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FOR IMMEDIATE RELEASE

### **INVESTIGATION OF FEBRUARY 9 OFFICER-INVOLVED SHOOTING IN PENNSBURG CONCLUDES; OFFICER CLEARED IN USE OF FORCE**

NORRISTOWN, Pa. (March 1, 2021)—Montgomery County District Attorney Kevin R. Steele announced today that the investigation of an Upper Perk police officer's fatal shooting of an armed man in Long Alley in Pennsburg was a lawful use of force.

The independent investigation of the shooting was conducted by the Montgomery County Detective Bureau, as is normal procedure for officer-involved shootings in Montgomery County. The Upper Perk Police Department and the officer involved cooperated with the investigation. Numerous witnesses were interviewed as part of the investigation and a partial video as well as an audio recording of the shooting was recovered from a home security camera.

The investigation found that Upper Perk Police were dispatched at 7:41 p.m. Tuesday, Feb. 9, 2021 after the 911 call center received a call about a family member—27-year-old Trey Bartholomew—who had left the house armed with a sword and threatening to kill anyone who came up to him. Multiple Upper Perk police cars were dispatched to search for the suspect. An Upper Perk police officer with his vehicle lights/siren activated spotted the suspect in Long Alley.

Upon exiting his vehicle, the officer observed the suspect brandish a large sword in his right hand, with the blade of the sword pointed directly at the officer. As he brandished the sword, the suspect said, "what's up mother f\*\*\*er?" The officer pulled his weapon and gave two commands to "put it down," "put it down." The suspect refused and charged the officer with the sword. The officer fired three times striking the suspect twice. The suspect fell to the ground still holding the sword. Other officers from Upper Perk and surrounding jurisdictions arrived and assisted in removing the sword from Bartholomew's hand. Officers rendered first aid and tried to revive Bartholomew, but he was pronounced dead by arriving EMS.

A 23-inch sword was recovered from the scene. Analysis of the recovered home surveillance video and audio revealed that it was a five-second period from when the officer yelled two verbal commands for the suspect to put down the weapon and the three shots were fired.

On Feb. 10, 2021, an autopsy was performed on the body by Dr. Frederick Hellman, a forensic pathologist with the Montgomery County Coroner's Office. Dr. Hellman opined that Bartholomew died of gunshot wounds to the upper left chest and upper left arm.

"The dispatch reports police received were that the man left his house to kill anybody he encountered, and when he encountered a police officer, the evidence is that he tried to do just that," said Steele. "The Upper Perk police officer acted by discharging his firearm to put a stop to a lethal threat. Our investigation determined the facts of this case supported the use of deadly force."

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

Approved for release:

Kevin R. Steele