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July 27, 2026

Mayor & Commissioners
City of Rehoboth Beach
229 Rehoboth Avenue
Rehoboth Beach, Delaware 19971

PRIVILEGED & CONFIDENTIAL

Re: May 19, 2026 Takeover Event Investigation

Dear Mayor and Commissioners:

This office was retained to conduct an investigation into the response of the City of Rehoboth Beach Police Department (hereinafter, the "Rehoboth PD") to certain events taking place on May 19, 2026 (the alleged "Takeover Event"), the subsequent charges brought and arrests made resulting therefrom, and the later dismissal of such charges by the Office of the Attorney General of the State of Delaware (hereinafter, the "AG" or the "AG's Office"). Please accept this letter (hereinafter, the "Report") as our findings of fact and conclusions reached following our investigation.

As a preliminary matter, the City of Rehoboth Beach (the "City") is our client in this matter. As such, this Report (including, but not limited to, all of the findings herein) are attorney-client privileged and may only be used or viewed by the City's Mayor, the Commissioners, the Solicitor, and City Administration ("Authorized Persons"). To that end, any sharing, transmittal or other disclosure of this letter and/or any of the contents of this letter and the attorney-client privileged information contained herein, by any individual Commissioner or the Mayor or any Authorized Person to anyone other than another Authorized Person is prohibited and would constitute a violation of the State's public integrity laws.

That said, the attorney-client privilege is a privilege of the client, not of the lawyer. The City may, therefore, decide to waive this privilege; a decision that

ultimately rests with the Mayor and the Commissioners. If the Mayor and Commissioners desire to make the contents of this report publicly available, they may *collectively* do so. To be clear, no single Commissioner or the Mayor or any Authorized Person can individually waive the privilege on behalf of the City. A decision to waive this privilege can only be made in a public vote of the members of the Mayor and Commissioners at a City Commissioners' meeting.¹ If the Mayor and Commissioners decide to waive privilege, certain findings in this confidential Report must stay confidential (for example, police report information cannot be released). As such, if release of the Report is contemplated, our office will provide a version of the Report with appropriate redactions for release.

A. Basis for and Scope of Investigation

On May 19, 2026 ("Event Date") due to the alleged Takeover Event, there was a large influx of individuals into the City, which is the apparent goal of the organizers of takeover events. Based upon the projected volume of people, and the City's experience with prior takeover events, the City kept officers on duty that were on special duty assignments available to assist and also sought assistance from other departments, including, but not limited to, officers from the Bethany Beach Police Department ("Bethany PD"), City of Lewes Police Department ("Lewes PD"), Town of Dewey Beach Police Department ("Dewey PD"), Delaware Department of Natural Resources Police ("DNREC Police"), City of Milford Police Department ("Milford PD") and the Delaware State Police ("DSP"). These additional officers were initially for crowd control and assisted with the breaking up of the crowd later in the evening.

The City issued at least 19 citations on the Event Date for various crimes and ordinance violations, including, but not limited to, underage possession/consumption of alcohol, marijuana consumption, disorderly conduct, and resisting arrest. As detailed below, many additional citations could have been given. The following day, the City sought a warrant charging each of the event organizers with intent to commit a riot (11 *Del. C.* § 1302(1)) and criminal conspiracy second degree under 11 *Del. C.* § 512(1). The warrants were signed by a judge in the Justice of the Peace Court. Each of the individuals charged under the warrant were African

¹ Naturally, any public vote to waive privilege of this investigation report would need to be placed on an agenda for consideration by the Commissioners at least seven (7) days in advance of the vote under Delaware's Freedom of Information Act ("FOIA").

American students enrolled at and attending Delaware State University (“DSU”), a historically black college located in Dover, Delaware.

Following the arrests and Rehoboth PD’s press release regarding the arrest, there was a bevy of press coverage, online mentions, and blogs discussing the police response to the event and the arrests. The NAACP and other groups reached out to the City regarding the City’s arrests, and some alleged that the arrests were racially motivated. Indeed, in an e-mail dated May 27, 2026, [REDACTED] wrote to the City:

The arrests, criminal charges, and widespread circulation of mugshots³ sent a clear message to our communities. Black presence was treated as a public threat. Black parents are questioning whether Rehoboth Beach is safe for their children. Black young people are asking why gathering at a beach resulted in criminal charges and public shaming. These are not abstract concerns. These are real fears about real lives being disrupted by a real system that moved real swiftly to criminalize their presence while claiming it needs more time before it can simply sit down and talk with us. Our youth are not expendable, and we will not treat this matter as routine.

Soon thereafter, the Office of the Attorney General of the State of Delaware (hereinafter, the “AG’s Office” or the “AG”) dropped the charges against each of the individuals. In dismissing the charges, the AG’s Office issued a statement to the press concluding that there was “no factual basis to charge the defendants with any criminal offense.”

² On July 18, 2026, our office e-mailed [REDACTED], asking for three things: (1) if she was willing to be interviewed for this Report; (2) if she could provide contact information for individuals attending the event; and (3) asking if she had any videos of the event from participants that she could share. We received no response to this inquiry.

³ Indeed “mugshots” of the individuals arrested were circulated. The Rehoboth PD, however, did not proactively release the arrest photos of the individuals charged. The photos were ultimately provided to Fox News and Coast TV at their request, as the photos were subject to disclosure under the Delaware Freedom of Information Act (“FOIA”). The City concluded that it did not have a basis to affirmatively withhold the photos under FOIA.

89 Following the dismissal of the charges, Joe Lawson of the Southern Delaware
90 Racial Alliance posted that the “four students [arrested] — [are] college students
91 with futures in front of them — were subjected to the full humiliating machinery of
92 felony prosecution for something that did not, legally speaking, rise to a crime at
93 all.” The post further stated that the charges were a rush to judgment. William
94 Byron, in a letter to the Cape Gazette, a visitor from Princeton New Jersey that was
95 on the boardwalk May 19 wrote, “[n]one of these kids were obnoxious, violent,
96 misbehaving” and he “concur[ed] with the thought that it is simply a gathering
97 of African American teenagers that alarmed and concerned people.”

98 Based on the foregoing, the City commissioned this investigation and Report
99 regarding the actions and conduct of the Rehoboth PD relating to the Takeover Event
100 including the legitimacy of the riot and conspiracy charges in light of the AG Office’s
101 public statement suggesting that such criminal charges lacked factual basis.

102 **B. Documents, Evidence Reviewed, Limitations**

103 For the purpose of conducting this investigation and rendering this Report,
104 we have examined the following documents and videotape footage relating to the
105 Takeover Event, all of which were provided to us by the Rehoboth PD and/or the
106 City:

- 107 1. The police report;
- 108 2. The affidavit of probable cause;
- 109 3. Separate police reports regarding individual incidents;
- 110 4. Issued citations;
- 111 5. The issued arrest warrants;
- 112 6. E-mails sent to us by the City regarding the Takeover Event;
- 113 7. Approximately seventy-one (71) videos spanning the time
114 period of 4:40 p.m. to 11:15 p.m. on the Event Date obtained
115 from the bodycams of various Rehoboth PD officers, and
116 Rehoboth PD vehicle cameras (collectively with all the videos,
117 the “Video Footage”);⁴ and

⁴ In addition to reviewing the video footage provided by the Rehoboth PD, our
office also conducted a random sampling of body camera and other videos in an

- 118 8. Two (2) videos from May 20, 2026 and two (2) videos from
119 May 21, 2026 depicting all four charged subjects being
120 processed on the warrants after turning themselves into
121 Rehoboth Beach PD.
122

123 We have assumed that: (i) all documents submitted to us as originals are
124 authentic; (ii) all documents submitted to us as copies conform with the originals of
125 those documents; (iii) any videotape footage reviewed is original and unaltered; (iv)
126 to the extent material to the investigation and Report, all signatures on documents
127 examined by us are genuine; and (v) each individual interviewed did so based upon
128 their own first-hand knowledge of the information provided.

