

# Delaware Criminal Justice Council

## 11 Del. C. §9210 Authorized Disclosures

### Agency Information

Law Enforcement Agency: Delaware State Police

Date of Incident: November 29, 2023

### Incident Details

Law Enforcement Officer has discharged a firearm at a person. ☒ Yes | ☐ No

Law Enforcement Officer's use of force that results in serious physical injury. ☐ Yes | ☒ No

An investigation that results in a sustained finding that a Law Enforcement Officer engaged in a sexual assault or sexual harassment. For purposes of this paragraph, "sexual assault" means the commission or attempted initiation of a sexual act by means of force, threat, coercion, extortion, or offer or implication of leniency or official favor, under the color of authority. Propositioning sex or commission of a sexual act while an officer is on duty is deemed a "sexual assault." ☐ Yes | ☒ No

An investigation that results in a sustained finding that a Law Enforcement Officer engaged in dishonest conduct. This includes, but is not limited to sustained findings of perjury, false statements, filing false reports, witness tampering, and destruction, falsification, or concealment of evidence. ☐ Yes | ☒ No

A sustained finding of domestic violence by a Law Enforcement Officer. ☐ Yes | ☒ No

### Detailed Narrative

Please include a detailed narrative of the incident. A "detailed narrative" means a complete description of the facts, steps taken to further an investigation, evidence collected, conclusions reached, the names of officers involved for whom misconduct was substantiated, any discipline assigned in connection with the event, and the employment status of disciplined officers. 11 Del. C. § 9200(b)(1).

The detailed narrative may not reveal the name or any personal identifying information of a victim or witness. In a domestic violence case where revealing the name of the officer would also allow identification of the victim, the officer's name may be redacted.

The Criminal Justice Council shall post the narratives they receive under this paragraph on their website within 30 calendar days of receipt.

I. Complete Description of the Facts:

On 11/28/2023 at approximately 2127 hours, Members of the Delaware State Police Kent County Governor's Task Force along with members of Probation and Parole attempted to contact Brian Holben in a parking lot on Hickman Road west of Greenwood. Brian Holben was wanted on outstanding warrants by Troop 5. As members attempted to block in Brian Holben's Jeep Cherokee, Brian Holben attempted to use his vehicle to push the state police vehicles out of his way to flee the scene. As Corporal Eric Saccomano attempted to remove him from the driver seat of the vehicle, Holben displayed a handgun and pointed it at the Trooper firing a round at Corporal Saccomano. At this point, members of the Delaware State Police including Corporal Jordon Rollins and Eric Saccomano along with Probation and Parole officer David Angelo fired their issued handguns at suspect Holben. Suspect Holben was able to flee from the vehicle into a wooded area and escape apprehension without injury. Holben was later contacted in Maryland by the Maryland State Police where he committed suicide prior to being apprehended during a barricade situation.

II. Investigatory Steps:

Per DSP policy, the officer involved shooting was investigated by the Delaware State Police Homicide Unit as well as the Department of Justice Division of Civil Rights and Public Trust.

III. Evidence Collected:

The evidence collected was the body worn camera footage, camera footage from the business parking lot, crime report, and involved officer interviews.

IV. Conclusions Reached:

The Attorney General's Division of Civil Rights and Public Trust conducted an independent review of the event and concluded that the use of force was reasonable and did not violate any laws. The event was also reviewed with the Delaware State Police Executive Staff, Office of Professional Responsibility and Training Staff. They concluded that the involved officers did not violate any laws or Divisional Policies.

V. The names of officers involved for whom misconduct was substantiated:

No misconduct was alleged or discovered.

VI. Any Discipline Assigned in Connection with the Incident:

N/A

VII. The Employment Status of Disciplined Officers:

N/A