

RULE 9 WARRANT
IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)	
)	
v.)	INDICTMENT BY THE GRAND JURY
)	
SAMUEL WATERS)	
)	I.D. NO. 2202013005
)	

The Grand Jury charges that:

Introduction Relevant to All Charges

1. SAMUEL WATERS (“DEFENDANT”) was an officer with the Wilmington Police Department (“WPD”). At all times relevant to this Indictment, he was serving in his official capacity as a law enforcement officer and public servant.
2. DEFENDANT, as a sworn police officer, was equipped with a nightstick and a body worn camera.

COUNT ONE. A MISDEMEANOR

#N _____

OFFICIAL MISCONDUCT in violation of Title 11, Section 1211 of the Delaware Code.

3. On September 12th, 2021, DEFENDANT responded to a call for an alleged domestic violence incident. Upon arrival VICTIM ONE was being placed under arrest and was not combative or violent with arresting officers. VICTIM ONE had their hands behind their back and was bent over the back of a vehicle while another Officer prepared to handcuff them.
4. DEFENDANT approached VICTIM ONE and placed his nightstick against the back of VICTIM ONE’s neck and repeatedly applied downward force on their neck.

5. The WPD defensive tactics and use of force instructor confirmed that this technique is not taught to Officers and is considered lethal force. The instructor further confirmed that the use of force exercised by the DEFENDANT against VICTIM ONE was disproportional.
6. Due to having their face and neck pushed into the back of a police vehicle, VICTIM ONE suffered injuries to their face, including lacerations and bruising.
7. Paragraphs 1 through 6 are incorporated herein.
8. DEFENDANT, on or about the 12th day of September, 2021, in the County of New Castle, State of Delaware, while being a public servant, and intending to cause harm to another person, or to obtain a benefit in the exercise of his authority, did commit an act constituting an unauthorized exercise of official functions, knowing that the act was unauthorized.

COUNT TWO. A MISDEMEANOR

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ASSAULT THIRD DEGREE in violation of Title 11, Section 611 of the Delaware Code.

9. Paragraphs 1 through 6 are incorporated herein.
10. DEFENDANT, on or about the 12th day of September, 2021, in the County of New Castle, State of Delaware, did intentionally or recklessly cause physical injury to VICTIM ONE by pushing his neck and face into the back of a vehicle.

COUNT THREE. A MISDEMEANOR

#N _____

ASSAULT THIRD DEGREE in violation of Title 11, Section 611 of the Delaware Code.

11. DEFENDANT, on or about the 12th day of September, 2021, in the County of New Castle, State of Delaware, did, with criminal negligence, cause physical injury to VICTIM ONE by means of a nightstick, a deadly weapon or a dangerous instrument.

COUNT FOUR. A MISDEMEANOR

#N _____

OFFICIAL MISCONDUCT in violation of Title 11, Section 1211 of the Delaware Code.

12. On September 21, 2021, DEFENDANT responded to a complaint that alleged VICTIM TWO had committed harassment.
13. DEFENDANT located VICTIM TWO inside a local business and initiated contact to arrest VICTIM TWO.
14. VICTIM TWO asked why they were being arrested, and DEFENDANT did not provide a reason.
15. VICTIM TWO had a small pocketknife on a clip attached to the right pocket, as well as a wallet in their left hand and a phone charger under their left armpit. DEFENDANT grabbed VICTIM TWO's right arm and placed same up against a nearby plexiglass window.

16. VICTIM TWO attempted to pull away and DEFENDANT responded by repeatedly pushing the back of VICTIM TWO's head and neck, forcing their face into the plexiglass window. VICTIM TWO was injured, suffering lacerations and bruising to their face.
17. DEFENDANT did not activate his body worn camera until after the incident. After an audit of DEFENDANT's body worn camera usage, it was determined that he frequently did not power on his body worn camera, in violation of WPD policy.
18. The WPD defensive tactics and use of force instructor confirmed that the use of force in this case, pushing the back of someone's neck and face into a wall, is considered lethal force and is not a technique which is taught. The instructor further confirmed that the use of force exercised by the DEFENDANT against VICTIM TWO was disproportional.
19. The appropriate amount of force to be used by an Officer against an individual is dependent on the level of aggression displayed by the arrestee. VICTIM TWO's conduct was not violent or aggressive with DEFENDANT. The escalation to lethal force by DEFENDANT against VICTIM TWO was unnecessary and inappropriate.
20. Paragraphs 1 through 20 are incorporated herein.
21. DEFENDANT, on or about the 21st day of September, 2021, in the County of New Castle, State of Delaware, while being a public servant, and intending to cause harm to another person, or to obtain a benefit in the exercise of his authority, did commit an act constituting an unauthorized exercise of official functions, knowing that the act was unauthorized.

