



INDEPENDENT INVESTIGATIONS DIVISION

Report Concerning the Police-Involved
Fatal Incident in Baltimore County on November 24, 2023

June 21, 2024

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Declination Report Concerning the Officer-Involved Deaths of Arnel Martez Redfern and Maxine Rayniece Redfern, on November 24, 2023

The Independent Investigations Division of the Maryland Office of the Attorney General (the “IID”) is charged with investigating “police-involved incidents that result in the death of individuals or injuries likely to result in death.” Md. Code, State Gov’t § 6-602 (c)(1). For incidents that occur after October 1, 2023, if the Attorney General determines that the investigation provides sufficient grounds for prosecution, then the IID “shall have exclusive authority to prosecute the offense.” State Gov’t § 6-604 (a)(1).

I. Introduction

On November 24, 2023, at approximately 11:30 p.m., law enforcement officers with the Baltimore County Police Department (“BCPD”) responded to a house in a residential neighborhood in Parkville, Maryland, after receiving a call about a domestic dispute. When one officer arrived at the front door of the house, a woman, Maxine Rayniece Redfern, audibly screamed for help. As she opened the front door and stood in front of the officer, a man, Arnel Martez Redfern, shot Ms. Redfern multiple times. Two additional officers arrived shortly afterward, and Mr. Redfern and the officers began exchanging gunfire. Mr. Redfern was struck and killed in the gunfight, and Ms. Redfern also died during the incident.

After completing its investigation and evaluating all available evidence, the Office of the Attorney General has determined that none of the subject officers committed a crime under Maryland law. Accordingly, the Attorney General has declined to prosecute any of the subject officers in this case.

The IID’s investigation focused exclusively on potential criminal culpability relating to the subject officers’ conduct. By statute, the IID’s jurisdiction is limited to only investigate the actions of police officers, not those of any other individuals involved in the incident. Therefore, the IID’s investigation did not specifically examine Mr. Redfern’s criminal culpability in this incident.¹

Moreover, the IID’s analysis does not consider issues of civil liability or the department’s administrative review of officers’ conduct. Certain information—specifically, compelled statements by subject officers—may be considered in civil or administrative processes but may not be considered in criminal investigations or prosecutions due to the subject officers’ Fifth Amendment rights. If any compelled statements exist in this case, they have not been considered in the IID’s investigation.

This report is composed of a factual narrative followed by a legal analysis. Every fact in the narrative is supported by the evidence obtained in this investigation, including forensic and autopsy reports, police radio transmissions, dispatch records, police and EMS reports, several hours of police body-worn camera, dozens of photographs, and interviews with multiple civilian and law enforcement witnesses, and autopsies from the Maryland Office of the Chief Medical Examiner (“OCME”). The legal analysis explains why the IID will not bring charges pursuant to applicable Maryland law.

¹ Because Ms. Redfern was struck by police gunfire, the IID analyzed the officers’ conduct in relation to her as well.

This investigation involved two decedents and three subject officers:

- A. Decedent Arnel Martez Redfern was a 52-year-old Black male who lived in Parkville, Maryland.
- B. Decedent Maxine Rayniece Redfern was a 48-year-old Black female who lived in Parkville, Maryland.
- C. BCPD Ofc. Christopher Schanberger has been employed by the agency since June 2015. At the time of the incident, he was 41 years old, and is a White male.
- D. BCPD Ofc. Andrew Burns has been employed by the agency since April 2001. At the time of the incident, he was 40 years old, and is a White male.
- E. BCPD Ofc. Brandon Langley has been employed by the agency since July 2001. At the time of the incident, he was 41 years old, and is a White male.

The IID reviewed the disciplinary records of all the subject officers. None were relevant to this investigation.

