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**INVESTIGATION OF
THE SHARON HILL POLICE DEPARTMENT
POLICIES AND PROCEDURES
FOLLOWING THE ACADEMY PARK HIGH
SCHOOL SHOOTING ON AUGUST 27, 2021**

**REPORT TO
THE SHARON HILL BOROUGH COUNCIL**

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¹ Exhibit B-3 is an undated letter. The Sharon Hill Police Chief, Richard Herron, could not recall the specific date he received the letter but stated it was delivered to him in early 2021.

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² Acronym Definitions: IACP – International Association of Chiefs of Police; U.S. DOJ – United States Department of Justice; COPS – Community Oriented Policing Services; PERF– Police Executive Research Forum; MPOETC – Municipal Police Officers Training and Education Commission.

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I. INTRODUCTION

On August 27, 2021, an eight-year-old child, Fanta Bility, was shot and killed as she was leaving the Academy Park High School football stadium with her family. In addition to the tragic death of Fanta Bility, her sister and two (2) other citizens were also injured by gunfire. In a statement issued by the Delaware County District Attorney's Office on September 2, 2021, the District Attorney stated, "Last Friday evening a chaotic and horrific series of events took place outside the football stadium at Academy Park High School in Sharon Hill." The District Attorney shared his offices' preliminary findings: "First, physical evidence and community witnesses establish that the events of last Friday began with gun shots on the 900 block of Coates Street. That gunfire included a shot in the direction of three (3) Sharon Hill Police Officers monitoring the crowd exiting the football stadium, which struck and injured a civilian. In response to the gunfire, the police officers discharged their service weapons. Tragically, our investigation has now determined that there is a high probability that the responsive gunfire of the Sharon Hill Police Officers struck four victims, including the shots that killed 8-year-old Fanta Bility and wounded her sister. The death of Fanta and the wounding of her sister and the other students are [*sic*] a heart-breaking tragedy for her family, her friends, and the entire Delaware County community."³

Following the tragic events of August 27, coupled with the statement from the Delaware County District Attorney regarding the preliminary findings of the ongoing investigation, the Sharon Hill Borough Council ("Borough Council" or "Council") expressed their immediate concern and sadness for the loss of life of a child and the injuries to innocent bystanders. As a result, Borough Council sought to address the concerns of the citizens of Sharon Hill Borough as well as their own concerns as citizens and Borough leadership by initiating an independent investigation into the Sharon Hill Police Department ("SHPD") policies and procedures on the use of force. On September 16, 2021, Borough Council voted unanimously on its motion to appoint Special Counsel to administratively investigate the SHPD use-of-force policies and procedures in place at the time of the Academy Park shooting. The expectation of Council in the launching an administrative investigation was to have an independent entity review the Sharon Hill Police Department's policies and procedures and provide "[A]dministrative accountability for any possible violations related to the incident as well as examine Sharon Hill Police Department policies and procedures at the time of the tragic shooting to include use of force training requirement."⁴

The goal of Borough Council was to ensure that going forward, the SHPD adopts and implements the best practices available regarding the use of force and any other relevant policies and procedures (i.e. critical incident response, citizen complaint review and response). Additionally, while not specifically stated in their motion, the Borough Council made it known to Special Counsel that recommendations regarding policy improvements to community policing practices were welcomed. The purpose of Special Counsel's review of the SHPD use of force policies and community policing policies was to

³ See Exhibit G-7. Statement from Delaware County District Attorney on September 2, 2021.

⁴ See Exhibit A. Statement from Sharon Hill Borough Council issued on September 16, 2021.

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provide concrete recommendations on how to make improvements in the policies and implementation of use of force and community policing practice. Recommendations that would provide measurable information that can guide future planning, training and resource allocation. The ultimate goal is to try and ensure that the events of August 27, 2021 do not happen again.

With this charge, the directives presented by Borough Council were as follows:

1. Determine if there were any administrative violations of Sharon Hill Police Department Policies and Procedures when police officers discharged their service weapons on August 27, 2021 resulting in the death of a child and injuries to bystanders.
2. If so, what SHPD policies or procedures were violated based on the known and available facts?
3. Review and analyze the SHPD use-of-force policies and procedures, evaluate their effectiveness and compare them against current best practices.
4. Provide recommendations to assist the Council in developing future plans and policy revisions to address, eliminate and prevent, to the greatest extent possible, inappropriate use of force by SHPD officers.
5. Identify and provide any additional recommendations that address overall safety and enhancing community relations with a focus on community policing strategies and diversity.

A. Geography and Demographic Information on Sharon Hill Borough

To provide relevant context to this report, it is beneficial to outline some key data points about the demographics and geography of the Borough of Sharon Hill, Pennsylvania (“Sharon Hill”). Sharon Hill is a borough within Delaware County that is approximately .8 square miles that borders Philadelphia. According to the most recent census (2020) reports, Sharon Hill has approximately 5,712 residents and has seen its population grow slowly over the years. Demographically, Sharon Hill is a diverse community of people of all ages, genders, military/veteran status, incomes, ethnicities, education levels. According to the census bureau American Community Survey (ACS) the race composition of Sharon Hill as of 2020 was:

- Black or African American: 71.15%
- White: 21.25%
- Other race: 3.10%
- Two or more races: 2.38%
- Asian: 2.13%
- Native American: 0.00%
- Native Hawaiian or Pacific Islander: 0.00%

The median age for Sharon Hill is 35.8 and median income for a household is \$57,206. Another data point that reflects the diversity of the Sharon Hill is that 10.54% of the population speak a

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language other than English and 55.6% of the naturalized citizens in Sharon Hill are from Africa.⁵ Based on information provided by the Chief of the Sharon Hill Police Department, Richard Herron, there are no reported or self-identified members of the police department who are Black, Hispanic or Asian. The police department is comprised of all male officers who are predominately Caucasian.⁶ Thus, presently, the Sharon Hill Police Department does not reflect the racial or ethnic diversity within Sharon Hill.

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⁵ See World Population Review. Sharon Hill, Pennsylvania Population 2022 (Demographics, Maps, Graphs). Retrieved May 19, 2022, from <https://worldpopulationreview.com/us-cities/sharon-hill-pa-population>.

⁶ Sharon Hill Police Department (“Department”) Chief reported that, as of the issuance of this report, the Department has numerous vacancies, full and part time, and is in need of additional members. The Department is seeking to fill vacant positions and is “taking active steps towards the recruitment of new part time officers and to expand the diversity in the department and is also taking active steps to seek to incorporate diversity into the police department,” through training, advertising and recruitment and working with local partners.

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II. EXECUTIVE SUMMARY

On August 27, 2021, families, students, children, and members of the Sharon Hill community were leaving the Academy Park High School Football game around 8:30 pm when gunfire was heard in the area. As people were looking to protect themselves and take cover, three Sharon Hill Police Department (SHPD) officers who were on duty, Brian Devaney, Sean Dolan and Devon Smith, responded to the gunfire and each discharged their service weapons. In total, Officers Devaney, Dolan and Smith fired twenty-five rounds in the direction of where they believed the initial gunfire had erupted, striking three (3) civilians.

Fanta Bility, an eight-year-old child, was shot by a bullet fired by one of the officers. Two other SHPD officers on scene, Vincent Procopio and John Scanlan, immediately attended to Fanta Bility and transported her in a patrol vehicle to Mercy Fitzgerald Hospital. Sadly, at 9:25 p.m., Fanta Bility was pronounced deceased.

Following the shooting, Corporal Vincent Port of the SHPD arrived on location shortly after 8:45 pm. Upon his arrival, Corporal Port questioned the on-duty officers to determine what occurred. Officers Devaney, Dolan and Smith each responded affirmatively that they had discharged their service weapon. At that point, no further questions were asked by the Corporal of the officers that discharged and those officers were directed to meet with their Fraternal Order of Police (“FOP”) union representative who was on location. The scene of the shooting was processed by the District Attorney’s Office’s Criminal Investigation Unit (“CID”), and evidence was collected and processed.

Following the events that took place on August 27, 2021 and the innocent loss of life of a child and injury to other innocent bystanders, the Sharon Hill Borough Council (“Borough Council” or “Council”) and the citizens of Sharon Hill were pained over what had taken place. Borough Council wanted to promptly address the clear concerns and directed an independent investigation into the administrative policies and procedures of the Sharon Hill Police Department. The Borough Council sought to have a clear understanding of the SHPD policies and procedures regarding the proper and lawful use of force and, if those policies were somehow deficient or could be improved upon, to be provided recommendations for improvement.

On September 16, 2021, the Borough Council hired the law firm, Fox Rothschild, LLP to conduct an independent investigation (“Investigation”) of the SHPD’s use of force policies. On September 17, 2021, Investigators requested from the SHPD all policy and procedures that were in place at the time of the shooting. While waiting to receive that information from the police department, Investigators gathered other police department policies to serve as comparators from other localities in Pennsylvania and also gathered national and state law enforcement resource agency reports and information to comprehensively evaluate the policies and procedures of the Sharon Hill Police Department. After receiving the requested documents, in total, in December 2021, Investigators promptly requested interviews with all members of the SHPD. All members of the SHPD were not available. The stated reason given by Police Chief Richard Herron for why certain members of the police department were not available was that due to a law enforcement members

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involvement in the grand jury investigation, they would not be able to participate in this investigation. Investigators also consulted with the District Attorney's office throughout the investigation to obtain relevant information, which is now in the public domain, regarding the grand jury investigation that was impaneled to investigate the Academy Park shooting.

The conclusions reached based on this investigation are as follows:

- On the night of August 27, 2021, two young males shot at one another on the 900 block of Coates Street, approximately one block from where pedestrians were leaving an Academy Park High School football game.
- After hearing the gunshots and observing a black Chevrolet Impala driving towards them on the 800 block of Coates Street, Officers Devaney, Smith and Dolan fired their service weapons at the vehicle.
- It is not disputed that there were numerous people in the area and leaving from a singular exit gate on the 800 block of Coates Street when the officers discharged their weapons.
- Ballistic evidence demonstrated that bullets fired by officers Devaney, Dolan and/or Smith struck the black Impala driven by Aasiyah Easley.
- Evidence also demonstrates that eight-year-old Fanta Bility was shot and killed by a bullet fired by an Officer's service weapon.
- SHPD Policy Directive 040 discusses the proper use of force and the proper use of deadly force.
- SHPD Policy Directive 041 discusses the proper reporting of use-of-force incidents.
- SHPD policy states that the value of human life is immeasurable in our society and the apprehension of criminal offenders and protection must at all times be subservient to the protection of life.
- SHPD policy states that use of deadly force must always be reasonable. To be reasonable the use of deadly force must be proper, justified and non-negligent. Generally, before using deadly force the officer must consider the accuracy of his information, that life or great bodily injury is threatened; Whether the use of force is a last resort; The possibility of getting help, and the danger to innocent bystanders.
- SHPD policy prohibits officers from discharging firearms when it appears likely that an innocent person may be injured.
- SHPD policy prohibits officers from discharging a firearm at or from a moving vehicle, except as the ultimate measure of self-defense or defense of another when the suspect is using deadly force other than a vehicle.

Officers Devaney, Smith and Dolan violated SHPD policy regarding the use of deadly force when they discharged their service weapons at an occupied vehicle on the evening of August 27, 2021. The failure to adhere to SHPD policy resulted in the death of an eight-year-old child, the injury to three other civilians, and grave risk death or serious injury to many others leaving the football game that evening.

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III. SCOPE AND METHODOLOGY OF THE INVESTIGATION

A. Request for an Administrative Investigation by the Sharon Hill Borough Council Following the Academy Park High School Football Game Shooting

On August 27, 2021, three police officers employed by the Sharon Hill Police Department discharged their service weapons while on duty following an Academy Park High School football game, striking multiple citizens and resulting in the death of an eight-year-old girl, Fanta Bility. Those officers, Brian Devaney, Sean Dolan and Devon Smith were the subjects of an investigating grand jury. The facts uncovered during the grand jury investigation were presented at a preliminary hearing and all three officers were indicted on charges of voluntary manslaughter, involuntary manslaughter and recklessly endangering another person and are awaiting trial. Officers Devaney, Dolan and Smith have also been terminated from employment with the Sharon Hill Police Department.

While the Delaware District Attorney's Office, Special Investigations Unit ("SIU") conducted the grand jury investigation into the events of August 27, 2021, the Borough of Sharon Hill sought to conduct a parallel administrative investigation into the Sharon Hill Police Department policies and procedures in effect the night of the shooting.

On September 16, 2021, the Borough Council convened a meeting and voted to hire the law firm, Fox Rothschild, LLP to conduct an independent investigation ("Investigation") of the SHPD's use of force. Former Philadelphia District Attorney, Kelley Hodge, was selected and identified as the attorney to lead the Investigation. The scope of the Investigation as stated in the press release by Borough Solicitor Sean Kilkenny was as follows:

"SHARON HILL BOROUGH COUNCIL APPOINTS KELLEY HODGE AS SPECIAL COUNSEL TO ADMINISTRATIVELY INVESTIGATE POLICE POLICIES AND PROCEDURES SURROUNDING THE ACADEMY PARK HIGH SCHOOL FOOTBALL GAME SHOOTING.

