drive-thru window, shows LeRoux raising up in his seat and looking out to his right towards the officers on the scene with his headphones on. LeRoux appears to slightly lean over towards the front passenger seat. At approximately 11:02:28 of Officer Warren's BWC, the shadow of LeRoux's right arm appears to raise up on the rear back seat behind the driver's seat. As soon as this occurs, shots are fired, and the drive-thru window is shattered. From this moment on, due to the fractured glass, nothing more can be seen on Officer Warren's BWC.

When reviewing the same moments on Officer Vaughan's BWC, it appears that at 11:02:22, LeRoux raises up in his seat and looks out at the officers. Officer Vaughan can be heard saying "he's up, he's up." At this point, Officer Vaughan raises her weapon and points it towards LeRoux. At 11:02:30, Officer Cerny is heard saying "he's eyeing the gun." Immediately after this, at 11:02:31, the BWC appears to possibly show LeRoux point something at the officers. Officer Vaughan then ducks out of the way and the sound of multiple gunshots is heard.

When reviewing Officer Cerny's BWC footage, at 11:02:21, Officer Cerny can be heard saying "he's up." At 11:02:29, Officer Cerny is heard saying "he's eyeing the gun." Immediately after this statement, if you look very closely through the front passenger window of Officer Inman's vehicle as seen in Officer Cerny's BWC, it appears that LeRoux possibly points something at the officers. Officer Cerny then proceeds to fire his rifle (later analysis confirms that Officer Cerny fired 10 shots). Furthermore, when watching Officer Cerny's BWC frame by

frame, it appears to capture Officer Vaughan firing 2 shots from her handgun (later analysis confirmed that 2 shell casings from Officer Vaughan's handgun were found at the scene).

Upon review of Officer Inman's BWC, it was determined that nothing of value was captured at the time he fired his service weapon. Based on his BWC footage, Officer Inman was positioned behind his patrol vehicle with his body leaning up against the trunk area. Because of his position, his BWC was directly facing the trunk when the shots were fired. However, based on a later analysis of the shell casings found at the scene next to his trunk, it is believed Officer Inman fired 7 shots.

At the time of the shooting, Corporal Schmuck was not in the same area as the other three shooting officers. Corporal Schmuck was located directly behind LeRoux's vehicle. He was standing up against the wall of the McDonald's and was using a ballistic shield for cover. Based on his BWC footage, Corporal Schmuck withdrew his service weapon and fired 4 times after hearing the initial shots ring out. According to a written statement later provided by Corporal Schmuck, he indicated that he believed LeRoux may have been shooting at the other officers and that he returned fire due to his fear that his fellow officers were in danger.

Just after the shooting stopped, Captain Dillman got on the radio and asked for fire/rescue to respond to the scene. Captain Dillman then ordered the officers to approach LeRoux's vehicle in order to remove him and render any aid.

According to various BWC footage, Officers Vaughan, Kim and Sama approached LeRoux's vehicle behind a ballistic shield being carried by Officer Kim. As the officers got close to the vehicle, Officer Vaughan can be heard yelling out "his eyes are open," "don't reach for the gun" and "gun's still on his lap." Once the passenger door is opened, Officer Kim can be seen reaching into the vehicle and removing a black handgun (this Glock handgun was later determined to be registered to Ryan LeRoux and purchased in May of 2021). Officer Kim is seen placing the handgun on the front hood of a police SUV that was facing LeRoux's vehicle.

Once the gun is removed from the vehicle, multiple officers assisted in removing LeRoux from the vehicle and setting him on the ground at approximately 11:04 p.m. Multiple officers then immediately began to render first aid to LeRoux who was clearly suffering from the injuries he sustained. Fire/rescue arrived on the scene within a few minutes at approximately 11:07 p.m. LeRoux was eventually placed on a stretcher and taken to Suburban Hospital by ambulance. Officer Mumper rode along in the ambulance on the way to the hospital. According to his BWC footage, the ambulance arrived at the hospital at approximately 11:41 p.m. and LeRoux was wheeled into the operating room at approximately 11:43 p.m. where the doctors took over. Ultimately, LeRoux was pronounced dead at the hospital at approximately 12:30 a.m.

