



State of North Carolina
General Court of Justice
Tenth Prosecutorial District

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Wake County District Attorney
Summary Report
In custody death of Mr. Darryl Tyree Williams

Following a thorough investigation by the North Carolina State Bureau of Investigation, the Wake County District Attorney has determined that no charges will be brought against the officers involved in the events leading to the in-custody death of Darryl Tyree Williams. Having reviewed the circumstances surrounding the use of force by Raleigh Police Department officers, including the deployment of conductive energy weapons (tasers), it has been concluded that the officers' actions were not a violation of the law as set forth in North Carolina General Statute 15A-401 which allows a law enforcement officer to use force to take into custody an individual attempting to elude arrest, or to defend himself or another from the use of physical force by an individual he is attempting to take into custody.

The District Attorney's authority is limited to a determination of whether a criminal law was violated and is not determinative as to whether any departmental policies were violated. Likewise, the decision to not pursue criminal charges against these officers does not prevent the review, and potential revision, of police practices in how law enforcement interacts with our community.

Video of the encounter of Mr. Williams' interaction with law enforcement on the date in question has previously been publicly released. [Police Body Cam Video Release from January 17 | Raleighnc.gov](#). Pursuant to City of Raleigh policy, the Raleigh Police Chief has also issued a five-day Preliminary Report of January 17, 2023 In-Custody Death on January 23, 2023. [Five-day Report | Raleighnc.gov](#) Additionally on June 7, 2023, the Office of the Chief Medical Examiner released to the public an autopsy report for Mr. Williams that set forth in detail the series of events and the contributing factors that led to his death.

At the request of the Raleigh Chief of Police and the District Attorney, the North Carolina State Bureau of Investigation (NCSBI) conducted an independent criminal investigation into the matter, and that investigation was provided to Wake County District Attorney Lorrin Freeman for review. Evidence collected during the NCSBI investigation was consistent with those materials previously released to the public. In addition to the bodycam video of the officers and

the autopsy, the District Attorney reviewed interviews of both law enforcement officers who deployed their tasers on scene and of civilian witnesses present at the time, data and reports regarding the deployment of the tasers, and the Raleigh Police Department Use of Force Policy and training materials related to the use of conductive energy weapons.

In reaching the conclusion in this case, the District Attorney considered, among other things, the following factors:

- Law enforcement officers were patrolling along Rock Quarry Road at approximately 2 a.m. on January 17, 2023 when they observed occupied vehicles in the parking lot of a sweepstakes location and several closed businesses. Law enforcement had been called to that address more than one hundred times in the previous year for a myriad of reasons including shots fired, trespass, suspicious persons, and controlled substance offenses.
- Mr. Williams and his passenger voluntarily opened their car doors and exited as the law enforcement officers approached them. At which time, officers observed a bag of marijuana in the front seat of the vehicle which led to the initial effort of officers to detain and to pat down Mr. Williams.
- Mr. Williams repeatedly failed to follow law enforcement commands throughout the entire encounter. As Officer Robinson was patting him down, Mr. Williams was told three different times to place his hands on the roof of the vehicle without complying. While Officer Robinson was attempting to place Mr. Williams under arrest for possession of suspected cocaine that he found on Mr. Williams' person, Mr. Williams broke away and started running.
- Raleigh Police Officer Robinson deployed his taser following unsuccessful attempts to handcuff Mr. Williams and as Mr. Williams was fleeing. Following being hit by this taser deployment, Mr. Williams fell into trash cans at which time officers again attempted to place Mr. Williams into custody. Mr. Williams successfully fought back to a standing position throwing two officers onto the pavement who were trying to handcuff him. Mr. Williams again began running but fell.
- Prior to the final deployment of the taser in drive stun mode as Mr. Williams was on the ground, he was directed more than twenty times to place his hands behind his back. Instead, he continued to push up with his arms on the pavement as if he was attempting again to stand.
- Mr. Williams had a substantial size advantage over the officers whom he was resisting. Mr. Williams was approximately six feet and weighed three hundred and eleven pounds.
- Law enforcement officers had not been able to conduct a thorough search of Mr. Williams prior to his attempt to flee and did not know whether he was armed.
- Both Officer Robinson and Officer Thomas expressed that they were concerned that Mr. Williams would assault and injure an officer as he continued to fight being arrested.
- The scene where this occurred had not been secured by law enforcement. There were multiple other individuals on scene in the dark parking lot. Officer Robinson reported that he was focused on trying to maintain scene security while the officers were struggling to take Mr. Williams into custody.

- Even with five law enforcement officers actively attempting to take Mr. Williams into custody, it was not until the final deployment of the taser in a pain compliance technique that officers were able to handcuff Mr. Williams.
- While Mr. Williams can be heard on bodycam video stating he had a heart condition prior to the final time he was tased, Officers Robinson and Thomas who deployed their tasers stated in an interview with the State Bureau of Investigation that they did not hear Mr. Williams' statement. There is no way to substantiate whether they did in fact hear Mr. Williams. This point alone is not outcome determinative in the legal analysis.
- The use of the conductive energy weapons was limited in frequency and length of application. Four taser deployments made contact with Mr. Williams. Only two of those instances had the potential to achieve neuromuscular incapacitation where the muscles temporarily contract and there is some loss of volitional muscle control. These contacts were each for less than five seconds. Three of these contacts were in drive stun mode at lengths of .40 seconds, 1.6 seconds cumulative and 4.25 seconds. Each deployment was followed by renewed directives and opportunity for Mr. Williams to comply.
- Officer Robinson who deployed his taser in a drive stun fashion after Mr. Williams indicated he had a heart problem had been tased as part of his training on the use of tasers. It is reasonable to believe that having been subjected to being tased, he did not consider the use of a taser to create a risk of death.
- Deployment of a conductive energy weapon, or Taser, is categorized as a less than deadly use of force. Law enforcement officers should be encouraged to use less than lethal force as a first resort over lethal force when circumstances warrant it.
- The autopsy cited multiple circumstances that contributed to Mr. Williams' death including cocaine toxicity, an enlarged heart, significant physical exertion and being subjected to a taser. These coexisting factors complicate a legal determination of the proximate cause of death.
- Following Mr. Williams being taken into custody, the car was searched and marijuana and other suspected controlled substances, and two firearms, including one that had been reported stolen, were recovered. Mr. Williams was on probation at the time of this encounter for felony maintaining a dwelling with intent to sell and deliver controlled substances, and as such was subject to being violated from probation and charged with possession of a firearm by a felon if apprehended by law enforcement. This may have been the basis of Mr. Williams' decision to resist and flee the officers.

Law enforcement officers are authorized to use force under North Carolina General Statute 15A-401 to take into custody an individual who has committed a criminal offense or who they reasonably believe may use force against them or another. In a criminal prosecution of a law enforcement officer for a use of force, the State must prove beyond a reasonable doubt that the use of force was not reasonable under the circumstances. The District Attorney has concluded that the totality of the circumstances in this matter makes a prosecution unsustainable and has asked that the case be closed.