*The administrative investigation is meant to provide accountability for any possible policy violations related to the incident. In addition to accountability, the investigation will examine Sharon Hill Police Department policies and procedures at the time of the tragic shooting and the use of force training requirements to assess and advise on their content and application. This will ensure that going forward, the Borough's Police Department adopts and implements the best community policing policies and procedures."*⁷

The purpose of the Investigation was to review police department policies and procedures, specifically relevant to use of force as well as other relevant policies and procedures related to the

⁷ See Exhibit A. Sharon Hill Borough Council Press Release.

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shooting. The scope of the Investigation included review of the SHPD use of force policies and practices, review of officer training and responsiveness to critical incidents (i.e. active shooter, large group preparedness) and comparison of the SHPD's existing protocol with other law enforcement entities and best practices in the field of law enforcement as identified by local, state and national entities. These national agencies include the United States Department of Justice ("DOJ"), Federal Bureau of Investigation ("FBI") and Municipal Police Officers Education and Training Commission ("MPOETC").

Based on the review of current SHPD policies and procedures, interviews with current members of the SHPD and the publicly available information regarding the Academy Park shooting, Special Counsel was asked to identify what, if any, deficiencies existed in policy, training or the execution of same which resulted in injury or death to citizens based on an officer's use of force. If deficiencies were identified, Special Counsel should offer recommendations to Borough Council addressing possible improvements to use-of-force policies, procedures, implementation, training and SHPD accountability. The thoroughness of the Investigation depended, in large part, on the cooperation, candor and transparency of the SHPD.

As will be described in more detail throughout this report, the Investigators were, for the most part, provided access to the documents they requested, subjects to be interviewed, and topics to be discussed during those interviews. However, the timeliness in receipt of some information was delayed at times and the availability of certain individuals who were requested for interviews was not permitted based on their involvement in the pending criminal grand jury investigation and preliminary hearing.

The goal of this report is to provide as complete a picture as possible of all the relevant information obtained by the Investigators throughout the investigation to allow the Borough Council to make thoughtful and informed policy and administrative decisions that they deem necessary and appropriate to promote trust, safety, integrity and confidence in the SHPD and improve the SHPD and its relationship with the community and, specifically, its engagement with its citizens. For Borough Council, this Investigation is not the end, but the beginning of its ongoing effort to ensure the SHPD is employing the best practices to protect the community.

B. Basis for the Investigation: The August 27, 2021 Fatal Shooting Incident

The details of the events on August 27, 2021, following the conclusion of the Academy Park Football game which resulted in the fatal shooting of an eight-year-old child, serve as the basis for the initiation of this Investigation. The purpose of the Investigation is dictated on the directive that was voted upon by the Sharon Hill Borough Council and is limited in scope to an administrative investigation.

It is not the purpose of the Investigation to render a conclusion about the liability or culpability of any party under a criminal or civil law standard of proof. Rather, the purpose of the Investigation was to assess the comprehensiveness of the Department's existing policies. To accomplish the stated purpose, Investigators sought to identify any deficiencies in policy, training, effectiveness,

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compliance and implementation in order to improve the SHPD and further its purpose of protecting the citizens of Sharon Hill Borough.

The death Fanta Bility and shooting of other innocent civilians demonstrates the grave consequences that can result when police officers deviate from established protocol and use-of-force policies. As such, a portion of this report is devoted to providing a detailed explanation of the events that unfolded on the evening of August 27, 2021.

C. Procedural History: Requests for Documents and Information from the Sharon Hill Police Department

Investigators were hired by vote of the Borough Council on September 16, 2021. On September 17, 2021, Investigators submitted a request for written documents to the SHPD Chief of Police, Richard Herron, and scheduled an introductory meeting for September 22, 2021. The documents and information requested on September 17, 2021 included the following:

1. A list of all current SHPD Officers and their rank.
2. The names of the Officers assigned to or on location at Academy Park High School during the game, as well as during and immediately following the discharge of firearms.
3. All policies and procedures regarding the advertising, hiring, initial training and continued required training (i.e. annual firearms training, etc.) for all members of the SHPD.
4. The content of all training given to the SHPD, when it was delivered, by who and attendance list. Specifically looking for the following subject areas:
 - a. Use of Force Law and Policy
 - b. Use of Force & Human Performance
 - c. Officer Involved Shooting Policy and Response practices
 - d. Police Defense Tactics
 - e. Firearms Training
 - f. Critical Incident Response
5. Any union/FOP agreements that govern the officers employment with the SHPD.
6. Department Discipline Policy.
7. All certification records for all members of the department which should include when officers were certified (or re-certified), what was subject matter that the officer(s) received certification and who provided the

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certification training (department/covered law enforcement agency/ entity) and name(s) of training instructors.

On September 22, 2021, Investigators conducted an introductory call with Chief Herron. On October 25, 2021, Chief Herron made the first document production on behalf of the SHPD which included some, but not all, of the documents requested.⁸ After making follow up requests, additional documentation was provided by Chief Herron on December 14, 2021. Cumulatively, there were 422 pages provided by Chief Herron in a binder titled “Sharon Hill Police Department Policies and Procedures”. The review of the binder of documentation is a portion of the total information that was gathered and reviewed as a part of this Investigation.

D. Sharon Hill Police Officer Interviews

Investigators also requested from Chief Herron the ability to interview all members of the Sharon Hill Police Department employed as of August 27, 2021. As of August 27, 2021, there were nineteen (19) law enforcement members of the Sharon Hill Police Department. As of June 6, 2022, there are thirteen (13) law enforcement members and one (1) civilian member that comprise the Sharon Hill Police Department. On December 15, 2021, Investigators contacted those police officers at the SHPD by email whose email addresses were provided, with Chief Herron copied, requesting the officers provide their availability between December 20, 2021 and January 7, 2022 to meet for an interview.

The chart below reflects all law enforcement members of the Department employed as of August 27, 2021 and/or as of June 6, 2022:⁹

OFFICER NAME	RANK
Richard Herron	Chief
Vincent Port	Corporal
Michael Attix	Corporal
Sean Johnson	Detective
Vincent Procopio	Detective

⁸ On September 22, 2021, Chief Herron stated he was approximately a quarter of the way through the document requests and would continue compiling documents to provide to Investigators that week. On October 5, October 13, and October 22, 2021, Investigators requested updates to the status of the September 17, 2021 document request. Investigators identified in a follow up email to Chief Herron on November 2, 2021 information that was still outstanding per the initial request as well as additional information that was needed as a part of the continuing fact gathering process. On November 4, 2021, Chief Herron responded and stated he would begin working on gathering of all requested information. On November 15 and December 3, 2021, Investigators again inquired as to the status of the outstanding document. On December 9, 2021, Chief Herron indicated that the documents were ready to be delivered. Investigators received the documents requested on December 14, 2021.

⁹ The officer’s names in **bold** are no longer employed by the Sharon Hill Police Department. Brian Devaney, Sean Dolan and Devon Smith were terminated on January 20, 2022. Thomas Mack is now a full-time officer at another police department. Any officer’s name that is in *italics* is a current member of the Department who was not employed by the Department on August 27, 2021.

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Anthony Buckland	Patrolman ¹⁰
Chris Haganir	Patrolman
Brian Devaney	Patrolman
Sean Dolan	Patrolman
Devon Smith	Patrolman
James Williams	Patrolman
John Linderborn	Patrolman
Kimberly Verdin	Rank unidentified
Matthew Hansell	Patrolman
John Scanlan	Patrolman
Shaun Douglas	Patrolman (School Resource Officer)
<i>Michael Brodzinski</i>	Patrolman (Part-time)
<i>Russell Martorelli</i>	Patrolman (Part-time)
George Lambritsios	Patrolman (Part-time)
Thomas Mack	Patrolman (Part-time)

On December 16, 2021, Investigators received a voice mail from the Vice President of the Delaware County Fraternal Order of Police (“Delco FOP”) notifying Investigators that each officer would be represented by the Delco FOP attorney, S. Stanton “Skip” Miller, Jr. On December 16, 2021, defense counsel for Brian Devaney, Sean Dolan and Devon Smith notified Investigators that their clients declined to be interviewed.¹¹ By letter dated December 20, 2021, Stanton Miller advised that he represented all part-time and full-time officers at the SHPD and no officers would meet for an interview without the FOP representative/counsel being present. He further advised that he was unavailable until January 2022, and requested Investigators provide a list of officers to be interviewed. By email dated January 10, 2022, Investigators requested interviews with all of the SHPD officers, other than the three officers under criminal investigation. On January 14, 2022, Chief Herron emailed Investigators and provided a list of the eight (8) officers who would be available to be interviewed, and the five (5) officers who were not available.¹²

On January 31, 2022, Investigators emailed Chief Herron to inquire as to the basis for why Officers Port, Scanlan, Procopio and Williams would not be participating in the interviews. Chief Herron responded that “I was told that due to those officers testifying in the Grand Jury and being

¹⁰ The term “patrolman” was provided to us by the Sharon Hill Police Department as the position title for these individuals. Throughout this report, the term “officer” is used colloquially to reference the same individuals identified herein as “patrolman.”

¹¹ The grand jury concluded its investigation and, on January 18, 2022, issued a presentment, recommending charges against Officers Brian Devaney, Sean Dolan and Devon Smith.

¹² Chief Herron provided an interview schedule in which Officers Johnson, Haganir, Attix and Golden would be available on February 3, 2022 and Officers Buckland, Lambritsios, Douglas and Mack would be available on February 9, 2022. Per Chief Herron, SHPD department members that testified before the grand jury investigating the Academy Park shooting would not be made available to Investigators. Those members who Chief Herron deemed unavailable were himself (Chief Herron), Corporal Port, and Officers Procopio, Williams and Scanlan.

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victims/witnesses for the criminal case the DA’s office did not want them interviewed.”¹³ FOP Counsel stated he would not allow Investigators to ask any officers any questions regarding the facts of the Academy Park shooting.

Investigators conducted the following in-person interviews on the following dates:

EXHIBIT A	OFFICER NAME	DATE OF INTERVIEW	DATE SUMMARY REVIEWED	ALERRT TRAINING COMPLETED¹⁴
A-1	Chief Richard Herron	February 3, 2022	April 6, 2022	No ¹⁵
A-2	Officer Jason Golden	February 3, 2022	April 6, 2022	Unknown
A-3	Detective Sean Johnson	February 3, 2022	April 6, 2022	Yes
A-4	Corporal Mike Attix	February 3, 2022	April 6, 2022	Yes
A-5	Officer Chris Hugarir	February 3, 2022	April 6, 2022	Yes
A-6	Officer George Lambritsios	February 9, 2022	April 6, 2022	Yes
A-7	Officer Thomas Mack	February 9, 2022	May 12, 2022	Yes
A-8	Officer Shaun Douglas	February 9, 2022	April 6, 2022	No
A-9	Officer Anthony Buckland	February 28, 2022	April 6, 2022	Yes

All interviews were conducted in person by two investigators. Investigators made no audiovisual recordings of the interviews but did take contemporaneous hand-written and/or typed notes during the interviews. Counsel for the FOP, Stanton Miller, was present for all interviews and all interviewees were allowed to speak with counsel at any time and privately, if requested. All interviewees were told by Mr. Miller that they were to listen to him and what he had stated to them prior to our meeting.

Pre-interview discussions included an explanation that of the roles of the Investigators, and the general nature of the allegations that they were tasked with investigating. Investigators explained that the participation of each interviewee was voluntary, and that they could decline to answer any questions posed. Investigators also explained that no attorney-client relationship existed between them and the interviewees. Interviewees were also informed that they and the relevant information they provided would be identified and included in the report.¹⁶

¹³ Chief Herron, who did participate in the grand jury investigation, did make himself available to be interviewed by Investigators.

¹⁴ ALERRT stands for “Advanced Law Enforcement Rapid Response Training”. The ALERRT curriculum has been adopted by numerous states and agencies as their standard active shooter training.

¹⁵ Per Chief Herron, the reason he has not completed the ALERRT training is because, as Chief, he patrols less frequently than his other officers. As such, he has chosen to forgo the ALERRT training to allow for an officer to attend. The ALERRT training is offered a limited number of times per year and Sharon Hill usually sends one police officer at a time. As such, there are officers that have yet to complete the course.

¹⁶ See Exhibit D-10. Pre-Interview Script/Upjohn Notice read to each interviewee.

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Following the interview, each interviewee was invited to ask additional questions, or provide additional information, whether in verbal or written form, or by providing supporting documentation, that they deemed to be relevant to the Investigation. Following the initial interview, on a mutually agreeable date, Investigators met in person or virtually with each interviewee and presented each with a written summary of their interview for review. The officers each confirmed the accuracy of the summary, some with minor clarifications. The interview summaries are attached to this report.

E. Other Meetings Conducted¹⁷

On September 30, 2021, the Investigative team met with Sadiq Kamara, family member and cousin of Fanta Bility along with the family's attorney Bruce Castor, Esq. The meeting was requested by the family through their attorney and was to allow Investigators to receive any and all information that the family member or counsel wanted to provide. However, no interview or questioning took place by Investigators during this meeting. There was no outreach from or communication with the family of Fanta Bility following the singular meeting on September 30, 2021.

On April 26, 2022. Investigators were given a tour of the Delaware County law enforcement training facility by Deputy Director Kirby Kerber. The training facility is used by multiple police departments in the county on a continuous basis and provides the ability for trainees to receive classroom instruction as well as participate in shooting drills and assessments and static scenario-based training.

