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June 6, 2022

RE: Completion of the Independent Investigation into the Philadelphia Medical Examiner's Office's Possession of Human Remains of Victims of the 1985 Bombing of the MOVE Organization

Dear City Solicitor Cortes,

We have concluded the independent investigation into the Philadelphia Medical Examiner's Office's ("MEO") possession of human remains of victims of the 1985 bombing of the MOVE organization. Enclosed with this letter are the findings, conclusions, and recommendations from that investigation, which are divided into parts related to the respective topics of the investigation, as conducted and exclusively drafted by each investigating law firm as follows:

- Part One was prepared by Dechert LLP and summarizes its investigation concerning the chain of custody, from 1985 to present, of the remains contained within the box located at the MEO.
- Parts Two and Three were prepared by Montgomery, McCracken, Walker & Rhoads LLP ("MMWR"). Part Two summarizes MMWR's investigation concerning the chain of custody, from September 1986 to present, of the MOVE victim remains transferred from the MEO to Drs. Alan Mann and Janet Monge. Part Three summarizes MMWR's evaluation of MEO policies and procedures and discusses MMWR's recommendations for reformation of those policies and procedures through a lens of racial equity.

Please let us know if you have any questions.

Sincerely,

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Final Report of the Independent Investigation into the City of Philadelphia's Possession of Human Remains of Victims of the 1985 Bombing of the MOVE Organization

May 6, 2022

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TABLE OF CONTENTS

	Page
I. EXECUTIVE SUMMARY	1
A. Background	1
B. Conclusions.....	4
1. Conclusions Relating to the Documentation and Retrieval of the Remains.....	5
2. Conclusions Relating to the MEO’s Handling and Identification of the Remains.....	6
3. Conclusions Relating to the Dispute Regarding the B-1 and G Remains.....	8
4. Conclusions Relating to the Burial of the Children’s Remains	11
5. Conclusions Relating to Toxicology Specimens	11
6. Conclusions Relating to Remains Found in the MEO in January 2017.....	12
7. Conclusions Relating to Dr. Farley’s Resignation and Recovery of MEO Box and its Contents	13
8. Conclusions Relating to Information About Remains from MEO Box.....	14
C. Recommendations.....	14
II. INVESTIGATIVE PROCESS.....	16
A. Interviews.....	16
1. Witnesses Interviewed	17
a. <i>Current and Former City Officials and Employees</i>	<i>17</i>
b. <i>Commission Personnel.....</i>	<i>17</i>
c. <i>Outside Experts</i>	<i>17</i>
d. <i>Legal Counsel</i>	<i>17</i>
e. <i>Members of the Victims’ Family.....</i>	<i>18</i>
2. Witnesses We Could Not Interview.....	18
B. Site Visits.....	20
1. Medical Examiner’s Office.....	20

2.	Osage Avenue	20
3.	Funeral Homes and Cemeteries	20
	a. <i>Funeral Homes</i>	20
	b. <i>Cemeteries</i>	22
C.	Document Collection and Review	25
1.	Documents From the City of Philadelphia.....	25
2.	Documents from Temple University’s Special Collection	25
3.	Documents from Interviewees	26
III.	HISTORICAL BACKGROUND	26
IV.	FACTUAL FINDINGS RELATED TO THE REMAINS	30
A.	Period from 1985 to 1988	33
1.	The City Excavates the Site Around 6221 Osage Avenue and Transfers Remains to MEO Where They are Examined by Various Experts	33
2.	The MOVE Commission’s Consultants Assume Control of the Investigation to Identify the Remains from July 1985 to November 1985.....	42
3.	The Medical Examiner’s Office Regains Control of the MOVE Investigation After Dr. Hameli’s Testimony on November 5, 1985	47
4.	The Grand Jury Declined to Issue Any Indictments Related to MOVE.....	50
B.	The Victims of the MOVE Bombing	52
C.	2009 to Present	53
1.	Background on the Health Department, MEO, and Relevant Personnel.....	53
2.	The MEO Disposed of Toxicology Samples from MOVE Victims in 2009	55
3.	A Box was Discovered at the MEO in 2017.....	60
	a. <i>A Box of Remains was Found in the Basement Personal Effects Room</i>	60
	b. <i>Dr. Gulino Consulted Drs. Johnson and Farley About how to Handle the MEO Box</i>	63
	c. <i>Pursuant to Dr. Farley’s Instruction, an MEO Employee was Directed to Cremate the Box of Remains</i>	65
4.	The MEO Box was Re-Discovered at the MEO in 2021	67

a.	<i>Penn’s Continued Possession of MOVE Remains Became Public in April 2021</i>	67
b.	<i>In Response to the Penn News, Dr. Gulino Undertook an Internal Review of MEO Materials Related to MOVE</i>	68
c.	<i>Dr. Farley Informed the Administration of the Discovery of MEO Box and Resigned</i>	71
V.	CONCLUSION	73
VI.	APPENDIX A: THE CONTENTS OF THE MEO BOX	74
VII.	APPENDIX B: INDIVIDUAL VICTIMS OF THE MOVE BOMBING	85
1.	Tomaso “Boo” Levino	85
2.	Katricia “Tree” Dotson	90
3.	Zanetta Dotson	97
4.	Delisha Orr	99
5.	Phil Phillips	105
6.	James Conrad Hampton	109
7.	Vincent Leaphart aka John Africa	112
8.	Frank James	116
9.	Raymond Foster	119
10.	Theresa Brooks	122
11.	Rhonda Ward	126

I. EXECUTIVE SUMMARY

A. Background

For nearly 40 years, the bombing on May 13, 1985, has left an indelible stain on the City of Philadelphia. Some even came to refer to it as “the city that bombed itself.” It is a tragedy familiar to many older Philadelphians, though, as memories fade, it is too shocking for many younger residents or new residents to believe. The basic narrative of what happened that evening is largely undisputed: After years of conflict, including a prior armed confrontation between the police and members of the MOVE organization—a self-described Black liberation group—that resulted in the death of a police officer, and following complaints from neighbors, the City prepared to take physical action against MOVE in May 1985. Having cleared the immediate area by the morning of May 13, hundreds of heavily armed police officers readied to serve arrest warrants on members of MOVE at its headquarters in a row house on 6221 Osage Avenue in West Philadelphia. The City shut off water and electricity to the residence in advance of the anticipated arrests. By that time, City officials were well aware that children were among the occupants of the house and had even identified the children present. When MOVE members rejected the police’s demand to surrender, the Philadelphia Fire Department directed its high-powered water cannons at the house in an effort to destroy a bunker that MOVE members had erected on the roof of the building. The police later threw tear gas and other explosives into the house in a failed attempt to force out the occupants. The police were met with intermittent gunfire from the MOVE house, and, armed with Uzis, machine guns, automatic rifles, among other weapons, the police responded with more than ten thousand (10,000) rounds of ammunition during the standoff.

By later that evening, with the MOVE members still in the house and refusing to surrender, the Philadelphia Police Department, with the approval of City leadership, dropped a satchel bomb—an improvised demolition device that contained Tovex and C-4 explosives¹—from a helicopter onto the roof of the MOVE house to try to dislodge the bunker on the roof. The bomb ignited a fire that reached up to 2,000 degrees Fahrenheit. Subsequent investigations found that Fire and Police officials used the fire as a tactical weapon by letting it burn until it raged out of control. The bombing and resulting fire killed five children—Tomaso “Boo” Levino (who was around nine years old), Delisha Orr (age 12), Zanetta Dotson (age 12), Phil Phillips (age 12), and Katricia “Tree” Dotson (age 14)—and six adults—Theresa Brooks, Frank James, Vincent Leaphart, later known as John Africa, Raymond Foster, James Conrad Hampton, and Rhonda Ward.² Only two people escaped the smoldering MOVE compound: an adult named Ramona Africa and a 13-year-old boy named Birdie Africa, who had lost his mother, Rhonda, in the fire.

¹ Michael Coard, “Philly’s Bomb-Dropping, Guns-Blazing, Child-Murdering Day,” Philadelphia Magazine (May 15, 2012 8:00 AM), <https://www.phillymag.com/news/2012/05/15/phillys-bomb-dropping-guns-blazing-child-murdering-day/>.

² The victims are referred to by different names across media reports, medical files, and other contemporaneous materials, including the use of the username “Africa,” which was used by members of MOVE. This Report uses the victims’ given names and legal surnames for consistency with the records that we have reviewed, except that we refer to Vincent Leaphart by that name and also by his later chosen name, John Africa, depending on the time period and context discussed.

Birdie, who was later known as Michael Moses Ward, lived with lifelong burn scars on his body and died in 2013.

The City's actions on May 13, 1985, destroyed over 60 homes and instantly rendered hundreds of people homeless and reeling, including many of the same neighbors who had spent years filing futile nuisance complaints about MOVE with the City. Beyond that, however, the City crushed a vibrant, beautiful, and predominantly Black middle-class community in the Cobbs Creek section of West Philadelphia.

No one was ever criminally charged for the bombing on May 13, 1985, despite a scathing report from the independent Philadelphia Special Investigation Commission (“the Commission” or “MOVE Commission”) appointed by Mayor W. Wilson Goode, including a finding that the Philadelphia Police Department had used “grossly negligent” tactics in committing an “unconscionable” act by “dropping a bomb on an occupied row house.”³ Similarly, a two-year grand jury investigation resulted in a report absolving City leaders of any criminal conduct but condemning them just the same: “[W]e do not exonerate the men responsible for this disaster. Rather than a vindication of those officials, this report should stand as a permanent record of their morally reprehensible behavior.”⁴ Remarkably, the only person arrested and prosecuted in the aftermath of the bombing was Ramona Africa, the only adult survivor of the bombing, who was convicted for rioting and conspiracy and served seven years in prison.