129 We also examined and reviewed applicable provisions of the City of Rehoboth
130 Beach Code (the “Code”) and applicable criminal statutes of the State of Delaware,
131 as set forth on Exhibit A attached hereto and/or as otherwise specifically cited herein.

132 We conducted interviews of Rehoboth PD officers of varying rank who were
133 directly involved with and/or present at the Takeover Event and who, in some
134 instances, provided us with the documents and/or camera footage referenced above.
135 We traveled to the Rehoboth Police station where we were granted full access to the
136 video files. We randomly sampled video footage to confirm the videos provided to
137 us had not been altered from the originals. While we would have reviewed videos
138 from outside sources, no such video was provided to us from outside sources.

139 We initially had some difficulty reaching and interviewing people that
140 attended the event. We eventually reached out to three attorneys who were known
141 to have represented the individuals that were charged with attempting to incite a riot.
142 Two of the attorneys responded, which yielded an interview with one of the people
143 charged. The second attorney that responded requested that we provide written
144 questions to answer in lieu of an interview. Due to logistics, responses to those
145 written questions have not been received as of the date of this Report – but the
146 written questions were not sent until July 23, 2026. For the one individual arrested
147 for the riot charge that we interviewed, he indicated that he would try and connect
148 us with the other two individuals involved for us to interview. As of this date, we
149 have had no contact from the remaining two persons arrested on the riot charge. If
150 we receive further information from any of these individuals, we will issue an

effort to be sure key events or interactions were not edited out from the videos we
received. Our random sample review did not reveal any additional information.

addendum to this Report if necessary. We also spoke to a member of the public that reached out to us that had concerns about the events of May 19, and tried to contact anyone for which we had contact information that was at the beach or boardwalk the afternoon and evening of May 19.

We reached out to several area businesses for this Report and ultimately connected with six of them. We further received one unsolicited call from a property owner in the area. We also had a list of every arrest and criminal citation issued that day, sixteen of which had contact information (phone number or e-mail). We called or e-mailed virtually all the persons for which we had contact information⁵ – eventually connected with five of them.⁶

Other than as expressly stated herein, we have made no additional investigation or verification of the facts referred to herein and have not reviewed any documents, video camera footage, statutes or laws other than as expressly set forth above, on Exhibit A and/or as otherwise specifically cited to herein. We assume the factual statements provided during the interviews and the information set forth therein to be true, complete and accurate in all material respects. If additional factual information comes to light contrary to the facts presently assumed and understood, a change in facts or circumstances may alter the conclusions stated herein. While the strength of an investigation relies upon the evidence upon which it is based, we have no actual knowledge of the inaccuracy or incompleteness of any of the same as of the date of this Report.

C. Factual Background and Factual Investigation

1. Teen and Street Takeover Trend

Takeover events, sometimes referred to as “teen takeovers” have become popular across the United States. These events are organized by various groups posting on various social media platforms (such as Instagram and TikTok) the date and time of an event, along with relevant information about what to bring, what to expect and inviting anyone who wants to join to simply “show up.” Some organizers wait until the day of the event to post the exact location or time to deter police interference. The social media postings attached at Exhibit B demonstrate the nature

⁵ One person was not called because she was with her friend at the beach that day and we interviewed the friend.

⁶ Several of the numbers or e-mails we had ended up being out of service or invalid. We left voicemails for each valid number.

of some of these takeovers with statements such as (i) “5:30PM until it gets shut down”; (ii) “come turn up!”; (iii) “BYOB, BYOW, BYOE,”; (iv) “loud music”; and (v) “if we get shutdown too early, we’ll link at the backup.”⁷ While not specifically advertised as “teen” events, the social media posts often include pictures of teenagers.⁸

In just the past few months, these unsanctioned and often dangerous events have become rapidly popular along the east coast and often lead to vandalism and/or injuries. Over the 4th of July weekend, two large events made national news: (i) a takeover event in Newport Beach, California where over 400 people were arrested,⁹ and (ii) an event in Raleigh, North Carolina where 9 were injured and over 24 were arrested.¹⁰

A quick search of Instagram or TikTok shows that these events have also become popular in cities and towns across the State of Delaware. Based upon social media posts we reviewed, recently planned takeovers in Delaware include:

- (June 2) - a takeover of Smyrna’s Municipal Park;
- (June 11) - a “Block Party” at Williams Park in Dover;
- (July 9) - a “Meet Up at the Riverfront” in Wilmington;
- (July 14) - a “Turn Up” at the Riverfront in Wilmington;
- (July 24 - August 1) - a “State Fair Takeover” in Harrington; and
- (August 15) - an “Ocean City Takeover” in Selbyville.¹¹

⁷ See Exhibit B.

⁸ *Id.*

⁹ Andrea Flores, *Fireworks and fights: Hundreds arrested at Fourth of July celebration in Newport Beach* (July 5, 2025), <https://www.latimes.com/california/story/2026-07-05/newport-beach-july-4-fights-looting>.

¹⁰ Jessica Banov, *Raleigh teen takeovers leave 9 injured, dozens arrested during night of chaos*, (July 5, 2026), <https://www.msn.com/en-us/news/crime/raleigh-police-say-teen-takeovers-resulted-in-9-injured-during-night-of-chaos/ar-AA27ivaV>.

¹¹ See Exhibit B, Social media postings.

201 Additionally, a recent takeover in May planned via TikTok took place at
202 Christiana Mall in Newark. The takeover caused a fight among 100 teenagers and
203 subsequently led to the arrest of six juveniles.¹²

204 To date this year, the City has experienced five (5) takeover events¹³
205 (including the one that is the subject of this Report), each of which occurred within
206 the same month:

- 207 • May 2 - a takeover event took place planned by an individual
208 (rather than a group);
- 209 • May 5 - takeover event hosted by “Section8.ent” (hereinafter,
210 “Section8”);
- 211 • May 7 - takeover event advertised by “302Partiess”;¹⁴
- 212 • May 11 - “Senior Skip Day” promoted by “outsidewith26” for
213 Hodgson, Howard and YNT schools;¹⁵ and
- 214 • May 19 - the Takeover event organized by Section8.

215 **2. Advertisement of the May 19, 2026 Takeover Event in the City**

216 Approximately one week prior to the Event Date, Section8 posted the plan to
217 ‘takeover’ the City on May 19.¹⁶ Although the event advertisement has been taken
218 down online, a copy of the advertisement was provided to us and is attached hereto
219 as Exhibit D along with a day of event posting which states “THIS WHERE WE AT
220 !!!!” and provides a location of 2-98 Queen Street in the City. The organizers did

¹² Rosemary Feitelberg, *Six arrested after teen takeover at Christiana Mall*, MSN (May 19, 2026), <https://www.msn.com/en-us/news/crime/six-arrested-after-teen-takeover-at-christiana-mall/ar-AA23zRSr>.

¹³ See Exhibit C.

¹⁴ *Id.*, p. 3. Advertisements for this event included a “BYOB” and “BYOW” designation.

¹⁵ *Id.*, p. 4. Although these are high schools, that event was advertised as “BYOB” and stated that a speaker and DJ would be on site.

¹⁶ See Exhibit D. As a general matter, Rehoboth PD and the DIAC unit of the Delaware State Police review and monitor social media for potential events or criminal threats. For the previous takeover events, Rehoboth PD had more lead time.

not apply for or receive an event permit pursuant to City Code § 230-3. The event flyer states that the event begins at 2 p.m. and continues until sundown.