After remaining on the scene for a short time period, all 4 involved officers were transported to the police station. While at the station, the officers had their pictures taken and submitted their service weapons for analysis. They were placed in separate rooms along with their Fraternal Order of Police (FOP) representatives. None of the shooting officers provided any statements that night.

Detectives, along with members of the mobile crime lab, responded to the scene within an hour of the shooting. While processing the scene, crime lab technicians recovered evidence, including the handgun found in LeRoux's lap, and took pictures of the scene. LeRoux's vehicle was taken from the scene to the Crime Scene Unit's Vehicle Processing Facility (VPF).

According to Detective Hamill, she contacted LeRoux's family to advise them of his death. Upon speaking with LeRoux's father, he stated that his son had been in a downward spiral since the recent death of his grandmother. LeRoux's parents also stated that although efforts had been made, neither of them had spoken to Ryan for some period of time.

During the investigation, detectives conducted recorded interviews with all the officers who responded to the McDonald's except for the 4 officers who fired their weapons. In total, 14 officers gave recorded statements. Of those 14 officers, 3 of the officers (Sama, Kim and Martinez) provided statements in which they indicated they saw LeRoux pointing a gun towards the officers just prior to the shooting. The other 11 officers were not in a position where they could see what was in LeRoux's hand. Additionally, the 4 officers who fired their weapons all provided written statements. Of those 4 officers, Officers Inman, Cerny and Vaughn saw LeRoux pointing a gun just prior to the shooting. In summary, all officers who were in a position to observe what LeRoux held in his hand gave statements that LeRoux was pointing a handgun.

On July 17, 2021, at 8:00 a.m., Dr. Russell Alexander performed an autopsy on Ryan LeRoux. The autopsy revealed that LeRoux died from multiple gunshot wounds. The autopsy revealed the following gunshot wounds:

- A. Gunshot wound of right parietal head
- B. Gunshot wound of right frontal head
- C. Gunshot wound of right head just below the ear
- D. Gunshot wound of posterior right arm
- E. Graze gunshot wound of lateral right arm
- F. Fragment wounds

Bullets were recovered from gunshot wounds B, C and D. These bullets were ultimately submitted to a firearms examiner for analysis. The firearms analysis revealed that all 3 of the recovered bullets were consistent with .223 rifle rounds which could have only come from Officer Cerny's weapon. Additional information in the autopsy report showed that none of the gunshot wounds had evidence of close-range discharge of a firearm.

The toxicology report on LeRoux indicated a negative result for the presence of drugs or alcohol.

On the night of the shooting, crime lab technicians recovered 23 shell casings from the scene. All 23 casings were later determined to have originated from the 4 shooting officer's weapons. A firearms analysis report conducted by the Maryland State Police revealed that 7 shell casings came from the gun of Officer Inman, 2 shell casings came from the gun of Officer

Vaughan, 10 shell casings came from the rifle of Officer Cerny, and 4 shell casings came from the gun of Corporal Schmuck.

The gun found next to LeRoux was identified as a Glock .40 caliber semi-automatic handgun loaded with 5 rounds in the magazine. No round was found in the chamber of LeRoux's gun. An ATF trace on the gun indicated the gun was originally purchased by Ryan LeRoux on May 18, 2021.

On July 19, 2021, LeRoux's vehicle was processed by technicians from the Montgomery County Crime Lab. Technicians took multiple photographs of items found inside the vehicle as well as damage sustained from the shooting. Recovered from LeRoux's vehicle were the following items:

- an empty gun magazine on the front passenger seat
- two .40 caliber shell casings recovered from the back seat and floor (these shell casings were the same brand as the 5 bullets found in the magazine of LeRoux's gun)
- a large tactical knife recovered between the driver's seat and driver's side door
- an empty bottle of Jim Beam Orange liquor
- a backpack containing paperwork regarding the purchase of the gun found on LeRoux
- an empty prescription bottle for Risperidone in the name of Ryan LeRoux located in the backpack
- a driver's license, debit card and \$136.00 in U.S. currency located together in the center console

Further investigation revealed that Risperidone is listed as an anti-psychotic typically used to treat schizophrenia and/or bi-polar disorder. Additionally, 10 suspected bullet holes were discovered. 8 of the suspected bullet holes were found on the passenger side doors of the vehicle, 1 was found on the driver's side passenger door (possibly a through and through from the passenger side) and the last bullet hole was found just above the rear license plate/tag. The rear bullet hole would be consistent with the direction in which Corporal Schmuck was firing.

