



## TRAINING UNIT

Sergeant Pat Gerrity #648  
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8 July, 2009

Sir,

The following is the investigation that you requested:

### **REASON FOR INVESTIGATION:**

On 5-28-09 four Officers in the Scranton Police Department were involved in an incident (09-22735) which occurred at 1501 N. Lincoln Ave. The suspect, Brenda Williams, created a deadly force situation in which she received fatal wounds when Officers discharged their service weapons. The purpose of this investigation is:

1. To ensure that proper departmental procedure was followed
2. To determine if any changes need to be made to the Scranton Police Department policies and procedures

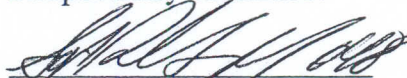
### **RESULTS OF THE INVESTIGATION:**

After a thorough review of the incident, incident reports and statements, including additional interviews with the Officers involved given by Sgt Gerrity, the following determination has been reached:

The Scranton Police Training Unit, specifically Sgt. Patrick Gerrity, has determined that no violations of Scranton Police Department policy or procedure were committed by any of the Officers involved. No changes to the policies are recommended at this time however changes to departmental procedures should be reviewed and discussed based on findings of the Mental Health Task Force that has been created after this incident.

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Respectfully submitted:

  
Sgt Patrick Gerrity #648

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Chief-

Here are some determinations made after interviewing the Officers involved in the shooting:

- Brenda Williams was free to walk around the apartment without restraint because she was not under arrest or did not appear to be a threat to anyone until the moment she grabbed the knife.
- The ambulance was originally requested to respond to the scene to stand by in case a 302 was necessary. This was based on prior knowledge of Ms. Williams' mental health concerns.
- The decision not to 302 Ms. Williams was based on the observations by Cpl Stanek that she was not a threat to herself or others, and that she had not made any statements that led the Officers to believe that she intended to do harm to herself or anyone else. Officers on scene were given a backup opinion by CLS ambulance crew on scene stating that in their opinion there were no grounds for the 302
- There were no threats or mention of weapons made by Williams during the incident until the moment Williams grabbed the knife and approached Officers.
- Officer James Smith had no other avenue of escape from the threat because of his position in the bedroom.
- Officers did not restrain or arrest Williams for yelling, cursing and screaming in her apartment because of the result of the Dawn Herb incident in which it was decided that restraint or punishment of such behavior is a violation of the defendant's civil rights.
- The use of Pepper Spray does not always have an effect on suspects and can create a more agitated state in mental health cases. In such a small apartment, the pepper spray would adversely affect the Officers in the apartment as well as the suspect. In addition, it is well documented that suspects that are pepper sprayed still have the ability to fight and injure Officers.
- Immobility caused by a Taser is based on where the Taser probes hit on the body. A Taser deployment does not guarantee that the suspect will not be able to continue to move certain body parts, even when both probes hit the suspect. Once the Taser cycle of 5 seconds is complete, the suspect has complete mobility and can still strike with any weapons at hand. This puts Officers in extremely close proximity to the knife strike ability of the suspect and enhances the opportunity to use the weapon on the Officer if the Officer were to attempt to disarm an armed suspect. Taser International teaches that the Taser is not a substitute for lethal force.
- Officers on scene were in the process of leaving and had planned on going to speak with Ms. Williams' mother regarding the incident and her behavior.
- When Williams left the bedroom and ran into the kitchen, she emerged with the knife so quickly that there was no time to follow her into the kitchen to observe her actions.
- ~~Officer Eric Jordan showed sound judgment in not firing due to having Officers in his backdrop, and not having a safe background to fire.~~
- Batons and Asps would not have been prudent due to the close proximity one would have to be in to engage with these tools.

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- In the case of *Neuberger v. Thompson*, the decedent, a 58 year old male with chronic paranoid schizophrenia was shot and killed by SWAT officers. The decedent's behavior was erratic and when confronted by police, he brandished a knife and was tasered and pepper sprayed, both of which had no effect. Officers were stabbed and cut during the incident, and the decedent was shot in the head by SWAT after Officers had become injured. This illustrates that a less lethal option in an encounter with a blade can place the Officers in an unsafe distance and at unreasonable risk to their safety. It also illustrates that not all subjects will be affected by the Taser and O.C. Spray.