



DEPARTMENT OF JUSTICE
NEW CASTLE COUNTY
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

CRIMINAL DIVISION (302) 577-8500
FAX (302) 577-2496
CIVIL DIVISION (302) 577-8400
FAX (302) 577-8630
TTY (302) 577-5783

JOSEPH R. BIDEN, III
ATTORNEY GENERAL

March 17, 2008

Colonel Thomas F. MacLeish
Superintendent
Delaware State Police
P. O. Box 430
Dover, DE 19903-0430

RE: Delaware State Police Department Shooting
December 6, 2007 --- Detective Corporal Lance Skinner

Dear Colonel MacLeish:

Enclosed please find a copy of the Report of the Attorney General regarding the December 6, 2007 Delaware State Police shooting.

Thank you for your cooperation during the course of our investigation. Please contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eugene M. Hall".

Eugene M. Hall
Director of Fraud Division

EMH/mam
Enclosure

COPY

REPORT OF THE DELAWARE DEPARTMENT OF JUSTICE

DELAWARE STATE POLICE DEPARTMENT SHOOTING

DECEMBER 6, 2007

BY: Eugene M. Hall
Deputy Attorney General

DATE: March 17, 2008

SCOPE OF THE INVESTIGATION

This is the final report of the Delaware Department of Justice on the use of deadly force against Lester Meyers by Detective Corporal Lance Skinner of the Delaware State Police on December 6, 2007. Director of Special Investigations Robert Carmine conducted the investigation. Deputy Attorney General Eugene M. Hall supervised the investigation and review of the use of force for the Department of Justice. Statements taken from both police officers and civilian witnesses who were at the scene were reviewed. Physical evidence, reports written by officers who responded to the scene or otherwise participated in the investigation, witness interviews, photographs, evidence and medical records were also reviewed by the Delaware Department of Justice.

PURPOSE OF THE ATTORNEY GENERAL'S INVESTIGATION

The Department of Justice's investigation of police shootings serves a specific but limited purpose. The Department determines whether a police 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 police officers. Police departments 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 State Police or whether, with the benefit of hindsight, the officer could have proceeded differently. This is a matter of a separate internal investigation being undertaken by the Delaware State Police. The only purpose of the Department's investigation of this shooting is to determine whether the officer committed a crime when he used deadly force against Lester Meyers. One of the issues that must be considered in any intentional shooting is whether the use of deadly force was justified under all of the circumstances.

FACTS OF THE INVESTIGATION

On December 6, 2007, Detective Corporal Lance Skinner accompanied by several other officers of the Delaware State Police and members of the Governor's Task Force executed a court authorized search warrant at the residence located at 32037 Siham Road, Whispering Pines Trailer Park, Lewes, Delaware. The search warrant was authorized based upon alleged drug sales from that residence. Prior to the execution of the search warrant, a briefing was held and teams were assigned for the entry into the trailer. Detective Corporal Skinner was to lead the entry team at the front door accompanied by other officers and a second team was assigned to enter the rear door. Upon arrival at the trailer, the teams assumed their respective positions. Detective Corporal Skinner could hear members of the other team shout "State Police, Search Warrant" and begin trying to breach the back door. At this time his team began to open the front door and observed a black male on the inside of the door who turned and ran

into the trailer and away from the officers. The door of the trailer opened inward and to the left and as Detective Corporal Skinner, the lead officer, entered, he observed two w/m subjects sitting in chairs across the room from him in the living room area of the trailer. His view of the remainder of the room was temporarily blocked by the door. As he progressed beyond the door, he turned and saw a person (later identified as Lester Meyers) on a couch to his left. He then observed Lester Meyers produce a silver colored handgun from under the cushion of the couch and point it in his direction. At that time, Detective Corporal Skinner believed it to be a deadly weapon and shouted "gun, gun" so that other members of the entry teams would know a gun was present. In fear of his life Detective Corporal Skinner fired two shots from his issued service weapon striking Lester Meyers and incapacitating him. First aid was administered to Lester Meyers and he was taken by ambulance to Beebe Hospital and treated for his wounds. Later examination of the weapon revealed that it was a chrome-colored pellet gun reproduction of a 9mm semi automatic handgun.

CONCLUSION

With respect to Detective Corporal Lance Skinner, Section 464 of Title 11 of the Delaware Code generally defines the legal use of force in self-protection cases. It provides that the use of force upon another person is justified when the individual using the force believes that it is immediately necessary for the purposes of protecting himself against the use of unlawful force by the other person. The law further provides that using deadly force is justified if the person using the force believes that such force is necessary to protect himself against death or serious physical injury. Under Delaware Law, it is the subjective state of mind of Detective Corporal Skinner that is of critical importance in determining whether his use of deadly force was justifiable in this case. The specific factual issue is whether Detective Corporal Skinner actually believed at the time that he intentionally fired his weapon that such action was necessary to protect himself from death or serious physical injury, provided however, that 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.

After a thorough investigation and review of all the statements, reports and other evidence described above, it is the conclusion of the Department of Justice that, as a matter of Delaware Law, Detective Corporal Skinner's use of deadly force was justified in this case. At the time Detective Corporal Skinner fired his weapon, Lester Meyers, had reached under a cushion of the couch on which he was laying and produced what appeared to be a firearm and pointed same at Detective Corporal Skinner. Detective Corporal Skinner believed that the use of deadly force was immediately necessary to prevent serious injury or death to himself. The investigation of the facts and circumstances of the shooting fully supports the reasonableness of that belief and that it was not formed recklessly or negligently. As a result, Detective Corporal Skinner's use of deadly force was justifiable under the circumstances and is not subject to criminal prosecution under Delaware law.