IV. STATEMENT OF FACTS

A. Academy Park High School Shooting

While the suspected officers involved in the shooting along with the Corporal and other law enforcement personnel who were responsible for the criminal investigation were unavailable for interviews due to the pending criminal investigation and, upon indictment, the case, the preliminary hearing for former officers Brian Devaney, Sean Dolan and Devon Smith from March 3, 2022 provides the content of statement of facts as to what took place surrounding the shooting.¹⁸

According to the preliminary hearing transcript, on the evening of August 27, 2021, there was a football game scheduled to be played at the Academy Park High School football field ("football field"). The football field is located between Kenney Avenue to the west, the 800 block of Coates Street to the south, and Calcon Hook Road to the east.¹⁹ Officers Brian Devaney, Sean Dolan and Devon Smith were assigned a security detail at the football game that evening. When the football

¹⁷ Investigators were contacted or received information from two citizens following the announcement of this investigation to express their concerns or share information. There was no formal interview conducted with any citizen and any information provided was reviewed to determine its veracity or if it could be verified.

¹⁸ See Exhibit C-4. March 3, 2022 Magisterial District Court 32-1-25 Preliminary Hearing Transcript.

¹⁹ See Exhibit G-1. Overhead Google image of the Academy Park High School Football Field.

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game ended, the patrons in attendance began to leave the game through the only exit, a ramp in the middle of the 800 block of Coates Street angled west towards Kenney Avenue.

At approximately 8:45 p.m. that evening, as pedestrians were leaving the game through the ramp onto Coates Street, shots rang out. The first shooting incident that occurred that evening was between two individuals, A.J. Ford (“Ford”) and Hasein Strand (“Strand”) who reportedly had been in attendance at the game. Witnesses to the criminal investigation describe Ford as firing the first shots from a .45 caliber semi-automatic firearm from the area of 909 Coates Street west towards Ridley Street. He fired at least five times towards Hasein Strand. Strand then returned fire by shooting a 9mm semi-automatic firearm from approximately 919 Coates Street east towards the 800 block of Coates Street where pedestrians were leaving the football game and where Officers Brian Devaney, Sean Dolan and Devon Smith were positioned. One of the projectiles fired by Strand struck an unintended target, a young man named Hafize Sherif.

Moments prior to the shooting between Ford and Strand, a young woman named Aasiyah Easley was driving south on Kenney Avenue and stopped at the stop sign at the intersection with Coates Street. Ms. Easley was driving a black Chevrolet Impala with her friend, Yasmin Mobley, sitting in the front passenger seat. There were no other individuals in the car. After coming to a stop, Ms. Easley observed individuals leaving the football game coming out of the gate onto Coates Street. Ms. Easley made a left turn from Kenney Avenue onto the 800 block of Coates Street and began to drive eastbound.

As Ms. Easley was making the left turn, she heard two gunshots coming from the easterly direction, which would have been the 900 block of Coates Street. Ms. Easley drove down Coates Street and heard a second series of gunshots coming from the same direction. When Ms. Easley heard these shots, her car was located between the tennis courts and the ramp on the 800 block of Coates Street. When she heard the second series of gunshots, Ms. Easley stopped her car and was trying to recline her seat in an attempt to duck and take cover. At this point, her car was stopped approximately parallel with the exit ramp from the football field.

Ms. Easley then heard bullets coming through the window of her car that shattered the glass. She stated during the preliminary hearing of Devaney, Dolan and Smith that she could feel the glass on her skin. Ms. Easley drove her car east on the 800 block of Coates Street and did not stop hearing gunshots until reaching the end of the block.

SHPD Officer John Scanlon was located inside the football field gate, opposite the exit ramp and on the inner part of the track that surrounds the football field when he first heard gunshots on the evening of August 27, 2021. When the shooting stopped, Officer John Scanlon could hear a young girl screaming. He rushed to render aid to the young girl, Fanta Bility, who had suffered a gunshot wound. He and his partner, Officer Vincent Procopio, decided that they could not wait for medical attention to arrive, and rushed Ms. Bility to a patrol car and transported her to the hospital. Fanta Bility died on August 27, 2021 at 9:25 p.m. as a result of a gunshot wound.

B. Immediate Response

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At approximately 8:45 pm on the evening of August 27, 2021, Corporal Vincent Port received a notification from Delaware County police radio of a shooting incident at the Academy Park football game. Corporal Port arrived on scene within approximately 15 minutes of the initial report at the intersection of Kenney Avenue and Coates Street. Corporal Port made contact with Officer Brian Devaney on the south side of the 800 block of Coates Street, approximately across from the tennis courts. Corporal Port described Officer Devaney as being agitated and sweating during his preliminary hearing testimony. According to Corporal Port, Devaney repeatedly told him “they were shooting at us, they were shooting at us” and was indicating from the direction of the 900 block of Coates street.

Corporal Port asked Officer Devaney to explain what happened. As testified to by Corporal Port, Officer Devaney stated that he heard gunshots whizzing past him. As this was happening, a black Chevrolet Impala with black-tinted windows was driving down the 800 block of Coates Street heading east. The Impala was traveling at a high rate of speed then slammed on the brakes and came to a screeching stop close to where Officer Devaney was positioned. As the Impala stopped, Officer Devaney then heard a second burst of gunshots, this time louder. Officer Devaney said that it sounded to him like the gunshots were coming from the black Impala. Officer Devaney stated that “we discharged.” Corporal Port asked, “who is ‘we’?”. Officer Devaney replied that he, Officer Dolan and Officer Smith all discharged their service weapons.

Corporal Port observed multiple fired cartridge casings²⁰ on the ground in the area where he and Officer Devaney were talking. Once Corporal Port was notified that Officer Devaney discharged his service weapon, a separate protocol was triggered and Corporal Port directed Officer Devaney to his Fraternal Order of Police representative that had responded to the scene of the Academy Park shooting and was on location. Corporal Port notified the Delaware County District Attorney’s Office, Criminal Investigations Division (“CID”) to process the scene of the shooting. Detective Timothy Deery of the Delaware County District Attorney’s Office CID, assigned to the Homicide Division, arrived on scene on the evening of August 27, 2021. Detective Deery, a thirty (30) year veteran of law enforcement with five (5) years in the homicide division, processed the scene and assisted in marking, photographing and collecting physical evidence.

C. Resulting Criminal Prosecution of Officers Devaney, Dolan and Smith

After the scene of the shooting was processed and evidence was collected, law enforcement investigators believed Fanta Bility may have been shot and killed by the three officers that discharged their service weapons that evening. Witness interviews and ballistics analysis corroborated that belief. Per testimony provided by Detective Timothy Deery of CID, there were twenty-five (25) fired cartridge casings on the 800 block of Coates Street. Eight (8) of those were fired by the Glock 17, 9mm service weapon belonging to Officer Devaney; eleven (11) fired

²⁰ A cartridge casing is the casing that holds the projectile for a round of ammunition or a part of bullet that holds the explosive material and the projectile. In a semi-automatic handgun, like the standard issue Glock handguns carried by the SHPD officers, when a projectile is fired, the fired cartridge casing is ejected from the gun.

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cartridge casings were fired from the Glock 17 belonging to Officer Smith; and six (6) fired cartridge casings were fired from the Glock 17 belonging to Officer Dolan. The black Chevy Impala driven by Ms. Easley was located and processed. There were multiple gun shots that struck Ms. Easley's vehicle. There were fired projectiles recovered from the passenger-side door of the black Chevy Impala. Two of the fired projectiles recovered from the vehicle matched to the guns belonging to Officers Devaney and Smith. There was a fired projectile recovered that had Fanta Bility's DNA on it. It is undetermined from which gun that projectile was fired. Additionally, investigators also located other shooting victims, Aniyah Kellan and Alona-Ellison Acosta, who were in the 800 block of Coates Street at the time of the gunfire.

On September 8th and 9th, 2021, approximately two weeks after the shooting, the non-discharging SHPD Officers who were present the night of the shooting, August 27, 2021, provided statements describing their account of what they observed. An incident report was provided to the Delaware County District Attorney's Office in September 2021.

On September 27, 2021, Delaware County District Attorney Jack Stollsteimer announced that his office impaneled an investigating grand jury to investigate the shooting death of Fanta Bility and to consider the possible criminal charges against the officers. On November 18, 2021, a grand jury composed of Delaware County residents was seated to investigate the events of August 27, 2021. On or about January 18, 2022, the grand jury made a presentment recommending the charges of Voluntary Manslaughter, Involuntary Manslaughter, and Recklessly Endangering Another Person²¹ against Officers Devaney, Dolan and Smith. On January 20, 2022, the Sharon Hill Borough Council approved the termination of Officers Devaney, Dolan and Smith. On March 3, 2022, the Delaware District Attorney's Office Special Investigations Unit presented its case against the Officers at a preliminary hearing before Magisterial District Judge Robert R. Burke. Judge Burke held each defendant, Officers Devaney, Dolan and Smith, for court on all charges: Voluntary Manslaughter, Involuntary Manslaughter, and ten (10) counts of Recklessly Endangering Another Person.

V. REVIEW OF SHARON HILL POLICE DEPARTMENT

A. Overview of Department

²¹ § 2503(b). Voluntary Manslaughter: A person who intentionally or knowingly kills an individual commits voluntary manslaughter if at the time of the killing he believes the circumstances to be such that, if they existed, would justify the killing under Chapter 5 of this title (relating to general principles of justification), but his belief is unreasonable. Voluntary manslaughter is a felony of the first degree. § 2504(a). Involuntary manslaughter: A person is guilty of involuntary manslaughter when as a direct result of the doing of an unlawful act in a reckless or grossly negligent manner, or the doing of a lawful act in a reckless or grossly negligent manner, he causes the death of another person. Involuntary manslaughter is a misdemeanor of the first degree. § 2705. Recklessly endangering another person: A person commits a misdemeanor of the second degree if he recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury.

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The Sharon Hill Police Department is the police department that services the Sharon Hill Borough in Delaware County, Pennsylvania. The SHPD consists of both full and part-time police officers. As of the date of this report, the SHPD is not an accredited police department.²²

As of August 27, 2021, the number of active officers was nineteen (19) based on a roster provided by Chief Herron. As of June 6, 2022, there are thirteen (13) law enforcement members in the Department. The Sharon Hill Police Department is guided by its Duty Manual, a document that provided to each officer upon their hiring. The Duty Manual provides the department structure, as well as a summary of each officer's moral and legal obligations as a police officer. The stated purpose of the Duty Manual is to "provide guidance and confidence in [each officer's] daily activities...[and to] establish a uniform code of personal conduct for all personnel." The stated goal for each officer is "to achieve the highest levels expected of a professional Police Officer."²³

The Duty Manual explains the hierarchy of rank within the Sharon Hill Police Department as follows:

1. Chief of Police
2. Sergeant
3. Police Officer / Detective
4. Patrolman

All Sharon Hill Police Department personnel shall follow the Code of Conduct.²⁴ Among other things, all personnel must obey all laws of the United States, all laws of the Commonwealth of Pennsylvania, and all laws and ordinances of the Borough of Sharon Hill.²⁵ All personnel must be held responsible for any act or omission which is prejudicial to good order or discipline.²⁶ All personnel are expected to be "totally aware and familiar with all...Departmental Policies and Duty Manual" as well as "the 'Use of Force' laws in effecting an arrest and criminal activity leading to an arrest of persons."²⁷

It is the duty of the Chief of Police to ensure that all the personnel within the Sharon Hill Police Department have a knowledge and understanding of all SHPD policies as well as the use of force laws and policies that SHPD personnel are required to follow. The Policy Manual details the duties and responsibilities of the Chief of Police.²⁸ The Chief is responsible for the "total operation of the

²² Pennsylvania Law Enforcement Accreditation Commission (PLEAC) oversees the application and approval process for law enforcement entities seeking Accreditation. Currently, there are 142 active accredited law enforcement entities in Pennsylvania with fourteen (14) accredited police departments in Delaware County.

²³ See Exhibit B-1. Duty Manual, pg. 1.

²⁴ See Exhibit B-2. Code of Conduct.

²⁵ See Code of Conduct, No. 1.

²⁶ See *id.*, at No. 2.

²⁷ See *id.*, at Nos. 29, 30.

²⁸ See Duty Manual, pg. 12.

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department.”²⁹ The Chief is tasked with managing, directing, and controlling all resources of the department and the Chief “shall formulate continuing educational training programs for all personnel” as well as “develop new techniques and improve the effectiveness of the department.”³⁰ As such, the Chief of Police has the authority to implement new policies and training techniques to ensure that, at the very least, all personnel possesses a thorough understanding of the use-of-force laws and policies that each officer is expected to uphold.

Each new hire to the Sharon Hill Police Department is provided with the Sharon Hill Police Department Duty Manual, Policy Manual and the list of SHPD Policies. Each member of the SHPD is required to sign and return a statement indicating they have accepted the documents and have read and understood them.

