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Berks County District Attorney Announces
No Charges to Be Filed in the Death of Vaughn T. Perkins

Investigation finds police officers discharged weapons lawfully
in self-defense and defense of another

District Attorney John T. Adams has determined that the actions of two Berks County Police Officers and two PA State Police Troopers on March 30, 2023, in the 900 block of Spring Street, Wyomissing Borough was a reasonable act of self-defense of another. The officers and troopers involved were justified in employing deadly force against Vaughn T. Perkins to ensure the safety of themselves and other officers. As a result, the officers and troopers will not be charged with any criminal offenses in connection with the incident that day.

Pennsylvania Law allows all persons, including police officers, to use deadly force in an act of self-defense and defense of others if the person reasonably believed that he/she faced an unlawful interference that created a risk of death or great bodily harm. If, as here, the person's actions are privileged under the law of self-defense they cannot be convicted of any crime.

On Thursday, March 30, 2023, at approximately 9:15 PM, Berks County District Attorney Detectives responded to the 900 block of Spring Street, Wyomissing Borough to investigate an officer involved shooting. The response by Berks County Detectives was pursuant to District John T. Adams' protocol to have an independent investigative agency investigate police shootings.

FACTUAL SUMMARY

On March 30, 2023, at 6:11 pm, the Pennsylvania State Police – Department Watch Center was notified by the U.S. Marshal's Service of a subject who was entered into NCIC (National Crime Intelligence Center) and was wanted for arson in Camden County, New Jersey. The subject was identified as Vaughn T. Perkins, 53 years of age, operating a black 2016 Lexus NX 200T, bearing PA registration MBT5447.

Additionally, the Camden County, New Jersey Prosecutor's Office – Homicide Unit was requesting a pick-up and hold for Vaughn T. Perkins for the arson and wanted for questioning in a double homicide that occurred on March 27, 2023. The alert also advised that Perkins is suspected of an additional double homicide in Philadelphia that occurred on March 30, 2023.

Perkins was considered to be armed and dangerous with prior assaults involving a weapon.

During the search for Perkins, the Deputy U.S. Marshal's Eastern Pennsylvania Violent Crime Fugitive Task Force provided the PSP-Watch Center with tracing pings coming from Perkins' personal cell phone. Those pings were distributed to PSP Troopers which eventually led them to Berks County. PSP provided the Berks County Department of Emergency Services with the BOLO information for Perkins and the updated ping information.

Subsequently at approximately 8:48 pm, Perkins' Lexus license plate was captured on the Wyomissing Police Department's license plate readers located within the Borough of Wyomissing. Patrol officers located the Lexus and attempted to conduct a traffic stop utilizing their emergency lights and audible sirens. The driver of the vehicle failed to stop, and a short pursuit ensued. Perkins drove his vehicle recklessly through the backyards of a residential area in the 900 block of Spring Street, Wyomissing Borough in an effort to escape apprehension. However, the Lexus struck shrubbery, a garden bed, and a woodpile, rendering the vehicle inoperable.

Then, law enforcement officers approached Perkins who was seated in the driver's seat of the Lexus. Officers gave verbal commands for Perkins to surrender. Perkins failed to comply to the commands and raised a long rifle pointing it at the officers. Two Berks County patrol officers and two PSP patrol troopers discharged their firearms, striking Perkins multiple times.

No police officers from Berks County, PSP troopers, or civilians were injured in this incident. Patrol officers cautiously approached the vehicle and discovered that the driver was deceased.

Subsequently, Berks County Deputy Coroner Eric Graeff and Chief Coroner George Holmes arrived on scene. Graeff officially pronounced Perkins deceased and transported him to the Reading Hospital.

On April 4, 2023, at 4:00pm, an autopsy was performed by Forensic Pathologist – Doctor Supriya Kurvilla. During the autopsy, multiple gunshot wounds were observed throughout the body of Perkins. Doctor Kurvilla preliminarily ruled that a single gunshot wound to the head was the fatal injury.

APPLICABLE LAW

Law Enforcement Officers' Use of Force

"Deadly Force" is defined as "force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury." 18 Pa.C.S.A. Section 501.

In Pennsylvania, the use of deadly force by a law enforcement officer is governed by Section 508 of the Pennsylvania Crimes Code.

A peace officer...need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest.

He is justified in the use of force which he believes to be necessary to effect the arrest and of any force which he believes to be necessary to defend himself or another from bodily harm while making the arrest.

In Graham v. Connor (1989) 490 U.S. 386, the United States Supreme Court held that the reasonableness of the force used "requires careful attention to the facts and circumstances" of the particular incident "including the severity of the crime issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." (Id., at 396) Further the Court stated, "the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene

rather than the 20/20 vision of hindsight.” (Id., at 396) Moreover, “the calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgements – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.” (Id., at 396-397).

The Crimes Code defines “deadly weapon” as:

Any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or serious bodily injury, or any other device or instrumentality which, in the manner which it is used or intended to be used, is calculated or likely to produce death or serious bodily injury.

CONCLUSION

District Attorney John T. Adams concludes that the officers/troopers were reasonable in their belief that they and others were in imminent danger of death or serious bodily injury due to Perkins’ actions of refusing to comply with all police commands and by pointing a long rifle at the officers/troopers. It is also reasonable to believe that Perkins had the intent and means to inflict death or serious bodily injury to the officers/troopers, and the officers’/troopers’ use of deadly force under these circumstances was reasonable and therefore privileged under Pennsylvania Law.

“Vaughn T. Perkins was on a violent crime spree. He was armed and dangerous and despite that fact, officers attempted to apprehend him peacefully. He failed to comply with their verbal commands, threatening the officers and causing them to use deadly force. While it is unfortunate that a life was lost, officers involved displayed courage for the protection of the public and each other.” District Attorney John T. Adams