

Five years' probation for Pennsylvania police officers who killed 8-year-old Fanta Bility

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The three Pennsylvania police officers who shot and killed 8-year-old Fanta Bility and wounded three other people in 2021 have been sentenced to just five years' probation.

The lenient sentences are yet another example of how the police operate with almost complete impunity in the continued string of killings throughout the country despite the years of protests and promises from Democratic politicians for reform.

On August 27, 2021, three officers, Devon Smith, Sean Dolan and Brian Devaney, shot and killed 8-year-old Fanta Bility as she and her family were walking home from a high school football game in Sharon Hill, a borough just outside Philadelphia. Three other people, including Fanta's 12-year-old sister were also wounded in the assault.

Last November, the three officers reached a plea deal with prosecutors, pleading guilty to 10 counts of the lesser charge of reckless endangerment in exchange for the dropping of one count each of voluntary manslaughter and involuntary manslaughter charges.

Together the three officers fired at least 25 rounds into the crowd of people as they were exiting the football stadium. The officers, who were on duty to provide security for the school event, claimed that they believed a car driven by two students—who were also leaving the game—was responsible for several gunshots that had been fired a block away.

Following the November plea deal, Bility's family spoke with reporters on the courthouse steps.

"The agony we feel constantly reliving the loss of our dear Fanta who was just 8 years old when she was killed by Sharon Hill police officers, is impossible to describe with words," Fanta Bility's uncle, Abu Bility, told reporters. "Since her mother and siblings were witnesses to this tragic incident, they will have to live

with that trauma imprinted in their memories for the rest of their lives."

Bility said that he hoped the plea deal would allow the family some "closure."

Abu Bility said "after much prayer and discussion," the family decided that a plea agreement ensuring that the "police officers take responsibility" was in the "best interest of the family."

"We pray that as a result of the police officers being held accountable, we can, as a family and as a community, finally have some closure and begin the healing process," he said.

From the start, state and local prosecutors made clear that they did not want to arrest the police officers. Charges were reluctantly filed only after protests threatened to build throughout the Philadelphia area.

Prosecutors originally charged the two teenage boys, 16-year-old Angelo Ford and 18-year-old Hasein Strand with first degree murder for Fanta's death even though the two did not fire the shot that hit and killed her.

According to witnesses, the two teenagers were among hundreds of students and families attending the football game. During the game, Ford and Strand had been exchanging words and afterwards, more than a block from the stadium, got into a fight in which they fired guns at each other.

Outrage that the two teenagers and not the police were charged with Fanta's death forced prosecutors to suspend the murder charges against the two.

Justifying the first-degree murder charges against the youth, Delaware County District Attorney Jack Stollsteimer said at the time that the teenagers were ultimately responsible for the police murder of Bility.

Making clear that the prosecutor still believes that the youths, not the police, are responsible, Stollsteimer said

that the charges were being suspended, not dropped, and may be refiled after the police were tried.

In filing the charges against the police, prosecutors rejected the more serious charge recommended by the grand jury of third degree murder, instead opting for the lesser charges of manslaughter.

At the sentencing hearing, the family said several siblings are dealing with survivors' guilt and other emotional problems. Fanta died in her mother's arms.

Clearly the family had been pressured into accepting the plea agreement because they feared that otherwise, the police, as is the case in the vast majority of police killings throughout the country, would not be convicted of anything.

There is no official collection of figures for those killed by police, but according to news organizations and advocacy groups, the number of deaths have amounted to over 1,100 a year. According to PoliceViolenceReport.org, an advocacy group that tracks police killings, there were 1,192 people killed by police violence in 2022, the highest number of police killings in a decade.

In only a handful of very high profile cases, such as the murder of George Floyd in 2020, are police officers tried and convicted. In the vast majority of the cases, no arrests, let alone trial and conviction, ever take place. Of the nearly 1,200 police killings in 2022, officers were charged with a crime in only nine cases.

In Pennsylvania, reckless endangerment is classified as a second degree misdemeanor. The crime carries a sentence of up to two years in prison and a \$5,000 fine, meaning the judge could have sentenced the officers to 20 years in prison and \$50,000 in fines.

Instead, the three officers were given just five years probation of which the first 11 months will be under house arrest. It is unclear if the time since charges were filed will be counted toward the 11 months, house arrest requirement or not. If so, the officers would have already met most, if not all of it. Even if required to serve the house arrest going forward, they are allowed to continue going to work and other activities.

The decision to drop the more serious involuntary manslaughter charge was clearly aimed at clearing the cops. As a general rule, a person in Pennsylvania 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—and this applies directly

to the police officers in this case—the doing of a lawful act in a reckless or grossly negligent manner which causes the death of another person.

Last month, prosecutors in Akron, Ohio, announced that no charges would be filed against the eight officers who killed 26-year-old Jayland Walker after a traffic stop. Walker, who initially tried to run away, was killed in a hail of bullets, having been shot at least 46 times.

Protesters in Akron continue to suffer police harassment with many being cited and arrested for minor traffic violations.

The brutalization of the working class by the police is an ongoing process. Protests, especially the massive wave of protests following the 2020 murders of George Floyd and Breonna Taylor, were diverted into calls for police reform and the election of Biden in particular and more Democrats in general. Once taking office, Biden has shown that he, like Trump before him, is an ardent backer of police, providing them with military-grade weapons and billions in funding.

Fundamentally the police are an instrument to maintain the rule of the capitalist class. Under conditions of growing inequality and the growing resistance to it, expressed in strikes and protests not only in the United States but throughout the world, this means that the capitalist class must rely even more on the police and other forces of repression to attack the working class.

Only the overturn of capitalism and its replacement with socialism, a system in which the productive capacity of humanity is used not for a tiny few but is democratically controlled and used for humanity as a whole, will end the need for an oppressive state apparatus.



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