3. Factual Investigation

According to Rehoboth PD, they were aware from prior takeover events that, despite the advertised times, crowds normally did not gather until much later. Therefore, it was anticipated by the Rehoboth PD that the gathering would begin and end later than advertised on May 19.

i. Video Footage

The Video Footage demonstrates that officers first made contact with perceived takeover participants at approximately 4:40 p.m., and very large crowds associated with the event began arriving in the City after 6:00 p.m. While it is difficult to estimate the size of the crowds from the Video Footage, we safely estimate that, at approximately 8:20 p.m. when the crowd was first being disbursed from the beach, the crowd size totaled more than 500 and could have been as high as 650 or 700 people.¹⁷ After leaving the beach, most, if not all, of these individuals then proceeded to the Boardwalk and/or Rehoboth Avenue.

As stated above, as part of our investigation, we reviewed over seventy-five videotapes and many hours of video consisting of body cameras and car cameras, often showing the same event or same time periods from different vantage points. This video footage was reviewed as a contemporaneous record of the Takeover Event allowing us to corroborate statements made in interviews, as well as view the actual events as they occurred, the behavior of the participants, the actions of Rehoboth PD and other responding agencies and, to the extent applicable, the surrounding businesses, their patrons and the general public.

Video footage of the Event Date begins at 4:40 p.m. and ends at 11:15 p.m. and covers multiple locations. The videos demonstrate the following progression of the day and evening: (i) officers first make contact with various groups on the boardwalk and on the area of Rehoboth Beach directly in front of the boardwalk at approximately 4:40 p.m.; (ii) at approximately 7:40 p.m., officers largely move to the second location, the north part of Rehoboth Beach on the line with Deauville Beach, with the intent to assist DNREC with clearing the beach at sunset, the State park closure time; (iii) the crowd at Deauville and northern Rehoboth Beach are

¹⁷ See Exhibit E, still shots of crowd.

dispersed around 8:20 p.m. and make their way back to the boardwalk area until that is cleared around 10:10 p.m.; and (iv) video footage of the latter part of the evening centers around Rehoboth Avenue. While we did not transcribe the Video Footage as part of our investigation, the following provides a summary of the Video Footage.

- Rehoboth Beach and Boardwalk, 4:40 p.m.-8:00 p.m.

Officers are seen patrolling the beach where they encounter a small group of about 30 beachgoers with a tent playing loud music. Officers stop and explain that tents, alcohol and amplified music are not permitted on the beach. The group indicates that they understand and during the conversation officers suggest that the group move up the beach to Deauville Beach, a State Park immediately adjacent to the City limits. The Officers advised the group that Deauville Beach allows tents, music, and alcohol¹⁸ so long as not in glass bottles. The group, who states they are not part of Section8,¹⁹ agrees to move and begins to take down the tent and pack up. At some point, as the group packs up, Officers mention that they believe parking is also free at Deauville. The group reveals that they did not realize they had to pay for parking in Rehoboth and pack even faster in hopes that they had not yet received a ticket.

At that time, a young white woman from another, unrelated group, comes over and questions why the group is leaving. She states, "I am just making sure you are not..." (the remainder of which is inaudible).²⁰ Although inaudible, the Officers assure the woman there is no problem and she returns to her spot on the beach.

¹⁸ Although many State Parks do allow alcohol, it is not permitted on Deauville Beach and therefore this statement was made in error.

¹⁹ *See Id.* at 16:47-50 (Where quotes from the videos appear, they are cited for ease of reference of the drafter, however copies of the videos are not attached to the report.). A female officer has a conversation with a beachgoer who states this group is from UD. She and the officer discuss the prior Section8 event and the number of citations issued and the young woman states they do not want to get caught up with that group. The officer suggests this is another good reason to move to another beach (in addition to the tent, music, alcohol issue). The conversation with the officer inviting the young woman to come back to Rehoboth but, without a tent. "For future reference in Rehoboth, please come, but like, don't have a big tent like this."

²⁰ Video 1, 16:53-54.

274 Officers thanked the group for taking down the tent and heading out and joke
275 that they too had fun in college and they were not trying to ruin a good time. At one
276 point, a beachgoer asks if the other beach has a boardwalk and an officer stated, “no,
277 but you can come back after”²¹ inviting the group to return when done at the other
278 beach. They wish one beachgoer a happy birthday, tell them all to enjoy their party,
279 again state that “no one is trying to ruin a good time, trust me,” and thanks them for
280 making the officers’ job easier.²²

281 A second video showing the latter part of this interaction shows officers
282 walking to the sidewalk where the officers’ vehicles are parked and where the group
283 was getting in their cars as well. When the officers get to the street, they turn to find
284 the same woman who had questioned the officers on the beach following the officers
285 to the sidewalk. She asks the officers what is going on, and they invite her to speak
286 to the members of the group if she has concerns. She claims she already did and she
287 wants the officers’ point of view. The officers indicate that they are not going to
288 discuss other persons’ business with her, however, she continues to argue with them
289 and tells them that their actions are “weird” because the group was just listening to
290 music and having a good time. Officers explain that amplified music is not permitted
291 on the beach and at that time, a member of the group walks up and tells the woman
292 that they are fine.

293 The next several videos depict various interactions along the beach in
294 Rehoboth with Section8 attendees, several of whom are seen holding alcoholic
295 beverages. In each instance, the officers simply inform them that alcohol is not
296 allowed on the beach and ask them to put it away and/or pour it out. Officers chat
297 with many of the participants about their career goals and where they live. Officers
298 approach various groups, explain the local ordinances and the items which are
299 prohibited on the beach, and attempt to gather information about the event organizer
300 (which no one will provide). In at least one of the videos, Officers state this is the
301 fourth time they are dealing with this type of event and that the group needs to follow
302 the rules. Officers repeatedly tell people no drinking, no glass, no smoking, no tents
303 and no loud music, and that as long individuals are following the rules, they are fine.

304 Eventually, officers make contact with one event organizer, [REDACTED]
305 [REDACTED] chatted with [REDACTED] about the concern of large crowds resulting
306 in unruly behavior. [REDACTED] states that the organizers emphasize to participants that

²¹ Video 2 at 16:55.

²² *Id.* at 16:58.

they are to follow the rules and tells the officers that they should write tickets if people behave badly. There is discussion, again, of keeping the event down by the State Park end of Rehoboth where they can play their music. The conversation is one of cooperation and [REDACTED] states that he will try his best to keep everyone in control.

Throughout the early evening, Officers continued to encourage the group to move the gathering north to Deauville Beach, part of the State Park. Eventually, a good portion of the crowd moved north and relocated at the State Park site – just on the Rehoboth Beach border.²³

Meanwhile, videos from the boardwalk and the beach in front of the boardwalk demonstrate that officers patrolling those areas observe several folks consuming alcohol beverages on the boardwalk and playing loud music on the beach. Officers simply educate and ask them to stop, or in the case of alcohol, ask them to throw out the item. Attendees are rarely given an actual citation unless they fail to dispose of the item. For example, one woman sitting on a bench with several small alcohol bottles argued and asked to be permitted to “just chug it.”²⁴ When told ‘no, throw it out or ticket,’ she asked the dollar amount of the ticket and then stated, “give it to me.” The Officer requested her ID at which point she decided to throw it out instead. However, when she approached the trash can, she opened the bottle of alcohol and chugged it. As a result, the officer asked for her ID again to write a ticket. As it turned out, she was also under 21.

The Officer had her walk back to the vehicle and have a seat near the bandstand while he printed the ticket for underage possession of alcohol. While the woman was seated on a bench waiting, Officer [REDACTED] stood by to assist while the ticket was drafted. The young woman’s friends arrived and asked if she was okay. When she recounted the story to her friends she stated, “I was gonna throw it out and then I drunk it and he got mad and still took my ID.”²⁵ She then stated to her friends that it is fine, she “literally said give me the ticket,”²⁶ and continued “I am a

²³ One of the Officers present indicated that the crowd, at that time was in two separate groups in the same general area. Around dusk, those groups merged – making the crowd quite large.