II. Factual Summary

At the time of this incident, Ms. and Mr. Redfern were legally married, but separated. Although Ms. Redfern filed for divorce a few months prior, the two agreed to continue to live together in their Parkville home. Since the divorce proceedings were initiated, BCPD officers were called to the home multiple times to investigate domestic disputes. Each time, neither Ms. Redfern nor Mr. Redfern showed signs of being physically injured. Further, neither person alleged that an assault took place; they told officers that the disputes were verbal only. Accordingly, neither person was arrested during these calls, but officers explained to both parties how to get a protective order before leaving on each occasion.

A little over a month before the incident, Ms. Redfern sought and was granted a protective order against Mr. Redfern. The court found that there was a preponderance of evidence to believe that Mr. Redfern had committed false imprisonment, an act of abuse, against her. The protective order forbade Mr. Redfern from abusing or threatening Ms. Redfern, and further ordered him to surrender all firearms and to refrain from possessing any further firearms for the duration of the order. Officers served Mr. Redfern with the protective order on October 11, 2023.

On November 24, 2023, at 11:33 p.m., a Parkville resident called Baltimore County 911 and reported that they could hear Ms. Redfern nearby “screaming for help” and saying, “don’t do it.” The caller reported that they did not know what was going on, but they were aware that Ms. Redfern had been having issues with her husband, Mr. Redfern. A second call came in around the same time. Dispatchers radioed officers and told them that two calls had come in reporting that Ms. Redfern was screaming for help. BCPD officers Christopher Schanberger, Andrew Burns, and Brandon Langley responded to the call.

Ofc. Schanberger was the first of the three officers to arrive on scene. Less than five minutes after the initial 911 call, Ofc. Schanberger parked his patrol cruiser in front of the Redfern home. Once he got out of the cruiser, Ofc. Schanberger radioed dispatch to let them know he arrived, walked up a short flight of stairs onto the front porch, and at 11:37:12 p.m., knocked on the screen door with his right hand while holding a flashlight in his left. The response to the knock was immediate; from inside the house, Ms. Redfern began repeatedly screaming, “Help! Help me! Help!” loud enough to be heard outside. Ofc. Schanberger shifted the flashlight to his right hand and began opening the screen door with his left. Within seconds, Ms. Redfern opened the front door and screamed “Help me!” again before Mr. Redfern began shooting at her with a .40 caliber handgun.

Mr. Redfern fired his first three shots at 11:37:25 p.m.,² causing Ms. Redfern to scream and fall to the ground inside the house, groaning. As the shots rang out, Ofc. Schanberger retreated to the left side of the porch and radioed, “Shots fired, shots fired,” then drew his 9-milimeter service handgun and turned to face the doorway. Nearly simultaneously, Ofc. Burns arrived and over the next ten seconds, parked on the street in front of the Redfern home, exited his patrol cruiser, then drew his service handgun and took cover near his cruiser’s trunk. In the meantime, Ms. Redfern continued to loudly groan in pain,³ and Mr. Redfern raised his voice to talk over her, repeating, “I tried,” three to four times.

At 11:37:38 p.m., Ofc. Langley arrived and parked his patrol cruiser behind Ofc. Burns and began retrieving a rifle from inside the cruiser. About a second after Ofc. Langley arrived, Mr. Redfern fired a fourth shot, causing Ms. Redfern to shriek once, then begin groaning again. Roughly seven seconds later, Mr. Redfern said, “I tried,” once more, then opened the screen door and began walking onto the front porch. As Mr. Redfern opened the screen door while holding his handgun, Ofc. Schanberger fired his handgun three times, shattering the screen glass. In response, Mr. Redfern yelled, “Aw, fuck!” while he backed into the house, and Ofc. Schanberger slowly retreated to the edge of the porch. At 11:37:50 p.m., Mr. Redfern fired his gun a fifth time inside the house, and Ms. Redfern shrieked in pain a second time.

Immediately after Ms. Redfern’s second shriek, several things happened at once:

- Ofc. Burns fired his handgun at Mr. Redfern twice,
- Ofc. Langley attempted to fire his rifle at Mr. Redfern but was unsuccessful due to a weapon malfunction,
- Ofc. Schanberger jumped over the safety railing of the porch and ran across a neighboring driveway to take cover behind a car, and
- Ms. Redfern could be heard wheezing and struggling to breathe as Ofc. Schanberger moved away from the porch.

