

**FINAL REPORT OF THE DELAWARE DEPARTMENT OF JUSTICE  
USE OF DEADLY FORCE BY THE PENNSYLVANIA STATE POLICE**

**SUBJECT: A JUVENILE 17 YEARS OF AGE**

**TROOPERS: ANDREW BALDWIN AND VINCENT SCARDILLI**

**DATE OF INCIDENT: DECEMBER 12, 2020**

**Dated: April 14, 2021**

## **Scope of the Investigation**

This is the final report of the Delaware Department of Justice, Division of Civil Rights and Public Trust (“DCRPT”), arising out of the investigation into the use of deadly force by Pennsylvania State Police Troopers Andrew Baldwin and Vincent Scardilli against a 17 year-old juvenile suspect (hereinafter “Juvenile” or “the Juvenile”). DCRPT reviewed evidence consisting of dashcam video, dispatch recordings, interviews of the known defendants, police interviews, scene photos, police reports, medical records, and information related to the recovered firearm. Attorneys with DCRPT reviewed this use of force incident for the Department of Justice.

This is the ninth report issued by DCRPT since its inception, and it is the fourth report on a case involving a pending criminal defendant.<sup>1</sup> As our reports seek to expand transparency and ensure trust in the process of reviewing the deadly use of force by law enforcement, we must stress that this report is wholly separate from the criminal proceeding – DCRPT’s investigators and prosecutors are not involved in the criminal case, nor are the Family Division or Criminal Division prosecutors involved in DCRPT’s decision-making. The outcome of the Juvenile’s criminal case must be determined solely and exclusively on the evidence presented at trial, and in accordance with the Court’s rules. This report in no way relieves the State of Delaware of its burdens at trial.

## **Purpose of the Department of Justice Report**

The Department of Justice determines whether a law enforcement officer’s use of deadly force constitutes a criminal act. The Department of Justice does not establish or enforce internal police policies concerning the proper use of deadly force by law enforcement officers. Law enforcement agencies are responsible for establishing and enforcing guidelines for the use of force by their officers and for determining whether an officer’s actions were consistent with such guidelines in a given case. This report expresses no opinion whether involved officers’ actions complied with departmental policies or procedures.

## **Facts**

On December 9, 2020, the National Crime Information Center (NCIC) database received an entry from the New Castle County Police Department that a 2019 Ford Escape, had been “taken in a carjacking at gunpoint.” The New Castle County Police received a report from a victim who was delivering medication to housebound patients. After one of her deliveries, two or three males

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<sup>1</sup> In this case, the Juvenile was found to have a graze wound on his left leg and is now facing charges brought by petition in The Family Court of the State of Delaware for two counts of Reckless Endangering First Degree, Possession of a Deadly Weapon During the Commission of a Felony, and Receiving Stolen Property over \$1,500. A petition is the charging document for juvenile criminal cases in Family Court and does not itself constitute evidence of guilt.

approached her. One of the males held a silver revolver to her head and said, “Give me your fucking keys.”

On December 12, 2020, the Middletown Township Police Department in Bucks County, Pennsylvania saw the stolen Ford Escape and tried to stop it. A chase then ensued. The Middletown Township Police could not stop the stolen vehicle – they called off their pursuit and informed the Pennsylvania State Police (PSP) that the vehicle was last seen driving southbound on Interstate 95 (I-95).

At around 3:25 AM that same morning, Trooper Andrew Baldwin and Trooper Vincent Scardilli were stationary in a marked police patrol car, near mile-marker 12 in Pennsylvania on I-95. Trooper Baldwin was the driver of the patrol car, and Trooper Scardilli was the passenger. The Escape drove past their location, heading southbound on I-95. Trooper Baldwin began to follow the Escape. Near mile-marker 7 in Pennsylvania, Trooper Baldwin activated his emergency lights and sirens to stop the Escape. The occupants of the Escape, however, disregarded the police signals. A second PSP patrol car joined the pursuit around mile-marker 3. This second patrol car was driven by Trooper Solis, and Trooper Greenwood was the passenger.

The Escape sped towards the Delaware state line and continued to disregard the police signals. The suspects reached speeds in excess of 100 mph. The PSP Troopers gave updates to dispatch as the pursuit continued down I-95 in Delaware. The Troopers attempted to box in the vehicle but were unsuccessful. Trooper Baldwin tried to get in front of the Escape to slow it down so that Trooper Solis could attempt a PIT (Pursuit Intervention Tactic or Precision Immobilization Technique) maneuver to turn the stolen car sideways. Trooper Solis tried two PIT maneuvers, but both were unsuccessful.

