

RULE 9 WARRANT – SEALED

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE)	
)	INDICTMENT BY THE GRAND JURY
V.)	
)	
DEMPSEY RICHARD WALTERS)	I.D. NO. 2309010713

The Grand Jury charges that:

Introduction Relevant to All Charges

1. DEMPSEY RICHARD WALTERS (“DEFENDANT”) is a Corporal with the Delaware State Police (“DSP”) assigned to Troop 6 in Wilmington, Delaware. At all times relevant to each count in Indictment he was serving in his official capacity as a law enforcement officer and public servant. All acts in this Indictment occurred in New Castle County, Delaware.

2. On or about August 17, 2023, DEFENDANT was off duty and returning to his residence, located in Elsmere, Delaware.

3. DEFENDANT encountered VICTIM ONE, a minor, near the entrance of DEFENDANT’S neighborhood. DEFENDANT believed VICTIM ONE was engaged in misconduct, and the two engaged in a verbal altercation. DEFENDANT contacted the Elsmere Police Department, who responded to the location and transported VICTIM ONE back to his residence located at ■■■ Taft Avenue in Elsmere. VICTIM ONE was not arrested or charged with any crime.

4. On or about August 18, 2023, DEFENDANT searched VICTIM ONE in DELJIS, a law enforcement information database that contains address, pedigree, and background information for individuals within the state of Delaware.

5. On or about August 21, 2023, at approximately 8:30 p.m., VICTIM TWO, a minor, was spending time with three friends, all of whom are minors, in the vicinity of Elsmere, located in New Castle County, Delaware. DEFENDANT and VICTIM TWO do not know each other and VICTIM TWO had no prior contact with DEFENDANT.

6. VICTIM TWO and his friends were walking past DEFENDANT's house, located in Elsmere, Delaware.

7. At this point, VICTIM TWO decided to play a prank called "Ding-Dong Ditch," wherein a person approaches a residence, rings the doorbell or hits the door and runs away. VICTIM TWO ran up to DEFENDANT'S house and, covering his face, kicked the door and immediately ran away.

8. DEFENDANT'S girlfriend was present in the house and heard a loud bang when the door was kicked. She viewed Ring Camera footage of VICTIM TWO kicking the door and called DEFENDANT.

9. DEFENDANT was on duty in New Castle County when his girlfriend called him and gave him a description of the person who had kicked the door of the residence and informed him that the subject and others present had fled.

10. DEFENDANT drove toward his residence and, while en route, called DSP troopers and other law enforcement agencies for assistance.

11. While he was in Elsmere, DEFENDANT spoke to a witness who informed him that several juveniles had run past him toward Taft Avenue. DEFENDANT drove to Taft Avenue, where he met two Newport Police Officers. DEFENDANT told the Newport Police Officers that a subject had attempted to kick in his door.

12. DEFENDANT was aware from the August 18 DELJIS search that VICTIM ONE resided at [REDACTED] Taft Avenue. At approximately 8:45 p.m., DEFENDANT again searched VICTIM ONE in DELJIS, which revealed VICTIM ONE lived at [REDACTED] Taft Avenue.

13. DEFENDANT and a Newport Police officer (“OFFICER ONE”) responded to the front of the residence. When OFFICER ONE made their presence known at the front door of [REDACTED] Taft Avenue, VICTIM ONE and a friend, also a minor, came to the front door. VICTIM ONE complied with all orders and was unarmed.

14. DEFENDANT forcibly pulled VICTIM ONE out of the doorway and forced him onto the ground, causing injuries to VICTIM ONE.

15. DEFENDANT then placed handcuffs on VICTIM ONE and VICTIM ONE was detained in the back of a police vehicle. VICTIM ONE was subsequently released without being arrested or charged.

16. After VICTIM ONE was placed into custody, DEFENDANT left the scene at Taft Avenue. While DEFENDANT was en route back to his residence, a Delaware State Police Officer (“TROOPER ONE”) located and detained VICTIM TWO and his friends near the intersection of Taft Avenue and Dupont Street.