When Ofc. Schanberger positioned himself behind a car at 11:37:59 p.m., Ms. Redfern was silent, and remained that way for the rest of the incident.

² The times used in the factual narrative are the times shown in the subject officers’ body-worn camera footage.

³ Ms. Redfern’s groans could be heard clearly on Ofc. Burns’ body-worn camera from his position in the street.

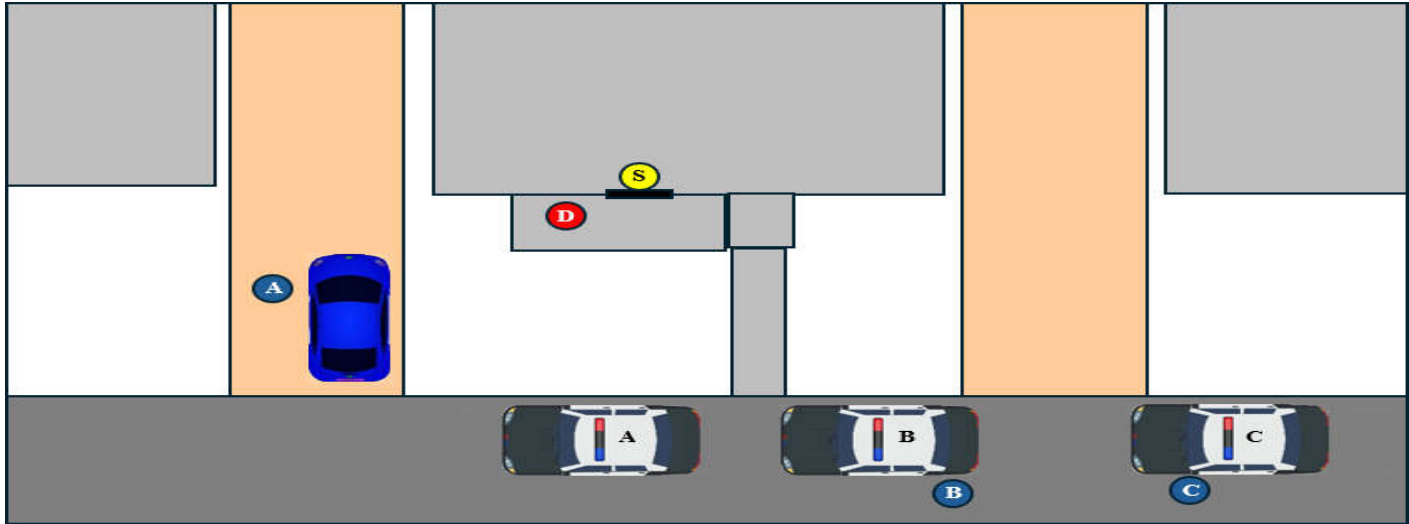


Image 1: Diagram of the officers’ positions in relation to Mr. Redfern (Point D, red) and Ms. Redfern (Point S, yellow) at 11:37:59 p.m., when the gunfight with Mr. Redfern began. Ofc. Schanberger and his patrol cruiser are labeled “A,” Ofc. Burns and his patrol cruiser are labeled “B,” and Ofc. Langley and his patrol cruiser are labeled “C”.



Image 2: A still photo from Ofc. Burns’ body-worn camera that shows Mr. Redfern (circled in red) standing on the front porch shooting at the officers. The small point of light circled in green is the muzzle flash from Mr. Redfern’s handgun as he fired it. The time stamp on the BWC footage is in Coordinated Universal Time (UTC), the default setting on Axon camera systems; 04:38 UTC is 11:38 p.m. ET.