²⁴ Video 12 at 19:17-19:19.

²⁵ Video 13 at 19:20.

²⁶ *Id.*

black young girl, he has nothing better to do.”²⁷ Once the ticket was printed, she was told how to pay and she left.

- Deauville Beach, 7:30-8:45 p.m.

By approximately 7:00-7:30 p.m. a very large crowd had gathered in the Deauville Beach area spilling into both the state park and Rehoboth Beach. While patrolling the beaches, officers observed marijuana use, alcohol violations, and noise violations, including the use of large speakers for amplification – which is not permitted in Rehoboth Beach. Additionally, the area where the crowd gathered does not have public bathroom facilities – which caused sanitation and health concerns given the large number of attendees.

Due to the size of the crowd and the violations occurring, Rehoboth PD determined it needed additional officers present for crowd control. Officers on duty that day available to respond to the event were [REDACTED] [REDACTED] [REDACTED] and [REDACTED]. [REDACTED] and [REDACTED] had special duty assignments that day to work the farmers market and for Office of Highway Safety.²⁸ Following their special duty assignments, they were asked to stay to assist with the takeover gathering. Once the crowd began to grow in size at Deauville, it was determined that the three DNREC rangers who were responding to close the State Park and the six Rehoboth PD officers were not enough for the situation. Additional officers from other agencies (some of which were already on site for the event) were called to assist. Dewey Beach PD (3 officers), Bethany Beach PD (2 officers), DSP (6 troopers), Lewes PD (2 officers) and the K-9 unit from Milford PD all responded to provide a sizeable police presence.²⁹ All totaled, 23 officers were called for public safety for the event – more than the total number of sworn officers in the entire Rehoboth Beach PD.

As many of the above-mentioned officers were arriving or in route to the area, at approximately 7:40 p.m., two officers from Rehoboth stationed themselves at the north end of Pennsylvania Avenue near the Deauville Beach/Rehoboth Beach line

²⁷ *Id.*

²⁸ Three other officers were on duty but were in training at the police chief's conference on May 19 – [REDACTED]

²⁹ One officer advised that the DSP Tactical Control Unit (TCU) was activated and present at the gathering. This was due to the size of the crowd and for officer safety.

where the group had gathered in mass. The two Rehoboth officers walked to the dunes to observe the crowd while awaiting additional officers to join them. When a DNREC officer arrived, there was again conversation about the fact that this was the fourth event this month.

As officers continued to arrive³⁰ and await closing time and instructions to clear the beach, participants were coming and going over the dunes and many stopped to talk to the officers and question what, if anything, they were doing wrong. Officers explain no amplified music, no alcohol, no tents, etc. (on the Rehoboth side). They also mentioned the trash on the beach and indicated the beach would be closing soon. As one participant is heard arguing with officers that they were not breaking any laws, another participant walks by carrying a can of "Cut Water," an alcoholic beverage. He agreed to pour it out. The individual arguing with the officer then approached a second officer and continued to argue with him about the music not being too loud and not breaking laws, all while holding the Cut Water. During the second conversation, the participant revealed that "someone peed in the dunes." Shortly thereafter, [REDACTED] arrived and the individual, having spoken to [REDACTED] earlier in the day, turned his attention to [REDACTED] and continued to argue that they were not breaking any laws to [REDACTED]. He then argued with a fourth officer who is heard commenting that he can "smell the weed being smoked from here."

Other interactions of note include: (i) [REDACTED] issued a civil citation for possession of alcohol/open container to a young lady entering the beach with a large glass bottle of Tito's Vodka; (ii) an officer is observed chatting with one of the gentlemen from the first interaction of the day, the group with the tent who earlier stated they were not part of the Section 8 event, and he states "we did not expect this"³¹ referring to the number of beachgoers; (iii) individuals entering the beach moments before officers are about to close the beach refuse to turn around when told it is about to close; and (iv) an individual walks past the man arguing with the fourth officer (as noted above) and states "fuck them"³² referring to the officers. Officers maintain calm and task oriented throughout these interactions.

³⁰ At 7:57 p.m., just before the State park closure time, six officers were on scene – 2 Rehoboth PD, 2 DNREC and 2 DSP. A Rehoboth PD officer can be heard on the phone with [REDACTED] discussing how and when to proceed with clearing the beach.

³¹ Video 16 at 20:11.

³² Video 20 at 20:19.

At approximately 8:20 p.m. (sunset) additional officers, including Rehoboth PD officers, responded to the north side of town to assist with clearing the beach. DNREC officers began the process of alerting the gathering at Deauville that the state park was closed using 2 vehicles and a pre-recorded announcement to disperse. When officers activated their lights and the message was played, the majority of the crowd quickly exited the beach leaving behind a large amount of trash and a few personal items. Dewey officers approached a group on the beach that remained after the clearing and, although sitting quietly, they had a cooler full of Cut Water. They were permitted to simply pack up and leave without citations issued.

Clearing the beaches ultimately forced the crowd on to the north side of the Boardwalk in Rehoboth.³³ As the crowd is making its way back to town, an officer is heard estimating about 600 people are headed to the boardwalk. While on the Boardwalk, the video evidence shows the behavior of the event participants and incidents that occurred which we have summarized below.

- The Boardwalk, 9:00-10:15 p.m.

As event participants reached the boardwalk, the group broke into pockets of people in different locations. Some groups gathered on benches near the beach entrances, a very small number of people went on the beach and the majority gathered near the pavilion and Candy Kitchen on the boardwalk. At this time, the Rehoboth PD called for additional backup, and this is when the Bethany and Lewes officers joined.

To address the beachgoers, officers in an ATV headed down to the beach at approximately 8:56 p.m. They made contact with a small group and asked them to leave the beach. They have a conversation about takeover events in general and how the officer has worked 8 events and every one has ended in a fight. The conversation is friendly and the group seemingly agreed to head back up to the boardwalk. No other groups are seen on the beach.

As most people were on the boardwalk at this point, there are not many videos of events in the street during the hours of 8:30 p.m.-10:00 p.m. However, at

³³ We are advised by Rehoboth PD that at approximately 7:30 p.m., the three DNREC Rangers asked for assistance in moving the crowd from Deauville when the State Park closed. Assistance was provided by Rehoboth PD as well as Dewey Beach PD.

approximately 9:39 p.m., officers got a call that the manager at [REDACTED] had requested assistance. Patrons were threatening not to pay their bill. Officers responded and stood by to assist. Ultimately, the bill was paid and officers were not needed.

Due to the large crowd and the behaviors of certain individuals in the crowd, officers witnessed businesses closing at or before 9:00. Our office reached out to several of the area businesses. [REDACTED] reported that it had to close early. They normally close between 10-11 but shut down around 9:00. They reported pounding on windows and indicated that families were fleeing causing a dramatic decrease in business. It was reported that employees were scared so they locked doors and people were pounding on the doors for him to open up. The owner paid for Ubers for all employees to go home. Similarly, [REDACTED] closed early. It was scheduled to close at 11:00 but closed at 9:30 due to a fight outside and police had to break up the fight. It was reported that employees waited in the back of the restaurant until safe to leave. Other nearby businesses, however, including [REDACTED] did not close early or report any incidents during our phone contact with them.

Back on the boardwalk, a good-sized crowd was present. Videos show a large presence of officers standing by and responding to incidents as needed. While there was a large police presence, they did not appear to be stopping individuals or interfering with free passage. They were, however, addressing violations of the law. A few citations were issued for offenses such as smoking marijuana in public, open container, underage drinking, and disorderly conduct. At least one person smoking marijuana in public ran from officers when confronted causing a foot chase and a resisting arrest charge. Additionally, a fight occurred between two individuals on the boardwalk which caused a large commotion. We believe this occurred at approximately 9:16 p.m. when an individual can be heard in the video yelling "oh shit" and the crowd began to run toward Candy Kitchen.