While the current investigation that culminated in this Report is focused on the remains of the victims of this horrific bombing, the events of 1985 through 2021 shed important light on the City's response to and handling of the bombing. As the various investigations wrapped up, and the City returned the victims' remains to their families (with the families believing at the time that they had received all of the remains), the MOVE bombing largely receded from the headlines by the late 1980s. But many—from the family of the victims to the residents of Osage Avenue and even the larger Black community of Philadelphia—continued to suffer trauma from the aftermath of what happened on May 13, 1985.

Most symbolically, for 35 years no arm of the City—the Police Department, Fire Department, City Council, and five mayoral administrations—would issue any formal apology for the MOVE bombing. Finally, on November 12, 2020, City Council, through a resolution, issued a formal apology and established May 13 as “an annual day of observation, reflection and recommitment.”⁵

The families of the victims and survivors were also involved in over a decade of fraught legal battles with the City. The City agreed to pay \$2.5 million in 1990 to settle the wrongful death

³ Report of the Philadelphia Special Investigation Commission, dated March 6, 1986 (“Commission Report”).

⁴ Findings and Order of the County Investigating Grand Jury, dated April 20, 1988 (“GJ Report”) at 279.

⁵ Laura McCrystal, “Philly City Council has formally apologized for the deadly 1985 MOVE Bombing,” *The Philadelphia Inquirer* (Nov. 16, 2020), <https://www.inquirer.com/news/philadelphia/move-bombing-apology-philadelphia-walter-wallace-20201112.html>.

suits brought on behalf of the five child victims;⁶ and, in 1996, a federal jury awarded \$1.5 million in damages to Ramona Africa and the relatives of two victims of the bombing as a result of the City's constitutional violations related to the bombing. Additionally, the City bungled the effort to rebuild the neighborhood destroyed by the fire and bring back displaced residents. The houses that the City built, after repeated delays, were poorly constructed, substandard, and uninhabitable, and they remained vacant and boarded up for decades.

The repeated missteps and shortcomings in response to the MOVE bombing were once again revealed in 2021. As if the horror and trauma inflicted by the City on the victims and their families decades ago was not enough, it was reported in April 2021 that Drs. Alan Mann and Janet Monge, anthropologists associated with the University of Pennsylvania and Princeton University, had kept human remains related to the MOVE bombing for decades. And even as the victims' families and Philadelphians were still absorbing the fallout and shock from that revelation, weeks later, and on the 36th anniversary of the bombing, Mayor Jim Kenney asked then-Health Commissioner Dr. Thomas Farley to resign in connection with his decisions regarding the handling of MOVE victims' remains⁷ from 2017. According to the Mayor's Office, years earlier, Dr. Farley had directed the Medical Examiner's Office ("MEO"), which reported to him, to cremate human remains associated with the MOVE bombing that had been found in a box at the MEO, and he did so without notifying any family members or other City officials.⁸ The following day, May 14, 2021, the City then announced that the remains that reportedly had been cremated years before actually had not been cremated at all and had been found at the MEO.⁹

In response to this stunning series of events, the City asked Dechert LLP ("Dechert") to conduct an independent investigation into the handling of the remains of the MOVE victims from 1985 to present and the related policies and procedures of the MEO. Dechert agreed to do so and to do so on a *pro bono* basis, ensuring that Dechert, and not the City, was responsible for all costs for attorney time and any associated expenses during the entirety of this investigation.¹⁰ The City also engaged attorneys from Montgomery, McCracken, Walker & Rhoads LLP ("Montgomery McCracken") to serve as co-investigators, with a focus on recommending policies for the MEO.

⁶ Henry Goldman, "Philadelphia to Pay \$2.5 Million to Bring MOVE Lawsuit to End," The Journal of Commerce Online (June 27, 1990 8:00 PM), https://www.joc.com/philadelphia-pay-25-million-bring-move-lawsuit-end_19900627.html.

⁷ Though some people we interviewed, as well some documentation and correspondence, describe the remains from the MEO Box as "specimen," this Report will refer to them as "remains" or "human remains," for ease of reference and consistency.

⁸ "Mayor Jim Kenney Announces Resignation of Health Commissioner Dr. Thomas Farley," Press Releases, City of Philadelphia (May 13, 2021), <https://www.phila.gov/2021-05-13-mayor-jim-kenney-announces-resignation-of-health-commissioner-dr-thomas-farley/>.

⁹ "Mayor Kenney Provides Update on Handling of MOVE Bombing Victims' Remains," Press Releases, City of Philadelphia (May 14, 2021), <https://www.phila.gov/2021-05-14-mayor-kenney-provides-update-on-handling-of-move-bombing-victims-remains/>.

¹⁰ "Mayor Jim Kenney Announces Resignation of Health Commissioner Dr. Thomas Farley," Press Releases, City of Philadelphia (May 13, 2021), <https://www.phila.gov/2021-05-13-mayor-jim-kenney-announces-resignation-of-health-commissioner-dr-thomas-farley/>.

In its written directive to the investigative teams, the City asked the investigators to focus on three topics:

- Topic 1: The chain of custody, from 1985 to present, of the remains contained within the box located at the MEO in May 2021.
- Topic 2: A summary and evaluation of the MEO policies and procedures regarding the (a) collection and identification of remains; (b) autopsy and determination of cause of death; and (c) release of remains and personal effects to next of kin. These are the MEO policies and procedures that were at issue when the bombing victims' remains were collected, analyzed, and stored.
- Topic 3: Suggestions for reformation of the aforementioned policies and procedures through a lens of racial equity.

Dechert focused on Topic 1, tracing the handling of the remains of the victims of the MOVE bombing, including the victims' remains from the box that was retrieved at the MEO. During that review, it became clear that any inquiry that seeks to focus on the remains from the box will necessarily encompass understanding and reviewing, where possible, the retrieval, handling, transfer, and burial of the remains of each victim. This Report reflects that broad review.¹¹

B. Conclusions

What follows is a summary of the findings we made and conclusions we reached from our extensive investigation. That investigation entailed interviews with a variety of people, including those who were involved in the events in the 1980s, such as former Mayor W. Wilson Goode, MOVE Commission chair William H. Brown III and member Charisse Lillie, MOVE Commission staff members William Lytton and Graham McDonald, former Health Commissioner Drs. Stuart Shapiro and Thomas Farley, MOVE Commission consultants Drs. Ali Hameli and Lowell Levine, then-District Attorney (and later Pennsylvania Supreme Court Chief Justice) Ronald Castille, lawyers and experts retained by the family, and current and former City officials regarding contemporary events. We pored over extensive sets of documents from the City Archives, Temple University's Special Collections Research Center, interviewees' personal files, and City emails. Finally, we visited various funeral homes and cemeteries in the Greater Philadelphia Area where the victims were buried.

Our conclusions necessarily reflect the inherent limitations of our investigation. This undertaking was not a second MOVE Commission or a grand jury investigation. In other words, we did not have subpoena power and could not compel people to speak to us. The people who sat down for interviews and provided us with information did so voluntarily. Regrettably, there were a number of key witnesses who refused to cooperate with our investigation though they knew, and

¹¹ Montgomery McCracken targeted its investigation on, Topics 2 and 3, namely the MEO's policies and procedures identified above and recommendations for reform of those policies and procedures, and also examined any relevant information related to the remains that the MEO transferred to Drs. Monge and Mann in September 1986.

we informed them, that in many instances they were the only sources of information for what we were seeking. Other people who would have relevant information are long dead or have fading memories as they seek to recount events from nearly four decades ago.

Because this is not a second MOVE Commission or grand jury investigation, we have not delved into all areas of and issues arising from the MOVE bombing, including, most notably, the conduct of the Fire and Police Departments and any officials' culpability for the events of May 13, 1985. Though there are many aspects of the MOVE bombing that are noteworthy and would be of interest to the public, our investigation is focused on determining how and by whom the victims' remains were handled, consistent with the City's proposed scope.

With that background, below are Dechert's conclusions related to the areas that we explored. We have attempted to draw conclusions that are supported by credible witness interviews, documents, and other evidence that we reviewed. Where we could not draw conclusions, we make that clear. A more detailed recitation of these conclusions, and the process we used to reach them, is in the body of our Report and Appendices that follow this Executive Summary.

1. Conclusions Relating to the Documentation and Retrieval of the Remains

- At the outset, the MEO files and documents related to the victims were incomplete, inconsistent, and, at times, contradictory. For instance, the MEO documentation for each victim did not include an inventory of the contents or review of the remains, making it impossible to track each instance someone handled a remain or body part, including the person, date, time, and reason for the handling. In particular, there were no logs detailing the remains released by the MEO, received by various funeral homes or directors, or given to the various cemeteries for cremation or burial. As a result, we are unable to conclude definitively what remains, if any, were released for the respective victims and actually buried or cremated between May 1985 and September 1986, when the last of the victims' remains were purportedly formally released to the families.
- A number of pathologists, anthropologists, odontologists, and other medical and forensic experts were involved in the handling of the remains of victims of the MOVE bombing. The review and handling of the remains by a large array of experts in many instances yielded inconsistent and sometimes contradictory reports, conclusions, methodology, and naming conventions.
- The manner in which the scene of the bombing was processed by the City, starting on the morning of May 14, 1985, compromised any effort to develop a comprehensive, meaningful, and accurate chain of custody. For instance, the use of a crane to dig up debris and bodies damaged the victims' remains (which had already been badly burned and buried under debris), complicated the effort to identify the locations of where bodies were recovered, and resulted in the comingling of remains and

bones—both human and animal. In addition, MEO officials failed to visit the scene at first, despite being asked, and lost the opportunity to engage in a careful, deliberate, and professional retrieval and handling of the remains. These failures—criticized by both the Commission and the investigating grand jury—meant that our task of establishing chain of custody was extremely difficult and, in some ways, doomed from the beginning.

