

## IAI PASQUOTANK COUNTY SHERIFF'S OFFICE

**Incident:** **Officer Involved Shooting**

**Incident Date:** **Wednesday, April 21, 2021**

**Incident Location:** **421 Perry St Elizabeth City, NC 27909**

**Incident Objective:** **Service of a Search Warrant and outstanding warrant(s) on Andrew Brown Jr for PWISD Cocaine and Methamphetamine**

**IAI Team:** **Capt Buck Pipkin (Johnston County Sheriff's Office), Lt A. Ryan Benson (Johnston County Sheriff's Office), Lt Shannon Stewart (Pitt County Sheriff's Office), and Sgt Scott Peele (Wayne County Sheriff's Office)**

On Sunday, April 25, 2021 Sheriff Tommy Wooten II of the Pasquotank County Sheriff's Office, requested from the NC Sheriff Association that an outside Sheriff's Office conduct an internal investigation for his office. Sheriff Wooten said several of his Deputies were involved in an officer involve shooting were an individual had been shot and killed by his Deputies while executing a search warrant and arrest warrant on April 21, 2021.

Johnston County Sheriff, Steve Bizzell, Wayne County Sheriff, Larry Pierce, and Pitt County Sheriff, Paula Dance agreed to assign internal affairs investigators from their respective departments to conduct the internal investigation for Pasquotank County Sheriff's Office.

On Monday, April 26, 2021 at 9:45 a.m. IAI Team arrived at Pasquotank County Sheriff's Office (PCSO) and were briefed by Lt William Williams as to the events that occurred on Wednesday, April 21, 2021 at 421 Perry St Elizabeth City, NC. Lt Williams advised that a narcotic search warrant was issued by Superior Court Judge Jerry Tillett for the residence of Anthony Brown Jr. Lt Williams advised that Brown had been the subject of an ongoing narcotics investigation and at the time had outstanding warrants out of Dare County for narcotics violations. Lt Williams advised that PCSO SOAT (Special Operations and Tactics) Team assisted in the operation. Lt Williams advised that officers approached the residence driving a marked PCSO pickup truck. Lt Williams advised that at the time officers arrived on the scene Anthony Brown Jr was sitting inside a vehicle parked in the driveway of the residence. Lt Brown advised that as the officer approached the vehicle occupied by Brown he fled the scene driving the vehicle at which time shots were discharged into the vehicle. Lt Brown advised that Deputy A Lewellyn, Deputy D Morgan, Deputy K Bishop, and Deputy M Swindell were wearing body cameras at the time of the incident. Lt Williams advised that Deputy Aaron Lewellyn, Deputy Dewayne Morgan, and Deputy Ryan Meads did discharge their weapons at the scene.

Lt Williams provided the IAI Team a copy of Brown's Criminal History, copy of the issued search warrant for the residence, copy of the PCSO Special Operations and Tactics Operation Plan, and copies of PCSO Use of Force Policy (Policy 300)/Portable Audio and Video Recorders (Policy 423)/Public Recording of Law Enforcement Activity (Policy 424)/Officer Involved Shootings and Death (Policy 305). Williams advised that NCSBI Special Agent in Charge (SAC) Masha Rogers, requested the internal investigation be conducted after the NCSBI investigation had been completed. Williams received a witness list from SAC Rogers which listed individuals who had already been interviewed by the NCSBI. Williams also received permission to view Brown's vehicle which had been seized and stored at the NCSBI Field Office in Greenville, NC.

IAI Team obtained a copy of the body camera footage which was indicated to have come from the body cameras worn by Lewellyn, Morgan, Swindell, and Bishop.

**\*\*NOTE: The following is a summarization of the IAI Team's review of the provided body camera footage and does not include each and every event that was captured by the cameras. Times documented in the summarization were from the time stamps provided by the body camera footage of Deputy Lewellyn. For clarification Deputies/Officers mentioned in the summarization were identified by Lt William Williams\*\***

On Wednesday, April 21, 2021 at approximately 8:23:22 a.m. a marked PCSO pickup truck occupied by Deputy Aaron Lewellyn (rear cargo area), Deputy Dewayne Morgan (rear cargo area), Deputy Ryan Meads (rear cargo area), Deputy Joel Lunsford (front passenger seat), Deputy Kenneth Bishop (rear cargo area), Deputy Michael Swindell (rear cargo area), and Officer Justin Langley (driver, Kitty Hawk PD) arrive at the residence on Perry St.