B. Use of Force Policies in Effect at the Time of Shooting Incident

There were multiple policies regarding the use of force in the materials provided by the SHPD. The various policies relating to the appropriate use of force appear in the following Sharon Hill Police Department materials:

Code of Conduct: The third page of the Sharon Hill Police Department Policy Manual includes the Sharon Hill Police Department “Code of Conduct.” The Code of Conduct includes a section entitled “Use of Force” and provides as follows:

*“A Police Officer will never employ unnecessary force or violence and will use such force in the discharge of their duty as is reasonable in all circumstances. The use of force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every Police Offices will refrain from the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.”*³¹

SHPD Policies & Police Directives: The SHPD Policies in effect at the time of the Academy Park shooting consisted of sixty (60) police directives (“Directives”). Each Directive has a number and title. Some Directives include multiple subparts and are complex, while others are short and straightforward. Chief Herron signed an order dated January 18, 2016, whereby he ordered all sixty police Directives to remain in effect until further notice and such directive would be re-

²⁹ See *id.*

³⁰ See *id.*

³¹ See Exhibit B-2. Code of Conduct.

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evaluated “when needed.”³² There is no indication any of the sixty Directives were edited or amended between January 18, 2016 and August 27, 2021, the date of the Academy Park shooting.³³

While some of the Directives from the Sharon Hill Police Department may overlap with, or even be identical to police directives in other departments, each department is responsible for creating and implementing its own policies. Indeed, some part-time police officers in the Sharon Hill Police Department also worked part-time in other police departments within Delaware County. Those part-time officers were required to learn and understand the policies unique to each police department. There did not appear to be any testing on the knowledge, comprehension, retention or application of SHPD policies. The officers were given the policies upon their hire and expected to read, understand and implement or adhere to those policies. The SHPD policies that involve the use of force are as follows:

- **POLICE DIRECTIVE 026 – Service / Duty Weapon**

Police Directive 26 consists of fifteen (15) paragraphs, some of which involve the appropriate use of force.³⁴ Paragraph 8 states that “under no circumstance shall an officer fire a warning shot whether it is fired in the air or not.” Paragraph 9 states that “**Officer should not discharge any firearm at or from a moving vehicle, except as the ultimate measure of self-defense or defense of another**, when the suspect is using DEADLY FORCE or other than the vehicle.” (emphasis added).

- **POLICE DIRECTIVE 032 – Vehicular Pursuit**

Police Directive 32 consists of multiple paragraphs (A – H) and subparts relating to the appropriate use of force during a police pursuits.³⁵ The policy recognizes that the preservation of life often requires that officers terminate police pursuits when the pursuit poses unreasonable danger to the public. Section 3(A) of Directive 32 provides “a decision to terminate pursuit may be the most rational means of preserving the lives and property of both the public and the officers and suspects engaged in pursuit.” Section F, titled “Use of Firearms During Pursuit” provides: “**Officer shall not discharge a firearm at or from a moving vehicle, except as the ultimate measure of self-defense or defense of another**, when the suspect is employing deadly force by means other than the vehicle. Department policy regarding deadly force shall be strictly followed.” (emphasis added).

- **POLICE DIRECTIVE 040 – Use of Force**

³² See SHPD Policy Manual page 6.

³³ Chief Herron stated on April 6, 2022, when meeting with Special Counsel to review and affirm his interview summary, that he has started reviewing and revising departmental policies. He provided some drafts of police directives he has started revising.

³⁴ See Exhibit B-2. SHPD Directive 26.

³⁵ See Exhibit B-2. SHPD Directive 32.

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Police Directive 40 consists of eight (8) paragraphs, all involving the appropriate use of force—including the use of deadly force.³⁶ The entire policy is relevant to this Report and should be reviewed thoroughly by the Borough Council. The notable portions of Directive 40 are as follows:

1. POLICY: *The value of human life is immeasurable in our society. Police Officers have been delegated the awesome responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection must at all times be subservient to the protection of life.*

4. DEADLY FORCE:

(A) *Deadly force may be used by a Police officer only when he believes that such force is necessary to prevent death or serious bodily injury to himself or such other person, or when he believes BOTH that:*

1) *Such force is necessary to prevent the arrest from being defeated by resistance or escape AND;*

2) *The person to be arrested has committed or attempted a FORCIBLE felony, or is attempting to escape AND possesses a deadly weapon, or otherwise indicates that he will endanger human life or inflict serious bodily injury unless arrested without delay.*

(D) *The use of deadly force must, of course, always be reasonable. To be reasonable, the use of force must always be proper, justified, and non-negligent. **Generally, before using deadly force, the officer must consider the accuracy of his information, that life or great bodily injury is threatened; whether the use of deadly force is a last resort; [and] the danger to innocent bystanders.*** (emphasis added).

3) *Officers are prohibited from discharging firearms when it appears likely that an innocent person may be injured.*

4) *Officers shall not discharge a firearm at or from a moving vehicle, except as the ultimate measure of self-defense or defense of another, when the suspect is using deadly force by means other than the vehicle.*

- **POLICE DIRECTIVE 041 – Reporting Use of Force**

³⁶ See Exhibit B-2. SHPD Directive 40.

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Police Directive 41 consists of eight (6) paragraphs, all involving the appropriate use of force—including the use of deadly force.³⁷ The entire policy is relevant to this report and should be reviewed thoroughly by the Borough Council. The notable portions of Directive 41 are as follows:

2. Purpose: *The purpose of this policy is to establish guidelines and procedures governing the use of force and weapons by all members of the Sharon Hill Police Department.*

3. Procedures: A written report prepared according to departmental procedures will be required in the following situations: (A) *when a firearm is discharged outside the firing range;* (B) *when the use of force results in death or injury...*(E) *A separate report must be completed by members of the department for all incidents outlined in the above paragraphs, A-D, on a utility report, outlining the officer's response, actions taken, injuries sustained, follow-up information and medical treatment rendered. This [utility] report will be separate from the officer's official report which will detail the entire incident and all facts concerning the use of force and related information.*

4. Discharge of Firearms: (A) *All members of this department shall immediately contact the Chief of Police or his designee on all incidents of discharge of firearm outside the range...*(D)(1) *Any member of this department who has to take the life of another person, or who has caused severe grievous bodily injury will be removed from the line of duty assignment. This is in order to protect both the officer(s) and the community's interest in the situation until it is properly investigated and resolved.* (D)(3) *All incidents involving the use of force resulting in the death or serious bodily injury will be investigated by the District Attorney's Office.*

- **POLICE DIRECTIVE 042—Use of a Taser**

Police Directive 42 consists of seven (7) paragraphs all of which relate to the use, appropriate circumstances for discharge, training and procedure for using a taser. While this policy relates to the use of less-than-lethal force, it is not particularly relevant to this Report as Tasers were not employed during the Academy Park shooting.

C. Current Use of Force Training For Sharon Hill Police Officers

1. Classroom and Situational Training to Become a Police Officer

³⁷ See Exhibit B-2. SHPD Directive 41.

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Sharon Hill Police Officers must first meet the minimal certification requirements as required by the Municipal Police Officer's Education and Training Commission ("MPOETC") before they can work as a police officer. To become a police officer, each individual must first successfully complete the Pennsylvania Municipal Police Officer Basic Training Program ("Basic Training"). In Pennsylvania, police officer Basic Training is provided at certified police academy schools. For example, in Delaware County, the Basic Training course is offered at the Delaware County Community College in Media, PA.

MPOETC publishes on its website a twenty-nine-page curriculum overview of the Basic Training program with a description of each module, and a two-page syllabus. Police Officer cadets that undergo the Basic Training Program receive training on the use of deadly force in two modules, Volume 3 "Laws and Criminal Procedures" and Volume 17 "Firearms. According to MPOETC, in the Laws and Criminal Procedure module, cadets will receive the following training:

Use of Force is a very important topic that is also addressed in this Module. Cadets will become versed in Constitutional Law and legal issues dealing with Use of Force in Pennsylvania and will review and understand related case law. There will be a familiarization with the elements of justification when a Use of Force action is taken, and Cadets will be able to legally defend a justified Use of Force. Instructors will also discuss the consequences of an unlawful use of deadly or non-deadly force, both criminally and civilly. The Use of Force continuum and various Use of Force options will be introduced to the Cadets. They will gain an appreciation for the ability to defuse and de-escalate Use of Force encounters and will learn that gaining general voluntary compliance is preferable to physically engaging an individual; however, when it is necessary to engage they will also understand the level of force appropriate for a variety of given situations.

See Basic Training Manual, pg. 8. In the "Firearms" module, the cadet receives the following training:

Cadets will participate in a stress shooting course. The instructors will give an introduction and cautions, discuss the process and procedure, the range layout, and the exercise. The stress shooting course will cause Cadets to experience the effects of physical stress on manual dexterity and shooting skills. They will engage targets after physical exertion. Cadets will still be expected to demonstrate proper use of cover while engaging targets after performing physically stressful tasks. They will be expected to demonstrate the ability to make proper shoot/no shoot decisions and will demonstrate the capacity to use deadly force properly in stressful circumstances³⁸.

³⁸ See *id.*, at pg. 27.

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Aside from the two aforementioned modules, there is no additional training regarding the appropriate use of force or use of deadly force prior to a cadet taking his or her certification examination.

2. Shooting Range Training and Qualifications for Certified Police Officers

The MPOETC requires that police officers qualify with their duty weapon each year.³⁹ The shooting range testing that all police officers must undergo to remain certified is an examination of proficiency and accuracy but does not appear to test target recognition or judgment. For example, the testing consists of officers moving through a set course, shooting at different distances, in different shooting positions (standing, kneeling, etc.), shooting with both one's strong hand and weak hand, reloading, retreating and taking cover. The officers are tested for timing and accuracy. However, based on information gathered, the MPOETC Handgun Qualifications Course does not appear to test whether an officer can accurately identify a deadly threat versus an innocent bystander. The MPOETC testing also does not involve real-world scenarios executed in real time in which, for example, an officer should refrain from using deadly force where bystanders may be in the line of fire of an armed and dangerous suspect.

3. Additional Firearms Training for SHPD Officers

The Sharon Hill Police Department has the authority to impose additional training requirements to better prepare their officers for the issues the Chief deems most appropriate and necessary. During interviews with Sharon Hill Police Officers, multiple officers stated that they receive training at the police shooting range that goes beyond what MPOETC requires. Specifically, SHPD Officers stated that they visit the shooting range four (4) times per year for training when the MPOETC requires less than four (4) visits per year. Additionally, SHPD Officers stated that they received "shoot / no-shoot" training at the shooting range in which officers must determine whether a target is a deadly threat or an innocent bystander.

On April 26, 2022, Investigators conducted a site visit to the shooting range used by the SHPD [REDACTED]. The range included a classroom and 100-yard shooting range. Investigators asked the individual that worked at the range how the "shoot / no-shoot" targets worked. Investigators were told that the officer's would begin a "shoot / no-shoot" training exercise with their view of the target blocked. When the officer would step out from the covering, revealing the target, he or she would make a decision whether to fire.

³⁹ Title 37, Section 203, establishes the following regulatory requirements related to police firearms qualifications. All certified police officers must complete annual qualification on a police firearms course with any firearms authorized for use, including personal weapons. §203.52(b)(1)(i). The minimum passing score for a firearms course is 75%. §203.11(11)(ii)(A). All waiver-of-training applicants and basic cadets must meet the Commission's standards for firearms qualification. §203.11(11)(ii)(A); §203.12(3)(i). Firearms instructors can refuse to qualify an individual on a weapon they have determined is unsafe, inadequate or not appropriate for police training. §203.33(16)(i). Failure to meet the Commission's standards for firearms qualification is grounds for revocation of certification. §203.14(a)(3).

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Besides the range itself, there was also an enclosed classroom at the shooting range. Investigators asked whether the SHPD used the classroom, or any other part of the range for simulation training. For example, training involving a virtual reality equipment where an officer is confronted with simulations of real-world situations involving the use of deadly force.⁴⁰ The SHPD department does not employ any 3D or virtual reality trainings or simulations.

4. Additional Elective Course Training for SHPD Officers

SHPD officers may take additional training courses if they so desire, and the SHPD will support such additional training. Multiple SHPD officers, when interviewed, stated that if they wanted to attend any training, Chief Herron has always been supportive and they were not aware of any instance in which Chief Herron refused to allow an individual officer to attend a training. Investigators did not receive information from the Officers that Chief Herron encouraged specific training. However, Chief Herron did note that additional training provided by Officer Hukanir as stated in Exhibit B-3 is conducted in addition to MOPTEC required firearms qualifications. Additionally, Chief Herron stated that “SHPD officers qualify twice a year for firearms training. MOPETC only requires training once a year. There is a review of use of force policy at every range date.”

Nearly all of the SHPD officers have attended ALERRT training, which stands for “Advanced Law Enforcement Rapid Response Training”. The ALERRT training is provided, in part, by the Federal Bureau of Investigation. It is a two-day training in which officers participate in a simulated active shooter situation.⁴¹ Investigators requested course materials for the ALERRT training but did not receive the information.⁴²

VI. EVALUATION OF SHARON HILL POLICE DEPARTMENT USE OF FORCE POLICIES AND TRAINING

A. Assessment of SHPD Training and Policies

⁴⁰ The Pennsylvania State Police, the York County Police Department, and other departments use 3D virtual reality training systems that are meant to simulate real life situations involving the use of deadly force. *See* <https://www.govtech.com/public-safety/pennsylvania-police-embrace-3d-virtual-training>, last visited on April 27, 2022.

⁴¹ The ALERRT two-day training is staged at local abandoned school. The simulation includes volunteers within the school that act as wounded students and hostages. The officers are taught how to move together as a cohesive unit through the school or building, clearing the building room-by-room in pursuit of the active shooter.