2. Conclusions Relating to the MEO’s Handling and Identification of the Remains

- The remains of the victims were retrieved from the scene and delivered to the MEO starting on May 14 and May 15, 1985.¹² The remains of nine of the victims were found in the back of the basement or garage of 6221 Osage Avenue,¹³ while the remains of John Africa and Frank James were found towards the front of the house.¹⁴ The remains were damaged by the fire; thus, while a few of the bodies were largely intact, in some other instances there were very few remains that were eventually associated with victims. For instance, the only remains eventually associated with Katricia Dotson, a teenage girl, included pieces of a femur, pelvis, and possible dental remains that were found separately.
- When the remains arrived at the MEO, they were assigned letters (from A to K) and MEO case numbers, before they were examined by a group of MEO pathologists, including Drs. Paul J. Hoyer, Halbert E. Fillinger, and Robert Segal, whom Health Commissioner Dr. Stuart Shapiro put in charge of the MEO’s MOVE investigation. Contemporaneous photographs depict the remains on gurneys, with the more discrete remains in trays and tables, preliminarily organized for review.
- Over the course of the next few days, the MEO brought in various persons to review and examine the remains to assist in identifying them. Analysts from the FBI Disaster Squad were present at the MEO on May 16 and 17, 1985, and examined the remains to obtain fingerprint evidence for identification. Forensic odontologist Dr. Haskell Askin, acting as a consultant to the MEO, examined the remains at least by May 16, 1985, in an effort to identify the dental remains and estimate the age and sex of the victims. Lastly, University of Pennsylvania anthropologists Drs. Alan Mann and Janet Monge examined the remains on May 16 and May 17, 1985, at the MEO. They identified bones, reconstructed bodies, and made preliminary findings regarding the gender and approximate age of the victims, with a focus on the child

¹² GJ Report.

¹³ Diagram of Locations of Remains at MOVE House; GJ Report.

¹⁴ GJ Report.

victims.¹⁵ By July 1985, the MEO had positively identified six victims—Theresa Brooks, Frank James, Raymond Foster, Conrad Hampton, Rhonda Ward, and Tomaso Levino—and had released to their next of kin the remains of those victims except for Tomaso Levino and Frank James.

- In July 1985, the MOVE Commission retained a renowned group of expert consultants, consisting of forensic pathologist Dr. Ali Z. Hameli, forensic odontologist Dr. Lowell J. Levine, and forensic anthropologist Dr. Ellis R. Kerley (“the Hameli Team”) to assist in identifying the remains, determining the cause and manner of death of the victims, and reviewing other issues related to the MEO’s work. At the direction of the MOVE Commission, the MEO turned over the custody and review of the remains to the Hameli Team in July 1985. The MOVE Commission also directed the MEO not to release any victim remains to anyone without prior authorization of the Commission.¹⁶ When the Hameli Team took over the case, some of the remains that were at the MEO had deteriorated badly and were compromised by fungus and mold, which again complicated the review of those remains.
- From July 1985 to November 1985, the victims’ remains that had not been released to the next of kin were still at the MEO and were maintained in a locked refrigeration unit under the control of the Hameli Team.¹⁷ Using dental and hospital records, photographs, x-rays, FBI fingerprint records, birth records, examination of the remains, blood-type information, and other materials, the Hameli Team positively identified John Africa and the four remaining children—Delisha Orr, Zanetta Dotson, Phil Phillips, and Katricia Dotson. The family of some of the victims retained an attorney, Michael Fenasci, who obtained a court order preventing the City from releasing any remains until they had been examined. Fenasci then retained a pathologist, Dr. Michael Baden, who examined the remains with the Hameli Team and agreed with the Hameli Team’s identifications.
- The Hameli Team reaffirmed the MEO’s prior identifications and exhumed the previously released remains of James Conrad Hampton and Rhonda Ward, as well as obtained the cremated remains of Theresa Brooks from her mother.
- Members of the Hameli Team issued reports regarding their findings and testified publicly before the MOVE Commission in November 1985 regarding these findings, including the identifications of the victims of

¹⁵ Handwritten Notes Listing “Individuals”.

¹⁶ Letter from Philadelphia Special Investigation Commission (“PSIC”) to MEO, dated June 24, 1985 and PSIC Letter to Ralph Teti, Esquire.

¹⁷ GJ Report at 256; Report of Dr. Ali Hameli (“Hameli Report”) (Condition of Remains).

the bombing. At that point, the Hameli Team provided the MEO with its materials, notes, and reports, and the MEO, led by Dr. Segal, resumed control of the investigation and custody of the remains that had yet to be released to the next of kin.

3. Conclusions Relating to the Dispute Regarding the B-1 and G Remains

- Despite some initial pushback, the MEO eventually accepted the identifications by the Hameli Team and permitted the release of those remains and the earlier identified remains accordingly. For instance, the remains of John Africa, Frank James, and the Dotson sisters were released in late 1985, and the three remaining children (Delisha Orr, Phil Phillips, and Tomaso Levino) in September 1986 after the MEO pressed the families' representatives to retrieve them.
- Immediately after the Hameli Team concluded its review, Dr. Segal challenged its conclusion that the remains it identified were of Katricia Dotson (Body B-1) and Delisha Orr (Body G). Drs. Mann and Monge, at the request of Dr. Segal, examined those remains in November 1985 and issued a report disagreeing with the conclusions of the Hameli Team. Among other things, Drs. Mann and Monge concluded that, based on the pelvic remains that they examined, the B-1 remains belonged to a woman who was far too old to be Katricia Dotson.
- Despite his apparent disagreement with the Hameli Team's identifications of Katricia and Delisha, on November 19, 1985, Dr. Segal signed a form for each child authorizing the release of their remains to their respective representatives based on the Hameli Team's identification. (Katricia's remains were eventually released and buried at Eden Cemetery in Collingdale, Pennsylvania on December 14, 1985, while Delisha's remains were not actually picked up and buried until September 1986.) As noted above, there are no records of which specific remains were released by the MEO, handled by the funeral homes, or ultimately buried at the cemeteries.
- Yet, on November 25, 1985, Dr. Segal physically took the remains of Katricia Dotson (Body B-1) and Delisha Orr (Body G) to Washington D.C. for review by an anthropologist at the Smithsonian National Museum of Natural History.
- After learning of the renewed questions of their findings from Drs. Monge and Mann, Drs. Hameli and Kerley returned to the MEO to examine the B-1 and G remains.¹⁸ After this review, the MOVE Commission advised Dr. Segal by letter dated December 4, 1985, that

¹⁸ Handwritten Memo by Segal, dated November 26, 1985.

“the remains may now be released by the Medical Examiner’s Office,” and the MEO could do so through its normal procedures.

- In addition to conducting its review, the Hameli Team also sought the review of two external anthropologists. Specifically, Dr. Clyde Snow, an acclaimed forensic anthropologist from the University Oklahoma, reviewed the case materials—though not the physical remains—for Bodies B-1 and G and concurred with the relative age ranges assigned by Dr. Kerley and the identifications by Dr. Hameli.¹⁹
- Likewise, Dr. Judy Suchey, another renowned forensic anthropologist at California State University, at the request of Dr. Hameli,²⁰ received from the MEO²¹ the B-1 remains—portions of a pelvis and femur—that she retained from approximately December 30, 1985 to approximately January 24, 1986.²² In her report, she agreed that the age range of B-1 is consistent with Dr. Kerley’s conclusion, which supported Dr. Hameli’s conclusion that B-1 was in fact Katricia Dotson.
- In a memo to Dr. Shapiro dated January 23, 1986, Dr. Segal wrote that he anticipated receiving Dr. Suchey’s report and that if the report agreed with Dr. Kerley’s, there would be media coverage. Dr. Segal suggested Dr. Shapiro should provide “the following response to the news media”: “It would be unreasonable to reject [Dr. Hameli’s] finding in light of the evidence at the same time.”
- Apparently, later that day, Dr. Segal received and reviewed Dr. Suchey’s conclusion, as evidenced by a letter dated January 23, 1986, to William Lytton, counsel to the Commission, informing him that Dr. Suchey’s report “is in agreement with Dr. Kerley and strongly supports Dr. Hameli’s conclusions. It would be unreasonable for me to reject [the Commission experts’] findings in light of the evidence available at this time.”²³ On that same date, Dr. Segal sent a copy of the letter to Dr.

¹⁹ Letter from Snow to Hameli, dated January 31, 1986.

²⁰ Letter from Hameli to Segal, dated December 12, 1985.

²¹ Letter from Segal to Suchey, dated December 23, 1985.

²² Letter from Suchey to Segal, dated January 22, 1986 (“I will send the MOVE specimen back to your office by certified mail on Friday afternoon of this week.”); Report of Dr. Judy Suchey, dated January 22, 1986, (“Suchey Report”).

²³ Letter from Segal to PSIC regarding Suchey’s Report, dated January 23, 1986.

