March 13, 2023

DAO’S FINDINGS ON OFFICER-INVOLVED SHOOTING IN CALN TOWNSHIP

District Attorney Deb Ryan announced today that the investigation of the February 22, 2023, shooting at Shelburne Road and Stockley Lane in Caln Township is completed and found that it was a lawful use of force by police.

The independent investigation of the shooting was conducted by the Chester County Detectives, as mandated by DAO policy for all officer-involved shootings. Chester County Detectives interviewed witnesses and reviewed police body-camera footage, mobile video recordings, police reports, and other evidence. The Caln Township Police Department and all of the officers involved in the case cooperated with the investigation.

The allegations include the following¹:

The incident occurred on February 22, 2023, after two Caln Township police officers responded to the report of a stolen car from Downingtown Borough. The driver of the stolen vehicle, later identified as Richard Luminello, 56, of Philadelphia, was observed on video surveillance at 1:22 a.m. at a Wawa parking lot at 1083 East Lancaster Avenue driving away in a stolen car. Police learned that the owner of the vehicle left his car keys on the console of his car when he entered into the store, and Luminello took it without permission. Investigators also discovered that Luminello initially drove to that Wawa in a different stolen vehicle that was taken from a parking lot at Colonial Apartments at 701 West Lancaster Avenue in Downingtown Borough on February 19, 2023.

¹ A defendant is presumed innocent until proven guilty beyond a reasonable doubt.
Flash information of the stolen car and the suspect’s description was reported on police radio. Two Caln Township police officers later observed the vehicle while they were each in their respective patrol cars in the 3700 block of East Lincoln Highway in Caln Township.

Both officers were in full uniform. One officer was in a marked patrol police car and the other was in an unmarked car. Both officers pursued the vehicle with their emergency lights activated.

Despite their efforts to stop Luminello, he failed to comply, and led police on a pursuit. Luminello drove erratically at a high rate of speed through different areas in Caln Township, including a parking lot and a residential neighborhood. During the chase the car struck a curb causing a flat to the rear tire. At one point one of the officers drove in another direction in an attempt to stop the vehicle at the end of the residential neighborhood. The other police officer continued to follow Luminello.

Once the officer stopped his vehicle with the emergency lights still activated, he went to the rear of the car to remove stop sticks. Within seconds Luminello accelerated the speed of the vehicle and swerved deliberately into the opposite side of the street where the officer’s car was stopped. Luminello crashed the car directly into the front of the officer’s patrol car causing it to move 40 yards away and causing major damage. The officer avoided injury by jumping out of the way. Had he been inside the car or still behind it, it is likely he would have died or sustained serious bodily injury.

Luminello’s vehicle came to a stop near the crash site, he exited his vehicle, and walked away from the scene. A second officer had just witnessed the crash and did not know whether the first officer, whose vehicle had been struck, had been killed or injured. This second officer yelled multiple commands for Luminello to stop, show his hands and get on the ground. Soon afterward the first officer, who was nearly killed in the crash, also began shouting commands at Luminello. Despite being given multiple commands, Luminello continued to ignore the police. He then stopped, turned toward the officers, and shouted, “I’ll shoot!” from approximately 10 feet away as he gestured with two hands pointed at them.

Believing that Luminello had a gun, one of the officers fired four rounds from a department-issued weapon. He was struck in the right leg one time and fell to the ground. Luminello then got on his feet and began to approach the officers while
screaming obscenities and yelling for his gun. He shoved one of the officers in the chest and again gestured with both hands in a pointing motion as if he had a gun. Luminello walked back to the stolen car and opened the passenger door. An officer deployed a taser resulting in his collapse.

Luminello was taken into custody and treated at Paoli Hospital for a gunshot wound to his leg and a fractured elbow. He was released the same day. Police found keys to the stolen vehicle taken on February 19, 2023, inside the vehicle Luminello stole on February 22, 2023. Later, he was charged with attempted murder, aggravated assault, recklessly endangering another person, theft, and related offenses.

In Pennsylvania, a law enforcement officer’s use of deadly force 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 and 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. 18 Pa.C.S.A. §508(a)(1)(i)(ii).

Based on the totality of the circumstances, it is clear that Luminello took actions that placed the officers in imminent danger of death or serious bodily injury. Initially, he engaged in a high-speed car chase in a stolen vehicle where he intentionally drove his car into a police vehicle almost causing the death or serious bodily injury of a police officer. Next, after he exited the car, he turned toward police gesturing as if he had a gun while screaming, “I’ll shoot” within 10 feet of the police officers. He continued to aggressively engage with police by pushing one in the chest and gesturing as if he had a gun another time. The encounter ended because one of the officers engaged in de-escalation techniques by employing a taser that stopped his unlawful and dangerous behavior.

Luminello created a situation where the police officer had a reasonable belief that her life, and the life of another, were in danger of serious bodily injury or death, thereby justifying the use of deadly force according to 18 Pa. C.S.A. §508.

Approved for release by Deborah Ryan, District Attorney