Over the course of the next forty seconds, Mr. Redfern and the officers exchanged gunfire, firing dozens of rounds among the four of them.⁴ During the exchange, Ofc. Schanberger fired

⁴ Prior to this point, body-worn camera footage allowed IID investigators to determine which person had been firing at a particular point. However, once the gunfight between Mr. Redfern and the officers began, multiple people were firing their weapons at the same time, and the overlapping noise made identifying an individual shooter impossible.

eight rounds from his handgun, Ofc. Burns fired sixteen rounds from his handgun, and Ofc. Langley—who discarded his rifle because he could not fix the malfunction—fired six rounds from his handgun. Mr. Redfern fired a total of eight rounds from his handgun during the incident.

By 11:38:40 p.m., the gunfire had ceased, and Mr. Redfern was moaning audibly from the front porch. Ofc. Langley loudly commanded Mr. Redfern to “Get on the ground!” and “Drop the

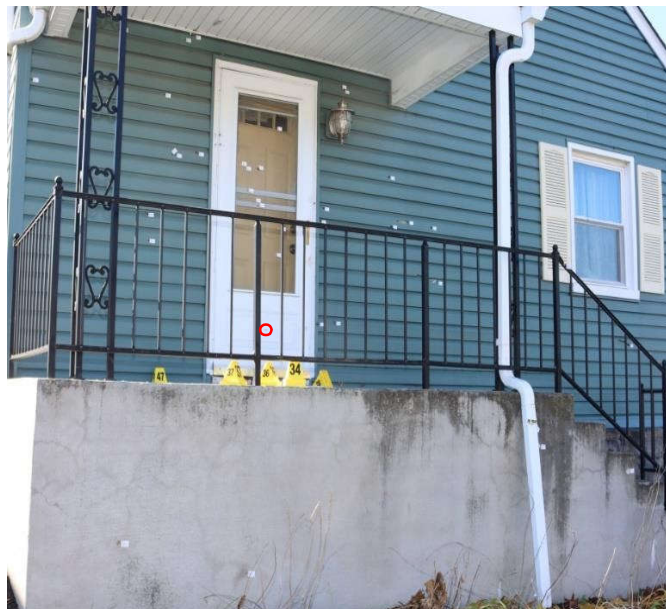


Image 3: Crime scene photograph of the Redfern home after the incident. The small white markers denote bullet impacts. One marker is circled in red because it would not be visible otherwise.

weapon!”, and backup officers began arriving in the seconds that followed. Ofc. Langley radioed to dispatch, “We got [Ms. Redfern] at the front door, the subject’s not complying. We can’t see him, there’s rugs in front of the porch. But he is still on the front porch,” and told the backup officers that Mr. Redfern had not been secured and was likely still armed.

As the backup officers began surrounding the home, they and Ofc. Langley repeatedly shouted, “Stay down!” and “Put your hands on your head!” at Mr. Redfern. Ofcs. Schanberger and Burns continued taking cover behind cars in the interim. About five minutes after the shooting ended, a supervisor arrived on scene, and Ofc. Langley gave him a brief tactical update. From there, BCPD officers

decided to form an entry team and use a ballistic shield to approach the porch and secure Mr. Redfern, Ms. Redfern, and the interior of the house.

The entry team approached the house at 12:01 a.m.; team members secured Mr. Redfern and Ms. Redfern while others advanced into the house, loudly announcing themselves as police in the process. Mr. Redfern was lying face down and unresponsive on the porch when the team arrived, he was handcuffed, and one team member recovered a handgun from beneath his torso. Ms. Redfern was lying unresponsive just inside the home, facedown with her left arm underneath her torso. Officers handcuffed her and checked her for a pulse; finding none, they began rendering aid to her on the front patio while waiting for medics. Both Mr. Redfern and Ms. Redfern were pronounced dead on the scene by EMS personnel.



Image 4: Crime scene photograph of the handgun recovered from underneath Mr. Redfern’s body by the entry team.

III. Supplemental Information

The Redferns' autopsies were both conducted by OCME on November 26, 2023. The autopsy report states that multiple gunshot wounds caused both Redferns' deaths and determined that the manner of both of their deaths was homicide.⁵ As previously mentioned, Mr. Redfern used a .40 caliber handgun during the incident, and all the officers were firing 9-millimeter handguns. Because a single bullet can create multiple wounds, the number of wounds is not necessarily indicative of the number of times a person was struck.