The Escape then rammed the driver’s side of the patrol car driven by Trooper Baldwin. The occupants of the stolen vehicle, at a high-rate of speed, pushed Trooper Baldwin’s patrol car toward a guardrail along I-95. At this time, Trooper Baldwin removed his firearm and fired two shots at the Escape. However, this did not stop the stolen vehicle. As the Escape continued southbound, the occupants tried to ram the passenger side of the police patrol car. Trooper Scardilli, in the passenger seat of Trooper Baldwin’s car, then fired 10 shots at the Escape. The Escape then traveled into the grass-median area of I-95 and crashed into a berm. All occupants fled then from the stolen vehicle, including the 17-year-old Juvenile. Later, this Juvenile was found to have a graze wound.

The PSP Troopers were able to take four total fleeing juveniles into custody. One of the occupants, a 13-year-old, was found to have a .38 special revolver with one live round and two fired cartridge casings. It did not appear that this weapon was fired during the course of the high-speed police chase. The other occupants in police custody were a 15-year-old and another 13-year-old. The 17-year-old Juvenile with a graze wound gave an interview to the Delaware State

Police in the presence of his mother. The Juvenile denied being the driver – he claimed he did not know who was driving. The Juvenile claimed he was the passenger in the back, left side. The 13-year-old gave an interview in the presence of his mother too. The 13-year-old could not remember how he got the firearm or how it ended up in his waistband, but he also claimed he was the passenger in the back, left side, and did not remember who was driving.

### ***Police Witnesses***

#### **PSP Trooper Andrew Baldwin:**

Trooper Baldwin has been a PSP Trooper for 6 years and was assigned to the patrol division at the time of the incident. Baldwin was assigned to a two-man patrol unit and Trooper Scardilli was his patrol partner. Trooper Baldwin was driving the patrol vehicle. Troopers Baldwin and Scardilli knew of a pursuit that occurred earlier involving a Ford Escape bearing Delaware registration.

Troopers Baldwin and Scardilli took at stationary position on I-95 near the Philadelphia International Airport around 3:00 AM. Troopers Baldwin and Scardilli knew the registration on the stolen vehicle came back to a Delaware address and that the suspects may drive into Delaware – and would therefore drive past their location near the airport. At approximately 3:30 AM, Troopers Baldwin and Scardilli observed a Ford Escape that matched the description of the vehicle that was pursued earlier by police. Troopers Baldwin and Scardilli followed the Ford Escape that was traveling southbound on I-95 and confirmed the registration matched the vehicle that was reported stolen in the earlier police pursuit. The Escape was traveling at a speed of 100 mph before Trooper Baldwin even activated his emergency equipment. Trooper Baldwin noted that there were other vehicles on the road and the stolen Ford Escape almost hit them. Trooper Baldwin felt the need to try to stop the vehicle because it was a danger to others on the roadway, so he activated the police vehicle's emergency equipment.

The Escape refused to stop. Troopers Baldwin and Scardilli notified dispatch of their situation. They continued to follow the Escape with their emergency equipment activated. Trooper Baldwin thought the suspects' speed reached 115 mph at one point. Troopers Baldwin and Scardilli continued to give updates about the pursuit to dispatch, and another PSP patrol vehicle joined the pursuit. The pursuit entered Delaware. Trooper Baldwin and Scardilli attempted to get in front of the vehicle to box the vehicle in so that it would force the vehicle to slow down. Instead of slowing down, the Escape rammed the driver side of Trooper Baldwin's patrol vehicle – pushing it towards a guardrail along I-95. At this time, Trooper Baldwin removed his firearm and fired what he believed to be two rounds at the Escape. Trooper Baldwin said his safety was in jeopardy and he was in fear for “[him]self, my partner and the car behind us if we were to spin out of control.” The Escape then approached Trooper Baldwin's patrol vehicle from the passenger side and attempted to ram the passenger side of the patrol

vehicle with the driver side of the Ford Escape. At this time, Trooper Scardilli rolled down the window and fired at the stolen vehicle. The Ford Escape then traveled into the center median and crashed into a berm. At this point, Troopers were able to take four subjects into custody. Trooper Baldwin later learned that the Juvenile suffered a graze wound to his left thigh.