17. DEFENDANT drove to the location where VICTIM TWO and his friends were being detained by TROOPER ONE. When DEFENDANT arrived, VICTIM TWO was face-down on the ground as TROOPER ONE struggled to secure VICTIM TWO’s hands in handcuffs behind his back.

18. Almost immediately upon arriving, DEFENDANT struck VICTIM TWO in the back of the neck/head with his knee, causing physical injury to VICTIM TWO.

19. TROOPER ONE then secured VICTIM TWO's hands behind his back with handcuffs and moved VICTIM TWO to the rear passenger-side seat of his police vehicle.

20. While TROOPER ONE was putting VICTIM TWO in the back of the police vehicle, DEFENDANT confirmed with a different trooper that VICTIM TWO was the person who kicked on his door that night. DEFENDANT turned off his body-worn camera and walked to the police vehicle.

21. While VICTIM TWO was seated in the rear passenger side of the vehicle, with his hands handcuffed behind his back, DEFENDANT struck VICTIM TWO in the right side of his face, causing an orbital fracture.

22. DEFENDANT then walked around the vehicle and turned his body-worn camera back on.

COUNT I. A MISDEMEANOR:

N# _____

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

23. Paragraphs 1 through 22 are incorporated herein.

24. On or between the 18th day of August, 2023, and the 21st day of August, 2023, in the County of New Castle, in the State of Delaware, when intending to obtain a personal benefit, or to cause harm to another person, specifically VICTIM ONE, DEFENDANT committed an act or acts constituting an unauthorized exercise of official functions, knowing that the act or acts were unauthorized.

COUNT II. A MISDEMEANOR:

N# _____

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

25. Paragraphs 1 through 22 are incorporated herein.

26. DEFENDANT, on or about the 21st day of August, 2023, in the County of New Castle, in the State of Delaware, did intentionally or recklessly cause physical injury to VICTIM ONE.

COUNT III. A FELONY:

N# _____

**DEPRIVATION OF CIVIL RIGHTS, in violation of Title 11, Section 1309 of the
Delaware Code.**

27. Paragraphs 1 through 22 are incorporated herein.

28. DEFENDANT, on or about the 21st day of August, 2023, in the County of New Castle, in the State of Delaware, while acting under color of law as an officer of the Delaware State Police, did knowingly subject VICTIM TWO to the deprivation of rights, privileges, or immunities secured or protected by the United States Constitution, the Delaware Constitution, or the laws of the State of Delaware; and serious physical injury resulted from the DEFENDANT's acts in violation of Title 11 Section 1309(c) of the Delaware Code.

COUNT IV. A MISDEMEANOR:

N# _____

ASSAULT IN THE THIRD DEGREE, in violation of Title 11, Section 611

of the Delaware Code.

29. Paragraphs 1 through 22 are incorporated herein.

30. DEFENDANT, on or about the 21st day of August, 2023, in the County of New Castle, in the State of Delaware, did intentionally or recklessly cause physical injury to VICTIM TWO.

COUNT V. A FELONY:

N# _____

ASSAULT IN THE SECOND DEGREE, in violation of Title 11, Section 612

of the Delaware Code.

31. Paragraphs 1 through 22 are incorporated herein.

32. DEFENDANT, on or about the 21st day of August, 2023, in the County of New Castle, in the State of Delaware, did intentionally or recklessly cause serious physical injury to VICTIM TWO.

COUNT VI. A MISDEMEANOR:

N# _____

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

Code.

33. Paragraphs 1 through 22 are incorporated herein.

34. On or about the 21st day of August, 2023, in the County of New Castle, in the State of Delaware, when intending to obtain a personal benefit, or to cause harm to another person, specifically VICTIM TWO, DEFENDANT committed an act constituting an unauthorized exercise of official functions, knowing that the act was unauthorized.

A TRUE BILL

(FOREPERSON)

KATHLEEN JENNINGS
ATTORNEY GENERAL



DEPUTY ATTORNEY GENERAL