

## REPORT

In the matter of the January 8, 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 January 8, 2021 at 14 S. Frederick Avenue, Gaithersburg, Maryland.

### Timeline of Investigation

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On Friday, January 8, 2021, The Howard County State's Attorney's Office was notified of a police-involved shooting that occurred in Gaithersburg. The Howard County State's Attorney was given basic information about the incident from the Chief of Police for Gaithersburg. At that point, the Howard County State's Attorney's Office took control of the investigation.

On Monday, January 11, 2021, the Howard County prosecutor participated in a "Zoom" call with the lead detective from the Montgomery County Police Department. During the call, the detective informed the prosecutor that 4 officers were involved in the shooting and all of them belonged to the Street Crimes Unit of the Gaithersburg Police Department. The detective further stated all the involved officers were working in a "plain clothes" capacity and were not wearing body worn cameras (BWC) that night. The initial information discovered through the investigation was that an officer with the Gaithersburg Police Department received credible information on the day of the shooting that Kwamena Ocran, AKA "Mitch," was in possession of a handgun. A decision was made to attempt to arrest Ocran while he was in possession of the handgun. The officers set up surveillance to monitor Ocran inside of an apartment at 14 S. Frederick Avenue (Chelsea Park Apartments). Officers continued to surveille Ocran as he left the apartment. As Ocran was walking back to the apartment complex, the officers approached him on foot in the parking lot area. The first officer to approach Ocran identified himself as a police officer and pulled out his badge which was hanging around his neck. At this point, Ocran took off running through the parking lot and the officers began chasing him. Ocran ran through the parking lot to a grassy area between one of the apartment buildings and a large retaining wall. During the chase, an officer stated Ocran pulled out a handgun, pointed it at the officers and fired. All 4 officers returned fire striking Ocran multiple times which ultimately resulted in his death at the scene.

On February 10, 2021, the Howard County Prosecutor participated in a call with the lead detective. The prosecutor was informed of further details regarding the case. At this time, the officer's attorney had advised no statements would be given by the involved officers. He was further advised that during the autopsy, a mistake was made and Ocran's hands, which were bagged, were never swabbed for GSR. However, the jacket Ocran was wearing on the night of the shooting was submitted to the RJ Lee Group for GSR analysis.

On March 11, 2021, the Howard County prosecutor requested a copy of the case file from the lead detective.

On March 15, 2021, the detective dropped off a portable hard drive containing the case file up to that point.

On March 24, 2021, the prosecutor received a copy of the autopsy report from the OCME, however the report did not include the autopsy photos. The prosecutor emailed the OCME and requested copies of the photos.

On March 29, 2021, the prosecutor was advised by the OCME that a subpoena was needed for the autopsy photos. The prosecutor contacted the Montgomery County State's Attorney's Office and asked for a subpoena to be issued.

On April 12, 2021, the Howard County prosecutor received copies of the autopsy photos from the OCME.

On April 13, 2021, the prosecutor learned that Gaithersburg City police officer, Lt. S. E. had spoken with the involved officers on the night of the shooting. The prosecutor asked the officer to write a supplemental report detailing his communication with each officer and to submit it ASAP.

On April 13, 2021, the prosecutor spoke with the lead detective. The prosecutor requested that the detective submit the GSR bags from Ocran's hands to the RJ Lee Group for analysis. During the same conversation, the detective advised that a witness, K. F., had taken a cell phone video from her apartment after the shooting. The prosecutor asked the detective to forward a copy to him ASAP.

On April 13, 2021, at approximately 2:00 p.m., the prosecutor spoke with a Firearms Examiner with the Montgomery County Police Department regarding the report on the gun found next to Ocran which indicated it was damaged/deformed. Based on the conversation, the prosecutor requested the gun be retested to determine how/if the damage affected the gun's ability to properly cycle rounds.

On April 19, 2021, at approximately 1:00 p.m., the prosecutor met with Montgomery County police officers at the crime scene. The lead detective pointed out where the Gaithersburg City officers said they were when the shooting occurred.

On April 23, 2021, at approximately 11:45 a.m., the prosecutor received a call from an attorney who represents M. C., the mother of Kwamena Ocran and arranged to meet in person on Monday, April 26<sup>th</sup>.