⁴² The SHPD does not perform or create course training materials themselves, they instead send their officers to ALERRT or other designated training. If not the current practice within the Department, it would be valuable for a SHPD officer who attended the training (or any training) to provide all written materials to the SHPD so that the materials can be retained, serve as reference tool and, if needed, shared with other officers. Without any written course materials, most of the information received about the ALERRT active shooter training was anecdotal and based on the best recollection from SHPD police officers that had attended the training.

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While it appears that the policies and procedures that were in effect at time of the shooting on August 27, 2021 were generally satisfactory in their overall content, there were areas that lacked sufficient direction or could be bolstered. Additionally, overall the policies and procedures show an effective date of January 2016 and there is no indication of subsequent or periodic review and/or updates to take into account best practices guidance documents that may have been issued or published since January 2016.⁴³

1. *Testing of SHPD Use of Force Policy Comprehension and Application*

In the Sharon Hill Police Department Code of Ethics, each officer swears an oath which includes the following: “I know that I am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.”⁴⁴ There does not appear to be any test to determine an officers level of comprehension regarding the appropriate and lawful application of force, or the graduating levels of force to be applied in a given scenario from non-lethal force up to lethal force. Instead of having a required metric or test given at regular intervals to determine an officer’s adequate understanding of the scenarios in which differing levels of force may be appropriate and lawful, the individual officers must take the affirmative step to request or seek the instruction on how to effectively assess their understanding and application of the appropriate use of force.

2. *Simulation Training*

The members of the Sharon Hill Police Department that were interviewed as part of this investigation stated that at various times during their training (MPOETC, Field Officer Training (“FOT”), firearms training, certification training or re-certification) they had participated in scenario-based training. However, the Investigators were unable to determine the complexity or sophistication of the scenario-based training. What was observed during the site-visit to the Delaware County Law Enforcement Training Center and in speaking with the Deputy Director, was that interactive or simulation training was not utilized. Instead, static “shoot / no-shoot” drills and book-learning predominated, with the exception of the ALERRT training which included some live scenario-based response to an active shooter situation.

⁴³ There is limited, if any, available data regarding the frequency with which any one of the 12,000 police departments nationwide reviews their use-of-force policies. However, anecdotally, a great deal of reform in this arena has occurred from 2014 – present. Some police departments across the country have reviewed, amended and adopted policies with the express purpose of addressing and limiting the excessive use of force. To date, the Sharon Hill Police Department has not taken similar steps.

⁴⁴ Unlike shooting range certifications requirements, there is not a testing requirement that must be met on an annual or semi-annual basis with respect to knowledge and application of the use-of-force policies. Police departments govern themselves with respect to their officers knowledge of the departments use-of-force policies. As such, Investigators do not have data with respect to the frequency with which other police departments test their officers on their comprehension or retention of use-of-force policies. Investigators did not receive or observe any documentation that any officer at the SHPD was ever tested on the SHPD use-of-force policies.

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3. Training Regarding the Appropriate Use of Deadly Force

Investigators determined there were three areas of training officers received regarding the use of deadly force. The first area of training is the policy manual itself, which provides the rules and guiding principles for an officers proper use of deadly force. The second area is the “shoot / no shoot” drills at the shooting range. The third area of training is that ALERRT training curriculum. The ALERRT curriculum trains officers how to react to an active shooter situation. Not all members of the SHPD had received ALERRT training at the time this Investigation was conducted and ALERRT training is not mandatory.

Investigators found that there appears to be a deficiency or void in the ability to evaluate each officer’s comprehension and application of the SHPD Policies regarding the use of deadly force. The SHPD policy regarding the use of deadly force, Directive 40 (4)(A-D) is lengthy and complicated. Whether an officer’s use of deadly force is appropriate and justified often requires a complex assessment and will depend upon the unique factual scenario and nuances presented in a high-stress real-life situation. While determining the threat level of a target in a shoot / no-shoot drill has value, that training alone does not provide an officer with sufficient opportunity to understand and apply how to abide by the policies regarding the use of deadly force.

The SHPD officers were given the police directives, but to expect them to understand how to apply the policies regarding the use of deadly force by solely in-class instruction or reading the words on the page appears, on its face, to be inadequate. An Officer’s understanding on the lawful and appropriate use of deadly force should be tested in comprehensive manner to ensure that, in addition to being able shoot accurately, they can be expected to make life and death decisions with care and precision under pressure. In short, the need to test for the ability to quickly assess, process and react in real time to a “real-world” situation is critically important. Testing an Officer’s comprehension through application would provide a greater ability to determine effectiveness. Along with evaluating the ability of an Officer to develop the skill of avoiding impulsive reactions in the use of deadly force.

B. Comparison Between SHPD Use of Force Policies with Other Police Departments

Investigators compiled several neighboring law enforcement agencies’ use-of-force policies to compare to the SHPD policies. The law enforcement agencies selected as comparators represent a cross section of local police departments of various sizes, geographic locations and demographics: large and small municipalities, urban and suburban, and eastern and western regions of Pennsylvania. Those agencies include:

1. Philadelphia Police Department
2. Pittsburgh Police Department
3. Springfield Township Police Department (Delaware County)
4. Norristown Police Department
5. Lower Merion Township Police Department

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	Size of Department*	Size of Population Served	Sq/M Size of Jurisdiction	Type of Locality
Sharon Hill Police Department	9	5,674	.77	Suburban
Lower Merion Township Police Department	135	59,796	23.67	Suburban
Norristown Police Department	68	34,430	3.52	Suburban
Philadelphia Police Department	6,584	1,589,014	134.1	Urban
Pittsburgh Police Department	1,064	300,548	55.37	Urban
Springfield Township Police Department	32	24,208	6.32 sq.	Suburban

* Full-time police officers

Sharon Hill Police Department’s policy regarding use of force is a four-page document that has an effective date of January of 2016.⁴⁵ The Sharon Hill policy is divided into eight parts: policy, purpose, definitions, use of force, progression of force, identification as a police officer, physical force and a legal disclaimer. The policy begins with a statement of the value of human life. This principle is present at the beginning of almost all other agencies’ policies reviewed by Investigators and follows the guidance of the model rules.⁴⁶

The purpose of the SHPD use-of-force policy is to preserve life while providing police officers the tools they need to perform a dangerous job that may, at times, necessitate the use of force. The SHPD’s manual contains two policies that solely focus on a police officer’s appropriate use of force. The first, Police Directive No. 40, encompasses all levels of force (less-than-lethal to deadly). The second, Police Directive No. 41, involves the reporting of use-of-force incidents.

Unlike the SHPD, the Philadelphia Police Department’s policy manual contains four policies that solely focus on a police officer’s appropriate use of force. These include policies entitled: Use of Force Involving the Discharge of Firearms, Use of Moderate/Limited Force, Use of Less Lethal Force and the Use of Force Review Board. Other Pennsylvania police departments, such as Pittsburgh and Springfield (Delaware County) are more closely aligned with the SHPD as their policies encompass the progression from non-deadly to deadly force in one policy.

In reviewing the definitions, SHPD’s policy defines four terms: deadly force, non-deadly force, reasonableness and reasonable amount of force. Within SHPD’s policy, deadly force is defined as “force which is intended to cause death or grave injury or which creates some specific degree of

⁴⁵ A copy of the Sharon Hill Police Department’s Use of Force Policy is indexed in this report as Exhibit B-2 and attached hereto.

⁴⁶ Philadelphia Police Department, Pittsburgh Police Department, Norristown Police Department and Lower Merion Township Police Department’s policies all contain language pertaining to the value of human life in its initial paragraphs.

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risk that a reasonable and prudent person would consider likely to cause death or grave injury. This differs slightly from the Pennsylvania Crime’s Code definition of deadly force: “Force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.”⁴⁷ Springfield Township and Pittsburgh Police Department use the aforementioned Crime’s Code definition. To the extent other policies defined “non-deadly force,” they were also similarly defined as a catch all for any force that isn’t “deadly force.”⁴⁸ SHPD’s policy also lists specific examples of what actions would not constitute deadly force. For example, the use of police dogs or pepper spray is not deadly force.

The next two sections of SHPD’s policy discuss the use of force as an escalating progression. This includes a list of seven (7) instances where deadly force is prohibited. One instance included on this list is the prohibition of shooting at a vehicle unless the suspect is using deadly force, other than the vehicle itself. This means, even if the suspect is using his or her vehicle as a deadly weapon by striking people or property, the officer is not permitted to use deadly force against that suspect unless they are using deadly force *other than* the vehicle.⁴⁹

The escalating progression of force appears in every agency’s policy but differs in presentation. For example, SHPD directs its officers on progression of force via a six-step list, least to greatest:⁵⁰

- a. Verbal directions, persuasion, advice, warnings and control orders.
- b. Unarmed control techniques, escort holds, compliance holds, passive counter measures and active counter measures.
- c. Non-lethal taser or OC spray.
- d. Verbal warning; impact weapon, use of baton/pr 24 and Handler-12.
- e. Verbal warning; Use of tear gas.
- f. Verbal warning; Use of service weapon/shotgun.

Whereas Philadelphia Police Department’s policy uses a pyramid diagram to display the progression of use of force:

⁴⁷ See 18 Pa.C.S.A. §501

⁴⁸ Pittsburgh Police Department defines non-deadly force as “any use of force other than that which is considered deadly force.”

⁴⁹ Lower Merion Police Department, Springfield Township Police Department and Norristown Police Department’s policies contain language prohibiting shooting at or from a vehicle.

⁵⁰ While SHPD’s use of force policy states a *Parsons Confrontational Continuum* is enclosed within, one was not provided in either the electronic nor hard copy of the policy manual provided by SHPD.

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USE OF FORCE DECISION CHART



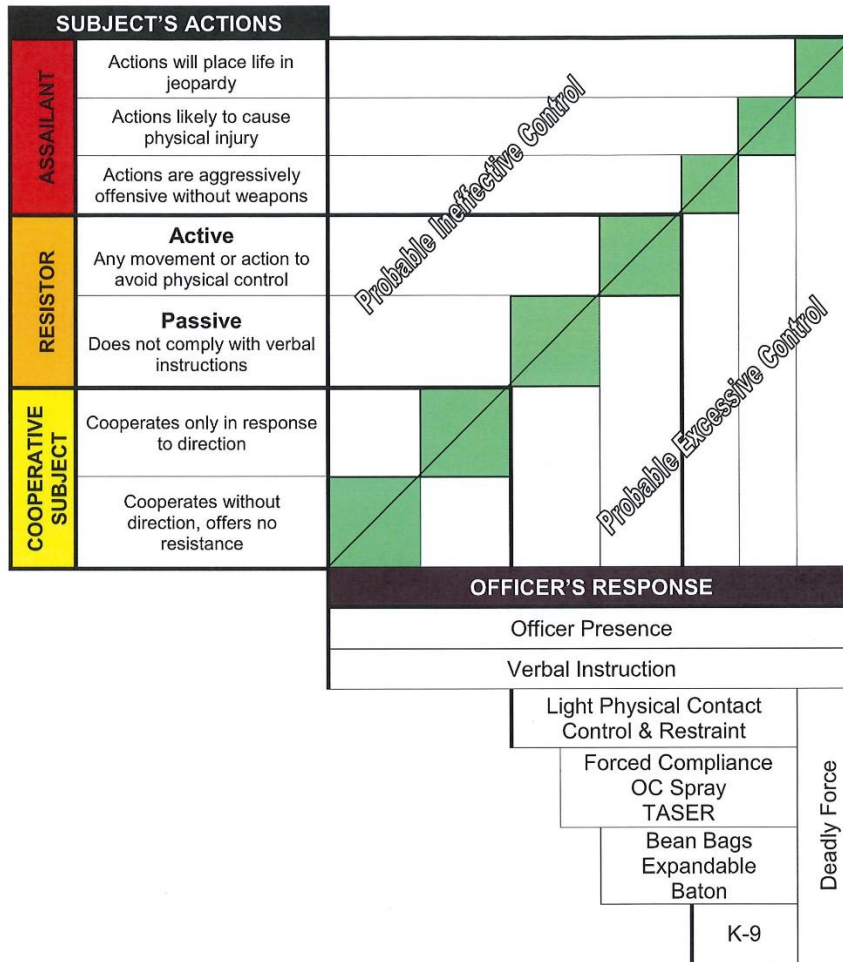
While the use of force progresses in steps similar to SHPD's policy, Philadelphia's diagram also includes "offender threat" to explain the type of behavior the suspect would display at each level to justify that level of force.

Springfield Township Police Department takes another approach by graphing the progression of force.

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1.3.1 Use of Force
Appendage #1

USE OF FORCE MODEL



Probable Ineffective Control - Likely to lead to officer safety being threatened and possibly lead to escalation of force beyond what was necessary to control the situation.

Zone of Effective Control - Situations are dynamic and fluid and officers must be prepared to escalate and de-escalate as the situation warrants.

Probable Excessive Control - An inappropriate response to the amount of resistance encountered.

Chart derived from John C. Desmedt © 1983

As seen above, one axis of the graph describes the behavior of the suspect and the other axis describes the officer's response. Where the two axis intersect, creates a "zone of effective control."

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Most notably missing from SHPD's use-of-force policy is clear guidance regarding de-escalation. Both the Springfield Township and Philadelphia Police Departments discuss de-escalation within the progression of force. All other agencies include direction on de-escalation somewhere within its use-of-force policy.⁵¹ The de-escalation practices described in other agencies policies directs officers to use distance, positioning, and time as a tactical practice to reduce the need for physical or deadly force.