Upon arrival officers pull into the drive way of the residence parking in front of a blue in color BMW passenger car ("vehicle"). The vehicle was backed into the driveway and was occupied by a black male, identified for the IAI Team as Anthony Brown Jr. Officer, with weapons drawn, approach the vehicle and verbally identify themselves as "Sheriff's Office". Further verbal commands are given to Brown to show his hands. Deputy Lunsford and Deputy Swindell move to the driver's side of the vehicle attempting to open the driver's side door, but were unsuccessful. During this time the vehicle backs up striking Deputy Lunsford with the front driver's side quarter panel. The vehicle continues to back up as Deputies are positioned around the vehicle. Verbal commands are given to Brown to stop the vehicle. The vehicle is driven forward and toward Deputy Lunsford. Deputy Lunsford places his left hand on the hood of the vehicle pushing himself away from the front of the vehicle. At this time, 8:23:34 a.m., an apparent gunshot can be heard.

Vehicle drives away from officers, through a vacant lot beside the residence, at which time (approximately between 8:23:36 a.m and 8:23:38 a.m.) a series of multiple gunshots are discharged at and into the vehicle by Deputies standing behind and to the right of the vehicle.

Vehicle continues to travel through the vacant lot, crosses Roanoke Ave, and strikes a tree in the yard of a residence located at 500 Roanoke Ave and becomes stationary (8:23:41 a.m.). At 8:23:42 a.m. a call for shots fires can be heard.

At 8:23:51 a.m. Deputies, with weapons drawn, approach the vehicle giving verbal commands to show hands. At 8:24:00 a.m. it can be heard for the request of EMS.

At 8:24:06 a.m. Brown is removed from the driver's seat of the vehicle and placed on the ground. Brown appears to be unresponsive with apparent injuries about the right arm and back of the head/neck.

At 8:24:25 a.m. Deputies and Officers ask for and gather First Aid equipment.

Body camera footage shows that multiple gunshots struck the rear glass, trunk lid, and passenger area of the vehicle.

### **Use of Force Policy 300.4.1 Moving Vehicles**

The PCSO policy states, "when feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants."

The video shows Brown's vehicle making physical contact with Deputy Joel Lunsford on two separate occasions. Both times Lunsford appears to be attempting to move out of the path of the vehicle. The video then shows officers firing at the vehicle while it is moving away from their positions resulting in multiple gunshot rounds striking the passenger side and rear of the vehicle.

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### VIEWING OF ANDREW BROWN'S VEHICLE

On Tuesday, April 27, 2021 at approximately 10:00 a.m. the IAI Team traveled to the Northeastern District of the NC State Bureau of Investigations (Greenville) after approval by SAC Masha Rogers to observe Brown's vehicle. The IAI Team were met by ASAC Reid Sasser and Special Agent Robert Evans. Upon viewing of the vehicle, there was what appeared to be 7 bullet holes to the passenger side of the vehicle, 4 bullet holes to the rear window, 1 bullet hole to the top of the trunk, and 1 bullet hole to the rear antenna for a total of 13 rounds. There was damage to the front windshield of the vehicle which appeared to have been caused by bullets and/or shrapnel traveling from rear to front.

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Reporting-Lt. K.S. Stewart Pitt County Sheriff's Office

On 4-26-2021 at 12:44 PM, I sent a text message to Beki Jumonville, with the Pitt County Medical Examiner's Office. The text message is as follows: "Hey Beki, Lt. Stewart here. Can you call me when you get a moment" I received a call from Beki at 12:53 PM. I asked Beki if she could tell me about the autopsy for Andrew Brown. Beki told me that the autopsy for Mr. Brown was completed last week. I explained to Beki that I was part of a special team assigned to investigate the incident that resulted in the death of Mr. Brown. I asked Beki if she could tell me how many times Mr. Brown was shot, any entrance and/or exit wounds noted, and any other documented injuries. Beki told me that they have received a lot of requests in reference to this case and Dr. Kelly has given a directive not to release any information except to those directly involved with the investigation. I insured Beki that I was in a need to know situation. Beki told me that she would have Dr. Kelly give me call. At 2:53 PM, I received a call back from Beki, and she asked me what exactly my involvement in this investigation was, so that Dr. Kelly could determine if she could release the information that I was requesting. I explained to Beki that I was part of a special investigation team assigned to do an internal investigation of the incident that led to the death of Mr. Andrew Brown Jr. Beki told me that she would relay the information to Dr. Kelly and Dr. Kelly would give me a call back. At 3:02PM, I received a call from Dr. Kelly. Dr. Kelly told me that she was hesitant to give out information in this case, but after we spoke, Dr. Kelly told me that she was going to put a note in the file and give me a summary of the injuries found during the autopsy.