On April 26, 2021, at 4:45 p.m., the attorney representing M. C. came to the Howard County State's Attorney's Office and met with the prosecutor and lead detective. During the meeting, the attorney provided an audio recording from D. K., who stated her two children (9 yr. old twins) witnessed what happened on the night of the shooting. She was not home on the

night of the shooting. The attorney also provided a picture of a male who did not want to be named, but who provided information to the attorney that he was there the night of the shooting and didn't see Mr. Ocran with a gun as he was being chased. The attorney also provided the name of a person who lives on the first floor of Building 12 whose door leads directly outside to where Mr. Ocran was shot. Lastly, McDaniel provided the name J. J., who said he saw the officers chasing Mr. Ocran and that Ocran did not have a gun out at that time. The detective was advised to investigate this information.

On May 12, 2021, the prosecutor followed up with the Firearm Examiner to see if the results of her "re-test" were complete. She advised her report was waiting to be peer reviewed before she could discuss the results.

On May 20, 2021, the prosecutor received a copy of the Montgomery County police officer's supplemental report regarding his conversations with the involved officers on the night of the shooting.

On May 21, 2021, the lead detective responded to the parking lot area of the Chelsea Park Apartments attempting to locate or identify the unknown male mentioned previously by M. C.'s attorney. The detective spoke with 3 people and showed each of them a picture of the unknown male. None of people recognized him.

On May 21, 2021, the detective responded to the apartment complex and attempted to speak with D. K. to ask if her children could be interviewed about what they may have seen or heard on the night of the shooting. The detective left her card as D. K. was not home at the time.

On May 21, 2021, D. K. contacted the detective and advised that she would have to talk to her attorney before agreeing to allow the detective to interview her children. She indicated she would get back to the detective by Monday, May 24<sup>th</sup>.

On May 25, 2021, the detective reached out to D. K. and left a message as she had not heard from her on the 24<sup>th</sup>.

On May 25, 2021, the detective went back to the Chelsea Park Apartments parking lot attempting to identify the unknown male. Nobody was able to identify him. On June 3, 2021, the detective spoke with D. K. and she agreed to let the detective interview her children on June 4<sup>th</sup> at 12:00 p.m.

On June 4, 2021, D. K. called the detective to inform her one of her kids was sick and the interview would need to be rescheduled.

On June 14, 2021, the detective attempted to contact D. K. to reschedule the interview. The detective left a message after receiving no response.

On June 16, 2021, the detective returned to the Chelsea Park Apartments to look for the unknown male but was unsuccessful.

On June 17, 2021, the detective discovered that D. K. was currently incarcerated. Det. Hamill contacted the jail about trying to visit D. K.

On June 30, 2021, D. K. advised that she would only talk to another Montgomery County police detective while incarcerated.

On July 1, 2021, that detective responded to the jail and met with D. K. The detective convinced D. K. to allow the lead detective to interview her children. D. K. provided the detective with the phone number of her mother who was currently watching the children while D. K. was incarcerated.

On July 5, 2021, the lead detective attempted to contact D. K.'s mother about interviewing the children and left a message.

On July 13, 2021, the detective left another message for D. K.'s mother about interviewing the children.

On July 16, 2021, the detective went back to the apartment complex attempting to identify the unknown male with no success.

On July 22, 2021, the detective left another message with D. K.'s mother.

On July 24, 2021, the detective spoke with D. K.'s mother who advised the children were currently with D. K.'s sister. Det. Hamill contacted the sister who advised that she could call back at 3:00 p.m. and interview the children. Later that day, the detective was able to interview the female twin, Z., over the phone. This interview was recorded.

On July 25, 2021, the detective went back to the apartment complex to look for the unknown male with no success.

On July 30, 2021, the detective spoke with the Resident Manager of the apartment complex. She indicated she may have seen the unknown male on the balcony of Unit 14, Apartment #107. The detective responded to the location and the apartment was answered by a male who did not know the unknown male, but thinks he's seen him in the apartment above his (#207) a few times. He indicated to the detective that he thinks the unknown male may be a day laborer. The detective received no response at #207.

On July 30, 2021, the detective spoke with D. K.'s mother who advised she did not get her grandson, Z today as was expected. She told the detective to call her on Monday at 10 a.m. when she was expected to have the grandson.

