

**REPORT OF THE DEPARTMENT OF JUSTICE**  
**DELAWARE CAPITOL POLICE USE OF DEADLY FORCE**

**SUBJECT: Thomas S. Matusiewicz**

**OFFICERS: Corporal Steven Rinehart**

**February 11, 2013**

**By: Timothy P. Mullaney Sr.**   
**Deputy Attorney General**  
**December 29, 2014**

## **Scope of the Investigation**

This is the final report of the Delaware Department of Justice on the investigation of Corporal Steven Rinehart of the Delaware Capitol Police use of force against Thomas S. Matusiewicz. Director of Special Investigations, Robert J. Irwin conducted the investigation. Deputy Attorney General Timothy P. Mullaney Sr. supervised the investigation and reviewed the use of force for the Department of Justice. Investigators examined the actual crime scene and also reviewed evidence, reports written by officers who responded to the scene and witness interviews.

## **Purpose of the Department of Justice Report**

The Department of Justice's investigation of law enforcement officer shootings serves a specific but limited purpose. The Department determines whether a law enforcement officer's use of deadly force constitutes a criminal act. The Department does not establish or enforce internal police policies concerning the proper use of deadly force by law enforcement officers. Law Enforcement Agencies are responsible for establishing and enforcing guidelines for the use of force by their officers and for determining whether an officer's actions were consistent with such guidelines in a given case.

This report expresses no opinion whether the officer's actions complied with the departmental policies or procedures concerning the use of force set by the Delaware Capitol Police or whether, with the benefit of hindsight, the officer could have proceeded differently. This is a matter of a separate internal investigation to be undertaken by the Delaware Capitol Police. The only purpose of the Department of Justice's investigation of the shooting is to determine whether the officer committed a crime when he used deadly force against Tom Matusiewicz. One of the issues that must be considered in any internal shooting is whether the use of deadly force by a law enforcement officer was justified under all of the circumstances.

## **The Facts**

On February 11, 2013 at approximately 0815 hours, a shooting was reported at the New Castle County Courthouse, 500 North King Street, Wilmington, Delaware. Investigators from the Special Investigations Unit responded to conduct an investigation into the use of force by law enforcement officers, as well as offer law enforcement support at the scene. On February 11, 2013 at approximately 0800 hours, Christine Bedford and Laura Mulford were preparing to attend a Family Court proceeding at the New Castle County Courthouse. Christine Bedford was the ex-wife of David

Matusiewicz, who is the son of Tom Matusiewicz, and she was a principal in the Family Court matter to be heard that day. Laura Mulford was a friend of Ms. Bedford and was accompanying her to Family Court for support.

Ms. Belford and Mrs. Mulford entered the courthouse through the north side revolving door. When the two women entered the courthouse, Tom Matusiewicz approached them and removed a concealed handgun and shot them both in the chest at close proximity. This shooting occurred in the main lobby but before the security checkpoint. Capitol Police Officers responded to the sounds of the gunshots and moved towards Tom Matusiewicz, who opened fire on the officers. It was at this time that Corporal Rinehart observed Corporal Manly go down from an apparent gun shot. While Matusiewicz was firing, he moved towards the revolving doors and exited through a standard door next to the revolving doors. While outside of the building, the subject changes out magazines and then attempts to re-enter the courthouse lobby again through the revolving doors. While inside of the revolving doors, Corporal Rinehart engaged the subject with his duty weapon and shot him in the left chest area. At this point, Tom Matusiewicz stepped out of the revolving door and placed his weapon in his mouth and shot himself. During this entire time Tom Matusiewicz was an active shooter engaged with law enforcement.

### Conclusion

After a thorough investigation and review of all statements and reports, it is the conclusion of the Department of Justice that, as a matter of Delaware Law, Delaware Capitol Police Corporal Steven Rinehart's use of deadly force was not a criminal act because the use of such force was justified under two separate sections of the Justification Statutes. Section 464 of Title 11 of the Delaware Code generally defines the legal use of force in self protection. It provides, in pertinent part, that "[t]he use of force upon or toward another person is justifiable when the [officer] believes that such force is immediately necessary for the purpose of protecting the [officer] against the use of unlawful force by the other person on the present occasion". Additionally, Section 465 of Title 11 of the Delaware Code generally defines the legal use of force for the protection of other persons. It provides in part, that "[t]he use of force upon another person is justifiable in order to protect a third person when: 1) the [officer] using the force would have been justified in using such force to protect the [officer] against injury which [he] believes to be threatened to the person whom the [officer] seeks to protect; and 2) Under the circumstance as the [officer] believes them to be, the person who the [officer] seeks to protect would have been justified in using such protective force; and 3) the [officer] believes that intervention is necessary for the protection of the other person."

Under Delaware Law, it is Corporal Rinehart's subjective state of mind which is of critical importance in determining whether his use of force was justifiable. The specific factual issue is whether Corporal Rinehart actually believed at the time he intentionally fired his weapon, that such action was necessary to protect herself from death or serious physical injury or for the protection of a third party from death or serious physical injury, so long as he was not reckless or negligent in having such belief or in

acquiring or failing to acquire any knowledge or belief which is material to the justifiability of the use of force.

Prior to firing his weapon, Corporal Rinehart had observed an individual, later identified as Tom Matusiewicz, open fire at point blank range at a female. Corporal Rinehart deployed his firearm fearing for the safety of this female subject and other civilians in the lobby area. Corporal Rinehart was advised by a fellow Capitol Police officer that he had been hit. Corporal Rinehart felt that he had to engage this subject, as he had already shot one civilian and a police officer and there were other civilians in the lobby at risk. Corporal Rinehart advanced towards the subject and fired his weapon several times. During this exchange of gunfire, Corporal Rinehart was hit in the chest and it was at this point that Corporal Rinehart realized that this subject was trying to kill him and he was in fear for his life. The investigation of the facts and circumstances fully support the reasonableness that Corporal Rinehart felt his life, as well as others in the vicinity were in danger. That belief was not formed recklessly or negligently. As a result, Corporal Rinehart's use of deadly force was justified and is not subject to criminal prosecution.