Hameli, which made clear that Dr. Segal was not contesting Dr. Hameli's identification.²⁴

- Drs. Hameli and Kerley issued an addendum to their report on January 30, 1986, confirming their earlier conclusions that the G remains were of Delisha Orr and the B-1 remains were of Katricia Dotson.
- Despite authorizing the release of the remains of Delisha and Katricia, and seemingly (though begrudgingly) conceding the identification of B-1 as Katricia Dotson by Dr. Hameli, Dr. Segal continued investigating the identifications of both B-1 and G. On March 6, 1986, Dr. Segal transferred the B-1 and G remains to the same anthropologist at the Smithsonian, asking her to re-examine the “skeletal material on ‘Move’ case B-1 and G” and prepare a written report about their ages. And in a report that he authored dated April 14, 1986, Dr. Segal reversed course and concluded that there was no scientific evidence to support the identification of Katricia as B-1.
- Dr. Segal received from the Smithsonian the remains on September 23, 1986. In a memo dated that same day, he indicated that the “bones” would be “turned over to Alan Mann for his continued evaluation under the attached receipt.”²⁵ That receipt was signed by Dr. Monge. There is no itemization of which remains Dr. Segal provided to Dr. Monge, including whether they were of both B-1 and G. Dr. Monge indicated that she received just the B-1 remains.
- Though a grand jury was convened and later issued a report in May 1988, we have found no evidence that the grand jury examined any victim remains, asked to see the remains, or directed the MEO to retain any remains in connection with its inquiry. Indeed, by the time that officials from the MEO testified, in March 1987, the available records show that each of the MOVE victims' remains had been released to the families (or to Drs. Mann and Monge, as described above). In testimony to the grand jury, Dr. Segal maintained that the remains identified as Katricia Dotson belonged to a female who was 18 or 19 years old and was not Katricia, while Dr. Hameli reaffirmed his opinion that these were the remains of Katricia Dotson.²⁶
- There are no records or documentation for any remains at the MEO after September 1986. Again, Dr. Segal declined to speak to us and could not provide any information regarding what, if any, remains were available at the MEO after September 1986, or, more fundamentally,

²⁴ Letter from Segal to Hameli regarding Suchey's Report, dated January 23, 1986.

²⁵ Memo and Receipt by Segal for Remains from Smithsonian, dated September 23, 1986.

²⁶ GJ Report.

why he continued to resist the Hameli Team's identifications of Katricia Dotson.

4. Conclusions Relating to the Burial of the Children's Remains

- The remains of all five child victims of the bombing—Katricia Dotson, Zanetta Dotson, Tomaso Levino, Delisha Orr, and Phil Phillips—were buried at Eden Cemetery in Collingdale, Pennsylvania on December 14, 1985 (in one grave for the Dotson sisters) and September 22, 1986 (in a second grave for the other three children). Members of the investigative team visited Eden Cemetery and, at the time of the visit, discovered that both graves were unmarked and could not be easily located. The team identified those graves with the assistance of Eden Cemetery staff. Although Eden Cemetery is prohibited from erecting headstones or permanent markers without the consent of the plot owners, whom they either do not know or have not been able to contact, they agreed to install temporary markers at both gravesites.

5. Conclusions Relating to Toxicology Specimens

- The MEO had stored toxicology samples from MOVE victims in a freezer in its Toxicology Laboratory ("Toxicology Lab") from 1985 to 2009. The existence of these samples was common knowledge among employees in the Toxicology Lab, and it was a fact shared with the Lab's public visitors. By September 2009, the condition of these samples had so deteriorated that they were considered a biohazard risk. The Toxicology Supervisor consulted with the then-Chief Medical Examiner Dr. Sam Gulino and reviewed the MEO files for the MOVE victims to determine what to do about the samples. Finding no documentation directing that the samples be retained or any other apparent purpose for continuing to hold them, these samples were destroyed on October 9, 2009, according to the MEO's normal procedures. The destruction of the samples occurred without any notification of the next of kin or family, as it is not the policy of the Toxicology Lab to do so. The destruction was noted on a chart, which was found in the freezer with the samples and which we reviewed. The undated chart provided cursory descriptions of the sample types and quantities in the Toxicology Lab. We attempted to compare the samples that were destroyed in 2009 with the toxicology samples that the Toxicology Lab obtained from the victims shortly after the bombing in 1985 to determine if the two sets of samples were the same. Because the information in the chart found in 2009 is neither detailed nor descriptive, we can only determine that the samples appeared to be of the same type. The information in contemporaneous reports and on the chart did not permit us to conduct any further analysis.

6. Conclusions Relating to Remains Found in the MEO in January 2017

- In January 2017, an employee at the MEO and two employees from the City’s Procurement Department found the MEO Box, on the side of which was written “MOVE Evidence” and which contained human remains inside—specifically, various bones, bone fragments, and suspected tissue fragments. The MEO Box was found in a basement storage room of the MEO’s then-headquarters at 321 South University Avenue in Philadelphia. The MEO employee told his supervisors, including Dr. Gulino, about the discovery of the MEO Box. Dr. Gulino also later saw another box in the room with records from the Hameli Team, which he eventually asked to be retained by the City’s Records Department. Upon learning about the MEO Box and its contents, Dr. Gulino promptly sought the counsel of his supervisors, then-Deputy Commissioner Dr. Caroline Johnson and then-Health Commissioner Dr. Thomas Farley about how to handle the MEO Box. After meeting with Drs. Gulino and Johnson, Dr. Farley directed Dr. Gulino to retain the remains for six months and then cremate them.
- Dr. Farley never saw, and never asked to see, the human remains in the MEO Box, despite recognizing the significance of the fact that City had in its possession remains that were linked to the MOVE bombing decades after the bombing. He also did not advise his superiors, including the Managing Director, or the Mayor’s Office, about the presence of the remains in the MEO Box.
- Nobody from the City contacted, or made any efforts to contact, any family members of the victims from the bombing and there is no evidence that the families were aware that any remains had been found.
- MEO Forensic Investigatory Supervisor Harolyn Chris Rogers was assigned the responsibility to cremate the remains from the MEO Box. Rogers’ supervisor, David Quain, believed that the remains had been cremated and obtained an inventory from Rogers purporting to show that the remains had been cremated in November 2017. It turned out, however, that Rogers did not cremate the remains.
- We learned that the remains were moved to a cold storage room in the MEO, which is where they were rediscovered in May 2021. Despite repeated outreach by our team, we were never able to speak with Rogers, and therefore, we do not know why the remains were not cremated, and when, why, or by whom they were brought to the cold storage room in the first instance.
- The individuals who were aware of the recovery of the remains from the MEO Box in January 2017 advised us that they did not discuss this

discovery thereafter, until news coverage of the Penn remains in April 2021.

- Because we have no records or information about the location of any MOVE-related victim remains from September 1986 to January 2017, it is not clear how long the MEO Box had been in that basement storage room before January 2017. It is apparent, however, that the box and its remains had been there much earlier than when they were found in early 2017. Additionally, we do not know why the box was located in the basement storage room, which is typically used to store excess personal effects, nor do we know who decided to put it there or when it was put there. Finally, we cannot determine why the remains were kept by the MEO and not returned to next of kin. Each person to whom we spoke, from Mayor Goode to MOVE Commission members, and Drs. Levine, Hameli, and Shapiro, expressed shock and disbelief that any MOVE victim remains were still in the City's possession. Despite having no specific information about why the MEO still had these remains, some of the experts, whether a pathologist, anthropologist, or odontologist, speculated that the MEO may have retained the remains for further identification and potentially DNA testing. This speculation, however, does not square with the undisputed evidence that the MEO had conclusively identified all of the victims by at least 1986, and that the only lingering identification issues for the MEO related to the B-1 remains, which the MEO had transferred to Drs. Monge and Mann in September 1986. Further, as some experts explained to us, the type of DNA technology that would permit identification did not exist in 1986. As a result, there would be no basis for retaining those remains after that point. In any event, we have not been able to determine what, if any reason, justifies the retention of these remains, in part because the Assistant Medical Examiner who was in charge of the MOVE case at the MEO in 1985 and 1986, Dr. Robert J. Segal, refused to speak with us, as did Dr. Paul Hoyer, another living Assistant Medical Examiner from that period.

7. Conclusions Relating to Dr. Farley's Resignation and Recovery of MEO Box and its Contents

- In late April 2021, news broke that individuals at the Penn Museum were in possession of certain remains of victims of the MOVE bombing, which prompted media inquiries of the MEO. In response to these inquiries, Dr. Gulino undertook an investigation of the City's records and archived materials related to the MOVE bombing to learn how the remains may have gotten into Penn's possession. Dr. Farley asked Dr. Gulino to prepare a report of his research. As part of this report, Dr. Gulino discussed with Dr. Farley the discovery and directed cremation of the MEO Box in 2017. In the period between April 21, 2021 (when news of the Penn remains was published) and May 10, 2021 (when Drs.

Farley and Gulino met to discuss the report and research), neither Dr. Farley nor Dr. Gulino informed anyone about the order to cremate the remains. Each explained to us that they wanted to get all the relevant facts before informing anyone of the order to cremate the remains.

- Following their discussion, Dr. Farley alerted Eva Gladstein, the Deputy Managing Director for Health and Human Services about the box from 2017 and his decision to have the remains be cremated, and Dr. Farley offered to resign. Gladstein in turn alerted the Managing Director and Mayor's chief of staff, who told Mayor Jim Kenney. Dr. Farley announced his resignation on May 13, 2021, the 36th anniversary of the MOVE bombing.
- The following day, an MEO employee who was out of the office on May 13, 2021, alerted Deputy Medical Examiner and Acting Chief Medical Examiner Dr. Albert Chu that the box of remains directed to be cremated in 2017 was still in the MEO, in one of the cold storage rooms. Dr. Chu and the Forensic Services Director David Quain confirmed, based on an inventory of the box of remains prepared in 2017, that the contents were in fact the same. Representatives of some of the victims were present at the MEO when this occurred, reviewing medical files of the victims, and were immediately informed of this box.