On August 3, 2021, the detective responded to the Chelsea Park Apartments and attempted to locate the unknown male with no success.

On August 11, 2021, the detective responded to the apartment complex and attempted to locate the unknown male with no success.

On August 17, 2021, the detective responded to the apartment complex and again was met with negative results.

On August 24, 2021, the detective received a call from D. K.'s mother who stated that she had Z. (male twin) in the car with her. The detective contacted her and was able to interview Z. over the phone. The detective recorded the statement. Z.'s statement is very different from his twin sister's. Curiously, D. K.'s mother can be heard at the end of the recording telling the detective that (male twin) Z.'s stuff "doesn't add up." Although the recording had ended, the detective told the prosecutor that D. K.'s mother called the detective back and basically informed her that (male twin) Z. likes to make stuff up based on what he sees on television.

On September 9, 2021, the prosecutor presented evidence before the Grand Jury for Montgomery County. The lead detective and T. H. (GSR analyst from RJ Lee Group) testified. The prosecutor submitted the following evidence:

- Photos of the crime scene
- BWC video showing the arrival of the first responding "shield" officers
- Apartment complex video overlooking the parking lot
- BWC video featuring an interview of the witnesses in the parking lot
- BWC video of Officer S. F. and subsequent area canvass
- Supplemental police report from Lt. S. E.
- Police radio communications
- Cell phone video from witness K. F.
- Interview of witness (male twin) Z. K.
- Interview of witness (female twin) Z. K.
- GSR Reports

On September 10, 2021, the prosecutor received a copy of the DNA analysis on the gun recovered next to Ocran.

On September 14, 2021, the prosecutor and lead detective met with all 4 involved officers, as well as their attorney's, at the Howard County State's Attorney's Office. Each officer was interviewed separately, and their answers were recorded.

On September 16, 2021, the prosecutor presented additional evidence to the Grand Jury for Montgomery County. On this date, he presented testimony from Dr. M. B. (OCME), the Firearms Examiner, the DNA analyst and the lead detective. In addition to the testimony of these witnesses, DSA Sandmann also submitted the following evidence:

- Firearms Report regarding the officer's weapons, including a shell casing comparison
- Firearms Report for the gun found next to Kwamena Ocran
- Supplemental Firearms Report and Amendment for the gun found next to Kwamena Ocran

- Autopsy Report
- Autopsy photos
- DNA Report for the gun found next to Kwamena Ocran
- Copies of the recorded statements of the Sgt. Delgado, Cpl. Dakkouni, PO. Doyle and PO. Khuen
- Copy of the crime scene sketch

On September 30, 2021 and October 7, 2021, the prosecutor appeared before the Grand Jury for Montgomery County to begin the process of reviewing all the evidence presented. The jurors reviewed the following:

- Recorded statements of each officer
- Video of the parking lot area of the apartment complex
- BWC from one of the initial responding officers showing the arrival of the shield
- Statement of (female twin) Z K.

### **Evidence Reviewed**

Howard County Prosecutor reviewed the following evidence:

- Witness Cell Phone Videos
  - K. F.
- Police Radio Communications
- Video of Chelsea Park Apartments parking lot
- Computer Aided Dispatch (CAD) Reports
- Recorded Interviews
  - Sgt. Delgado
  - Cpl. Dakkouni
  - Off. Khuen
  - Off. Doyle
  - Female twin Z. K.
  - Male twin Z. K.
  - K. F.
  - J. D.
  - C. D.
  - B. T.
- 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
- Nonessential Officer Statements
- Supplemental Report from Montgomery County police officer E.
- Detectives Notes
  - Det. E. G.
  - Det./Sgt. C. D.
  - Det. B. T.
  - Det. P. H.
  - Det. D. R.
- Body Worn Camera footage from officers responding to the scene
- Gaithersburg Police Department General Orders
  - Use of Force
- Firearms Examination Unit Reports
  - Officers' weapons
  - Gun located next to Kwamena Ocran
- Forensic Biology Unit – DNA Reports
- Firearms Trace Summary for gun located next to Kwamena Ocran
- RJ Lee Group Reports
  - GSR analysis – Kwamena Ocran's jacket

GSR analysis – Left and Right bags on Kwamena Ocran's hands

### **Summary of Facts**

On January 8, 2021, at around 11:45 a.m., Cpl. L. D. of the Gaithersburg Police Department, Street Crimes Unit, received credible information that Kwamena Ocran, AKA "Mitch," was attempting to sell a gun. Cpl. L. D. had previously received credible information in December of 2021 that Ocran had a gun on him everywhere he went and had made a statement that he was "not going back to jail" and would "shoot it out". Based on this information, Cpl. Dakkouni conducted a background search on Ocran and discovered he was prohibited from possessing a gun due to him recently serving prison time on a robbery conviction.

