

THE RUTHERFORD INSTITUTE

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June 11, 2018

The Honorable Steven L. Trostle
Acting State's Attorney
129 East Main Street, Suite 300
Elkton, Maryland 21921

Lt. Colonel Frank B. Lioi
Maryland State Police
1201 Reisterstown Road
Pikesville, Maryland 21208-3899

Re: Joseph R. Neuberger Motor Vehicle Death Case

Dear Messrs. Trostle and Lioi:

The Rutherford Institute¹ has been contacted by the family of Joseph R. Neuberger, who died in March 2018 as a result of injuries sustained in a motor vehicle accident that occurred on October 26, 2017, in Elkton, Maryland. Mr. Neuberger's family has presented information that raises grave concerns about the integrity and transparency of the Maryland State Police's investigation of the motor vehicle accident.

For the sake of transparency, public accountability and the integrity of a police investigation into possible wrongdoing, we believe there is cause for an independent examination to be conducted of the accident and the subsequent investigation to determine whether Mr. Neuberger's death on a state highways was the result of criminal conduct and whether Maryland State Police investigations were tainted by some improper influences.

Background

The circumstance of the October 26 crash, which Mr. Neuberger's family has detailed and documented, indicates that Mr. Neuberger's vehicle was broadsided as he was making a left turn across the northbound lane of Elkton Road at its intersection with Iron Hill Road.

¹ The Rutherford Institute is a non-profit liberties organization that provides legal representation at no charge to individuals whose civil rights are threatened or infringed.

Maryland State Police officers responded to the scene and prepared a report that initially concluded that Mr. Neuberger was at fault for failing to yield the right-of-way to the northbound vehicle. However, when Mr. Neuberger's family successfully pressed for a supplemental investigation, serious errors and omissions were discovered.

Most significantly, the supplemental investigation revealed that the driver of the northbound vehicle, a 16-year old who got his provisional just six months earlier, was driving without his lights on and at between 61 and 73 m.p.h., significantly above the posted speed limit, at the time of the crash.

These facts were confirmed by the statements of witnesses, which were not included in the initial accident report, and a video recording of the crash, which was not revealed until late in the investigation.

Moreover:

- The initial report stated the speed limit at this stretch of Elkton Road was 50 m.p.h., when it was actually 55;
- Despite serious injuries to Mr. Neuberger, the Maryland State Police did not place a "hold" on the vehicles, which were subsequently sold and disposed of and cannot be subjected to detailed testing;
- Witness statements were not taken down for inclusion in the report; and
- Even though one of the officers who responded was a certified collision reconstruction specialist, no detailed investigation or analysis of the scene and vehicles was conducted, resulting in the loss of evidence.

Police reports fail to adhere to best police investigative practices

Despite the aforementioned evidence, the Maryland State Police officer who conducted the supplemental investigation concluded that Mr. Neuberger was the primary cause of the crash, thereby prompting the Neuberger family to retain independent experts to examine the reports prepared by the Maryland State Police.

These experts agree that both reports are riddled with errors and fail to adhere to best police investigative practices.

Based on the evidence presented thus far, it is clear that an independent investigation of both the accident and the ensuing investigations is necessary to ensure that concerns about Maryland State Police internal controls, improper influences and faulty police practices are addressed and resolved.

Messrs. Trostle and Lioi

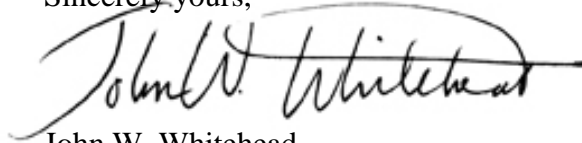
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At all times, it is essential that all branches of government, and law enforcement in particular, be wholly transparent about their activities and accept an examination of those activities that are questionable.

Thus, we urge you to take the steps necessary to conduct a complete and independent review of the October 26, 2017, crash that resulted in the death of Joseph Neuberger and the ensuing actions of the Maryland State Police.

Sincerely yours,

A handwritten signature in black ink that reads "John W. Whitehead". The signature is written in a cursive style with a long horizontal stroke at the end.

John W. Whitehead
President

The Rutherford Institute