Ms. Redfern's autopsy revealed that she suffered fifteen gunshot wounds during the incident. More specifically, wounds were located on:

- the left and right sides of her upper back,
- her right lower back,
- the left and right sides of her chest,
- the left and right sides of her abdomen,
- multiple parts of her left and right arms, and
- in her right thigh and lower leg.

Four bullets or fragments were recovered from her body:

- one .40 caliber bullet fragment,
- one .40 caliber bullet,
- one 9-millimeter bullet, and
- one unidentifiable lead-like fragment.

The wound path of the gunshot wounds in her upper back traveled downward from back to front, fractured multiple ribs, and injured both of her lungs, diaphragm, liver, large bowel and small bowel. The .40 caliber bullet fragment was recovered from Ms. Redfern's lower back and followed a downward wound path from back to front. It injured her large bowel, spilled some of her intestinal contents, and caused soft tissue hemorrhaging. The .40 caliber bullet was recovered from Ms. Redfern's left forearm and traveled front to back, right to left, and upward, which caused soft tissue hemorrhaging. The 9-millimeter bullet was recovered from Ms. Redfern's left lower abdomen and followed a wound path upward from front to back and injured her small and large intestines, her stomach, and her left kidney. The lead-like fragment was found in Ms. Redfern's right hip.

Mr. Redfern's autopsy revealed that he suffered five gunshot wounds. More specifically, wounds were located on Mr. Redfern's:

- right side of his back,
- right flank,
- right buttock,
- right forearm, and

⁵ Manner of death is a classification used to define whether a death is from intentional causes, unintentional causes, natural causes, or undetermined causes. The Office of the Chief Medical Examiner of Maryland uses five categories of manner of death: natural, accident, suicide, homicide, and undetermined. "Homicide" applies when death results from a volitional act committed by another person to cause fear, harm, or death. This term is not a legal determination; rather, it is largely used to assist in the collection of public health statistics. *A Guide for Manner of Death Classification*, First Edition, National Association of Medical Examiners, February 2002.

- left thigh.

One 9-millimeter bullet was recovered from his right buttock. The bullet that entered Mr. Redfern's back exited through the right side of his chest caused soft tissue damage, fractured multiple ribs, and injured the lower lobe of his right lung, ultimately causing a hemothorax (blood collection in his chest cavity). The other gunshot wounds fractured his right arm and caused soft tissue hemorrhages. There was no evidence of soot deposition or gunpowder stippling associated with any of Mr. Redfern's gunshot wounds, which indicates that Mr. Redfern was not shot at close-range.

The Maryland State Police Forensic Sciences Division examined the bullets and fragments recovered from Mr. and Ms. Redfern's bodies. The .40 caliber bullet and fragment recovered from Ms. Redfern's body were consistent with Mr. Redfern's gun. The 9-millimeter bullets recovered from both Mr. and Ms. Redfern's bodies were consistent with Ofc. Burns' handgun. The lead-like fragment recovered from Ms. Redfern's body was determined to be unsuitable for examination. The Forensic Sciences Division also recovered bullets from Mr. Redfern's gun in the living room of the house beneath where Ms. Redfern had been laying, and from the grass in the front yard.

IV. Legal Analysis

In every investigation, prosecutors must determine whether to bring criminal charges against someone. When making that determination, prosecutors have a legal and ethical duty to only charge a person with a crime when they can meet the State's burden of proof; that is, when the available evidence can prove each element of that crime beyond a reasonable doubt. Prosecutors also need to determine whether the person accused of the crime could raise an affirmative defense. In those cases, prosecutors not only need to prove the crime, but they also need to determine whether the evidence could *disprove* the defense beyond a reasonable doubt. Ultimately, the decision to bring any charges rests on whether the available evidence is sufficient for prosecutors to meet those standards.