Cpl. Dakkouni called his team members, Sgt. Delgado, PO. Khuen and PO. Doyle, and asked them to come into work earlier than their scheduled shift time of 2:00 p.m. because Ocran was currently at his girlfriend's place at 14. S. Frederick Avenue, an apartment within the Chelsea Park Apartment complex. A short time later, the officers set up surveillance in the parking lot of the apartment complex. All four of the officers were working in a plain clothes capacity without body worn cameras (BWC) and were traveling in separate unmarked vehicles.

At some time after 5:00 p.m., the officers saw Ocran leaving the apartment and walking up the street. The officers followed him to a shopping complex approximately 1 mile north on S. Frederick Avenue. They had received credible information that Ocran had the gun in his waistband area. Ocran began to walk back to the apartment complex.

As the officers followed Ocran back, a plan was made to stop him in the parking lot of the apartment complex. As Ocran entered the parking lot area, Off. K. was the first to approach him. Off. K. stated he passed by Ocran and then immediately turned around, pulled his badge and flashlight out, identified himself as a police officer and asked Ocran if he could speak with him. According to Off. K., Ocran grabbed his waistband and said something like "oh fuck!" before taking off running. All 4 officers then began chasing Ocran through the parking lot area. During the chase, the officers were yelling "police" and telling him to stop and get on the ground. Sgt. D. stated that he shouted "taser" hoping that Ocran may surrender to avoid being "tased," however none of the officers were actually wearing a taser that night.

The chase continued through the parking lot before Ocran started running through an area between Building 12 of the apartment complex and a large retaining wall running along S. Frederick Avenue. It was at this point, according to the officer's statements, when Ocran twisted his body to the right as he was running and fired a gun in the direction of the officers. All the officers returned fire and Ocran fell to the ground a short distance later. Off. K. stated that he called for ALS (advanced life support) and a shield to respond immediately after the shooting. The officers called for a shield because they could see that after Ocran fell to the ground he still had a gun next to his right hand. They indicated they were concerned he still might be able to use the gun if the officers got close to him. Additional officers with BWC's and a shield responded approximately 1-2 minutes after the call came out. The BWC footage showed the initial approach to Ocran's body with the shield and the recovery of a handgun next to his right hand by Off. K. Off. K., who was wearing gloves when the gun was recovered, rendered the gun safe by removing the magazine and a bullet from the chamber. Off. K. then placed the gun next to a fence a short distance away. Despite numerous officers performing life-saving efforts on Ocran, he was pronounced dead at the scene.

After remaining on the scene for a short time period, all 4 involved officers were taken to the police station. While at the station, the officers had their pictures taken and submitted their weapons for analysis. They were placed in separate rooms along with their FOP representatives. None of the officers gave formal recorded statements that night, however some of them gave a brief overview of what happened to their Lieutenant.

Detectives along with the mobile crime lab responded to the scene approximately an hour after the shooting. While processing the scene, crime lab technicians recovered evidence, including the handgun found next to Ocran, and took pictures of the scene. Officers conducted an area canvass of the apartment complex to identify any potential witnesses and recover any video.

During the canvass, an officer spoke with J. D. and C. D., who stated they were just pulling into a parking space in front of Building 12 when a group of people ran by them. As the group got to the side of the building the witnesses heard gunshots but did not see the shooting. They quickly entered Building 12 and went to their apartment. J. D. did remember someone yelling "tase him" as the group ran by. The witnesses were unable to provide a description of anyone. Later in the investigation, detectives retrieved a copy of the footage from a video camera located in the front of Building 12 that faces the parking lot. This footage shows the D.'s car pulling into a parking space directly in front of the building. The video shows two people exiting the vehicle and then jumping back into the vehicle as a group of 5 individuals is seen running through the parking lot right next to the witness' car. After the group passes by, two people exit the vehicle and begin to hastily jog up to the front of Building 12.