Following the fight, the crowd continued to concentrate around the Candy Kitchen and pavilion area. Generally, it was a noisy scene with individuals walking everywhere, yelling to one another, searching for other people, walking around singing, chanting and creating a level of noise which one might expect from a crowd of several hundred people. As the 10:00 hour approached, the concentrated group by Candy Kitchen became rowdier and began to challenge and taunt the officers. One man repeatedly taunted a police canine at the scene by dancing in front of the dog so closely the officer was forced to step back. Although the handler was able to maintain control of the dog, he repeatedly told the individual to stop or he was going

to get bit. Despite this, the man danced in front of the dog at least 3 times, at least one of which he was dancing while giving the officer and his canine the middle finger with the crowd cheering him on and filming the display.³⁴ Other participants began to ‘twerk’ and ‘grind’ seemingly in an effort to invoke a reaction from officers. Officers are observed simply standing by and not engaging.

Shortly after these events, with the crowd continuing to escalate the noise level, individuals on the border line of fighting one another,³⁵ and event participants yelling at officers and one another, the officers at the scene decided to disperse the crowd. Police vehicles were stationed at the south side of the boardwalk to attempt to block the crowd from simply heading south – with the goal of having the crowd go to their cars. On the north end, the Dewey Beach smaller ATV (a Polaris) was used to slowly push the crowd out toward Rehoboth Avenue and the Bandstand. At 10:09 p.m., a prerecorded audio asking the crowd to disperse was played – but the crowd largely ignored it.

- Rehoboth Avenue, 10:00-11:15 p.m.

Once the event participants left the Boardwalk area, some went to their cars³⁶ while others continued to hang around Rehoboth Avenue despite the fact that most businesses were closed. Officers noted loud music, underage drinking, and issued some traffic citations. There were, however, many more citations that could have been given – there was just too much happening to issue citations for every violation.

The Takeover resulted in two fights occurring. After an initial fight on the boardwalk around 9:15, DSP Troop 7 was called for additional backup. Around 10:37, a second fight broke out beginning in the Penny Lane Mall area and ending near First Street station. The response to the fight was caught on the videos. Officers were able to respond quickly and arrest both individuals, who were cited for

³⁴ See Exhibit E, still photos. Of note, the last photo depicts the same man seen taunting the dog earlier, leaning in to shake officers’ hands as he is leaving for the evening. On the video, he smiles as he shakes two officers’ hands to say goodbye.

³⁵ At 10:06 (Video 47) an officer can be heard stating, “they are trying to fight” as the crowd is filming something off camera and cheering on the alleged participants.

³⁶ As the Officers began dispersing the crowd, a few of the DSP officers left Rehoboth and repositioned themselves at the Wawa on Route 1 due to a concern that the large crowd would reconvene at that location.

disorderly conduct, however, the crowd that gathered around that fight did not want to disperse. Individuals near the fight were filming the incident and yelling at officers.

We observed a number of incidents involving disrespectful and accusatory language aimed toward Officers by participants. Some examples of the disrespect and behaviors directed at the police include:

- A young woman telling [REDACTED] "Oh yeah, you all definitely racists" (referring to the Rehoboth PD as a whole).³⁷
- When told to back-up during officers' attempt to arrest the two individuals fighting at 10:37 p.m., a woman tells the officer to "shut the fuck up."³⁸
- In response to being told it is time to go home, yelling "If you spray me, I'll sue your ass."³⁹
- Yelling "Screw you, I'll fuck you up" to officers.
- When an officer tells a group smoking weed in public it is illegal, a young woman responds, "Dumb ass n----- talking shit."⁴⁰
- Defiantly chugging alcohol in front of an officer who just told them to throw it away.
- Claiming an officer had nothing better to do than give a "young black girl" a citation despite the fact she was underage and chugged alcohol in front of the officer after he gave her a chance to throw it away with no citation, and then calling the officer "Boo" (referring to a citation, 'It will be paid tomorrow Boo').⁴¹
- Intentionally twerking, typically fully bent over with rear ends pointed at officers.

Likewise, we heard comments from officers demonstrating their frustration. Officers made comments such as, 'why can't we just pepper spray them all,'

³⁷ Video 44 at 22:14.

³⁸ Video 60 at 22:38.

³⁹ Video 54 at 22:43.

⁴⁰ Video 21 at 23:06.

⁴¹ Video 12 and 13 generally.

‘somebody make a decision,’ ‘why aren’t we doing anything’ all of which were related to not being able to get the crowd to go home. One officer is heard thanking a Dewey officer for coming and stating that Rehoboth PD had been asking for help for some time. These frustrations, however, were shared between officers and not directed at event participants. We did not observe any use of pepper spray, any officer threaten to use pepper spray, any use of force other than to subdue and handcuff the individuals engaged in a fight. Although we observed an officer yelling “get the fuck out of here”⁴² while trying to get the crowd to disperse and go home following the second fight at 10:37, we did not observe any threatening language or derogatory statements by officers toward event participants.

ii. Rehoboth PD Interviews

Our interviews of Rehoboth PD officers attempting to keep the peace at the Section8 takeover event confirm that the event was not a peaceful protest, but rather, a rowdy gathering with alcohol consumption, marijuana usage in public, public urination, loud noise, and other behaviors.

One [REDACTED] officer stated that he was very nervous during the entire incident because of the overwhelming number of people packed together in a tight area that were drinking, smoking, fighting, twerking and engaged in disrespectful behavior. That officer was amazed that no one got hurt. He stated that if no enforcement was present, he had no idea what would happen and in hindsight, they could have used even more officers that evening. Another officer interviewed stated that “this is not the usual way a crowd behaves.”

One officer said they had never seen anything like the crowd there that day – the individuals attending blatantly ignored commands from law enforcement repeatedly. That officer emphatically told us that the scene was chaotic and stated – “this cannot happen again.”

Another officer interviewed indicated that there was quite a bit of harassment of officers during the event – and that was confirmed by our video review as discussed above.

When asked about the behaviors observed on Rehoboth Avenue in the later part of the evening, one officer reported that they saw numerous cars with the doors wide open with people smoking pot and cars blaring loud music both while driving

⁴² Video 54 at 10:38.

and just sitting on Rehoboth Avenue. There were crowds that gathered in the median and as one officer put it “there was twerking in the streets.”

The officers’ recounting of events is consistent with the Video Footage. As stated above, our review of the Video Footage verified the following facts:

- Officers requesting people sitting in vehicles to turn down or turn off the music;
- People walking or standing in the vehicle travel lanes;
- Twerking and humping at various locations on Rehoboth Avenue;
- Drinking including underage drinking and possession;
- People trying to leave in vehicles unable to back out due to the crowd;
- Cursing and yelling;
- Numerous traffic violations;
- People being told not to smoke marijuana; and
- Standing/surfing on cars.

One officer stated in his interview that they stopped writing citations because they could have used up an entire citation book (approximately 25 citations) and still could not have given citations to all that were violating the City Code.

In the Video Footage, we observed numerous examples of officers electing not to issue citations after making contact with individuals for violations such as:

- Requiring alcohol to be thrown away rather than giving a citation at 9:15 p.m.
- Stopping a car with no headlights at 9:50 p.m.
- Stopping a vehicle for traveling the wrong way on a one-way road at 10:18 p.m.
- Observing a truck with 3 occupants in the truck bed while in motion at 10:27 p.m.
- Stopping a vehicle with no headlights at 10:28 p.m.