There are three relevant offenses that were considered in this case. First, and applicable in every Maryland police shooting, is the violation of Maryland's Use of Force Statute, which makes it a crime for officers to intentionally use excessive force.⁶ The second offense is voluntary manslaughter, which is an intentional killing, but not a murder, because the defendant acted in partial self-defense or partial defense of others.⁷ Voluntary manslaughter is the baseline charge that a prosecutor can bring in a homicide case; if a prosecutor cannot prove manslaughter based on the available evidence, then they could not prove murder either. The third offense, involuntary manslaughter, is specifically relevant to Ms. Redfern's death. Involuntary manslaughter is not an intentional killing; a person commits involuntary manslaughter when they act in a grossly negligent manner that causes the death of another person.⁸

⁶ See Md Statutes, Public Safety §3-524(d)(1).

⁷ Partial self-defense or defense of another exists when the accused person was not the aggressor and actually believed that they or another person were in imminent danger of death or bodily harm, but their belief was unreasonable, or they used more force than a reasonable person would have used. See MPJI-Cr 4:17.2; MPJI-Cr 4:17.3.

⁸ See MPJI-Cr 4-17.9.

Before proceeding to the more in-depth analysis, it is important to note two things. First, if a defendant acted in complete, rather than partial, self-defense or defense of others, then no criminal charges are appropriate. And second, any potential charges would be filed against individual officers based on their own actions, rather than for the conduct of the group as a whole.

The evidence in this case shows that the subject officers did not violate either of the aforementioned statutes because they were acting either in complete self-defense or in complete defense of others. Accordingly, the IID will not be pursuing charges against any of the subject officers. Below, this report explains in further detail why a prosecutor could not prove beyond a reasonable doubt that any officer committed a crime and could not disprove any of the relevant affirmative defenses: complete self-defense or complete defense of others.

A. Maryland Use of Force Statute

To convict an officer for violating the Use of Force Statute in Mr. or Ms. Redfern's deaths, prosecutors would have to prove that an accused person: (1) was a police officer; (2) used force; (3) used force that was not necessary and proportional to prevent an imminent threat of physical injury to themselves or another person, or to accomplish a legitimate law enforcement objective; (4) intended to use excessive force; and (5) that the force that was used caused a particular decedent's death.⁹

Determining whether a use of force is "necessary and proportional" to defend someone or accomplish a legitimate law enforcement objective is a fact-specific inquiry. But generally speaking, a use of force is considered "necessary and proportional" when the officer had no reasonable alternative under the circumstances, the use and level of force was appropriate in light of the officer's objective, and it was not likely to result in overly severe harm given the context in which it was used.¹⁰ When a factfinder—i.e., a judge or a jury—conducts this analysis, they must bear in mind the totality of the circumstances, including, but not limited to, the nature of the call for service, what occurred in the moments before force was used, what officers knew at the time force was used, and the time and distances involved.¹¹

1. Arnel Redfern

Because it is undisputed in this case that the subject officers were acting as police, that they fired their weapons, and that firing those weapons killed Mr. Redfern, prosecutors would need to establish two things to secure a conviction. To begin, they would need to establish that shooting Mr. Redfern was an act of excessive force by one or more officers, meaning that it was not

⁹ See MPJI-Cr 4:36, Unlawful Use of Force by a Police Officer (2d ed. 2022).

¹⁰ For a more detailed discussion of the "necessary and proportional" standard, see [this opinion](#) written by the Office of the Attorney General. See 107 Op. Att. Gen. Md. 33.

¹¹ See e.g., *Randall v. Peaco*, 175 Md.App. 320, 331 (2010) (citing *Graham v. Connor*, 490 U.S. 386, 396 (1989)) ("The test of reasonableness under the Fourth Amendment [...] requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.").

necessary and proportional under the circumstances. Second, prosecutors would need to establish that each individual officer charged *intentionally* used excessive force.

