

Delaware Criminal Justice Council

11 Del. C. §9210 Authorized Disclosures

Agency Information

Law Enforcement Agency: Wilmington Police Department

Date of Incident: May 14, 2024

Incident Details

Law Enforcement Officer has discharged a firearm at a person. ☒ Yes | ☐ No

Law Enforcement Officer's use of force that results in serious physical injury. ☒ Yes | ☐ No

An investigation that results in a sustained finding that a Law Enforcement Officer engaged in a sexual assault or sexual harassment. For purposes of this paragraph, "sexual assault" means the commission or attempted initiation of a sexual act by means of force, threat, coercion, extortion, or offer or implication of leniency or official favor, under the color of authority. Propositioning sex or commission of a sexual act while an officer is on duty is deemed a "sexual assault." ☐ Yes | ☐ No

An investigation that results in a sustained finding that a Law Enforcement Officer engaged in dishonest conduct. This includes, but is not limited to sustained findings of perjury, false statements, filing false reports, witness tampering, and destruction, falsification, or concealment of evidence. ☐ Yes | ☐ No

A sustained finding of domestic violence by a Law Enforcement Officer. ☐ Yes | ☐ No

Detailed Narrative

Please include a detailed narrative of the incident. A "detailed narrative" means a complete description of the facts, steps taken to further an investigation, evidence collected, conclusions reached, the names of officers involved for whom misconduct was substantiated, any discipline assigned in connection with the event, and the employment status of disciplined officers. 11 Del. C. § 9200(b)(1).

The detailed narrative may not reveal the name or any personal identifying information of a victim or witness. In a domestic violence case where revealing the name of the officer would also allow identification of the victim, the officer's name may be redacted.

The Criminal Justice Council shall post the narratives they receive under this paragraph on their website within 30 calendar days of receipt.

- I. On 14 May 2024 at approximately 1107 hours members of the Drug, Organized Crime and Vice Division, as well as the U.S. Marshall Task Force, attempted to conduct a motor vehicle stop in the area of West 4th and North Madison Streets. The vehicle was a maroon in color Hyundai Genesis bearing Delaware temporary registration XQ526597 that was being operated by Yazmyn Stewart (BFNH, 04/17/2001).

At this time Stewart had an outstanding warrant for her involvement in a shooting incident that occurred on 02 December 2023 (30-23-92528). Detectives activated their emergency equipment on their vehicles to conduct a stop on Stewart, who refused to comply, and began to flee. While fleeing in the Hyundai, Stewart struck multiple Wilmington Police vehicles. Detectives, along with uniformed officers pursued Stewart who fled from the original location onto I-95 North at a high rate of speed. During the pursuit, Stewart fled from the Hyundai she was operating and carjacked a black in color Chevrolet Tahoe bearing Pennsylvania registration LEV427. Stewart then fired a handgun multiple times at pursuing officers, before leading officers on another vehicle pursuit into Chester, Pennsylvania. (Chester PD case number 24-0884)

The pursuit ended in the 700 block of West 12th Street, when Stewart collided into a vacant home. She then forced entry into the occupied residence of 1204 Kerlin Street, where she remained for a short time. Approximately 8-10 minutes elapsed, at which time Stewart then exited the rear door of the residence. Stewart was observed entering a maroon in color Nissan Sentra bearing Pennsylvania registration LJR8243 in an attempt to flee again. Wilmington Police Officers Steele, Martin, and Vazquez, along with officers from Delaware State Police, Chester Police, and Trainer Police, discharged their firearms at Stewart while she was attempting to flee. Stewart was struck by gunfire, and later pronounced deceased at the scene.

II. Investigatory Steps

- Members of DOCV and U.S. Marshal Task Force attempted to conduct a motor vehicle stop in the area of 4th and Madison Street on a maroon, Hyundai Genesis (DE temp. XQ526597) that was being driven by Yazmyn Stewart. Stewart had an outstanding warrant for a shooting that occurred 02 December 2023. Detectives activated their emergency lights to stop Stewart who refused and began to flee. While fleeing, Stewart struck two Wilmington Police vehicles. Detectives along with uniformed pursued Stewart who began was traveling on I-95 north at a high rate of speed.
- During the pursuit, Stewart fled from the Hyundai she was operating and carjacked a black in color Chevy Tahoe (PA reg. LEV 4271) and fired at pursuing officers multiple times prior to the pursuit ending on W. 12th Street. (Chester PD case number 24-0883)
- During the pursuit, Stewart fled from the Hyundai she was operating and carjacked a black in color Chevy Tahoe (PA reg. LEV 4271) and fired at pursuing officers multiple times prior to the pursuit ending on W. 12th Street. (Chester PD case number 24-0883)