- Telling an individual not to smoke weed in public at 11:06 p.m.
- Confronting a group of smokers at 11:08 p.m.

iii. Other Interviews and Discussions

We spoke to several individuals who were at the beach that day. One college student stated that they were on the beach until about 6:00. That student saw the big crowd and noted a large police presence. She recounted an interaction with a police officer and stated that the officer informed her that different beaches had different rules – and stated that the officer was nice. This person thought that the police presence was unfair to the people at the beach because, in their view, nobody was doing anything illegal.

Another person we interviewed was a former employee of a local business that arrived around 4:00 to the beach. This individual, who stated they were not part of the event, described it as a crazy night and left after a fight started around 8:00. This person said there were a lot of people. They ended up going to their car, and had an interaction with a police officer regarding his speakers and loud music (this person ultimately received a citation for loud music). The person said the officer asked a lot of questions and was a little rude at first, but did not identify any police misconduct. A different person, who allegedly did not know about the event, received an open container citation. This person indicated that she was held in handcuffs for 20-25 minutes, and the handcuffs were too tight. When I asked if there was any police misconduct, that person responded that they felt the officer “was a little aggressive.”

Another person, an African American person who attended a college outside of Delaware, went to the beach that day with friends. They arrived between 3:00 and 4:00, and left before sunset. The person noted that there was a lot of people and a heavy police presence. This person indicated they did not see anything crazy – and there were a lot of college kids at the beach. This person’s main complaint was that they got an alcohol violation ticket but an adjoining group that was not of color did not receive a ticket. Another person interviewed indicated that they arrived at the beach between 10:00 and 11:00 and left around 4:00. They indicated that they had a small container of wine but the officer wrote it up as glass on the beach instead of an open container citation so the fine would be less. This person stated that they had never seen so many cops at the beach and saw police approach one group 4-5 times. This person felt that the police were targeting persons of color for tickets – but they did not specifically identify or witness any instances of police misconduct.

We spoke with a bystander witness - an African American resident of a nearby beach town in his fifties - who contacted us about the events of May 19th. He did not want to have his name in this Report. This witness stated that he had dinner with his fiancé at Claws Restaurant that day, arriving at approximately 4:00 p.m. He reported a mixed-race crowd at the Takeover Event and reported that a large police presence arrived around 6:00 p.m. He stated that the arrival of the large police presence made the situation “tense.” He stated that he did not believe the crowd was misbehaving, and he felt that the officers arriving at the scene “were looking for something to happen” and were “a little amped up.” The witness stated that he did not see any looting, drinking or smoking marijuana (but he did smell it). He stayed near the Boardwalk and after dinner, got ice cream and sat near the bandstand until 7:15 p.m. or so. In his view, the Officers did not observe what was happening – but instead engaged with the crowd. He felt the kids were not doing anything and they were spending money – and no one should have felt threatened. He did not allege any police officer misconduct and did not see any confrontations, but thought the officers should not have engaged the members attending the takeover as much as they did.

We also spoke to one of the four individuals identified in the arrest warrant. That person did not attend the event, and indicated that they were out of state at the time of the event. This person indicated that their only involvement was being on the Instagram bio for the event. Once this person knew of the warrant, this person was required to drive quite a long way to turn themselves. This person indicated that the booking itself took 2-3 hours. They said the situation was very confusing because they had not attended the event. This person and their representative indicated that this was a scary time that could have had long-lasting repercussions and they did not know how this could happen because they were physically not there. They were also upset about what people were saying about them online. They felt this was alarming and that the group arrested was unfairly being used as an example.

We also spoke with a property owner that owns property near the bandstand area who emphatically advised that “no one wants one of these takeover events to happen again.” And, as discussed below, we spoke with at least two businesses that indicated to us that they had to close early that night due to the crowd presence.

iv. Affidavit and Warrants

The next day following the Event Date, based upon the chaotic events of the evening before and the prior take-over events in Rehoboth Beach, Rehoboth PD

639 [REDACTED] wanted to investigate if charges would be appropriate for the
640 organizers of the event if there was cause to do so.

641 The task of investigating any such charges fell to Rehoboth PD [REDACTED]
642 [REDACTED] knew the names of the organizers of the previous
643 Section8 event because they were provided by DSU police after the May 5 event,
644 and because he had spoken to two of them on May 5.⁴³

645 As part of his investigation, [REDACTED] read the State Code, and
646 determined that the event organizers could be charged with "Intent to Commit a
647 Riot," a Class F Felony, the elements of which are:

648 A person is guilty of riot when the person participates with 2 or more persons
649 in a course of disorderly conduct: (1) With intent to commit or facilitate the
650 commission of a felony or misdemeanor; or (2) With intent to prevent or
651 coerce official action; or (3) When the accused or any other participant to the
652 knowledge of the accused uses or plans to use a firearm of other deadly
653 weapon."

654 11 *Del. C.* §1302(1).

655 [REDACTED] also believed that the organizers could be charged with
656 "Conspiracy Second Degree," which requires "... when, intending to promote or
657 facilitate the commission of a felony, the person (1) Agrees with another person or
658 persons that they or 1 or more of them will engage in conduct constituting the felony
659 or an attempt or solicitation to commit the felony." 11 *Del C.* § 512(1); *see also*
660 Exhibit A.

661 After reviewing the file and, having generalized knowledge of the events of
662 the prior evening, [REDACTED] had a discussion with his supervisor, who was
663 attending the Police Chief's conference. They discussed the proposed charges, and
664 the supervisor indicated to [REDACTED] that if [REDACTED] thought
665 he could get a warrant for the charges, he should go for it.

⁴³ We were advised that following the May 5 takeover event hosted by Section8 in the City, the Rehoboth PD was notified by DSU Police that the event organizers were DSU students and provided the names of the individuals heading Section8 to the Rehoboth PD.

Based upon that green light, [REDACTED] swore out an affidavit and sought an “Adult Complaint and Warrant in the Justice of the Peace Court in and for the State of Delaware.” A copy of the warrant is attached hereto as Exhibit F. The individuals charged were [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED] and [REDACTED].⁴⁴

The warrant request, which expressly finds that “there exists probable cause for the issuance of process,” was approved by the J.P. Court, and signed by [REDACTED] on May 20, 2026. According to media reports, the Rehoboth PD issued a press release on the day the warrants were signed and indicated that “there is no known danger to the public.”⁴⁵ Each of charged individuals voluntarily turned themselves into the Rehoboth PD voluntarily on May 20 and 21 after the warrants were issued.

Following the press release and the issuance of the warrants, [REDACTED] was in contact with prosecutors in the Sussex County AG’s Office about the charges. The prosecutors asked why they were not contacted or consulted with before the charges were brought.⁴⁶ [REDACTED] is not expressly required by 11 *Del. C.* § 1302(1) and Rehoboth PD had not issued any charges of [REDACTED] resulting from the event.

⁴⁴ Again, at least one of the individuals charged did not attend the event. The probable cause affidavit did not contend this individual was present at the event, but states that the officer had discussions with the individual at the May 5, 2026 event. Our interview confirmed that this same individual was present at the May 5 event and did have an interaction with police at the May 5 event.

⁴⁵ The charges garnered a significant amount of press coverage and social media attention, from Fox News and MSN to the Cape Gazette and numerous blogs.

⁴⁶ We are advised that sometimes the AG’s Office is consulted before a warrant is sought by the Rehoboth PD – but on many occasions they are not. The AG’s Office was not consulted by the Rehoboth PD in this case before seeking the warrant.

⁴⁷ [REDACTED]

686 The case, however, was not dismissed immediately, but rather, it was
687 understood that the Rehoboth PD would complete its report and gather the
688 appropriate evidence and the charges would later be reviewed by the AG's Office in
689 conjunction with the final reports. Contrary to this understanding, before the
690 Rehoboth PD submitted its report and evidence for review, the AG's Office decided
691 to drop the charges. As a result, the AG's Office dropped the charges before the
692 Rehoboth PD investigation and resulting report were complete.