Here, the subject officers had a legitimate law enforcement objective; they were called to the home to investigate a domestic violence incident. Shortly after the police arrived, Mr. Redfern shot Ms. Redfern while she was standing in front of Ofc. Schanberger. Prior to opening fire, the officers did not reasonably have time to attempt de-escalation tactics; Mr. Redfern advanced toward Ofc. Schanberger on the front porch with a handgun mere seconds after shooting Ms. Redfern four times—three times as she opened the front door, and again as she laid on the floor. From that point onward, officers were facing an imminent threat of serious injury or death as they exchanged gunfire with Mr. Redfern.

In short, given the brief time and distances involved in this incident, the officers had no reasonable alternative to deadly force. Because the officers had no reasonable alternatives to deadly force, their shooting Mr. Redfern did not constitute excessive force. And because the force used was not excessive, there would be no way to prove that any officer *intentionally* used excessive force. Therefore, the subject officers did not violate the Maryland Use of Force Statute in Mr. Redfern's death.

2. Maxine Redfern

Regarding the use of excessive force against Ms. Redfern, prosecutors would have to prove the same elements listed above. However, it is important to note that the only police bullet recovered from Ms. Redfern's body was consistent with Ofc. Burns' gun, so any police-related charges filed regarding her death would need to specifically focus on him. In sum, prosecutors would need to prove that Ofc. Burns, as an individual, intentionally used excessive force on Ms. Redfern. There is no evidence that Ofc. Burns intended to use *any* force against Ms. Redfern.

Ofc. Burns arrived on scene just after Mr. Redfern shot Ms. Redfern three times. Upon being shot, Ms. Redfern shrieked, groaned, and fell to the floor. Thereafter, she remained inside the home, lying on the floor and positioned behind Mr. Redfern until the gunfight ended. Based on the body worn camera footage, Mr. Redfern appeared to be visible to Ofc. Burns since he was standing near the front door of the elevated home and appeared to have been actively shooting at Ofc. Burns. As previously stated, Ofc. Burns fired sixteen rounds in the direction of Mr. Redfern as he remained on the roadway positioned on the driver's side of his cruiser.¹² Thus, according to the evidence, it is unlikely that Ms. Redfern was in Ofc Burns' line of sight during the encounter.

In sum, while the evidence supports concluding that Ofc. Burns intentionally shot at Mr. Redfern in an effort to protect himself, his fellow officers, and Ms. Redfern, it does not support the conclusion that he intended to shoot Ms. Redfern. Because the evidence shows that Ofc. Burns did not intend to shoot Ms. Redfern, Ofc. Burns did not violate the Use of Force Statute in Ms. Redfern's death.

¹² See Images 1 and 2.

B. Manslaughter

For reasons explained below, the subject officers did not commit voluntary or involuntary manslaughter in this case. Both manslaughter offenses are subject to two affirmative defenses that are relevant here: complete self-defense and complete defense of others.¹³ That means that a prosecutor would need to *prove* the elements of the relevant manslaughter offense *and disprove* the elements of the affirmative defenses to secure a conviction. As indicated above, if an officer acted in complete self-defense or defense of others, as occurred here, no charge is appropriate.

Complete self-defense and defense of others exist when the accused was not the aggressor, actually and reasonably believed that they or another person were in imminent danger of death or serious bodily harm, and they used no more force than reasonably necessary under the circumstances.¹⁴ In cases where these affirmative defenses are raised by police officers, the reasonableness of the accused person's actions must be viewed from "the perspective of a reasonable police officer similarly situated."¹⁵ This means that the fact-finder must keep in mind that police officers often work under rapidly changing circumstances, and that what constitutes a reasonable amount of force may change from moment to moment.¹⁶ Bearing that in mind, and in light of the facts highlighted in the Use of Force Statute analysis, a prosecutor could not *disprove* complete self-defense or complete defense of others beyond a reasonable doubt here.