- The crime scene was secured by members of Wilmington Police Department, Delaware State Police, Chester PD, Pennsylvania State Police, and Delaware County PD.
- The crime scene was secured by members of Wilmington Police Department, Delaware State Police, Chester PD, Pennsylvania State Police, and Delaware County PD.
- The scene consisted of multiple spent rifle (35 DSP, 10 Chester, 5 Trainer) and handgun casings (29 WPD, 21 DSP), along with the aforementioned Tahoe and Nissan.
- The scene was processed by the Delaware County Investigation Division.
- The Hyundai Genesis that Stewart was operating when the pursuit began was towed to Wilmington Police Department for processing.
- Officers Martin, Steele, and Vasquez departmental issued firearm (Glock 45 9mm) were collected by FSU (Det. Stephey). This was witnessed by Detective Sergeant Shane Sowden who completed a Departmental Information form detailing the firearms information.
- Reviewed BWC of officers involved with the incident
- Reviewed interviews conducted by Sgt. Bucksner of the Criminal Investigation Division for all officers who either discharged their weapon or were involved.

III. Evidence Collected

- One Glock Model 45, 9mm semiautomatic handgun, Serial number BPRA270, equipped with holographic sight and weapon light .One 17 round factory magazine. One spare 17 factory magazine and 19 Federal ammunition cartridges.
- One Glock Model 45, 9mm semiautomatic handgun, Serial number BPRA281, equipped with holographic sight and weapon light. One 17 round factory magazine. One spare 17 factory magazine and 19 Federal ammunition cartridges.
- One Glock Model 45, 9mm semiautomatic handgun, Serial number BPRA321, equipped with weapon light only. One 17 round factory magazine. One spare 17 factory magazine and 19 Federal ammunition cartridges.
- Two (2) Federal REM 223 casings

- IV. Through this investigation it was determined that Yazmyn Stewart was had an outstanding warrant for her involvement in a shooting incident that occurred in December 2023. The investigation was assigned to the United States Marshal's Task Force Officer Detective Christopher White on April 16, 2024 at the request of Detective John O'Connor of the Criminal Investigations Division. After ensuring the warrant met task force criteria Detective White investigated same for five months. His yielded negative results for Stewart who also had an outstanding warrant for violation of probation.

Detective Robert Lynch of the Drug, Organized Crime, and Vice Division (DOCV) received information from a confidential informant who was able to purchase marijuana

from Stewart. Lieutenant Pfaff along with members of DOCV and U.S Marshal's Task Force, setup a controlled buy for the morning of May 14, 2024. At approximately 1107 hours members of DOCV as well as the U.S. Marshall Task Force attempted to conduct a motor vehicle stop in the area of West 4th and North Madison Streets. The vehicle was a maroon in color Hyundai Genesis bearing Delaware temporary registration XQ526597 that was being operated by Yazmyn Stewart. Detectives activated their emergency equipment on their vehicles to conduct a stop on Stewart, who refused to comply, and began to flee. While fleeing in the Hyundai, Stewart struck multiple Wilmington Police vehicles. Detectives, along with uniformed officers pursued Stewart who fled from the original location onto I-95 North at a high rate of speed. During the pursuit, Stewart fled from the Hyundai she was operating and carjacked a black in color Chevrolet Tahoe bearing Pennsylvania registration LEV427. Stewart then fired a handgun multiple times at pursuing officers, before leading officers on another vehicle pursuit into Chester, Pennsylvania.

The pursuit ended in the 700 block of West 12th Street, when Stewart collided into a vacant home. She then forced entry into the occupied residence of 1204 Kerlin Street, where she remained for a short time. Approximately 8-10 minutes elapsed, at which time Stewart then exited the rear door of the residence. Stewart was observed entering a marron in color Nissan Sentra bearing Pennsylvania registration LJR8243 in an attempt to flee again.

Based on these facts it was reasonable to conclude that Stewart posed an immediate threat thereby creating a substantial risk of death and/or serious physical injury to officers and the community. Officers Steele, Martin, and Vazquez responded to the deadly threat by firing their Departmental issued handguns, striking Stewart, and incapacitating her thereby neutralizing the threat she posed. After Stewart's vehicle came to a rest and no longer presented an immediate threat, the officers stopped firing. There weapons were secured and they held their positions until advised to leave the scene.

The actions of Steele, Martin, and Vazquez were justified given the totality of the circumstances. Further, their actions were in compliance with all of the Wilmington Department of Police's policies governing the use of deadly force.

- V. N/A
- VI. N/A
- VII. N/A