The original area canvass also identified a witness named K. F. who lives in Building 12 as well. K. F. stated she heard gunshots and ran to her son's room which overlooked the area where Ocran was shot. K. F. stated she saw a guy lying on the ground and saw police with guns out but couldn't hear anything and did not see the actual shooting. She indicated other officers arrived and they went up to the guy on the ground and moved a gun that was next to his hand. She said the officers moved the gun off to the side and performed CPR. She stated she did not know the person laying on the ground or any of the officers. K. F. provided the lead detective with a cell phone video she had taken on the night of the shooting. The video begins by showing the involved officers shining a flashlight with their guns drawn and Ocran face down on the ground. The officers appear to be waiting for the shield to arrive. The video shows the moment the shield arrives and the gun next to Ocran being recovered by Off. K. who then placed it next to the fence. The arriving officers are beginning to perform CPR when the video ends. The total length of the video is approximately 1 minute 30 seconds long. K. F. is narrating in Spanish throughout the video. The detective indicated she had a Spanish-speaking officer loosely translate what K. F. was saying. According to the detective's notes, "she is saying he's still alive. I think he is Latino. He is armed as well. He is still alive. There another one out there though. Make sure our doors are locked. He is still alive. You see they took his gun and put it off to the side."

The day after the shooting, January 9<sup>th</sup>, 2021, an autopsy was performed on Kwamena Ocran. The autopsy revealed that Ocran died from multiple gunshot wounds. The autopsy showed the following gunshot wounds:

- A. Gunshot Wound to the Upper Left Lateral Back
- B. Gunshot Wound to the Left Lateral Back

- C. Gunshot Wound to the Lateral Right Hip/Lower Back
- D. Gunshot Wound to the Proximal Left Arm
- E. Gunshot Wound to the Posterior Left Arm
- F. Through and Through Gunshot Wound of the Medial Right Thigh
- G. Through and Through Gunshot Wound of the Left Thigh
- H. Graze Gunshot Wound of the Penis

Bullets were recovered from gunshot wounds A, C, D and E. These bullets were ultimately submitted to a firearms examiner for analysis. The firearms analysis revealed that 3 of the bullets could not be tied to a specific weapon, but the fourth bullet was determined to have been fired by Off. Delgado's weapon. Additional information in the autopsy report showed that none of the gunshot wounds had evidence of close range discharge of a firearm. According to the doctor, close range means less than 2 feet. The toxicology report on Ocran indicated a negative result for the presence of drugs or alcohol. Furthermore, Ocran's clothes were recovered and submitted for later analysis.

It should also be noted that Ocran's hands were bagged at the shooting scene for the purpose of conducting a future gunshot residue (GSR) analysis on them. While at the autopsy, a mistake or miscommunication happened to the extent that nobody swabbed Ocran's hands before removing the bags for the autopsy. When the prosecutor learned about this mistake he requested the detective to submit the actual bags that were covering Ocran's hands for testing since swabs of his hands were never taken.

On the night of the shooting, crime lab technicians recovered 17 shell casings with the help from a metal detector. It is of note that detectives described the grounds as being extremely wet and that some areas had standing water that evening. The crime lab conducted two additional searches for shell casings during daylight hours on later dates. These searches led to the recovery of 6 additional shell casings for a total of 23 shell casings. However, after all the shell casings were analyzed by a firearms examiner, it was determined that all 23 casings came from the officers' weapons and none of the shell casings originated from the handgun found on Kwamena Ocran. The gun found next to Ocran was a semi-automatic handgun and would've ejected a shell casing if it had been fired.

The handgun found lying next to Ocran's right hand was a Hi-Point 9mm with a total of 4 bullets (one in the chamber according to Off. Khuen and 3 in the magazine). The gun was swabbed for DNA and fingerprints at the scene. An ATF trace on the gun indicated the gun was originally purchased in Kansas in 2009 by C. P., a soldier in the Army. A detective contacted C. P. who advised that he sold the gun to a fellow soldier named C. S. prior to being deployed in 2010. A search of C. S. revealed that he had a lengthy criminal history including drug usage and crimes of violence. After speaking with an ex-girlfriend of C. S., she stated C. S. had told her the gun was lost when he loaned it to a person in Maryland back in 2017-2018.