693 Based on our investigation, the only contact with the AG's Office of which
694 we are aware between the dates of May 20 and May 29 - the date the charges were
695 dropped - is the discussion above. Further, we understand that the AG's Office did
696 not alert the Rehoboth PD that the charges were being dropped before
697 communicating that decision to the press. Rehoboth PD learned that the charges were
698 dropped from reporter Chris Flood. In an e-mail on May 29, 2026, at 10:32 a.m.,
699 Mr. Flood e-mailed the City and stated, "I've been told the DOJ has ordered its
700 prosecutors to dismiss all charges against all four of the DSU students because no
701 factual basis was found to charge them." The City later learned that the statement,
702 as reported by Mr. Flood, was a statement made by the Attorney General's Office.

703 In Mr. Flood's article of May 29, 2026, he wrote:

704 The attorney general has found no factual basis to charge the defendants
705 with any criminal offense,⁴⁸ and has directed prosecutors to dismiss all
706 charges against all four defendants, said Mat Marshall,⁴⁹ spokesman for
707 the Delaware Department of Justice, in an email May 29.⁵⁰

⁴⁸ We are advised that the DELJIS system lists the official reason for the charges being dropped is "in the interest of justice," but without access to DELJIS, we cannot independently verify that statement.

⁴⁹ Mr. Marshall is the Director of External Affairs for the Attorney General's office.

⁵⁰ We do not have a copy of Mr. Marshall's e-mail, but we have no reason to doubt the veracity of the statement in the article.

D. Findings and Conclusions

1. Police Interactions with the Takeover Participants.

Rehoboth PD and the officers from the other agencies, as far as we can tell, acted admirably in a stressful situation while oftentimes being taunted – especially later in the evening. We saw no evidence of police misconduct.

The Rehoboth PD, along with officers from assisting agencies, in numerous tapes, were consistently informative, respectful, and displayed incredible restraint throughout the incident. Beginning with the first contact made with individuals on the beach, officers explained the local ordinances and suggested ways to stay out of trouble, including moving to an area that did allow tents, music, etc.⁵¹ Officers repeatedly acknowledged the desire for young people to have fun and indicated that they did want the group to have fun, but to do so without breaking the laws of the City.

There was certainly a large police presence at the beach before the evening became unruly. We can understand why bystanders and beachgoers interviewed may have felt that the police presence, especially on the boardwalk and beach, was too much between the hours of 5:00 and 7:00. We, however, are unable to determine that this increased presence was due to the racial makeup of the crowd. Rather, based upon our observations of the officers' interactions with the participants, coupled with their knowledge of past takeover events in Rehoboth and the reports and press coverage from other takeover events across the country, we believe that the situation was, more likely than not, the motivating factor for the additional police presence. As it turned out, based upon the events later in the evening, especially on the north side of the Boardwalk, that decision was ultimately justified.

As noted, as the evening progressed, the Section 8 Takeover Event became unruly. The group began to increase in size around 6-7 p.m. near Deauville Beach with the crowd spanning the beach on both the State Park side and the City side. During the time that the crowd was in this area, officers remained on the dunes

⁵¹ Although interactions with beachgoers were appropriate and informative and Rehoboth PD appeared to genuinely desire to assist beachgoers with locating an area that would allow them to enjoy a beach party, Officers did make one misrepresentation. On several occasions beachgoers were told that they could have alcohol at Deauville Beach; however, alcohol is not permitted in the State Park.

awaiting further instructions to close the beach and did not try to disperse the crowd prematurely. With approximately 600 – 800 participants, crowd control was necessary and the need for additional officers was justified.

Our independent review corroborates what is stated in the Police Report.

As stated above, witnesses believed that the police presence was excessive between 5:00 and 7:00 – when there was less need for police responses. Again, however, in our view, the more difficult interactions with the crowd and police mostly happened later in the evening after most of the beachgoing witnesses advised they had left the area.

Additionally, the Rehoboth PD's anticipation of the need for assistance was not unfounded based upon reports from other takeover events. This past winter and spring, three prominent cities dealt with major issues from takeover events. In Orlando, Florida, 1,000 teenagers gathered at an amusement park. Fights broke out and led to two officers in the hospital with injuries, and nine arrests. The Navy Yard neighborhood of Washington, D.C. saw a similar event with 200 teenagers. This illicit gathering led to "gunfire, disorderly conduct, and robbery." A mall in the Bronx suffered vandalism and harassment of its employees when one of these planned meetings got out of hand this past February.⁵²

On three occasions in the past two months, police in Wildwood, New Jersey have successfully halted takeovers planned via social media. Around Memorial Day Weekend this past May, police officers were able to track down the promoters of two separate takeovers from their social media posts and issued cease and desist letters.⁵³ In addition to this precaution, the police officers instituted a curfew for unaccompanied minors, instituted a backpack ban, and closed the Wildwood

⁵² Eric Levenson, *Teen takeovers: The chaotic gatherings that are spurring curfews and crackdowns*, CNN (May 9, 2026), <https://www.cnn.com/2026/05/09/us/teen-takeovers-explainer>.

⁵³ Nicolas Fernandes, *Cops in Wildwood just stopped 2 pop-up parties ahead of Memorial Day weekend*, NJ.com (May 19, 2026), <https://www.nj.com/cape-may-county/2026/05/cops-in-wildwood-just-stopped-2-pop-up-parties-ahead-of-memorial-day-weekend.html>.

Boardwalk at 1 a.m.⁵⁴ Similarly, social media posts regarding a July Fourth takeover alerted Wildwood police officers and prompted heavier officer presence on the boardwalk to ensure any unsanctioned gathering was dismantled.⁵⁵ The City of Wildwood has been on high alert of such takeovers since a “car rally” consisting of large crowds in the streets with multiple cars driving erratically and unpredictably lead to two deaths in September 2022. Narragansett, Rhode Island was “taken over” by hundreds of teenagers where three beachgoers were stabbed.⁵⁶ Around the same time, police broke up two “Hampton Beach Takeovers” in New Hampshire. Officers were prepared for an escalation of the takeovers because in past years similar gatherings had led to fighting and disorderly conduct.⁵⁷ At these particular takeovers, the officers broke up multiple fights.

The above examples demonstrate how quickly these takeovers can turn into something worse than simply a large crowd of teenagers. These types of illicit gatherings can sometimes lead to destruction, violence, and arrests. Here, the evidence shows that two fights occurred on the Event Date and several arrests/citations were issued for alcohol and marijuana violations, disorderly conduct and other traffic citations were issued. While reviewing the Video Footage, we were able to confirm this conduct and view most of the incidents that resulted in the issuance of charges/citations.

Citations that were issued appeared to be consistent with conduct. Where a “handle” of alcohol was being carried, citations were issued. Where individuals were given the opportunity to throw out a singular alcoholic drink and they did so, no citation was given but when a person defiantly chugged it instead, a citation was

⁵⁴ David Matthau, *Jersey Shore towns are adopting new curfews and safety rules.*, WHYY.org (May 11, 2026), <https://whyy.org/articles/jersey-shore-new-safety-rules/>

⁵⁵ Kevin Shead, *Wildwood police stop another boardwalk takeover; arrest alleged promoter* NJ.com (July 5, 2026) <https://www.nj.com/cape-may-county/2026/07/wildwood-police-stop-another-boardwalk-takeover-arrest-alleged-promoter.html>.

⁵⁶ Nicholas McEntyre, *Three stabbed as hundreds take over Rhode Island beaches*, New York Post (May 20, 2026), <https://nypost.com/2026/05/20/us-news/rhode-island-beach-chaos-leads-to-three-stabbed-11-arrested/>.