There are additional aspects of other agencies' policies that are not included within SHPD's policies. Some of this is due to the organization of the SHPD policy manual. For example, SHPD's use-of-force policy does not discuss reporting incidents where force was used because its policy manual contains this within a separate directive. In contrast, Lower Merion Township Police Department incorporates direction on the use of force and reporting use of force within one policy.

Also, in section 3(E) of SHPD Police Directive No. 41, titled "Reporting Use of Force Section", directs that whenever use of force results in death or injury the departmental procedures require that a separate report must be completed by members of the department for all incidents outlined in the above paragraphs A through D, on a "utility report". The utility report outlines the officer's response, actions taken, injuries sustained, follow-up information and medical treatment provided. Policy 41 also directs that, as a part of the required follow up, the Chief of Police or his designee review all reported use-of-force incidents and review the incident with a "designated review panel". A document titled "utility report" was not provided or identified regarding the August 27, 2021 use-of-force incident in the information received from the police department. Also, the application of a review of the incident by the Chief of Police and a designated review panel, normally comprised of the SHPD Corporals, was not applied in the August 27, 2021 incident.⁵²

C. Additional Policy Comparisons Based on Borough Council's Concerns

In addition to use-of-force policies, Investigators also reviewed Internal Affairs and Civilian Complaint policies of the same five agencies listed above. Chief Herron has started taking steps to review and revise current departmental policies, such as the SHPD policy regarding civilian complaints.⁵³ Chief Herron has also provided Investigators with information regarding his research and review of evidence-based practices and tools to assist in training on bias and mental health and creating a focus on diversity within the department and improved engagement with the community. None of the aforementioned information the Chief has gathered thus far to address

⁵¹ Philadelphia Police Department, Springfield Township Police Department, Norristown Police Department, Lower Merion Township Police Department and Pittsburgh Police Department all contain de-escalation directive within its use of force policies.

⁵² See Exhibit B-2. SHPD Policy 041. Per Chief Herron, a review panel and the utility report were not completed due to the pending criminal investigation in this matter which precluded the availability of information to complete the internal review and/or report. However, it would be beneficial that in cases where information is not readily available to complete an internal review and/or utility report, documentation should be completed in a timely manner, per a policy revision, reflecting that conclusion.

⁵³ It remains uncertain as to whether the pending revisions to policies have been adopted. Therefore, absent an effective date, any pending or newly revised policies are not included in this report.

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diversity, community engagement, use of force, and other identified areas of concern, have been placed into any formalized directive, document, policy or strategic plan. The steps that Chief Herron is currently taking since August 27, 2021 are still being researched and developed with the intention, as stated by Chief Herron, to draft changes that would be implemented. For example, Chief Herron reports he has “[A]ttended a training class and [had] a consultation with the Pennsylvania Accreditation Program to look into the possibility of accreditation for the Department.”⁵⁴

SHPD’s Police Directive No. 29 outlines the procedure taken by the department upon receiving a civilian complaint.⁵⁵ While a complaint may be accepted verbally, the policy requires that the supervising officer, or the officer-in-charge, provide the opportunity for the citizen to submit the complaint in writing whenever possible. An investigator is then assigned to review the complaint and to provide updates to the Chief of Police. This differs from larger agencies’ policies that have an entire unit dedicated to the investigative process. For example, Philadelphia Police Department has an Office of Professional Responsibility in which the Chief Inspector would oversee the citizen’s complaint.⁵⁶ Similarly, Pittsburgh Police Department has an Office of Municipal Investigations which oversees all complaints made against an officer.⁵⁷ Investigators acknowledge that the need for a specifically identified unit to address citizen’s complaints may not be warranted in Sharon Hill since those larger localities established units, more like than not, based on volume of reports received due to the size of each of their two departments. Sharon Hill is much smaller in size, and presumably volume of incidents, is much less compared to the larger metropolitan areas of Philadelphia and Pittsburgh. However, there is a need to ensure that the public is aware of how and where to report an incident or make a complaint and, further, assurances that the response will be prompt, consistent and transparent.

Several agencies also contain the form used to initiate a civilian complaint investigation as an addendum to the policy. While the format of the forms differs, all agencies utilize forms that capture information regarding the civilian filing the complaint, the officer involved and a description of the incident. Other agencies’ policies also include information on where these forms can be accessed and ways in which complaints can be submitted.⁵⁸ Some agencies that have a dedicated department for investigations, such as Pittsburgh Police Department, also includes a voicemail system to receive complaints.⁵⁹

⁵⁴ The Pennsylvania Law Enforcement Accreditation Commission (PLEAC) oversees the accreditation process and program and, as reported to Investigators by the agency and on its website, the program provides through a three tier approach provides a report, standards manual, support, and annual training requirements to maintain an accredited status. See [Pennsylvania Law Enforcement Accreditation Commission](#).

⁵⁵ A copy of the Sharon Hill Police Department’s Citizen’s Complaint Policy is indexed in this report as Exhibit B-2.

⁵⁶ Philadelphia Police Department Directive 12.18.

⁵⁷ Pittsburgh Police Department Order 18-1 Civilian Complaint Filing Procedure.

⁵⁸ Philadelphia Police Department Directive 12.18.

⁵⁹ Pittsburgh Police Department Order 18-1 Civilian Complaint Filing Procedure.

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Currently, according to SHPD's policy, the investigator of a civilian complaint will submit a recommendation to the Chief of Police. The Chief of Police then approves a final disposition for the investigation. There are five possible dispositions that are defined as follows:

1. **Sustained:** Evidence sufficient to prove allegations
2. **Not sustained:** Insufficient evidence to either prove or disprove allegations.
3. **Exonerated:** Incident occurred but was lawful or proper.
4. **Unfounded:** Allegation is false or not factual.
5. **Policy Failure:** Flaw in policy caused incident.

These five dispositions are similar to those defined in other department's policies.⁶⁰ Unique to SHPD's policy is the "Policy Failure" disposition which allows the conduct to be attributed to an error in policy. The "Policy Failure" dispositional option is problematic in light of the fact that the policies that are in effect for the Sharon Hill Police Department have not been revised since 2016 which begs the question as to whether best practices are being adopted and implemented. Further, if the Chief is in charge of making policy, he or she is unlikely to attribute a founded complaint to a "Policy Failure" as that would reflect poorly on themselves. Following the disposition, the Chief of Police is to administer the appropriate disciplinary action.

Other agencies, even those that contain a separate unit to investigate these complaints, also turn to the Chief of Police to carry out any resulting disciplinary action.⁶¹ The SHPD policy is deficient in this area based on the fact it does not account for a citizen complaint that is made against the Chief of Police, as he or she would be tasked with disposing of the complaint against themselves. Thus, this suggestion of a potential conflict of interest warrants a need to explore implementing a level of external oversight to eliminate any appearance of bias or conflict.

D. Guidance on Best Practices and Model Policies

Law enforcement associations at the international, national, state and local levels provide law enforcement agencies resources to utilize in drafting policies and implementing training. A summary of current publications from these associations regarding use-of-force policies and trainings, and related principles, are summarized below.

1. International Association of Chiefs of Police

The International Association of Chief of Police ("IACP") published a "National Consensus on Use of Force Policy" in 2020 which resulted from the collaboration of eleven national and

⁶⁰ Lower Merion Township Police Department Policy 3.2.2. Internal Discipline Procedure; Springfield Township Police Department Policy 2.3.1. Administrative Investigations.

⁶¹ Pittsburgh Police Department Order 18-1 Civilian Complaint Filing Procedure; Springfield Township Police Department Policy 2.3.1. Administrative Investigations.

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international law enforcement associations.⁶² The publication emphasized the importance of “clear and concise policies” that contain “well-defined guidelines.”⁶³ In order to accomplish this, it is recommended that law enforcement agencies avoid lengthy policies or policies that contain overly detailed language.⁶⁴

The article states the main guiding principle in creating a Use of Force policy should be “to value and preserve human life.”⁶⁵ In recognizing there will be situations where this guiding principle cannot be followed, the standard used to determine if use of force was justified is by evaluating “what was reasonably believed by the officer, to include what information others communicated to the officer, at the time the force was used” and “upon what a reasonably prudent officer would use under the same or similar circumstances.”⁶⁶

Turning to the contents of the policy, the policy recommends that key terms, such as “deadly force,” “less-lethal force,” and “exigent circumstances,” amongst others, be defined within the policy. Additionally, a de-escalation plan should be incorporated into use of force policies.⁶⁷ Even if the use of force is ultimately required, employing de-escalation techniques likely creates time for the officer to further assess the situation.⁶⁸ Because of this, incorporating *force models* into the policy is encouraged.⁶⁹ Force models outline either individual levels or a continuum of the actions available to an officer in specific settings for that officer to gain control of situation and individuals involved.⁷⁰

In discussing the use of force in specific situations, the article discusses shooting at moving vehicles. IACP recognizes the risk to bystanders when shooting at a car are substantial, often making the use of force unacceptable.⁷¹ The article states that a person in the vehicle must be “immediately threatening the officer or another person with deadly force by means other than the vehicle” for an officer to consider using deadly force.⁷² Even then, the officer should only be considering using deadly force after consideration has been given to risk it imposes to the safety of bystanders in the vicinity.

Finally, information regarding use of force training requirements should be delineated within the policy itself. The IACP recommends at the very least, law enforcement agencies engage in annual trainings.⁷³ It is further recommended that firearm trainings simulate actual shooting situations and

⁶² *National Consensus Policy and Discussion Paper on the Use of Force*, (2017) REVISED

⁶³ *International Association of Chief of Police – National Consensus Use of Force*

⁶⁴ *Id.*

⁶⁵ *Id.* at 8.

⁶⁶ *Id.*

⁶⁷ *Id.* at 12.

⁶⁸ *Id.*

⁶⁹ *Id.* at 10.

⁷⁰ *Id.*

⁷¹ *Id.* at 14.

⁷² *Id.* at 14.

⁷³ *Id.* at 15.

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conditions; this may include trainings in environments or settings that replicate the environments or scenarios in which these incidents are foreseeable within each law enforcement agency's jurisdiction.⁷⁴

2. United States Department of Justice: COPS Office

Within the U.S. Department of Justice is the Office of Community Oriented Policing Services ("COPS"). COPS provides resources on community policing topics to all levels of law enforcement through publications, conferences and presentations, and grants to fund trainings.

COPS most recent *Law Enforcement Best Practices Lessons Learned From The Field* from 2019 discusses the importance of incorporating de-escalation practices into a law enforcement agency's use of force policies and trainings.⁷⁵ To effectively incorporate de-escalation into practice, the article recommends creating a knowledgeable and supportive culture, through means such as "robust" training and rewarding de-escalation efforts in the field.⁷⁶ It is also recommended that law enforcement agencies converse with the community in the process of creating policies.⁷⁷ Not only does this provide a more comprehensive conversation, of suggestions and criticism from different perspectives, but also aides in building a trusting relationship between the agency and its community.

With respect to building a trusting relationship with the community, COPS recognizes the crucial role internal investigations have in relationship to use of force policies.⁷⁸ Law enforcement agencies serve a unique role in that they are the only social construct permitted to use force against a citizen when justified.⁷⁹ Because of this power and responsibility, the internal affairs of a law enforcement agency cannot run as an afterthought or professional courtesy. COPS recommends several key principles in establishing an effective internal affairs program, some of those are:

- Make intake of complaints open and accessible.
- Designate the individuals that will conduct the investigations.
- Maintain established timelines and keep open communication with interested parties.
- Designate an individual or supervisor to independently review the investigation.
- Consider external review when necessary.
- Maintain transparency in situations of corrective action.⁸⁰

⁷⁴ *Id.*

⁷⁵ *U.S. Department of Justice: COPS Law Enforcement Best Practices – Lessons Learned in the Field*

⁷⁶ *Id.* at 31.

⁷⁷ *Id.*

⁷⁸ *Id.* at 75-76.

⁷⁹ *Id.*

⁸⁰ *Id.* at 82 – 88.

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Having a strong and transparent internal affairs program in place is crucial when incidents involving use of force, whether lethal or less-lethal, occur. COPS also recognizes the difficulty that exists for smaller agencies as there may not be enough staffing to dedicate an entire unit to internal affairs. For those departments, it is all the more important to establish strong policies.⁸¹ However, smaller agencies also benefit the most from a strong, transparent internal affairs program that likely fosters the closer relationship they share with their communities due to size.⁸²

Further, COPS recognizes the classification of a complaint as a necessary step in the investigative process.⁸³ Under COPS standards, a complaint falls into one of two categories, either administrative or criminal.⁸⁴ When evaluating whether a use of excessive force complaint should be handled as a criminal or administrative, the agency should evaluate whether the complaint alleges willful, intentional, reckless, or knowing conduct.⁸⁵ If it is determined that the complaint alleges conduct that falls under any of the four categories, the agency should consider presenting the complaint to, and consulting with, the District Attorney's office.⁸⁶

3. *Police Executive Resource Forum*

The Police Executive Research Forum ("PERF") is another national organization that researches critical issues within law enforcement and provides guidance on these topics. In 2016, PERF held a summit regarding the use of force, at which over 150 members of law enforcement agencies throughout the country, including chiefs of local police departments, to ATF Agents, to the Senior Policy Advisors and Senate members, were in attendance. Through this collaboration, PERF created "30 Guiding Principles on Use of Force."⁸⁷ These principles provide guidance on policy, training, and equipment.