8. Conclusions Relating to Information About Remains from MEO Box

- There are eleven sets or packages of human remains in the MEO Box. Some of the remains appear to be associated with victims of the bombing based on interviews we conducted and our review of records and evidence (including handwritten and typed labels and notes) on and in the box itself. Some items we cannot analyze due to their deteriorated condition and the lack of any identifying information. In undertaking a review of the contents of the MEO Box, we have not offered any identifications or definitive conclusions to reasonable degree of scientific certainty. Instead, we provided certain general conclusions regarding the remains and, in particular, whether similar remains were discussed or referenced in earlier reports that we examined. Though we have not conducted a formal identification, we hope that this preliminary analysis will facilitate any subsequent effort to do so.

C. Recommendations

In its charge to us at the outset of our investigation, the City did not ask us to make any specific recommendations as part of our work. However, in light of the substantial information that we obtained and reviewed, we believe it is appropriate to address several key points to provide context for our review and the conclusions that we offer. We recognize that the narrow scope of our investigation does not—and cannot—address many of the questions about the MOVE bombing that some have asked for years. Specifically, we are acutely aware that we cannot answer for the

years of trauma that the bombing has caused many, including the families of the victims and many Philadelphians, most of whom are Black, whose lives the City upended by the bombing, nor would it be appropriate for us to do so. We acknowledge that our conclusions may be found wanting in many respects. Nevertheless, we hope that our attempts to shed light on specific issues related to the bombing provide some justice—albeit limited and far from sufficient—to the years in which this tragedy was forgotten. We offer this information, these conclusions, and the recommendations below in an effort to honor, acknowledge, and continue to remember this important chapter of the City’s history and, most importantly, its victims. To that end, in addition to the conclusions of our investigation described elsewhere, we offer the following recommendations:

First, we recommend that there be a concerted, inclusive effort to educate Philadelphians about the MOVE bombing, including its victims, what happened, and the impact it had on the Cobbs Creek neighborhood and the City at large. From our inquiry, it was apparent that many people who did not grow up in Philadelphia, including some of the recent leadership of the Health Department and the Medical Examiner’s Office, and many younger or newer City residents have only a cursory understanding about the circumstances of the bombing. Fortunately, there are still many people who have first-hand knowledge of the bombing, resulting investigations, and aftermath, and there is an abundance of primary documents and sources on which community education could be built. Indeed, such civic education could also be accompanied by a physical commemoration, in addition to the historical marker that was erected at 6221 Osage Avenue in 2017. We recommend that the City, working with key stakeholders, including the families of the victims, consider options for a physical commemoration of this historical event.²⁷

Second, we were particularly struck that the five child victims of the MOVE bombing were buried in unmarked graves. (Three children were buried in one grave and two were in another grave.) Specifically, they are buried at Eden Cemetery, a historic cemetery in Delaware County where 90,000 African Americans are buried, including Octavius V. Catto and Marian Anderson. We understand that the burial in the unmarked graves is not the fault of the Cemetery or any particular individuals. We also understand from our investigation that there are regulations prohibiting the erection of permanent markers where, for example, the owners of the plot have not consented (here, because they cannot be found). Nevertheless, we believe that it is appropriate, for the City and Eden Cemetery, after consultation with the families, to erect some marker or memorial at Eden Cemetery, on the children’s graves and/or elsewhere on the grounds, to ensure that proper respect is shown to the children who died in the bombing and to ensure people who visit Eden Cemetery understand the significance of their graves.

Third, whoever is charged with directing the identification and disposition of the remains from the MEO Box should make every effort to use the information that we have discovered here to get a head start in identifying those remains, including by employing the latest in scientific knowledge and technology, if possible and appropriate. In other words, though we have not formally identified those remains and though such identification is beyond the scope of our

²⁷ Options may include, by way of example only, a feature or annual rotating exhibit at the African American Museum in Philadelphia, an information display at City Hall or the Municipal Services Building, or commemorative artwork or sculpture, as appropriate.

engagement, we believe the information contained here will be valuable and relevant to any subsequent analysis.

We are aware that the information we have gleaned in this investigation and the conclusions we have reached are no answer for the pain, heartache, and confusion that families of victims of the MOVE bombing have suffered. By sharing our conclusions and addressing the MEO's work and involvement with the remains of the victims, our goal is not simply to recreate the manner in which the remains were handled; it is also to provide the victims and their families with some of the respect and dignity that many of them have been deprived of for far too long. Along those lines, rather than rest with a general overview of the handling of the remains, we have also provided for each victim a detailed breakdown of the evidence that we gathered regarding the handling of that victim's remains.

The discoveries of the victims' remains are undeniably shocking and disturbing. We hope that the renewed attention to the bombing on the evening of May 13, 1985, and the later mishandling of the remains of those who died in that tragedy, will ensure that those events and their aftermath do not fade from the City's collective memory or from public conscience.

II. INVESTIGATIVE PROCESS

Our fact-finding efforts were informed by extensive interviews, site visits, and document collection and review, as detailed below. The investigation commenced with a meeting with counsel from Dechert and Montgomery McCracken, City officials, and victims' representatives who had been in touch with the City. Throughout the investigation, counsel from Dechert and Montgomery McCracken met to discuss and plan the investigation. The investigative teams on occasion also met with the representatives from the City Law Department to provide them progress updates and obtain assistance collecting documents and reaching out to potential witnesses. At no point during the investigation did the City direct us to reach any particular conclusions or pursue the investigation in any particular way.

A. Interviews²⁸

We interviewed approximately 50 individuals during this investigation. (With limited exceptions, counsel from both Dechert and Montgomery McCracken participated in the interviews). Nearly all of our interviews were conducted via Zoom videoconference. We note that the people we interviewed were cooperative and for the most part provided relevant information. Some witnesses agreed to participate in multiple extended interviews, and a few provided us copies of materials that they had in their possession. As we will explain, there were, however, key people with whom we attempted to speak to but could not because they refused to or were otherwise unavailable. What follows is a summary of the persons we interviewed during our investigation.

²⁸ We did not provide a copy of this Report to any interviewees prior to giving a final copy to the City's Law Department, which received no earlier drafts or outlines of the Report.

1. Witnesses Interviewed

a. *Current and Former City Officials and Employees*

We interviewed a number of individuals employed by the MEO during the key 2017 and 2021 time periods when the MEO Box was discovered: Dr. Sam Gulino, who was the City's Chief Medical Examiner from 2008 to 2021; David Quain, forensic services director at the MEO; Gary Sullivan, administrative officer at the MEO; Jamie Willer, Rob O'Neal, Danielle Thompson, Seth Ditizio, Ciara Johnson, and Tanya Rutter, forensic investigators at the MEO; Alisha Cartair, forensic technician supervisor at the MEO; Lisa Mundy, forensic toxicology laboratory supervisor at the MEO; and Dr. Albert Chu, Deputy Chief and current Acting Chief Medical Examiner.

We interviewed individuals employed by the City Health Department in 2017 and 2021: Dr. Thomas Farley, former Health Commissioner; Dr. Caroline Johnson, former Deputy Health Commissioner; Sami Jarrah, former Deputy Commissioner and Chief Operating Officer; and Jane Baker, Deputy Health Commissioner and Chief of Staff. We also interviewed Mayor Jim Kenney and Eva Gladstein, Deputy Managing Director for Health and Human Services, related to any involvement and knowledge of those events.

Finally, we interviewed Ronald Castille, former Chief Justice of the Pennsylvania Supreme Court and the Philadelphia District Attorney responsible for impaneling a grand jury to assess charges related to the MOVE bombing; and assistant district attorneys Joan Weiner and Mark Gottlieb, who were the prosecutors who ran those grand jury proceedings.

b. *Commission Personnel*

We interviewed members and staff of the MOVE Commission including: William H. Brown III (Chairman of the MOVE Commission), Charisse Lillie (MOVE Commission member), William Lytton (Staff Director and Counsel), H. Graham McDonald (Deputy Director and Counsel for the MOVE Commission), Dr. Ali Z. Hameli (the Commission's expert forensic pathologist), and Dr. Lowell J. Levine (Commission's expert forensic odontologist).

c. *Outside Experts*

We interviewed other experts who had examined remains of the MOVE bombing in 1985 and 1986. We spoke with anthropologist Dr. Janet Monge who was a research assistant to Dr. Alan Mann, who was retained by the MEO to examine the remains of the victims in May 1985 and November 1985. We also spoke with Dr. Michael Baden, a forensic pathologist who was hired by family members of the victims and participated in identification efforts in the summer of 1985.

d. *Legal Counsel*

We interviewed Michael Fenasci, Roger Perry, and Thomas Sprague, attorneys who worked with, or were formally retained by, family members of some of the victims.

e. *Members of the Victims' Family*

We spoke to the living mothers of the child victims, Janine Africa and Sue Africa, who also spoke on behalf of Janet Africa. Consuella Dotson Africa died in June 2021, shortly after this investigation began and before we had an opportunity to interview her. We also spoke to Mike Africa, Jr., a member of MOVE and son of MOVE 9 members, Mike Davis Africa, Sr., and Debbie Sims Africa.

2. Witnesses We Could Not Interview

Our requests to interview fact witnesses were largely met with cooperation and a desire to assist the investigation. Unfortunately, we were unable to speak with everyone who we believe had information relevant to our investigation. Most importantly, Dr. Robert J. Segal, Dr. Paul Hoyer, Dr. Alan Mann, and Harolyn Chris Rogers were among the prominent persons who did not participate in our investigation. Based on our investigation, and as described in more detail in subsequent sections, we believe that these individuals had information that could shed light on the handling of the remains, and we repeatedly advised them of how critical their information was to us. These individuals, nevertheless, declined to participate, and their lack of participation was a significant setback for this investigation.

Dr. Segal was an Assistant Medical Examiner at the MEO in 1985 and 1986, and he directed the MEO's work in examining and identifying the remains. He also retained Drs. Mann and Monge as consultants to the MEO to review the remains in May 1985 and November 1985 and sent certain remains to them in September 1986. After we made multiple attempts to reach Dr. Segal, and the City, at our request, also contacted Dr. Segal, he advised us that he would not participate in the investigation.