### **PSP Trooper Vincent Scardilli:**

Trooper Scardilli has been a police PSP Trooper for one year and was assigned to the patrol division at the time of the incident. Trooper Scardilli was assigned to a two-man patrol unit and he was the passenger in the car the day of the incident. The patrol vehicle was being driven by Trooper Baldwin. Troopers Baldwin and Scardilli knew of a pursuit that occurred earlier involving a Ford Escape with a Delaware license plate, and they took a stationary position on I-95 near the Philadelphia International Airport. They decided to pull a little closer to the roadway so they could see a little better and get a better look at the car when it drove past. About 20 minutes later, Trooper Scardilli observed a Ford Escape that matched the description of the stolen vehicle that was pursued earlier. Troopers Baldwin and Scardilli confirmed the registration matched the vehicle that was reported stolen and pursued earlier by other Pennsylvania State Troopers.

Troopers Baldwin and Scardilli activated their emergency equipment to stop the reported stolen vehicle. Another PSP patrol vehicle joined the pursuit. The pursuit continued southbound on I-95 and entered the state of Delaware and the highway was down to two lanes. The stolen Ford Escape then rammed the driver side of Baldwin's patrol vehicle with the passenger side of the Ford Escape. At this time, both Troopers removed their firearms. The Ford Escape was pushing the patrol vehicle towards a guardrail along I-95. Trooper Baldwin then fired what Trooper Scardilli thought was one shot at the Escape. Trooper Scardilli did not fire because he did not want to shoot over his partner. He feared for his safety and his partner's safety. The Ford Escape then approached from the passenger side and attempted to ram their patrol vehicle into the median. At this time, Scardilli fired at the Escape until it was clear that the suspect vehicle was no longer ramming them. Scardilli said that during the pursuit, the Escape was traveling between 90 and 100 mph.

### **PSP Troopers Greenwood and Solis:**

Trooper Solis was the driver of the secondary PSP patrol car and Trooper Greenwood was the passenger. Both troopers were in uniform, their vehicle was fully marked – and their dashcam captured this incident. Trooper Greenwood and Trooper Solis were in the City of Chester when they were notified of a pursuit on I-95 southbound. Greenwood and Solis joined the pursuit. The suspect vehicle was traveling at a high rate of speed and refused to stop for officers. The lead vehicle occupied by Troopers Baldwin and Scardilli pulled in front of the Escape to “box” the vehicle in and force a controlled slow-down and stop. The Escape rammed

the lead PSP vehicle. Troopers Greenwood and Solis were advised that shots were fired. The suspect vehicle traveled onto the median and crashed into a berm. Trooper Greenwood believes he saw the driver flee from the left-side door and the three passengers exited from the right-side doors. Trooper Greenwood chased the suspect who fled from the left-side door and took him into custody. This is the same individual, the Juvenile, who was later found to have a graze wound.

### ***The Suspects***

#### **The 17-year-old Juvenile:**

The Juvenile with the graze wound was interviewed in the presence of his mother. He said he only knew the smallest person in car, but not the others. He said they were lost. He denied driving, saying he was the back-left passenger and he does not know who was driving the vehicle.

#### **The 13-year-old Juvenile:**

The 13-year-old was interviewed in the presence of his mother. He admitted that he possessed the gun found in his possession at the time he was taken into custody. He could not remember when he got the gun or how it ended up in his possession. The 13-year-old said he was the left rear passenger in the Ford Escape, which is the same position claimed by the Juvenile above. The 13-year-old did not remember who was driving the vehicle or where they traveled.

*Physical Evidence*



**Screenshot from PSP dashcam footage, showing the stolen Ford Escape on the left and the PSP lead vehicle, driven by Trooper Baldwin, on the right, being rammed in the direction of the guardrail on I-95.**



**Screenshot from the PSP dashcam footage, showing the stolen Ford Escape on the right and the PSP lead vehicle on the left, being pushed into the median.**



**Stolen vehicle in the berm in the median on I-95.**



**Damage to passenger side of lead PSP vehicle, in a photo shortly after the incident.**





**Damage to driver side of lead PSP vehicle, in a photo shortly after the incident.**



**Photo showing additional damage to lead PSP vehicle.**



**Recovered revolver.**



**Revolver in the pants of the 13-year-old suspect, standing with Delaware State Police. The Delaware State Police discovered the firearm prior to their transport of the suspect and took this photograph.**