During her investigation, Detective Hamill sent copies of the BWC footage to ResVid, a private company that specializes in video forensics located in Virginia. Detective Hamill asked ResVid if the company could try to enhance or clarify any of the BWC footage that showed LeRoux possibly pointing something at the officers just before the shooting. ResVid was only able to slow down and slightly zoom in on some of the footage.

A search of LeRoux's prior involvement with law enforcement revealed that he had been arrested just 4 days prior to his death on July 12, 2021. On that day, at approximately 1:00 p.m., officers responded to the Holiday Inn Express located in Germantown, Maryland. The hotel had called the police because LeRoux was past his room checkout time and was refusing to leave. Approximately 4 officers responded to the hotel and all of them were wearing BWC during the encounter with LeRoux. A review of the BWC footage showed LeRoux refusing to obey any of

the officer's commands to get dressed and leave the hotel. LeRoux appeared to smirk at the officers several times throughout the incident. The officers gave LeRoux multiple chances to get out of the bed before they ultimately arrested him for trespassing, failure to obey and resisting arrest.

During the investigation, Detective Hamill was provided with type-written statements from each of the 4 officers involved in the shooting of LeRoux. These statements were provided to Detective Hamill by the attorney that represents all 4 of the officers.

Additionally, Detective Hamill spoke with LeRoux's ex-girlfriend. She indicated the last time she saw LeRoux was approximately April of 2021. She indicated that she tried to call him approximately 3 days prior to his death, but that he never answered her call. She stated that LeRoux did text her back saying "what do you want," but that they never actually spoke. She further indicated that she knew he wanted to purchase a gun, but never saw him with one. She confirmed that LeRoux was left-handed and stated that he never spoke of suicide or seemed to have any suicidal thoughts around her.

### **Grand Jury Presentation**

DSA Sandmann began presenting testimony and evidence to the Grand Jury for Montgomery County on Thursday, March 17, 2022. As noted earlier in the memo, DSA Sandmann presented Detective Paula Hamill to testify as to her investigation into this incident. Throughout the witness's testimony, the grand jurors were permitted and encouraged to ask any questions of the witness to help them better understand the evidence. During this date, DSA Sandmann also submitted multiple items into evidence for the grand jurors to consider.

DSA Sandmann continued to review evidence with the grand jury on March 24<sup>th</sup>, 2022 for approximately 5 hours. During this time, the grand jurors reviewed BWC footage, recorded statements made by officers on the scene, as well as other pieces of submitted evidence.

On March 31, 2022, DSA Sandmann presented the testimony of Captain Marc Erme. Captain Erme testified as to the types of training that police officers receive with respect to "use of force" and "de-escalation" techniques. The grand jurors were encouraged to, and did ask, a lot of questions of Captain Erme. After the testimony of Captain Erme, the grand jurors continued to review the previously submitted evidence. Once this was complete, the grand jurors indicated they wished to begin their deliberations.

Before deliberations began, DSA Sandmann explained the law regarding the use of deadly force as laid out in the *Graham* and *Garner* cases. DSA Sandmann answered legal questions from the grand jurors before asking the jurors to consider the question of whether they believed the officer's actions in this case were legally justified or not legally justified. DSA Sandmann further explained that if the jurors felt the actions were legally justified, then the case would end at that point as there would be nothing else to consider, but if the jurors believed the actions were not legally justified then at that point, DSA Sandmann would further explain potential charges. At that point, DSA Sandmann stepped out of the room while the grand jurors

began deliberating. After deliberations, the foreperson exited the room and indicated to DSA Sandmann the grand jurors had reached a decision. The foreperson explained to DSA Sandmann that a majority (12+ members) felt the shooting of Ryan LeRoux was legally justified under the circumstances. DSA Sandman then went back into the grand jury room, advised the jurors that based on their decision this investigation was now concluded, and thanked them for their patience and service.