Dr. Kelly told me that following in reference to the autopsy of Mr. Andrew Brown Jr.:

Mr. Brown had 2 gunshot wounds. #1 wound was to the right shoulder area, the wound was from right to left and upward. There is a projectile in the head of the humerus, right upper arm. The projectile is deformed. There is a wound #2 to the back of the head, at the hairline, back of the neck. There are 2 fragments in the brain. The fragments probably went through something else and then went into the head. The wound in the head was back to front, no specific angle, straight in. There are several incised wounds to the upper back and right thigh, possibly from glass or other shrapnel. Dr. Kelly told me that upon further review of the autopsy notes, that there is actually a copper jacket piece, along with the 2 fragments in the brain. Dr. Kelly told me that they discovered and a plastic bag from the mouth that contains a white substance, not powder, but it looks like white rocks. Dr. Kelly told me that the bag with the white rocky substance may be why Mr. Brown was running from the officers. Dr. Kelly told me that the SBI has not shared very much information with her about the incident and stated it would be nice to know more of the events surrounding it. I told Dr. Kelly that the SBI can share information with her, but evidentially they choose not to. I explained to Dr. Kelly that I am not allowed to share information from this investigation with her, due to it being an internal investigation. I thanked Dr. Kelly for her assistance in this matter.

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### IAI PRELIMINARY CONCLUSION

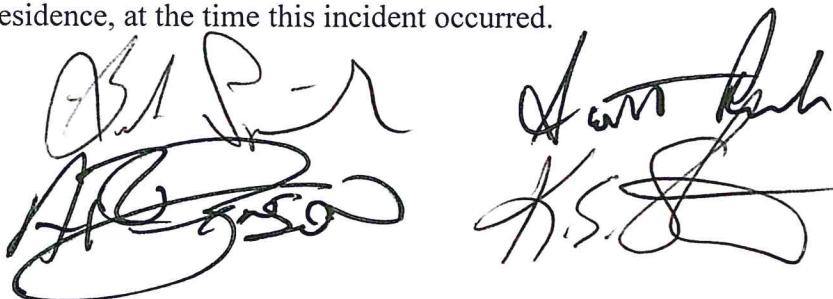
This IAI preliminary conclusion is based solely upon the body camera footage of the PCSO Deputies, viewing of the vehicle operated by Andrew Brown Jr, and initial findings from the autopsy conducted on Brown by the North Carolina Medical Examiner's Office (Greenville).

On Tuesday, April 27, 2021 Pasquotank County Sheriff Tommy Wooten II contacted the Sheriff of Dare County, Chief of Kitty Hawk PD, and Chief of Kill Devils Hill PD in reference to interviewing their Officers regarding this internal investigation. Sherriff Wooten advised that he was informed that these agencies would not allow their Officers to be interviewed at this time.

In regards to the IAI Team interviewing Deputies with PCSO, their Officers were not interviewed based upon PCSO Policy 305.7 (b) and 305.7 (b) (1) as attached in IAI file. Because of the aforementioned PCSO Policy any further internal investigation inquiry was terminated.

### Activation of the Audio/Video Recorder Policy 423.5

Upon review of the Body Worn Camera footage from this incident, it is clear that Deputy Ryan Meads and Deputy Joel Lunsford did not have a Body Worn Camera attached to their tactical vests, and therefore did not have their Body Worn Cameras activated during this incident. Please refer to PCSO Policy # 423.5(a). This was clearly an "enforcement contact" as Deputies were attempting to serve felony warrants on Andrew Brown Jr and a search warrant at Andrew Brown Jr's residence, at the time this incident occurred.

 Ryan Meads  
Joel Lunsford

4-28-21