

*State of Maryland,*

*City of Baltimore, to wit:*

**IN THE CIRCUIT COURT FOR BALTIMORE CITY**

The State of Maryland

-v-

**Kevin Hilton**

**Defendant:**

**INDICTMENT**

The Grand Jury of the State of Maryland for the body of the City of Baltimore, State of Maryland, do on their oath present that the aforesaid Defendant, late of said City, heretofore on or about **May 25, 2022** at **108 North Payson Street, Baltimore, Maryland 21223**, did commit an assault in the second degree and misconduct in office in violation of the Common Law and Criminal Law of Maryland; against the peace, government and dignity of the State.

**MANNER AND MEANS**

Among the manner and means by which the defendant conducted and participated in the acts of Assault in the Second Degree and Misconduct in Office are as follows:

1. On May 25, 2022, at all relevant times, Officer Kevin Hilton (hereinafter Officer Hilton) was on duty, in uniform, and working as a sworn law enforcement officer for the Baltimore Police Department (hereinafter "BPD").

2. That at approximately 1:57 a.m., Officer Hilton along with approximately five other police officers responded to 108 North Payson Street to serve two arrest warrants and two protective orders upon Mr. William Gunter (hereinafter "Mr. Gunter").

3. That Officer Hilton along with other officers walked Mr. Gunter to the patrol vehicle and Mr. Gunter sat down in the backseat of the vehicle.

4. That at the time, Mr. Gunter was in handcuffs with his hands behind his back. Mr. Gunter was seated with his legs on the outside of the vehicle.

5. That Mr. Gunter advised the officers that due to a knee replacement, he would not be able to bend his leg or lift it into the back of the vehicle.

6. That Mr. Gunter advised he needed transport via a transport wagon and implored the officers to lift his pant leg to observe his disabled leg.

7. That none of the officers attempted to check the condition of Mr. Gunter's leg.
8. That officers attempted to persuade Mr. Gunter to "try" and put his leg into the vehicle.
9. That Mr. Gunter continued to insist that he could not put his legs into the vehicle, and insisted that he needed transport via a transport wagon or comparable alternative.
10. That Officer Hilton advised Mr. Gunter "This is the only vehicle you're getting in boss."
11. That Mr. Gunter responded, "Ok. Well, guess what? Y'all gonna have a lawsuit."
12. That Officer Hilton immediately instructed the other officers to "watch out," pushed the other officers out of the way and grabbed Mr. Gunter by his legs.
13. That Officer Hilton shoved Mr. Gunter into the back seat of the vehicle by Mr. Gunter's injured leg as Mr. Gunter screamed in pain.
14. That Officer Hilton caused an offensive and harmful touching to Mr. Gunter without legal justification or Mr. Gunter's consent.
15. That Officer Hilton committed this offensive and harmful touching of Mr. Gunter while Mr. Gunter was handcuffed and in police custody.
16. That in doing so, Officer Hilton violated multiple BPD policies and procedures.
17. Prior to becoming a police officer, Officer Hilton was trained on all facets of the BPD's policies and procedures, including but not limited to: Policy 1114 – Persons in Police Custody, Policy 1115 – Use of Force, and 1739 – Reasonable Accommodations for Interactions with the Public.

On the date in question, BPD's Policy 1114 specifically stated:

*Members shall not use force against persons who are handcuffed or otherwise restrained, except in exceptional circumstances where it is objectively reasonable and necessary under the circumstances to prevent injury, escape, or destruction of property.*

*When a person is taken into custody, members shall: Ensure the detainee's safety is maintained at all times. Ensure reasonable accommodations are made for handicapped detainees.*

*At all times, persons in custody should be secured and transported in a manner that ensures their safe transport.*

*If a medical issue or injury is present or arises, ensure the detainee's safety is maintained at all times. Request/Provide medical attention prior to transporting a detainee, unless transporting the detainee directly to a medical facility.*

*Take precautions not to aggravate any injury when searching and restraining the detainee.*

On the date in question, BPD's Policy 1115 specifically stated:

*Members shall use only the force Reasonable, Necessary, and Proportional to respond to the threat or resistance to effectively and safely resolve an incident and will immediately reduce the level of force as the threat or resistance diminishes.*

*Members shall avoid the Use of Force unless it is not possible to do so.*

*Members shall use De-Escalation Techniques and tactics to reduce any threat or gain compliance to lawful commands without the Use of Force or with the lowest level of force possible.*

*Members shall not do or say anything that escalates an encounter unless necessary to achieve a lawful purpose.*

On the date in question, BPD's Policy 1739 specifically stated:

*Under the ADA, the following individuals must receive Reasonable Accommodations as needed to prevent disability-based discrimination: Individuals who have a physical or mental impairment that substantially limits one or more major life activities; individuals who have a record of a physical or mental impairment that substantially limits one or more of the individual's major life activities.*

*While members are not expected to diagnose a disability, they are expected to make reasonable observations of individuals in an effort to determine disability status. Members shall not make assumptions about an individual's disability status. Instead, when interacting with an individual suspected of having a disability, members shall ask the individual what assistance they need. Apart from individual disclosure, members may know or should know that they are interacting with an Individual with a Disability when the individual exhibits apparent signs of a disability...*

*Modifications should be individualized in accordance with the nature and history of the individual's disability as known by the member at the time, and made when reasonable under the circumstances.*

*Members are encouraged to gather as much information as possible about an individual's disability, with the individual's consent.*

*When a member knows or suspects that an individual has a disability, the member shall make reasonable modifications to investigation and arrest tactics in accordance with an individual's disability.*

*If an arrestee has a disability and requires the use of medical equipment (e.g., wheelchair, crutches, prosthetic devices), members shall adhere to Policy 1114, Persons in Police Custody, which requires members to transport medical equipment to the final destination of transport for Individuals with a Disability.*

18. All paragraphs herein are incorporated and affirmed as to the following additional counts:

### **CHARGE**

The Grand Jurors, having received evidence supporting paragraphs 1-18 herein, affirming and incorporating said paragraphs, do allege and charge the Defendant, Kevin Hilton:

### **COUNT 1**

The Grand Jurors of the State of Maryland for the body of the City of Baltimore, do present that the aforesaid Defendant, Kevin Hilton, a sworn police officer in the City of Baltimore, State of Maryland, on or about **May 25, 2022**, at **108 N. Payson Street, Baltimore, Maryland 21223** did assault **William M. Gunter** in the second degree, in violation of Criminal Law Article, Section 3-203 of the Annotated Code of Maryland; against the peace, government and dignity of the State.

Assault 2nd Degree, CR 3-203, 1-1415

**COUNT 2**

The Grand Jurors of the State of Maryland for the body of the City of Baltimore, do further present that the aforesaid Defendant, Kevin Hilton, a sworn police officer in the City of Baltimore, State of Maryland, on or about **May 25, 2022**, at **108 N. Payson Street, Baltimore, Maryland 21223**, acting under color of authority did knowingly, intentionally, and unlawfully commit the crime Misconduct in Office against the peace, government, and dignity of the State..

Misconduct in Office [Common Law] 9X 0042

Respectfully submitted,

Ivan J. Bates  
State's Attorney for Baltimore City

A handwritten signature in black ink, appearing to read 'Ivan J. Bates', written in a cursive style. The signature is positioned above a horizontal line.

The State's Attorney for the City of Baltimore