Dr. Hoyer was a pathologist who worked at the MEO during the 1985-1986 time period. He is also one of the three MEO pathologists who performed autopsies and post-mortems of some of the MOVE victims after the bombing. The investigative team sought to interview Dr. Hoyer, and after he exchanged limited correspondence with us, he did not respond to our request for an interview.

Dr. Mann is an anthropologist who has served on the faculty of both the University of Pennsylvania and Princeton University. He was retained by Dr. Segal to examine the remains of victims of the bombing and, along with Dr. Monge, was in possession of certain remains from 1986 onward. We engaged in many conversations with his counsel, provided relevant documents to his counsel in an effort to refresh Dr. Mann's collection, and emphasized our flexibility in speaking with him. Despite these efforts, his counsel ultimately advised us that Dr. Mann would not speak with us, though Dr. Mann provided a statement to counsel for the University of Pennsylvania in the course of its investigation and had been interviewed in the investigation conducted by Princeton University. Those investigations were narrower in scope and did not address his knowledge, if any, regarding the remains that were found in the MEO or other matters that we were reviewing in this investigation.

Rogers was a forensic investigator supervisor at the MEO in 2017 when the MEO Box was first discovered. He was given responsibility to cremate the remains and created an inventory of

the contents of the MEO Box. We made numerous attempts to contact Rogers by phone and by letter, and the City, at our request, also attempted to contact Rogers, but he declined to respond to our requests.

We contacted additional individuals who declined, did not respond, or were unable to participate in the investigation. We note them here to document our efforts to be as comprehensive as possible. These include the following:

- Angela Martinez is a lawyer who, according to documents we reviewed, indicated to the MEO that she represented some of the mothers of the child victims, through a power attorney that Gerald Ford Africa had obtained from the mothers. She communicated with the MEO regarding the receipt for burial of remains of three of the children—Tomaso, Phil, and Delisha—that were not buried until September 1986. During a brief conversation with our team, Martinez declined to participate in the investigation and did not respond to our written follow-up requests, which outlined the relevance of her information in understanding which specific remains she directed the MEO to transfer to the family for burial.
- Dr. Judy Suchey is a forensic anthropology expert²⁹ who reviewed the remains of B-1 at the request of Dr. Hameli and confirmed that the remains were consistent with the findings of the Hameli Team that they belonged to Katricia. Dr. Suchey received and responded to our request for an interview but declined to participate for health reasons.
- Dr. Stephanie Damadio was an anthropologist at the Smithsonian Institution in 1985-1986 who received and reviewed the remains of John Africa (Body F) and Katricia Dotson (Body B-1) in the summer of 1985, and the remains of Delisha Orr (Body G) and Katricia Dotson (Body B-1) in November 1985 and again from March to September 1986. Dr. Damadio did not respond to our interview requests.
- We also contacted, but received no response from, Nathaniel Galloway (Katricia Dotson's father) and Isaac Dotson (Katricia Dotson's maternal uncle).

Finally, various individuals who would have had information relevant to our investigation have died: Eugene Suplee (forensic investigator at the MEO), Dr. Ellis R. Kerley (forensic anthropologist retained as an expert by the Commission), Clyde Snow (anthropologist who submitted a report to Drs. Hameli and Segal), and Dr. Haresh Mirchandani (chief medical examiner at the MEO from around 1991 to 2006).

²⁹ Dr. Judy Suchey is a Forensic Anthropologist and co-developer of the "Suchey-Brooks Method," which is a technique used to standardize postmortem determination of age and sex using measurements of the pubic bone.

B. Site Visits

1. Medical Examiner's Office

Our investigative team visited the MEO on two occasions to review the contents of the MEO Box. During the first visit, on July 19, 2021, we were shown the MEO Box and its contents. In the presence of our team, Dr. Chu removed the remains from the Box, without removing them from their individual packaging, and laid them out for our review. Using an inventory prepared in 2017, we took record of the remains to ensure that nothing was missing as compared to the inventory. Everything described in the inventory was accounted for. During this visit, we also had an opportunity to see the personal effects room where the box of remains was found in 2017.

By the time of our second visit to the MEO, on September 20, 2021, Dr. Chu had photographed the remains outside of their individual packaging and repackaged them in a manner that would promote their preservation. We again reviewed the contents of the box. Dr. Chu shared the photographs with Dechert and Montgomery McCracken.

2. Osage Avenue

Members of our investigative team also visited 6221 Osage Avenue, the scene of the original confrontation between MOVE and the City. While that location has been rebuilt and bears little resemblance to the residence that was standing there in May 1985, we thought it was important to go to the scene to get a better understanding of the confrontation that led to the bombing and the recovery of the remains from that scene.

3. Funeral Homes and Cemeteries

Among the most significant parts of this investigation was the effort to identify where the remains were ultimately interred. That involved contacting or attempting to contact funeral homes and cemeteries that, according to records, media, or publicly available sources, came into possession of the victims' remains in 1985 and 1986. This outreach is summarized below. As we have noted throughout this Report, the documents from the funeral homes and cemeteries do not itemize the specific remains that were received from the MEO and ultimately buried. Nonetheless, we believe this is the first exhaustive effort to identify and contact the funeral homes and cemeteries that received these remains. We have detailed in Appendix B the information we gathered on a victim-by-victim basis.

a. *Funeral Homes*

Arturo J. Wilson Funeral Home. According to archival records, Arturo J. Wilson Funeral Home in Philadelphia received the remains of Raymond Foster from the MEO in May 1985.³⁰ We were unable to reach anyone via a publicly available telephone number, and two addresses associated with this funeral home no longer operate as funeral homes. We were unable to

³⁰ Order to Release Body of Raymond Foster, dated May 28, 1985; Request to Deliver Body of Raymond Foster, dated May 28, 1985.

determine whether this funeral home is still in operation so were unable to speak with any personnel or request or view their records related to the remains of Raymond Foster.

Hankins Funeral Home. According to archival records, Hankins Funeral Home received the remains of Katricia Dotson and Zanetta Dotson from the MEO in December 1985,³¹ and the remains of Tomaso Levino, Delisha Orr, and Phil Phillips from the MEO in September 1986.³² Hankins Funeral Home was owned and operated by Freeman Hankins, who passed away in 1988.³³ The building in which Hankins Funeral Home operated, 4075 Haverford Avenue in Philadelphia, was sold at some point to the current owner, May Funeral Homes.³⁴ However, the business itself was not sold to May Funeral Homes and they have no records from Hankins Funeral Home.³⁵

James L. Morse Funeral Home. According to archival records, Morse Funeral Home received the remains of Frank James and Vincent Leaphart/John Africa from the MEO in December 1985.³⁶ This funeral home still operates as a funeral home out of the same building as it did in 1985, at 4000 Haverford Avenue in Philadelphia.³⁷ We were able to speak with Morse Funeral Home personnel via telephone and received copies of their relevant records. These conversations and documents confirm that Morse Funeral Home received the remains of Frank James and Vincent Leaphart/John Africa on December 4, 1985, and arranged for their interment at Whitemarsh Cemetery, now known as Whitemarsh Memorial Park.³⁸

Louise E. & William W. Savin Funeral Home. According to archival records, Savin Funeral Home received the remains of Rhonda Ward from the MEO in May 1985.³⁹ Savin Funeral Home still operates as a funeral home out of the same building as it did in 1985, at 802 N 12th Street in Philadelphia.⁴⁰ We were able to speak with Savin Funeral Home personnel via telephone and visited Savin Funeral Home in person to view documents available there. These conversations and documents confirm that Savin Funeral Home received Rhonda Ward's remains and arranged to have them interred at Northwood Cemetery on May 23, 1985.⁴¹

³¹ Body Delivery Record for Katricia Dotson, dated December 14, 1985; Order to Release Body of Zanetta Dotson, dated December 9, 1985.

³² Orders to Release Body, dated September 19, 1986.

³³ Pennsylvania State Senate Biography of Freeman Hankins, <https://www.legis.state.pa.us/cfdocs/legis/BiosHistory/MemBio.cfm?ID=1366&body=H>.

³⁴ May Funeral Homes phone call.

³⁵ May Funeral Homes phone call.

³⁶ Body Delivery Record for Frank James, dated November 5, 1985; Order to Release Body of Vincent Leaphart, dated December 4, 1985.

³⁷ Ever Loved Website for James L. Morse Funeral Home, <https://everloved.com/funeral-homes/PA/philadelphia/james-l-morse-funeral-home-inc-philadelphia-pa-19104/>.

³⁸ Death Certificate of Frank James; Death Certificate of Vincent Leaphart; James L. Morse, Jr., phone calls.

³⁹ Body Delivery Record for Rhonda Ward, dated May 23, 1985.

⁴⁰ Louise E. & William W. Savin Funeral Home Website, <https://www.savinfuneralhome.com/>.

⁴¹ Record of Funeral of Rhonda Ward; phone calls with William Savin, Jr., and conversations with Savin Funeral Home personnel.

Tunsil Funeral Home. According to archival records, Samuel Tunsil received the remains of Theresa Brooks from the MEO in May 1985.⁴² Per publicly available sources, Tunsil operated Tunsil Funeral Home in Palmyra, New Jersey until 1997 and passed away in 1998.⁴³ In 2012, the business became known as Nix & Tunsil Funeral Home.⁴⁴ At some point, the funeral home changed hands again and split into two entities: Fennell & Blue Funeral Chapel and Nix & Nix Funeral Home.⁴⁵ Fennell & Blue Funeral Chapel had no knowledge of any records from 1985; Nix & Nix Funeral Home reported to us that Tunsil Funeral was sold sometime in the 2000s and recalled that all of the home’s records were “thrown out.” Neither entity was in possession of any records related to Theresa Brooks.