During the investigation, the detective sent a request to the RJ Lee Group to conduct GSR testing on the winter jacket Ocran was wearing the night he was shot along with the bags covering his left and right hands prior to the autopsy per the prosecutor. On February 11, 2021, forensic scientist T. H. submitted her report indicating that Ocran's winter jacket had a significant amount (12) of GSR particles on the right cuff/sleeve area. On April 29, 2021, T. H. submitted her report with respect to the two bags covering Ocran's hands before the autopsy. The result of the tests indicated the bag on Ocran's right hand had 0 GSR particles and the bag on his left hand had 1 GSR particle.

On September 10, 2021, the lead detective received the DNA report regarding the gun found next to Ocran's right hand at the scene. In short, the DNA analyst indicated that Ocran's DNA profile was found on the grip of the gun as well as the slide and rear sight of the gun. Her report officially read: "the mixed DNA profile obtained from the evidence item listed above is at least one trillion times more likely if it originated from Kwamena Ocran and two unknown, unrelated individuals than if it originated from three unknown, unrelated individuals." The analyst also indicated that "one trillion times more likely" is as high as they go when referencing a number in their reports. Her actual analysis gave a number of  $3.6 \times 10^{30}$  which is 3.6 followed by 30 zeroes for the DNA on the grip. The actual number for the slide and rear sight was  $8.3 \times 10^{15}$  or 8.3 followed by 15 zeroes. The analyst indicated these numbers are too large to quantify and explains why the lab limits the maximum indicated result to one trillion.

### **Grand Jury Presentation**

In analyzing any police-involved shooting resulting in a death, the job of a prosecutor is to first gather all the facts in the case. Once all the facts have been uncovered, a prosecutor must then decide whether the facts are in dispute. If the facts are not in dispute, then a prosecutor's job is to apply the relevant case law to the facts in order to reach a conclusion on whether an officer(s) conduct is justified or not.

In this case, the Howard County prosecutor believed the facts were in dispute. As such, Howard County prosecutors felt it was appropriate to present all the facts to the Grand Jury for Montgomery County for them to decide as to what they believed the facts to be, and what, if any, charges were appropriate.

Therefore, the Howard County prosecutor began presenting testimony and evidence to the Grand Jury for Montgomery County on Thursday, September 9<sup>th</sup>, 2021. As noted earlier, the prosecutor presented the lead detective and Forensic Scientist T. H. as witnesses on this date. Throughout the witness's testimony, the grand jurors were permitted and encouraged to ask any questions of the witnesses to help them better understand the evidence.

The prosecutor continued to present testimony and evidence before the grand jury on September 16<sup>th</sup>, September 30<sup>th</sup> and October 7<sup>th</sup>. On each of these dates, the grand jurors were given the opportunity to ask any questions of the witnesses.

### **Conclusion**

The current case law pertaining to the use of deadly force is explained in the cases of *Tennessee v. Garner*, 471 U.S. 1 (1975) and *Graham v. Connor*, 40 U.S. 386 (1989). These cases state that “deadly force” can only be used when an officer has probable cause to believe a suspect poses a significant threat of death or serious bodily injury to the officer or others. Furthermore, the reasonableness of a particular use of force scenario should be judged from the perspective of a reasonable officer on the scene and must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a given situation.

On October 7, 2021, the Howard County prosecutor presented testimony from the lead detective and admitted into evidence a copy of the Gaithersburg City Police Department General Orders Governing Use of Force. After the testimony was complete, the grand jurors continued to review previously admitted evidence. Afterwards, the prosecutor explained to the grand jurors the law regarding the use of deadly force as laid out in the *Graham* and *Garner* cases. The prosecutor answered legal questions from the grand jurors before asking the jurors to consider the question of whether they believed the officers actions in this case were legally justified or not legally justified. The prosecutor 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. If the jurors believed the actions were not legally justified then, at that point, the prosecutor would further explain potential charges. At that point, the prosecutor stepped out of the room while the grand jurors began deliberating. After approximately one hour of deliberations, the foreperson exited the room and indicated to the prosecutor that the grand jurors had reached a decision. The foreperson explained to the prosecutor that the majority felt there was not enough evidence to charge the officers. The prosecutor 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.