**Damage to driver side of the lead PSP vehicle in a daylight photo.**



**Damage to passenger side of lead PSP vehicle in a daylight photo.**



**Bullet holes in the passenger side window of the stolen car.**



**Bullet holes in the driver side of the stolen car, from the police case. The white paint did not occur during the police chase.**



**Photo depicting the graze wound to the Juvenile's left leg.**

**Police Dashcam Footage:**

The incident is captured on police dashcam footage from the PSP vehicle driven by Trooper Solis. The footage is included in our public findings.

**Medical Report:**

The Juvenile was taken to St. Francis Healthcare where he was treated for a graze wound to his left leg and a concussion or hematoma from the vehicle impact. The Juvenile was treated and released.

**Conclusion**

The State must determine if the use of deadly force by PSP Troopers Baldwin and Scardilli, which occurred in Delaware, was a criminal act. Title 11 § 464 of the Delaware Code defines the legal use of force in self-protection. It provides, in pertinent part, that “[t]he use of force upon or toward another person is justifiable when the [Trooper] believes that such force is *immediately*

*necessary* for the purpose of protecting the [Trooper] against the use of unlawful force by the other person on the present occasion.”<sup>2</sup>

Under Delaware law, the state of mind of the law enforcement officer must be considered when determining whether the use of force was justifiable against another person. The specific factual inquiry is two-pronged. The first question is whether the Troopers actually believed, at the time they intentionally fired their weapons, that such action was necessary to protect themselves or others from death or serious physical injury. The second question is whether the Trooper was reckless or negligent in having such belief, or in acquiring or failing to acquire any knowledge or belief, which is material to the justifiability of the use of force. 11 Del. C. § 470(a). If such force is determined to have been justified, the law requires an examination into whether such force negligently or recklessly created injury or risk of injury to innocent third parties pursuant to 11 Del. C. § 470(b).

Both Troopers believed that their actions were necessary to protect themselves from serious physical injury or worse as they were being rammed on I-95 by a fleeing stolen vehicle. The police made several attempts to slow or stop the fleeing Escape. Trooper Baldwin fired at the Ford Escape only after his car was rammed, and Trooper Scardilli, though he too was in fear for his life, did not fire at that same moment because he did not want to shoot over Trooper Baldwin. Trooper Scardilli only fired after the fleeing stolen vehicle tried to push him and Trooper Baldwin a second time, at a high rate of speed and into the median.

The police were not reckless or negligent in forming the belief that deadly force was immediately necessary. The stolen Ford Escape was taken in a carjacking in Delaware, had eluded police in Pennsylvania, and was willing to place police and others in grave danger in defiance of sustained commands to stop. The Escape, traveling at a high rate of speed in the dark and on an interstate, intentionally tried to ram a police car into a guardrail, and then into the median. Causing the police to crash at that speed likely would have caused their serious physical injury or death.

Lastly, because the police were justified to use force pursuant to 11 Del. C. § 464, we further determine that they were not negligent or reckless in injuring or creating a risk of injury to third persons under 11 Del. C. § 470(b). No third persons were injured, the police did not use force until no civilians were in the vicinity, and the police fired their guns directly at the stolen vehicle that was placing them in danger.

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<sup>2</sup> Justification of use of force for the protection of other persons is also applicable, *See* 11 Del. C. § 465 “(a) The use of force upon or toward the person of another is justifiable to protect a third person when: (1) The defendant would have been justified under § 464 of this title in using such force to protect the defendant against the injury the defendant believes to be threatened to the person whom the defendant seeks to protect; and (2) Under the circumstances as the defendant believes them to be, the person whom the defendant seeks to protect would have been justified in using such protective force; and (3) The defendant believes that intervention is necessary for the protection of the other person.”

Upon careful consideration of the available evidence and the application of expert opinion to that evidence, Troopers Baldwin and Scardilli reasonably believed that the use of deadly force upon the Juvenile was immediately necessary for the purpose of protecting themselves or others. For these reasons, the Department of Justice concludes the use of deadly force by Trooper Andrew Baldwin and Trooper Vincent Scardilli upon the Juvenile does not constitute a criminal offense under the laws of the State of Delaware.