Similar to the guidance mentioned above, PERF also emphasized the importance of reporting and investigating use of force incidents. Included within the report is a study from the New York Police Department ("NYPD"). The NYPD has been a leading department on use of force investigations since the 1970s and the importance of reporting and investigating these incidents is evident in their statistics. In 1971 NYPD had 810 instances of officer-involved shootings. As of 2015, that number is down to 67 instances. NYPD attributes this 90 percent decrease, in part, to reporting and investigating these instances in a transparent manner. The NYPD Police Commissioner notes in the study that "[B]y having data, due to consistent reporting, allows the department to better evaluate these occurrences and uses this data in developing and bettering its policies."

⁸¹ *Id.* at 89.

⁸² *Id.*

⁸³ Exhibit E-5 U.S. DOJ: Standards and Guidelines for Internal Affairs

⁸⁴ *Id.* at 21.

⁸⁵ *Id.* at 22.

⁸⁶ *Id.*

⁸⁷ Exhibit E-8 PERF: 30 Guiding Principles on Use of Force

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Additionally, PERF's first listed guiding principle is that the value of human life should be at the constant thought behind any agency action. Another listed principle, of the fourteen principles regarding policy, states "Shooting at vehicles must be prohibited."⁸⁸ The recommendation is that agencies adopt a policy that prohibits shooting at or from a vehicle unless someone in the vehicle is using deadly force by means other than the vehicle.⁸⁹ PERF has recommended this prohibition as part of a use of force policy for several years and its effectiveness has shown in departments that have implemented it.⁹⁰

Similar to guidance from other associations, PERF emphasizes the importance of quality training on use of force including de-escalation and scenario-based tactics.⁹¹ PERF adds to the dialogue by recommending training on mental health issues.⁹² According to this guidance, officers should be trained on mental health issues so that they are readily able to identify individuals with these needs, and adjust their strategy accordingly.⁹³ PERF explains how teachings on de-escalation strategies and mental health issues should be interwoven as one often affects the other.⁹⁴ The guiding principles also recommends officers train in their teams, including supervisors.⁹⁵ Not only does this further the accuracy of the simulation, but it keeps supervisory officers up-to-date on trainings and allows practice of communication skills.

Finally, PERF provides guiding principles on the importance of less-lethal weapons and equipment.⁹⁶ Trainings on, and policies regarding, less-lethal weapons, such as chemical sprays and electronic control weapons, are an important aspect of de-escalation practices.⁹⁷

4. *Municipal Police Officers' Education and Training Commission*

The Municipal Police Officers Education and Training Commission ("MPOETC") is a Pennsylvania organization under which, the Pennsylvania State Police are responsible for the creation and administration of a series of different trainings.⁹⁸ MPOETC oversees the basic municipal police officer training curriculum and leads the required training.⁹⁹ This program consists of approximately 900 hours of classroom and practical training.¹⁰⁰ The course curriculum is separated into five modules with the final module including practical scenario exercises.¹⁰¹

⁸⁸ *Id.* at 44.

⁸⁹ *Id.* at 44.

⁹⁰ *Id.* at 44-45.

⁹¹ *Id.* at

⁹² *Id.* at 57.

⁹³ *Id.* at 59-60.

⁹⁴ *Id.*

⁹⁵ *Id.* at 62-64.

⁹⁶ *Id.* at 65-66.

⁹⁷ *Id.* at 67.

⁹⁸ Exhibit E-13 MPOETC: Commission 2021 Annual Report

⁹⁹ *Id.* at 3.

¹⁰⁰ *Id.*

¹⁰¹ Attach 2022 MPOETC Mandatory In-Service Training Course Description

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Additionally, officers seeking certification must complete the firearms qualification course.¹⁰² Following the completion of the basic training, MPOETC administers the state certification assessment.

Every year, certified municipal police officers are required to complete twelve hours of continuing law enforcement education hours in order to maintain their certification. The courses cover an array of different topics from drug overdose response to effective communication to tactical medicine and change from year to year. Offered every year is the “Legal Updates” course which discusses new statutes or court decisions that affect policing. This is the *only* course that is required every year. Each officer in the Sharon Hill Police Department who participated in this investigation and provided an interview completed MPOETC training as required in order to become a law enforcement officer for the Borough.

E. Additional Areas of Concern Based on Sharon Hill Borough Council’s Goals

In addition to the specific concerns stated by Borough Council when they identified the scope of this Investigation, Borough Council also wanted to be notified of any other areas of concern regarding the effectiveness in content and implementation of Department policies that are designed to serve and protect the public as well as law enforcement, specifically in the areas of community-based policing and diversity. Our investigation noted the following additional questions or areas of concern.

- *Reporting Use of Force/ Internal Affairs/ Civilian Complaints*
- *What steps has the police department taken to improve communication with a growing, diverse and intimate Sharon Hill community?*
- *What are best practices to utilize in the hiring, review and retention of law enforcement?*
- *How are differing perspectives and/or strategies being incorporated into the department and its training?*

According to Chief Herron, the SHPD has received very few complaints from citizens during his tenure as Chief of Police. Chief Herron was asked the following questions and provided the following responses.

Q: Have you ever received a citizen’s complaints against any current or former officer of the department regarding use of force or any related behavior that suggest discrimination or a violation of persons civil rights/liberties?

A: The department has not [sic] received any prior complaints regarding use of force

¹⁰² Attached 2022 MPOETC Firearms

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Q: If so, where and how does a citizen make a complaint?

A: If someone has a complaint about an officer, they speak to a front-line supervisor who then speaks to the officer, if problem cannot be resolved it is brought to Chief of Police attention.

Q: What is the protocol to address complaints once received

A: A front line supervisor will review the incident (report, car camera, body camera) and speak with the officer. An incident report is then generated in our reporting system.

Q: How many complaints have you received about current or former officers since becoming Chief and what was the outcome of the complaint (i.e. founded, not founded, follow up provided to the citizen)

A: Since becoming Chief of Police we have received less than 5 complaints about officers and none have been concerning use of force.

Q: Do you have a spread sheet or document that lists this information (complaint, when received, by who, against who, what was done, and how it was resolved or what was the final outcome)? If so, please provide. I am not requesting the names of any current or former officer. I am seeking the data.

A: An incident report is generated in our reporting system, with all pertinent information and the outcome of the complaint.

Based on the answers provided, while it may be laudable to have very few citizen complaints, a question that is presented is whether the number accurately reflects the strength of the engagement between the members of the police department and the public or, alternatively, does the public feel comfortable or are they aware about how to file a complaint or make any other inquiry of the police department. The need to ensure that the public has the ability to effectively communicate with the police department is the focal point for effective implementation of community policing strategies and forming a relationship of collaboration between citizens and law enforcement. This foundational need for collaboration to support community safety and successful policing is reliant, in part, on the composition of the department (e.g. number of officers, diversity of background and experiences) and asking the questions that need to be asked and provided the platform for input to be received that promotes transparency and integrity.

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In 2014, the President of the United States appointed a task force to identify best practices on policing to simultaneously and effectively reduce crime, while building trust in the community. This task force worked closely with the DOJ’s Office of Community Oriented Policing Services (COPS) to produce a guidebook of recommendations and best practices. The application of what was found and stated in the guidebook remains very relevant and offers proven guidance rooted in data how to effectively craft and implement comprehensive strategies on effective policing.¹⁰³

Neighboring Police Departments and Demographics¹⁰⁴

	Size of Population Served	Sq/M Size of Jurisdiction	Racial Demographic of the Population
Sharon Hill Police Department	5,957	.77	72.5% Black or African American 20% White
Aldan	4,153	.59	61.7% White 30.3% Black or African American
Collingdale Borough	8,824	.87	58.1% Black or African American 32.9% White
Colwyn	2,546	.26	83% Black or African American 10.3% White
Darby Borough	10,641	.84	85.2% Black or African American 11.9% White
Darby Township	9,137	1.42	55.2% White 42.9% Black or African American
Folcroft Borough	6,737	1.25	48.6% White 45.7% Black or African American
Glenolden Borough	7,159	.97	80.6% White 11.8% Black or African American
Norwood	5,894	.78	93.3% White 1.9% Black or African American
Clifton Heights	6,798	.63	62.8% White 31.1% Black or African American

The locations that appear in **bold** above are comparative boroughs with similarly situated police departments. These police departments serve communities similar in either size, demographics or

¹⁰³ See The President’s Task Force on 21st Century Policing. Implementation Guide – Moving from Recommendations to Action. <https://cops.usdoj.gov/RIC/Publications/cops-p341-pub.pdf>

¹⁰⁴ <https://www.census.gov/quickfacts/fact/table/US/PST045221>

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both. The policies for these boroughs are not publicly available.¹⁰⁵ However, the Chief of Police has the ability to obtain and consult with Chiefs in other departments with expected ease to determine if their reported data shows effective results in community engagement and policing. It would be expected and encouraged that the step of active exchange of ideas and information take place with neighboring and similarly situated boroughs. This would enable the SHPD to evaluate and possibly adopt some or all of the policies and procedures that are most effective in addressing similar community concerns and needs.

VII. CONCLUSION AND RECOMMENDATIONS

A. Analysis

After a thorough review and evaluation of all of the information provided and gathered throughout the course of this investigation, including all Sharon Hill Police Department Policies and Procedures in effect on August 27, 2021 that govern use of force and responding to critical incidents, it is uncontroverted that what took place was a horrible tragedy and that was precipitated by gunfire. What is also not disputed is that former Officers Devaney, Dolan and Smith were all on duty as Sharon Hill Police Officers, they were assigned to the Academy Park Football stadium and that each admitted to Corporal Vincent Port to firing multiple rounds from their Glock 17 service weapons on the night of August 27.

District Attorney Rhodes preliminary hearing questions directed to Corporal Vincent Port:¹⁰⁶

Q: Did you ask Officer Devaney what he meant by “we discharged?” Who’s “we”?

A: I did. He indicated that we discharged. I asked him again, Brian, what do you mean we discharged, who? He said I did, Officer Dolan did and Officer Smith did.

District Attorney Rhodes later asks Corporal Vincent Port the following questions regarding Officer Dolan and Officer Smith:

Q: Okay. Likewise, Detective Port, did you have any conversation with Officer Dolan that night on August 27, 2021, after you spoke with Officer Devaney?

A: I did, very briefly.

Q: And could you tell the Court the nature of the conversation with Officer Dolan?

¹⁰⁵ While the policies for each of these Borough is not publicly or readily accessible, it is recommended that the SHPD Chief of Police outreach to his fellow Chiefs in the listed boroughs to request their policies and procedures. Once received, comparative policies and information should be shared with Borough Council as part of the process of drafting and implementing an improvement plan regarding police department policies, procedures and accountability.

¹⁰⁶ See Exhibit C-4. March 3, 2022 Preliminary Hearing transcript, pg. 12, lines 18-22.

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A: When I made contact with Officer Dolan at that scene at the intersection, just make sure he was okay, I asked him if he was okay. He said he was. I asked if he discharged. He confirmed that he discharged, and I sent him over to stand with Officer Devaney and the FOP representative that was at the scene.

Q: Likewise, as with Officer Devaney and Officer Dolan, did you have occasion to have a conversation with Officer Smith after -- or at some point that evening?

A: I did.

Q: Can you please tell the Court the nature of that conversation that you had with Officer Smith?

A: It was a similar conversation that I had with officer Dolan. Officer Smith was already over at the FOP representative's truck while I was out surveying the scene. I came back, made very brief contact with him, make sure he was okay. He said he was. I asked him if he discharged. He confirmed that he discharged, and I had him continue to stay with the -- with Officer Devaney and Officer Dolan and the FOP representative at that truck.

What is also not in dispute is that a bullet from one of the twenty-five (25) fired cartridge casings (FCC) from one of the Glock 17 service weapons had the DNA of eight-year-old Fanta Bility on it. What is also clear from the evidence is that many civilians were in the area of the football stadium at the time of the shooting, pedestrians as well as a motorist and that other civilians were struck by gunfire. Further, what is clear from the facts is that the motorist, Ms. Easley and her passenger, Ms. Yasmin Mobley, were the only ones in vehicle and the ballistics evidence shows that Ms. Easley's vehicle was struck multiple times by gunfire.

Taking the facts that are not in dispute and looking at the Department policies that were in place at the time of the shooting, Directive 40 states, in part, "There is a total agreement that the use of a firearm constitutes the use of deadly force."¹⁰⁷ Directive 40 states also, in part, the following:

B. Deadly force may be used under the following circumstances:

- 1. In the defense of oneself, when there is reasonable cause to believe that such is necessary to prevent imminent death or serious bodily injury.*
- 2. In defense of another person or persons whom the officer has reasonable cause to believe is being unlawfully attacked and is in imminent danger of death or serious bodily injury.*
- 3. Three factors must be present to justify the use of deadly force under the above circumstances.*
 - a. Opportunity*

¹⁰⁷ See Exhibit B-2. SHPD Policy Directive 040.