W.D. Jackson Funeral Home. According to archival records, W.D. Jackson Funeral Home received the remains of James Conrad Hampton from the MEO in May 1985.⁴⁶ This funeral home still operates as a funeral home.⁴⁷ We were unable to reach W.D. Jackson Funeral Home personnel after multiple telephone calls, emails, and letters.

b. *Cemeteries*

Cheltenham Hills Cemetery. Per publicly available sources, the remains of Raymond Foster were interred in Cheltenham Hill Cemetery in Philadelphia.⁴⁸ Personnel of Cheltenham Hills Cemetery confirmed that Raymond Foster’s remains were cremated there on June 4, 1985, and interred in Section L, Lot 369, Grave 2, on June 8, 1985.⁴⁹

Eden Cemetery. According to media reports from 1985 and 1986, the remains of all five child victims of the bombing—Katricea Dotson, Zanetta Dotson, Tomaso Levino, Delisha Orr, and Phil Phillips—were buried at Eden Cemetery in Collingdale, Pennsylvania, just outside

⁴² Body Delivery Record for Theresa Brooks, dated May 23, 1985.

⁴³ Chris Bishop, “New Life for Palmyra Funeral Homes,” Burlington County Times (May 28, 2012), <https://www.burlingtoncountytimes.com/story/business/2013/05/28/new-life-for-palmyra-funeral/17484049007/>.

⁴⁴ Chris Bishop, “New Life for Palmyra Funeral Homes,” Burlington County Times (May 28, 2012), <https://www.burlingtoncountytimes.com/story/business/2013/05/28/new-life-for-palmyra-funeral/17484049007/>; Ever Loved Website for Nix & Tunsil Funeral Home, <https://everloved.com/funeral-homes/NJ/palmyra/nix-tunsil-funeral-home-palmyra-nj-08065/>.

⁴⁵ Fennell & Blue Funeral Chapel phone call.

⁴⁶ Body Delivery Record for James Conrad Hampton, dated May 29, 1985.

⁴⁷ Ever Loved Website for W.D. Jackson Funeral Home, <https://everloved.com/funeral-homes/PA/willow-grove/wd-jackson-funeral-home-willow-grove-pa-19090/>.

⁴⁸ Find A Grave Website for Raymond N. Foster Jr., <https://www.findagrave.com/memorial/209747187/raymond-n-foster>. This entry is for Raymond N. Foster, Jr., born 6/4/1935 and died 5/13/1985; this information matches the information in the MEO medical files.

⁴⁹ Cheltenham Hills Cemetery phone call.

Philadelphia.^{50,51} We traveled to Eden cemetery to visit the children’s gravesites and view relevant documents provided by Eden Cemetery personnel. Remains of Katricia and Zanetta Dotson were buried in the Olive section, Lot 308, Grave 3, on December 14, 1985.⁵² No information regarding who owned or owns this plot was apparent from these records. The remains of Tomaso Levino, Delisha Orr, and Phil Phillips were buried in Celestine Reserve 2, Lot 260, Grave 3, on September 22, 1986.⁵³ The plot owner is listed as Gerald Ford Africa.⁵⁴ Both graves were completely unmarked and we identified the approximate locations of the graves only after assistance from the cemetery staff.⁵⁵ Eden Cemetery personnel explained they are prohibited from erecting headstones or permanent markers without the consent of the plot owners, whom they either do not know or have not been able to contact.⁵⁶ After our visit, they installed temporary markers at both gravesites.⁵⁷

Glenwood Memorial Gardens. A media report from 1985 established that James Conrad Hampton’s remains were buried in a “cemetery in suburban Glenside.”⁵⁸ According to archival records, his remains were buried in Glenwood Memorial Cemetery, now known as Glenwood Memorial Gardens, in Section G, Lot 122, Grave 3.⁵⁹ Archival records indicate that the remains of James Conrad Hampton were ordered exhumed on September 20, 1985.⁶⁰ We spoke with personnel of Glenwood Memorial Gardens, who confirmed that James Conrad Hampton’s remains

⁵⁰ Vinny Vella and Mensah M. Dean, “Penn Museum apologizes for keeping remains of 1985 MOVE bombing victim rather than returning them to family,” *The Philadelphia Inquirer* (April 26, 2021), <https://www.heraldmillmedia.com/story/news/2021/04/27/penn-museum-apologizes-for-keeping-remains-of-1985-move-bombing-victim-rather-than-returning-them-to-family/115949474/>.

⁵¹ Gloria Campisi, “At Last, MOVE Kids Are Buried,” *Philadelphia Daily News* (September 25, 1986), (reporting on the September 24, 1986, burial of the remains of Tomaso, Delisha, and Phil). Note this article also reports on the burial of “unidentified miscellaneous body parts” in the same grave two days prior, with MEO staff apparently stating that it was “not appropriate” to dispose of the remains in another manner, inter them in a city cemetery, or “put [them] in with any other [MOVE] bodies.” It is not clear whether the “miscellaneous” remains belonged to or had been associated with Tomaso, Delisha, or Phil.

⁵² Eden Cemetery Burial Cards.

⁵³ Eden Cemetery Burial Cards.

⁵⁴ Eden Cemetery Burial Cards. The MEO medical files indicate that Gerald Ford Africa was power of attorney for the mothers of Tomaso, Delisha, and Phil; he was also referenced as power of attorney for the mothers in letter from the MEO to Angela Martinez, Esq. *See, e.g.*, Power of Attorney Form signed by Sue Africa, dated June 24, 1985; Letter from MEO to Angela Martinez, Esquire, dated September 10, 1986. We understand Gerald Ford Africa to have been a lawyer who was associated with the MOVE organization and handled certain matters on behalf of the Africa Family.

⁵⁵ Eden Cemetery visit.

⁵⁶ Eden Cemetery visit.

⁵⁷ Eden Cemetery visit.

⁵⁸ “Funerals Held for Four MOVE Members,” *Associated Press* (June 6, 1985), <https://apnews.com/article/cf4ecbbba7961a6e1863b4d08f1fb9be>.

⁵⁹ Court Order Regarding Conrad Hampton.

⁶⁰ Court Order Regarding Conrad Hampton.

are buried there, but stated that the remains are buried in Section G, Lot 131, Grave 2.⁶¹ Glenwood Memorial Gardens declined to provide further information without the consent of next of kin, citing their privacy policy.⁶²

Harleigh Cemetery. According to archival records, the remains of Theresa Brooks were cremated the week of May 18, 1985, at Harleigh Cemetery in Collingswood, New Jersey.⁶³ The cremated remains were given to the mother of Theresa Brooks, who later provided them to Dr. Ali Hameli, the consulting forensic pathologist working with the Commission.⁶⁴ Personnel of Harleigh Cemetery provided records in their possession confirming that Theresa Brooks was cremated at Harleigh Cemetery on May 23, 1985, and the cremated remains are not interred there.⁶⁵ We were unable to determine the current location or ultimate disposition of the cremated remains of Theresa Brooks.

Northwood Cemetery. According to records provided by Savin Funeral Home, the remains of Rhonda Ward were interred at Northwood Cemetery in Philadelphia.⁶⁶ We visited Northwood Cemetery and spoke with personnel there, who provided records in their possession related to Rhonda Ward's burial. We also visited Rhonda Ward's gravesite. Records provided by Northwood Cemetery personnel confirm that the remains of Rhonda Ward are buried in the Maple Grove section, Lot 955A.⁶⁷ Rhonda Ward's son, Michael Ward (also known as Birdie Africa), who survived the 1985 bombing and passed away in 2013, is buried in the same grave.⁶⁸ These records also confirm that the remains of Rhonda Ward were exhumed pursuant to a court order on September 20, 1985, and reinterred on September 30, 1985.⁶⁹ Invoices provided by Northwood Cemetery personnel show that the Commission paid the costs of the exhumation and reinterment.⁷⁰

Whitemarsh Memorial Park. According to records provided by Morse Funeral Home, the remains of Frank James and Vincent Leaphart/John Africa were interred at "Whitemarsh Cemetery," now known as Whitemarsh Memorial Park.⁷¹ Personnel of Whitemarsh Memorial Park confirmed that the remains of Frank James and Vincent Leaphart/John Africa are buried at Whitemarsh in an unmarked grave.⁷² While Whitemarsh Memorial Park is in possession of records related to the burial of the remains of Frank James and Vincent Leaphart/John Africa, Whitemarsh

⁶¹ Phone call with Glenwood Memorial Gardens.

⁶² Email communications with Glenwood Memorial Gardens personnel.

⁶³ PSIC Memo Regarding Harleigh Cemetery.

⁶⁴ PSIC Memo Regarding Harleigh Cemetery.

⁶⁵ Tunsil Funeral Home Records.

⁶⁶ Record of Funeral for Rhonda Ward.

⁶⁷ Northwood Cemetery Records.

⁶⁸ Northwood Cemetery Records.

⁶⁹ Northwood Cemetery Records.

⁷⁰ Northwood Cemetery Invoice.

⁷¹ Death Certificate of Frank James; Death Certificate of Vincent Leaphart.

⁷² Whitemarsh phone calls.

personnel stated that Whitemarsh's policies prohibited sharing the documents or information from the documents without the consent of the plot owner or, if deceased, the plot owner's next of kin.⁷³

C. Document Collection and Review

Over the course of this investigation, we collected and reviewed over 10,000 pages of documents, photographs, and other materials from: the City of Philadelphia, Temple University's Special Collections Research Center, funeral homes and cemeteries, online resources, and various interviewees. These materials included, but were not limited to: medical files for all victims of the 1985 MOVE bombing; reports issued in relation to the bombing and the remains of the bombing victims, including the reports issued by the MEO and the expert pathologist, anthropologist, and odontologist retained by the Commission; FBI reports; funeral home and cemetery records pertaining to the transfer, burial, and cremation of remains; photographs of victims' remains; news articles; memoranda and correspondence among the MEO, experts, and Commission personnel; Commission hearing transcripts; and the reports prepared by the Tucker Law Group and Ballard Spahr LLP on behalf of the University of Pennsylvania and Princeton University, concerning the handling of victims' remains by Drs. Mann and Monge.

