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September 21, 2016

Lt. William Duty, #3051
Homicide Unit
Baltimore County Police Department

Re: Shooting of Korryn Gaines

Dear Lt. Duty:

On August 1, 2016, Baltimore County Police officers went to 4 Sulky Court, Apt. T-4 at 9:10 a.m. to serve two arrest warrants. The officers attempted to get an occupant to open the door with negative results. During this time officers heard movement and sound within the apartment.

It was determined that Korryn Gaines was the lessee of the apartment and was one of the individuals the officers had an arrest warrant for. Based upon the open warrant issued by a Judge, the police are constitutionally given limited authority to enter a dwelling in which the suspect lives when there is reason to believe that the person is inside. *Payton v. New York*, 445 U.S. 573, 602 (1980). There was an additional warrant for the other occupant of the apartment.

A key was used to open the front door but officers found an interior chain locking the door. Ms. Gaines was seen in the apartment and was asked to come open the door. She refused. The door was kicked in and Ms. Gaines was seen sitting on the dining room floor. Ms. Gaines then pointed a shotgun at the officers and told them to leave. The officers backed out of the apartment.

Within moments of the initial entry by the police, Kareen Courtney left the apartment with his one year old daughter. Mr. Courtney is Ms. Gaines' fiancé. Mr. Courtney attempted to bring 5 year old Kodi out, but Kodi ran back to his mother. Mr. Courtney left through the front door. Mr. Courtney advised police that Ms. Gaines suffered from a mental illness and had not been taking her medications.

At this point the situation was treated as a barricade. The Baltimore County Police Tactical Unit and the Hostage Negotiation Team (HNT) were called to the scene. Other residents were evacuated from the apartment building. The Tactical Unit reentered the exterior of the apartment to assess the situation. The police drilled holes in an adjacent neighbor's apartment in an effort to keep eyes on Ms. Gaines and ensure her son was safe.

Ms. Gaines had been sitting on the dining room floor for hours with the shotgun in her lap. For most of that time her son was placed in front of her on the floor. The police officers could see her and she could see them.

HNT set a direct line of communication and repeatedly requested that she send her son out and/or that she put down the weapon and come out on her own. This communication was done by the police either by voice, by her cell phone or by Facebook communications. Further, Ms. Gaines received a number of communications from friends and family by her cell phone and Facebook. Over the next four and half hours, there were times when Ms. Gaines spoke calmly and others where she screamed and acted irrationally. She stated that the police were the devils, that they were crazy, that she had been unjustly kidnapped by the police, that the government had kidnapped her fiancé, that the police were only at her apartment because she was black, that when she and her son were dead the news would report it and the world would know, and that it would be worth it as she took at least one of the officers with her, that she was absolutely not coming out. Ms. Gaines repeatedly stated that the police had no authority over her and were there to kidnap her.

Ms. Gaines stopped communicating with the officers at 3:24 p.m. Ms. Gaines became highly agitated at this point. Next the child went into the kitchen area of the apartment. Ms. Gaines then went into the kitchen. Once in the kitchen area, Ms. Gaines had cover and the officers no longer could see what she was doing with the shotgun nor could they always see the child. This left officers at the door to the apartment vulnerable. Officer Ruby saw this transition and at this point he could only see her hair and the barrel of the shotgun. He saw Ms. Gaines was starting to raise the shotgun to a firing position toward the officers. Officer Ruby requested HNT to tell her to put the shotgun down. Despite HNT's request, Ms. Gaines continued to raise the shotgun into the firing position. The gun was now pointed at the officers.

At this point, fearing for his safety, the safety of his team and the safety of the child, Officer Ruby fired one shot through the kitchen wall at Korryn Gaines. Ms. Gaines fired the shotgun. Knowing that Ms. Gaines had a pump-action shotgun, Officer Ruby quickly swept into the kitchen as Ms. Gaines was turning the shotgun toward where his team was set up and fired a second round. Ms. Gaines was turning the gun toward Officer Ruby. Fearing for his safety, the officer fired three shots at Ms. Gaines. Based upon all of the circumstances, it is determined that this shooting was justified and the State will take no further action.

The bullet that struck Kodi in the cheek was an expanded bullet indicating it had passed through something before striking Kodi.

Sincerely,



SCOTT D. SHELLENBERGER
STATE'S ATTORNEY