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- b. Ability
- c. Jeopardy

- C. *The suspect must have the opportunity to cause death or serious bodily injury to you or another person; He must have the ability to cause death or serious bodily injury to you or another person (gun, knife, etc.) Your life or the life of another must be in jeopardy.*
- D. *The use of deadly force must always be reasonable. To be reasonable, the use of deadly force must be proper, justified and non-negligent. Generally before using deadly force the officer must consider the accuracy of his information that a person is threatened with death or great bodily injury; Whether the use of deadly force is a last resort; the possibility of getting help, and the danger to innocent bystanders.*

- *Officers are prohibited from discharging firearms when it appears likely that an innocent person may be injured.*
- *Officers should not discharge a firearm at or from a moving vehicle, except as the ultimate measure of self-defense or defense of another when the suspect is using deadly force other than the vehicle.¹⁰⁸*

In this case, the danger to innocent bystanders was clear. A large crowd was exiting a football field when the gunfire erupted. As part of their training and preparedness, the officers on duty knew what their training had instructed and policy stated. However, their reported actions deviated from that directive and resulted in a child being shot and killed. The exact reason why the policy exists and was written was to guard against what tragically happened. This dire outcome demonstrates that more work needs to be done.

Additionally, when the SHPD members were interviewed, each was asked about the training they received to become an officer generally and, more specifically, related to use of force, firearms training, active shooter drills and critical incident response. Each officer was given a hypothetical situation that involved a large group gathering, such as a mall setting or school, and asked questions about how they would respond to a call of shot fired or if they heard shots fired in the large group setting and how they would apply their training. Each officer provided their analysis of the hypothetical and concluded that in any active shooter situation, the value to human life is paramount. They also acknowledged and agreed that, per the policy, the apprehension of criminal offenders must at all times be subservient to the protection of human life. Lastly, when asked what they would do if they could not see or identify a shooter, they replied that they would not fire because they did not have an identified target. Per their training, unless you have an identified target as the source of the lethal threat, you do not shoot.

B. Conclusion

¹⁰⁸ See Directive 040. Two of the seven listed directives under Policy 040 4(D) are noted.

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The reported police officer's actions that took place on August 27, 2021 and resulted in the death of eight-year-old Fanta Bility were inconsistent and contrary to written department policies and procedures that were understood by all members of the Sharon Hill Police Department. This conclusion is based on the following:

1. The uncontroverted evidence that was presented by the detective during the preliminary hearing following his investigation;
2. Applying Police Department policy and procedures to the factual circumstances of August 27, 2021; and,
3. Evaluating and considering the information provided in the statements of officers who are members of the Department and how they understood department directives on use of force and what they would do in a hypothetical situation involving an active shooter.

The SHPD policy is a written authority created to provide clear instruction on expectations and to protect citizens and law enforcement. The Directives are put in place to minimize, if not eliminate, the risk of death or bodily injury to an individual by law enforcement. By virtue of not following the Directives to not shoot at a moving vehicle, and not having an identified shooter, but instead shooting in the direction of where the suspected gunfire was believed to be coming from, innocent bystanders were at risk and the result was actual harm and death.

Additionally, the policies and procedures of the Sharon Hill Police Department, while lacking in detail in certain areas, are clear and unequivocal in this specific area regarding use of force and restricting shooting at a moving vehicle as well as firing a weapon when innocent bystanders are in the vicinity and may be injured.

All members of the Department felt that the training that they received has been adequate and also felt that any additional training they would like to receive would be supported by the current Chief of Police. However, it is incumbent upon the Chief of Police as the head of the Department to lead in identifying new and additional training that can enhance the responsiveness of officers not only during critical incidents but also in improving relationships between the citizens of the Borough and law enforcement.

Therefore, in conclusion, while the current policies and procedures are not inconsistent with best practices, they do require revision and improvement. Hence, recommendations are warranted and are being provided. The recommendations, while not all inclusive, are based upon what Investigators learned throughout the course of the investigation and are meant to provide a starting point for the Department to improve.

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C. Recommendations

Below is a non-exhaustive list of recommendations that are based upon the information gathered and reviewed in this case per the directive of the Sharon Hill Borough Council and the concerns they expressed. The recommendations take into consideration national trends and initiatives that are relevant or relate to policing. The order of the listed recommendations do not signify a ranking of their importance. All of the recommendations are presented as valuable suggestions on how to improve the system of policing in the Sharon Hill Borough. The recommendations support the desired outcome of the Borough Council which is to promote trust in the Sharon Hill community of the Sharon Hill Police Department by taking steps to ensure oversight, engagement accountability, and consistency in implementation. Those elements would serve as the foundation for increased transparency and communication that will lead to increased safety and integrity. The Sharon Hill Borough Council should prioritize the recommendations below in to support their singular or collective implementation.

Recommendation #1: Police Department policies and procedures should be reviewed on an annual basis and updated accordingly. If there is no need for a revision after an annual review, the policy and procedures document should be appropriately noted as reviewed absent revision.

Recommendation #2: The Police Department should review and revise its use-of-force policies and use-of-force reporting policies to ensure that they are consistent with best practices and recommendations, such as recommendations provided the Pennsylvania District Attorney's Association (PDAA) on the need to have independent review and investigation into any officer-involved shooting.¹⁰⁹

Recommendation #3: The Sharon Hill Police Department should seek and complete the requisite steps as outlined by the Pennsylvania Law Enforcement Accreditation Commission (PLEAC) to become an accredited police department in the commonwealth.¹¹⁰ PLEAC describes Accreditation

¹⁰⁹ See Pennsylvania District Attorneys Association Guidelines on investigations into officer involved shootings – November 29, 2016. <https://www.pdaa.org/pa-district-attorneys-recommend-independent-investigations-of-officer-involved-shootings-pdaa-issues-first-in-the-nation-best-practices-guidelines-for-police-shootings/>

¹¹⁰ To become an accredited police department in Pennsylvania, the department must first enroll in the program and, once enrolled, the department has five years to complete the accreditation process. The process includes a formal on-site assessment by the PLEAC and a complete review of policy manual as it relates to the Standards Manual by the PLEAC. The PLEAC is not only concerned with the department enacting policies that meet PLEAC standards, but also assuring that the policies and procedures are being complied with by the officers. The PLEAC requires *annual* use-of-force training which is not currently required or provided by the SHPD to its officers.

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as: [A] progressive and time-proven way of helping institutions evaluate and improve their overall performance. The cornerstone of this strategy lies in the promulgation of standards containing a clear statement of professional objectives. Participating administrators then conduct a thorough analysis to determine how existing operations can be adapted to meet these objectives. When the procedures are in place, a team of independent professionals is assigned to verify that all applicable standards have been successfully implemented. The process culminates with a decision by an authoritative body that the institution is worthy of accreditation.

Recommendation #4: The Police Department must include reality-based, judgment required situational/scenario training as a part of its continuing firearms training certification and re-certification process, and use of force and critical incident responsiveness.

Recommendation #5: The Police Department should present to Borough Council for their review, all proposed revisions to their policies and procedures in advance of any approval for comment and questions. An exception to the comment and question period is permitted for directives that are received by the Police Department by law or from State or Federal officials and or municipal oversight law enforcement agency. The Borough Council does not have the authority to implement or reject a proposed revision. However, the comment and question period will allow the Borough Council to ask questions on behalf of their constituents and be well-informed. Thereby, the citizens that they represent can be well-informed and reassured through the oversight of Council.

Recommendation #6: Borough Council should consider the creation of a Citizens Oversight Commission or similar police advisory group to review and assess the efficacy of police conduct and responsiveness to critical incidents, citizen complaints and use of force. State and local jurisdictions across the country as well as in Pennsylvania have created similar entities that are comprised of citizens who represent a diverse cross-section of the community. This independent oversight commission can serve as an additional layer of review and support as well as provide a level of transparency which will assist in enhancing the trust and communication among citizens and the police department.

Recommendation #7: The Police Department should seek out technical assistance from existing agencies, such as the Collaborative Reform Initiative administered through the U.S. Department of Justice.¹¹¹ More specifically, the Department should seek and take advantage of the DOJ-COPS updated Critical Response Program which provides support for a law enforcement agency that

¹¹¹ Collaborative Reform Initiative Technical Assistance Center (CRI-TAC) is described as by DOJ-COPS as “[T]he first level of assistance – and the most targeted and discrete. Established in 2017, CRI-TAC provides a wide range of targeted technical assistance services. The Department’s COPS Office leads CRI-TAC. But CRI-TAC involves a coalition of support and expertise from 10 leading law enforcement stakeholder organizations. Through CRI-TAC’s “by the field, for the field” approach, the Department is able to facilitate customizable, short-term technical assistance on more than 60 topics.”

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experiences a high-profile event or other special circumstance and that determines it could use assistance.¹¹²

Recommendation #8: The police department should adopt a formal policy requiring annual or biannual review of all citizen complaints, vehicle stops and pedestrian stops to determine what is the basis for the complaint, stop or interaction and, further, to evaluate the demographic data of each defined category. To assist in drafting a sound policy, the police department should seek citizen input or feedback by providing an annual survey instrument that can be used to gather the community's concerns in light of reported crime within the borough.

Recommendation #9: The Police Department should seek and apply for grant funding that is available at the federal and state level to assist with improving police practices. Additionally, at the very least, in its annual review of the Department's policies and procedures, the Police Department should review the resources outlined in this report along with any other state (i.e. Pennsylvania Commission on Crime and Delinquency) and federal entities to apply for funding to support initiatives that address police training, community engagement, critical incident response and use of force.¹¹³

Recommendation #10: The Police Department should create a method that is easy and accessible for the public to provide and receive information. The Police Department should evaluate its website and social media presence to see what tools can be created that would make reporting information and incidents easier.

Recommendation #11: The Police Department must identify, based on data and best-evidence practices, and implement the internal steps that should be taken to improve the communication with the diverse citizens that live in the Sharon Hill Borough and the community at large. For example, the Department should consider engaging in listening sessions with the community on regular basis (biannually or quarterly) to make sure that the community has an opportunity to meet, discuss and receive information from the department and not just during a time of crisis.

Recommendation #12: The Police Department must bolster its policy language and training on the subject of de-escalation to ensure comprehension and effective application of techniques on subject areas such as mental health.

Recommendation #13: The Police Department policy revisions need to incorporate national and/or state law enforcement guidance on timelines for the cooperative participation of involved law enforcement in use of force incidents being investigated by CID (Criminal Investigations

¹¹² The Critical Response Program “[i]s also customizable and provides flexible assistance to law enforcement agencies in a variety of ways. Once an agency connects with the Department of Justice, tools will be in place to offer support ranging from after-action reviews, to peer-to-peer exchanges, to data analysis and recommendations, to facilitating discussions with experts.”

¹¹³ See May 9, 2022 U.S. Department of Justice federal funding initiative to support law enforcement titled Community Policing Development grants.

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Division) or IAD (Internal Affairs Division) protocol to ensure the prompt gathering of information and preserve integrity in the investigation process. In this matter, approximately two weeks lapsed before officers provided statements to investigators.

Recommendation #14: Police Department needs to develop and/or improve its repository of current and past training curriculum content. An officer who attend training should provide all written materials to the SHPD Chief so the materials can be retained, serve as reference tool and, if needed, shared with other officers. This is one component in the need to also improve record retention for all information received, created or filed with the department (i.e. citizen complaints).

Recommendation #15: The Police Department should aim to develop a workforce that is diverse in race, gender, cultural background, language, etc. and a reflection of its community to foster trust and legitimacy. Efforts to recruit a diverse pool of potential applicants to the department should be developed as an immediate and long-term strategy that is drafted and approved with the collaborative input of Borough Council. Additionally, as officers are promoted through ranks, the Department should incorporate leadership training courses that include bias awareness, mental health awareness and cultural responsiveness to support and retain experienced law enforcement members. Examples of evidence-based resources, effective programs and training on diversity and bias are available at the national, state and local level. One such example is the Pennsylvania State Police Heritage Affairs Section. The Pennsylvania State Police Heritage Affairs Section is primarily responsible for training troopers on implicit bias, building relationships within historically underserved communities, and preventing and responding to hate/bias-related crimes. Members of the Heritage Affairs Section also work with municipal police departments throughout the commonwealth on the same issues.

Recommendation #16: The Police Department should also receive training to support under-represented, marginalized communities, those experiencing mental illness, those with a visible or invisible disability and those with verbal communication barriers. Also, taking into consideration the differently-abled citizens who need law enforcement to be responsive to their emergent needs or calls for help. Training on hate crimes and how to identify and support victims of hate crimes based on race, ethnicity, sex, gender, sexual orientation, disability, etc., such as training offered by the Anti-Defamation League (ADL) or resources recommended by the International Association of Chief of Police (IACP).

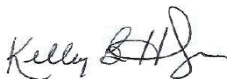
Recommendation #17: Data collection and retention. The department should seek and adopt electronic methods of collecting and retaining data, at every level and in every measurable area, inclusive of training received by the members of the department. In order to be preventative and responsive to the needs of the community and within the department, data must be collected, reviewed, applied and retained.

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Closing

We appreciate the Borough of Sharon Hill Council for enlisting our assistance and entrusting us to conduct this investigation. Additionally, we appreciated meeting with and hearing from the family of Fanta Bility through their family representative, Sadiq Kamara. Lastly, we appreciated the information provided by members of the Sharon Hill Police Department, the Delaware County District Attorney's Office and any interested citizen who shared their comments and concerns.

Respectfully submitted,



Kelley B. Hodge, Esq.
Special Counsel



Samuel A. Haaz, Esq.



Stefanie D. Friedman, Esq.

Date: July 21, 2022