1. Arnel Redfern

In this case, the evidence shows that Mr. Redfern, rather than the officers, was the aggressor, because he shot Ms. Redfern in front of Ofc. Schanberger. The officers knew Mr. Redfern was armed and had a reasonable basis to believe that they, their co-workers', and Ms. Redfern's lives were in danger. Therefore, the facts in this case support an argument in favor of complete self-defense and defense of others and there is insufficient evidence to contradict them. And, for the reasons already mentioned, the evidence shows that deadly force was reasonably necessary given the circumstances. Because the officers have a valid claim for complete self-defense and defense of others, the officers did not commit voluntary or involuntary manslaughter with regard to Mr. Redfern's death.

2. Maxine Redfern

With regard to Ms. Redfern, the available evidence *would not* support a conclusion beyond a reasonable doubt that Ofc. Burns committed either voluntary or involuntary manslaughter against her.

a. Voluntary Manslaughter

To begin, Ofc. Burns' claims of complete self-defense and defense of others also apply to Ms. Redfern's death. In Maryland, when assessing criminal liability for the unintended

¹³ In Maryland, the reasonableness of an officer's self-defense claim is evaluated under the *Graham* standard rather than the "necessary and proportional" standard discussed in Section III (A).

¹⁴ *Porter v. State*, 455 Md. 220, 234-36 (2017); MPJI-Cr 4:17.2.

¹⁵ *State v. Albrecht*, 336 Md. 475, 501 (1994).

¹⁶ *State v. Pagotto*, 361 Md. 528, 555 (2000) (quoting *Graham* 490 U.S. at 397).

consequences of a defendant's actions (i.e., striking a bystander during an act of self-defense), courts focus on the defendant's *mens rea*—their mental culpability.¹⁷ If a defendant has the requisite *mens rea* to uphold a claim of complete self-defense or defense of others, that is, a subjective belief that their or another's life was in imminent danger that was objectively reasonable under the circumstances, then the claims are valid regardless of any unintended consequences.¹⁸ Applied here, Ofc. Burns self-defense claim relies on a reasonable belief that he was in danger of being shot by Mr. Redfern, and his defense of others claim relies on a reasonable belief that his co-workers and Ms. Redfern were in the same danger. As already stated, both beliefs were objectively reasonable under the circumstances, so both claims are completely valid.

Moreover, there is no evidence to support the contention that Ofc. Burns intended to shoot or kill Ms. Redfern, another element of manslaughter. Based on the body-worn camera footage, autopsy, and ballistic evidence, it is highly unlikely that Ofc. Burns could have seen Ms. Redfern. By the time Ofc. Burns started firing, Ms. Redfern had already been shot several times and was lying on the floor inside the home behind Mr. Redfern, who was firing his handgun toward Ofc. Burns.

Because Ofc. Burns had a valid self-defense claim and did not intend to shoot Ms. Redfern, he did not commit voluntary manslaughter.

b. Involuntary Manslaughter

In order to prove involuntary manslaughter in Ms. Redfern's death, a prosecutor would need to show that Ofc. Burns acted in a grossly negligent manner, and that his grossly negligent act caused Ms. Redfern's death. Ofc. Burns has a valid self-defense claim, which indicates that his actions under the circumstances were reasonable, and not grossly negligent.

Based on the evidence including the body-worn camera and OCME analysis, the evidence does not support a claim of involuntary manslaughter in the death of Ms. Redfern.

VI. Conclusion

This report has presented factual findings and legal analysis relevant to the November 24, 2023, Parkville, Maryland incident involving BCPD Officers Schanberger, Burns and Langley, Arnel Martez Redfern, and Maxine Rayniece Redfern. The Office of the Attorney General has declined to pursue charges in this case because the evidence showed that the officers acted in self-

¹⁷ See *Poe v. State*, 341 Md. 523, 530 (1996).

¹⁸ See *Malaska v. State*, 216 Md. App. 492, 517-522 (2014)

defense and in defense of others.

Based on the evidence obtained during the IID investigation, the subject officers are not in violation of a crime involving the deaths of Arnel Redfern and Maxine Rayniece Redfern.