⁵⁷ Matt Schooley, *51 arrested at “Hampton Beach Takeover” events in New Hampshire on first summer-like day of year*, CBS News (May 21, 2026), <https://www.cbsnews.com/boston/news/hampton-beach-new-hampshire-arrests/>.

issued. When the event spilled onto the boardwalk and boulevard, the videos reveal that officers continued to act with appropriate restraint. They did not issue citations for every code violation they saw – rather they did a good job in keeping the peace. Officers approached those drinking alcohol and told them to throw it out or get a ticket. Most opted to throw it out. Officers told individuals smoking marijuana that they could not do so. On several occasions, we observed officers assisting motorists with getting out of their parking spaces, halting traffic while passengers got in a vehicle safely and one officer even assisted with jumping a vehicle.

While waiting for instructions to close the beach and disperse the crowd, we observed many interactions between participants and the officers as individuals crossed back and forth over the dunes. Watching these interactions, we observed officers explaining local laws, chatting with individuals about their career goals, and encouraging individuals to head out when the beach was about to close. We did not see any inappropriate conduct by any officer during these exchanges, even when arguing beachgoers got a little too close, a little too rowdy, or cursed at the officers.

While we did see evidence of comments by officers such as, ‘why can’t we just pepper spray them all,’ ‘somebody make a decision,’ ‘why aren’t we doing anything’ all of which were related to not being able to get the crowd to go home, these appeared to be statements of frustration rather than threats. Moreover, these frustrations were shared between officers only and not directed at event participants. Based on the rowdy and unruly atmosphere that evening, such frustrations were warranted.

While our overall impression of the law enforcement response to this event is one of quiet restraint and respectful interactions, the officers did experience frustration and concern. As noted in the interview summary, officers had concern for their own safety and the videos demonstrate frustration as well.

2. The Charges

While we find no police misconduct occurring during the takeover event, there has been criticism of the Rehoboth PD for seeking an inciting the riot charge, which might have been a bit ambitious – but it did fall within the purview of the statutory elements for the charge. Indeed, for the charge, the statute requires only “A person is guilty of riot when the person participates with 2 or more persons in a course of disorderly conduct: (1) With intent to commit or facilitate the commission of a felony or misdemeanor.” The events of May 19 certainly gave rise to that charge.

822 First, we believe two or more persons probably participated in hosting the
823 event.⁵⁸ This particular event was advertised by Section8.ent, lpookk, and
824 heedy.smith, and the Section8.ent promoters are identified on their Instagram page
825 as the four individuals who were charged. Advertising this event set the course of
826 disorderly conduct⁵⁹ in motion because the event organizers knew (or may or should
827 have known) the event would be disorderly as they had previously hosted events and
828 more specifically, an event in Rehoboth just two weeks earlier which resulted in at
829 least nine (9) complaints and four (4) arrests. Although intent can be difficult to
830 prove, there is certainly a plausible reason to surmise that the organizers attending
831 sought to facilitate the commission of misdemeanors as they intend these events to
832 be a party, they advertise loud music and alcohol, often for 18+, and they do so
833 without obtaining permits to do so.⁶⁰ As such, we believe [REDACTED] had a
834 good faith basis to seek the warrant based upon the plain language of the statute.

835 At the time of the swearing out of the warrant, [REDACTED] did not know,
836 or have reason to know, that the AG's office wanted a [REDACTED] charge as
837 an [REDACTED] before pursuing an inciting a riot charge.
838 Moreover, it is reasonable, based upon the statute, to assume a [REDACTED]
839 charge was not required. Indeed, the JP court judge held that, under the statute, the
840 officer had probable cause for an arrest.

841 The criminal conspiracy charge, based upon inciting a riot, may have been a
842 bit ambitious as well. Conspiracy is simply committing a crime that gives rise to the

⁵⁸ We cannot independently verify this because we have only had contact with one of the four persons charged. As discussed, the one person we interviewed that was named in the warrant was not in Delaware on the day of the event.

⁵⁹ Disorderly conduct is found where a person "intentionally causes public inconvenience, annoyance or alarm to any other person or creates a risk thereof by...(f) creating a hazardous or physically offensive condition that serves no legitimate purpose" (*see* 11 Del. C. § 1301(a)(1) (a-g) for the complete list); *see also* § 1301(a)(2), "The person engages with at least 1 other person in a course of disorderly conduct as defined in paragraph (a)(1) of this section which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm and refuses or knowingly fails to obey an order to disperse made by a peace officer to the participants."

⁶⁰ See Exhibit G which provides a collection of Section8.ent advertisements. As they appear to delete event advertisements regularly, we included what were able to locate regardless if they are a past or future events.

conspiracy, here inciting a riot, while doing so in agreement with (conspiring) with others to commit the crime. In the instant matter, it would seem that if several individuals charged planned this event together, they participated in setting the course of disorderly conduct in motion and a charge of conspiracy could be appropriate. On the other hand, conspiracy requires an agreement and while all four individuals were thought to be administrators of the Section8 social media page, not all four individuals attended the event which certainly lends itself to the possibility that 1 or more of the page administrators were not organizers and not in agreement with hosting this event.⁶¹ Nonetheless, officers need only believe there is probable cause for a charge, they do not decide guilt or innocence. Here, the Rehoboth PD believed there was probable cause and a judge agreed.

3. Other Issues

The Attorney General's office has wide discretion on whether and when to prosecute charges. As such, they were within their rights to dismiss the charges brought by the Rehoboth PD – it is their prerogative. But, the phrasing of the reason why the AG's office dismissed the charges could have been different because prosecutors had not had a chance to review the evidence compiled by the Rehoboth PD prior to dismissing the charges. If the Attorney General's office had reviewed all of the footage provided to our office, they still may not have pursued charges – again that is their right. But we think that the better description of why the charges were dropped is what we were told is in the DELJIS system – in the AGs view that the charges were dropped in the interest of justice – and not because “no factual basis” existed for the charges. Based upon the above, we find that there was probable cause and a factual basis for the charges – but the AGs office (well within their rights) could and did decide to not pursue them.

We find that there is no evidence presented to us that the police response to the takeover event or the charges sought were racially motivated. While, at the beginning of the event, there could have been an argument that too many officers were deployed, based upon the number of people eventually attending the event (a group of somewhere between 500 and 800 people) we find the number of officers called to be present reasonable – especially in light of the prior takeover events in

⁶¹ We know from our interviews that at least one of the individuals charged credibly claims that they did not attend the event and that they were not involved in planning the event. This person was not in Delaware on the day of the event. The Rehoboth PD did not know this fact at the time the warrant was issued.

Rehoboth Beach and the issues at other takeover events across the country. Again, we did not see any evidence of police misconduct or any overtly racially motivated action taken by any officer.

Similarly, the decision to pursue charges against the organizers, in our view, was not racially motivated. There was a serious event that occurred in the City requiring a substantial police presence, with numerous city and state code violations right in front of officers, and some businesses closing due to the behavior of the participants. Charges were sought based upon the plain language of the statutory requirements and the evidence. A warrant was issued – and a judge found probable cause for the charges. Again, while seeking an inciting a riot charge might have been somewhat over ambitious, we do not believe the charges were brought based upon racial animus. They were based upon the nature of the event, namely a large crowd, violations of City ordinances - consuming alcohol, fighting, and disorderly conduct etc. as outlined above.

This is our Report based upon the evidence we have as of this time. If additional facts or contrary evidence comes to light or is brought to our attention, we reserve our right to alter our report or issue an addendum to this report.

Sincerely,

/s/ Max B. Walton

Max B. Walton

cc: Lisa Borin Ogden, City Solicitor