COUNT FIVE. A FELONY

#N_____

PERJURY SECOND DEGREE in violation of Title 11, Section 1222 of the Delaware Code.

22. DEFENDANT wrote a warrant against VICTIM TWO and swore an oath that the information contained within that warrant was truthful.
23. DEFENDANT indicated in the warrant that he “immediately recognized” VICTIM TWO from “numerous law enforcement actions/shared intelligence from other officers.” DEFENDANT later admitted he was not familiar with VICTIM TWO and did not know VICTIM TWO by name.
24. Paragraphs 1 through 23 are incorporated herein.
25. DEFENDANT, on or about the 21st day of September, 2021, in the County of New Castle, State of Delaware, did swear falsely in a written instrument for which an oath is required by law with the intent to mislead a public servant in the performance of official functions and such statement was material to the action, proceeding or matter involved.

COUNT SIX. A FELONY

#N_____

TAMPERING WITH PUBLIC RECORDS in violation of Title 11, Section 876 of the Delaware Code.

26. DEFENDANT wrote and filed a police report describing the incident. Police reports are filed in the Law Enforcement Investigative Support System (“LEISS”) and constitute the records of a public office or a public servant.

27. DEFENDANT wrote in his report that he “immediately recognized” VICTIM TWO from “numerous law enforcement actions/shared intelligence from other officers.”

DEFENDANT later admitted he was not familiar with VICTIM TWO, and did not know VICTIM TWO by name.

28. DEFENDANT indicated in his report that he “was forced to escalate his control tactics in order to immediately secure [VICTIM TWO] and stop him from reaching for his waistband.” He further indicated that he “grabbed [VICTIM TWO]’s Left Trapezius and stepped forward” causing a “sudden loss of mobility/change in forward momentum” resulting in VICTIM TWO’s “face/chest to make contact” with the wall.

29. DEFENDANT’s description of the use of force is inconsistent with the video surveillance which depicts DEFENDANT pushing the back of VICTIM TWO’s neck and head into the plexiglass window.

30. Paragraphs 1 through 29 are incorporated herein.

31. DEFENDANT, on or about the 21st day of September, 2021, in the County of New Castle, State of Delaware, did with intent to defraud and knowing that he did not have the authority of anyone entitled to grant it, knowingly made a false entry in any record or other written instrument filed with, deposited in or otherwise constituting a record of a public office or public servant.

COUNT SEVEN. A MISDEMEANOR

#N _____

FALSIFYING A BUSINESS RECORD in violation of Title 11, Section 871 of the Delaware Code.

32. Paragraphs 1 through 29 are incorporated herein.

33. DEFENDANT, on or about the 21st day of September, 2021, in the County of New Castle, State of Delaware, with intent to defraud, did omit to make a true entry in the business records of an enterprise in violation of a duty to do so which he knew to be imposed by law or by the nature of his position, by omitting relevant facts in his police report regarding his interaction with VICTIM TWO.

COUNT EIGHT. A MISDEMEANOR

#N_____

ASSAULT THIRD DEGREE in violation of Title 11, Section 611 of the Delaware Code.

34. Paragraphs 1 through 29 are incorporated herein.

35. DEFENDANT, on or about the 21st day of September, 2021, in the County of New Castle, State of Delaware, did intentionally or recklessly cause physical injury to VICTIM TWO, by repeatedly pushing his head into a plexiglass window, causing lacerations to the face and bruising.

FOREPERSON

s/KATHLEEN JENNINGS
ATTORNEY GENERAL

David C. Skoranski

DEPUTY ATTORNEY GENERAL

Dated: February 28, 2021