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ALISON M. HEALEY
STATE'S ATTORNEY

FOR IMMEDIATE RELEASE

DATE: March 28, 2023

RE: State's Attorney Healey releases prosecutorial determination relating to the April 23, 2022 police-involved shooting death in Harford County, Maryland

Pursuant to current Maryland law regarding police-involved shooting deaths, an investigation must be conducted by the Office of the Attorney General, Independent Investigations Division, and a report of their investigative findings shall be issued and sent to the Office of the State's Attorney for the county in which the incident occurred. After the State's Attorney receives that report, they are obligated to review said report and are also able to review all evidence in the case to make a determination as to whether any prosecution shall occur as a result of the incident.

On April 23, 2022, a police-involved shooting death of John Fauver occurred in Forest Hill, Maryland involving two law enforcement officers from the Harford County Sheriff's Office. In accordance with the Maryland law, the Office of the Attorney General's Independent Investigations Division issued their report to the Office of the State's Attorney for Harford County on November 23, 2022, prior to Alison M. Healey taking office as State's Attorney for Harford County. The prior State's Attorney for Harford County had issued a declination of prosecution letter related to this incident on June 29, 2022. However, that declination letter was noncompliant with the law, as it was issued prior to the completion of the Independent Investigations Division investigation and issuance of their report. In addition, no additional action was taken by the prior administration in response to the November 23, 2022 report from the Independent Investigations Division once it was received. As a result, Ms. Healey was obligated by law to formally make a prosecutorial determination in this matter, as it was still outstanding when she took office on January 3, 2023.

As she does in all cases, Ms. Healey spent a significant amount of time reviewing the evidence in this case, the applicable statutes and case law, as well as relevant and potential defenses in the case to make a determination. That review was completed on March 27, 2023, resulting in Ms. Healey issuing a letter to the Office of the Attorney General, Independent Investigations Division indicating that she declines prosecution related to this incident, and she is releasing that declination letter to the public at this time. Ms. Healey further stated, "While the death of any of our county residents is tragic, and I am very sorry for the loss of Mr. Fauver's life, the evidence in this case does not support criminal prosecution." Ms. Healey is committed, as promised, to full transparency and always keeping Harford County citizens fully informed, as well as to ensure the safety of all who live here.

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March 27, 2023

Ms. Dana Mulhauser
Chief, Independent Investigations Division
Office of the Attorney General
200 Saint Paul Place
Baltimore, Maryland 21202

Re: Police-Involved Shooting Death – April 23, 2022
OAG Independent Investigations Division Case #22-007

Dear Ms. Mulhauser:

I have thoroughly reviewed the information which you provided to my office regarding the above-referenced investigation as well as additional body-worn camera and in-car video footage. At this time, I am declining prosecution in the matter of the police-involved shooting death of John Fauver as it relates to both Corporal Christopher Maddox and Sergeant Bradford Sives.

While the Independent Investigations Division Report (hereinafter "IID Report") provided to my office was extensive, the description of the events leading up to the police-involved shooting in this matter seem to be generally and purposefully vague. Due to descriptions in the IID Report being overly broad, they do not thoroughly and clearly illustrate what actually transpired in this matter. Most relevant to my declination of prosecution in this matter are the following facts as depicted in body-worn camera and in-car video footage.

When Harford County Sheriff's Office members initially make contact with Mr. Fauver, they have received information from Mr. Fauver's wife that she believes there may be two rifles in the vehicle. That information was broadcast over the radio to law enforcement and is stated numerous times throughout the interaction with Mr. Fauver in this matter. They finally locate Mr. Fauver near Chopstix Restaurant on Rock Spring Road in Forest Hill, Maryland.

During this "initial encounter," as it is called in the IID Report, Mr. Fauver is told to put his hands up and open the door. Not only does Mr. Fauver fail to comply with that order, after some verbal exchange, he responds by driving directly at Sergeant Sives with his vehicle at a high rate of speed jumping the median behind where Sergeant Sives was standing, thereby using the vehicle as a dangerous and deadly weapon. The single and only reason Mr. Fauver did not strike Sergeant Sives with his vehicle was because Sergeant Sives was able to jump out of the way, causing him to fall and land in the bushes of that very same median. They then are able to detain Mr. Fauver within the parking lot and have surrounded him. Once he is confined to that

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location, various members of the Harford County Sheriff's Office are consistently speaking with Mr. Fauver trying to bring the situation to a peaceful conclusion through various means. Officers on scene are speaking to him, and FaceTime calls are made to him. During one of the FaceTime calls, he tells law enforcement more than once to "get your snipers" and also when asked whether the item Deputy First Class Sullivan viewed in the vehicle via FaceTime was a cane or a rifle, Mr. Fauver answers, "AR-15 hollow point. Ready to go, brother." Mr. Fauver is continuously ignoring commands to show his hands and fluctuates multiple times from being in a place where officers can see his hands to reaching back in the vehicle where they cannot. Members of the Harford County Sheriff's Office withhold discharge of their weapons several times when they have adequate time to confirm the item in Mr. Fauver's hand is a cane. Sergeant Sives and other law enforcement then hear Mr. Fauver saying goodbye on the phone, and such is noted in the report. While it is accurate that seconds before firing, Sergeant Sives stated "It's a cane, it's a cane," the report fails to properly articulate that after Sergeant Sives makes that statement, Mr. Fauver goes back behind the door of the vehicle appearing to be reaching into the car and grabbing something and then reemerging quickly. The report definitely lacks clarity as to Mr. Fauver's next action. The IID Report describes Mr. Fauver as "holding something in his hands with his arms raised and his left foot positioned in front of him." I find this description to be very misleading. When Mr. Fauver reemerged from behind the vehicle door, Mr. Fauver immediately and quickly took a shooter's stance and raised a long item in the exact manner in which you would hold a rifle or shotgun and pointed it in the direction in which the officers who discharged their weapons were located. Mr. Fauver then quickly turns toward the vehicle and resumes a shooter's stance a second time. All of this occurs within a period of less than two seconds. It is only after these actions by Mr. Fauver that Corporal Christopher Maddox and Sergeant Bradford Sives discharged their firearms.

My review of all of the facts and evidence, the applicable statutes and case law, and relevant and potential defenses in this matter forms the basis for my decision to decline to prosecute this matter.

Respectfully,

Alison M. Healey, Esq.
State's Attorney for Harford County

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