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INVESTIGATION OF OFFICER-INVOLVED SHOOTING CONCLUDES; OFFICER CLEARED IN USE OF FORCE

YORK, Pa. (September 5, 2018) – York County District Attorney Dave Sunday announced today that the investigation of the police involved shooting of Greg Lorn Stough has concluded and has determined that the shooting was a lawful use of force. The Northern York County Regional Police Officer involved has been cleared to resume regular duty.

The investigation of the police involved shooting was conducted by the Pennsylvania State Police, as is the normal procedure for officer-involved shootings in York County. The Northern York County Regional Police Department and the Officer involved cooperated with the investigation.

The shooting took place during the early morning hours of January 6, 2018 at Stillmeadow Church of Nazarene, 400 Stillmeadow Lane, Manchester Township, York County, PA. On January 6, 2018 at approximately 3:21 a.m., an officer on routine patrol observed a Silver Pontiac Bonneville parked in the parking lot of the Stillmeadow Church of Nazarene with its headlights activated. The officer positioned his patrol vehicle behind the Pontiac Bonneville and conducted an investigation of a suspicious vehicle.

The officer approached the driver's side of the vehicle and made contact with the driver who he identified as Greg Lorn Stough. Stough was at the time sleeping in his vehicle. The officer informed Stough that the church does not allow people to park their vehicles in the parking lot overnight and suggested an alternate location to park.

A warrant check indicated that Stough had four active traffic warrants. The Northern York County Regional Police Department policy is to arrest all people they come in contact with who have an active arrest warrant. Officer Matthew Cicale arrived on scene to provide assistance.

Greg Stough verbally refused the officer's commands to exit his vehicle and revved his engine instead. Officer Cicale approached the driver's side of the vehicle and opened the door in an attempt to remove Stough from his vehicle. Ignoring the officer's commands, Stough then drove his vehicle in reverse, trapping Officer Cicale and forcing him backwards at a high rate of speed in the direction of another patrol car.

The initial responding officer drew his service weapon and fired (14) rounds at Greg Stough. The vehicle then shifted gears and drove forward towards the officer, ending up in a field to the south of the parking lot. Both officers checked on Stough in an attempt to provide medical aid, but observed a gunshot wound to his head and saw his chest was not rising. EMS personnel arrived on scene and confirmed Stough was deceased.

“The evidence showed that Officer Cicale approached the driver’s side of Greg Stough’s vehicle and opened the door in an attempt to effectuate a lawful arrest. Stough then slammed his vehicle in reverse, trapping Officer Cicale and forcing him backwards at a high rate of speed. Pinned between Stough’s vehicle and the driver’s side door, Officer Cicale was within seconds of slamming into either another vehicle or falling and being ran over. Believing Officer Cicale’s life was in jeopardy, the initial responding officer drew his service weapon and fired at Greg Stough, striking him multiple times in the head,” said Sunday. “The investigation conducted by the Pennsylvania State Police clearly indicates that the facts and circumstances of this case support the use of deadly force and therefore do not warrant any criminal charges against the officer involved.”

The rules governing the use of force in self-protection and protection of others are provided for in Pennsylvania Law. Generally, the use of force upon or toward another person is justifiable when the actor believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion. 18 Pa.C.S.A. § 505(a). “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. §501.

In Pennsylvania, the use of deadly force by a law enforcement officer is governed by Section 508 of the Pennsylvania Crimes Code. A law enforcement officer is “justified in using deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or such other person...” 18 Pa.C.S.A. §508(a). In addition, the use of deadly force by law enforcement officers is justified to defeat...the escape of a person who possesses a deadly weapon, or otherwise indicates that he will endanger human life or inflict serious injury unless arrested without delay. 18 Pa.C.S.A. §508(a)(1)(i)(ii).

The law regarding use of force for protection of other persons is found in 18 Pa.C.S.A. § 506. That section permits the use of force when the actor would be justified under § 505 in using such force to protect himself against the injury he believes to be threatened to the person whom he seeks to protect and he believes such intervention is necessary for the protection of the other.

There are specific provisions that relate to the use of deadly force. As stated in the Pennsylvania Crimes Code, the use of deadly force is not justifiable unless the actor believes that such force is necessary to protect himself against death or serious bodily injury, nor is it justifiable if the actor provoked the use of force against himself in the same encounter, or the actor knows that he can avoid the necessity of using such force with complete safety by retreating.

It should be noted, however, that a police officer justified in using force in the performance of his duties is not obliged to desist from efforts to perform such duty, because of resistance or threatened resistance. 18 Pa.C.S.A. § 505(b). In this context, a person employing protective force may estimate the necessity thereof under the circumstances, as he believes them to be when the force is used, without retreating.

Deadly force in law enforcement to prevent the commission of a crime is justified in cases where the actor believes there is a substantial risk that the person whom he seeks to prevent from consummation of the crime is prevented and that the use of such force presents no substantial risk of injury to innocent persons. 18 Pa.C.S.A. § 508(d)(1)(ii)(A).

In Graham v. Connor, 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 at issue, whether the suspect poses an immediate threat to the safety of the officers, and whether he is actively resisting arrest or attempting to evade arrest by flight.” Id. at 396. Further the Court stated, “[t]he reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene rather than with the 20/20 vision hindsight.” Id. at 396. Moreover, “[t]he 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 Pennsylvania Courts have consistently held that a vehicle can be considered a deadly weapon. 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 in which it is used or intended to be used, is calculated or likely to produce death or serious bodily injury.

Indeed, a claim of justification cannot be defeated by showing that the actor used more force than was necessary so long as he reasonably believed it was immediately necessary to kill in order to protect himself against death or serious bodily harm. See Commonwealth v. Fisher, 491 Pa 231, 420 A.2d 427 (1980).

Stough was pronounced dead on January 6, 2018 at approximately 4:24 A.M. An autopsy by Forensic Pathology Associates on December 29, 2017 determined that Stough died as a result of multiple gunshot wounds.

Approved for release:

Dave Sunday