

**PRELIMINARY REPORT OF THE DEPARTMENT OF JUSTICE
WILMINGTON POLICE DEPARTMENT USE OF DEADLY FORCE**

**SUBJECT: Taje Beasley
OFFICER: M/Cpl. Darriel G. Tynes**

DATE OF INCIDENT: April 21, 2016

Dated: January 5, 2017

Scope of the Investigation

This is the preliminary report of the Delaware Department of Justice, Office of Civil Rights and Public Trust, on the investigation of the use of force by Master Corporal Darriel G. Tynes (“M/Cpl. Tynes”) of the Wilmington Police Department (“WPD”) against Taje Beasley (referred to hereinafter as “the subject” or “Mr. Beasley”). Investigators from the Office of Civil Rights and Public Trust examined the crime scene and also reviewed evidence, reports written by officers who responded to the scene and witness interviews. Attorneys with the Office of Civil Rights and Public Trust reviewed the use of force for the Department of Justice.

Purpose of the Department of Justice Report

The Department of Justice determines whether a law enforcement officer’s use of deadly force constitutes a criminal act. The Department of Justice 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 departmental policies or procedures concerning the use of force set by the WPD or whether, with the benefit of hindsight, the officer could have proceeded differently.

The Department of Justice is releasing a preliminary report to notify M/Cpl. Tynes and the public of our conclusion. As Mr. Beasley is still being prosecuted for offenses related to this incident, however, it would be inappropriate to issue detailed factual findings at this time. The Department’s final report will be released once those charges are resolved.

Conclusion

After a thorough investigation and review of all statements and reports, it is the conclusion of the Department of Justice that the State could not prove beyond a reasonable doubt that Wilmington Police Department M/Cpl. Tynes committed a crime when he used deadly force against Mr. Beasley. 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 defines the use of force for the protection of other persons. It provides that, “[t]he use of force upon or toward another person is justifiable to protect a third person when the [officer] would have been justified under § 464 of this title in using force to protect the [officer] against the injury the [officer] believes to be threatened to the person whom the [officer] seeks to protect.”

Under Delaware law, it is M/Cpl. Tynes’ subjective state of mind that is of critical importance in determining whether his use of force was justifiable. The specific factual issue is whether M/Cpl. Tynes actually believed at the time that he intentionally fired his weapon that such

action was necessary to protect himself or others from death or serious physical injury, so long as the officer 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.

The investigation of the facts and circumstances found evidence that would support a defense of justification, if made by M/Cpl. Tynes, because he believed that his life and/or the lives of others were in danger, and that belief was not formed recklessly or with criminal negligence. As a result, the use of deadly force by M/Cpl. Tynes is not subject to criminal prosecution.