While the volume of these documents is quite significant, our investigation was limited by the absence of some materials that are no longer available, including: x-rays, slides, and draft and final versions of certain reports.

1. Documents From the City of Philadelphia

We reviewed copies of the MEO's case files for each victim, which included findings by the MEO, birth records, and death certificates, FBI fingerprint reports and background checks, medical records, correspondence between the MEO and next of kin, receipts reflective of the chain of custody of remains, and toxicology and postmortem reports. We also received and reviewed materials from the Department of Records (including from the City Archives), including copies of certain Commission files, draft and final MEO and Commission reports, correspondence from the MEO, and internal MEO memoranda. We also visited the City Archives to view certain boxes of Kodachrome slides related to the 1985 identification of the remains by the MEO.

We collected emails from the work accounts of four City officials: former Chief Medical Examiner Dr. Sam Gulino, former Health Commissioner Dr. Thomas Farley, former Deputy Health Commissioner Caroline Johnson, and Health Department Chief of Staff Jane Baker. We reviewed emails from 2017 and 2021, when the MEO Box was discovered and then rediscovered, respectively, but due to the City's retention policies, were not able to collect emails from 2017 for all custodians. However, Dr. Gulino voluntarily provided us a copy of an email from January 2017, in which he discussed the remains.

2. Documents from Temple University's Special Collection

As discussed in more detail below, in 1985, Philadelphia Mayor W. Wilson Goode created the MOVE Commission to conduct an independent examination of the events related to the MOVE

⁷³ Whitemarsh phone calls. Per Glenwood's general manager, both Whitemarsh and Glenwood are owned by the same company and so have the same privacy policy.

bombing. The Commission hired outside experts, collected evidence, and heard testimony, culminating in a report of finding and recommendations issued on March 6, 1986. The records of the Commission are at Temple Library's Special Collection Research Center.

We reviewed thousands of pages from the files of the Commission's forensic pathology expert Dr. Ali Z. Hameli, including but not limited to medical files of bombing victims and survivors, correspondence between members of the Commission and City officials who were involved in examination of remains, and reports by the various other forensic medical experts retained by Commission.

3. Documents from Interviewees

Various individuals we interviewed provided copies of their personal files. Dr. Gulino provided his personal copy of an inventory created in 2017; Dr. Janet Monge provided various paper files, Kodachrome slides, and floppy disks; Graham McDonald provided a large collection of his own Commission files, which included notes and chronologies; and Dr. Levine provided copies of dental x-rays and personal records from his Commission work.

III. HISTORICAL BACKGROUND

We begin by offering a brief historical background. As noted above, on May 13, 1985, Philadelphia's Police Department, Fire Department, the Mayor's office, and other City agencies joined forces to address residents' concerns about MOVE members residing at 6221 Osage Avenue in West Philadelphia.⁷⁴ This joint endeavor culminated in the catastrophic bombing of the 6221 Osage Avenue home, and the simultaneous destruction of the surrounding, predominantly African American, neighborhood.⁷⁵ Sixty-one homes spanning three city blocks were destroyed.⁷⁶ Eleven individuals were killed in the bombing,⁷⁷ including five children.⁷⁸ The events of May 13, 1985, however, did not occur in a vacuum. Tensions between MOVE and the Philadelphia Police Department simmered for many years.

⁷⁴ Commission Report at 5-7.

⁷⁵ Mistinguette Smith, "The MOVE bombing was a Philadelphia Tragedy- and an American one," The Philadelphia Inquirer (May 8, 2021), <https://www.inquirer.com/opinion/commentary/move-bombing-may-13-day-of-remembrance-state-violence-black-communities-20210508.html>.

⁷⁶ Mistinguette Smith, "The MOVE bombing was a Philadelphia Tragedy- and an American one," The Philadelphia Inquirer (May 8, 2021), <https://www.inquirer.com/opinion/commentary/move-bombing-may-13-day-of-remembrance-state-violence-black-communities-20210508.html>.

⁷⁷ Mistinguette Smith, "The MOVE bombing was a Philadelphia Tragedy- and an American one," The Philadelphia Inquirer (May 8, 2021), <https://www.inquirer.com/opinion/commentary/move-bombing-may-13-day-of-remembrance-state-violence-black-communities-20210508.html>.

⁷⁸ As discussed in this Report, there remains disagreement as to whether one of the individuals whose remains were found was a child or adult.

MOVE, originally called the Christian Movement for Life, was founded in 1972 by Vincent Leaphart, later known as John Africa, and Donald Glassey, a social worker who would eventually leave the organization.⁷⁹ MOVE is a communal organization, both political and religious in nature.⁸⁰ Members advocate for Black liberation and a back-to-nature lifestyle, in opposition to science, medicine, technology, government, and corporations.⁸¹ Members of MOVE take the surname “Africa” and are often referred to collectively as the “Africa Family.” Their use of the Africa surname is “to show reverence to . . . their mother continent”⁸² and to “symbolize[] the origin of life, which is, of course, Africa.”⁸³

In the summer of 1973, MOVE members took residence at a home in the Powelton Village section of West Philadelphia.⁸⁴ Neighbors complained of disturbances from the MOVE home, including unsanitary conditions, speeches delivered from amplified speakers or a bullhorn, truancy and alleged malnourishment among children, retention of stray animals, and composting materials that produced unpleasant odors.⁸⁵ In 1978, the City obtained a court order requiring MOVE to vacate the home within 90 days for health and housing code violations, a refusal to pay utilities, and clashes with the Police.⁸⁶ In March 1978, when MOVE members refused to leave their home, hundreds of Police officers were deployed to set up a blockade surrounding the residence.⁸⁷ The blockade lasted 55 days.⁸⁸ On August 8, 1978, the Police and Philadelphia Fire Department began

⁷⁹ The Odyssey: TLG Report at 17-18.

⁸⁰ The Odyssey: TLG Report at 18-19.

⁸¹ Commission Report at 5; The Odyssey: TLG Report at 18-19; “Timeline of the MOVE organization leading up to May 13, 1985,” The Philadelphia Tribune (May 9, 2015), https://www.phillytrib.com/news/timeline-of-the-move-organization-leading-to-may-13-1985/article_91170189-7446-5a6b-97cc-db04660d69a6.html; Lindsay Norward, “The day Philadelphia bombed its own people,” Vox (August 15, 2019), <https://www.vox.com/the-highlight/2019/8/8/20747198/philadelphia-bombing-1985-move>.

⁸² “Timeline of the MOVE organization leading up to May 13, 1985,” The Philadelphia Tribune (May 9, 2015), https://www.phillytrib.com/news/timeline-of-the-move-organization-leading-to-may-13-1985/article_91170189-7446-5a6b-97cc-db04660d69a6.html.

⁸³ Victor Fiorillo, “One of Us: Ramona Africa, MOVE Member,” Philadelphia Magazine (May 3, 2015 5:56 am), <https://www.phillymag.com/news/2015/05/03/ramona-africa-move-1985/>.

⁸⁴ John L. Puckett and Devin DeSilvis, “MOVE in Powelton Village,” West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-powelton-village>.

⁸⁵ Commission Report at 14-16, GJ Report; John L. Puckett and Devin DeSilvis, “MOVE in Powelton Village,” West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-powelton-village>.

⁸⁶ John L. Puckett and Devin DeSilvis, “MOVE in Powelton Village,” West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-powelton-village>.

⁸⁷ John L. Puckett and Devin DeSilvis, “MOVE in Powelton Village,” West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-powelton-village>.

⁸⁸ John L. Puckett and Devin DeSilvis, “MOVE in Powelton Village,” West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-powelton-village>.

using physical force in efforts to serve search warrants, prompt MOVE members subject to arrest warrants to surrender, and evict others.⁸⁹

The City used a crane and bulldozer to destroy a portion of the house, then pumped water and tear gas canisters into the home.⁹⁰ A shot was fired from an unknown direction, resulting in a shootout that lasted several minutes.⁹¹ The crossfire resulted in the death of police officer James Ramp and injuries to other officers, firefighters, bystanders, and MOVE members.⁹² In response to the shooting, police officers attacked MOVE member Delbert Africa.⁹³ All three officers involved in the beating were acquitted.⁹⁴ Eleven members of MOVE were tried for murder, aggravated assault, and conspiracy.⁹⁵ Nine members were convicted of third-degree murder for the death of Officer Ramp in August 1981, receiving sentences between 30 and 100 years.⁹⁶ Eddie, Janet, Janine, Mike Senior, Debbie, Delbert, Chuck, Phil, and Merle Africa were thereafter known as the “MOVE 9.”⁹⁷ Following the shootout, Mayor Rizzo ordered that the building be burnt down as it was deemed “uninhabitable” following a cursory inspection.⁹⁸

In 1983, more than 13 MOVE members took residence at a rowhouse located at 6221 Osage Avenue,⁹⁹ prompting similar complaints from neighbors.¹⁰⁰ In October 1984, MOVE members constructed a bunker atop the house and began brandishing weapons from the roof.¹⁰¹ A loudspeaker was used in part to deliver speeches advocating for the release of the MOVE 9 from prison.¹⁰² The City considered MOVE an authoritarian group that used violence and intimidation that led to confrontation between the organization, its neighbors, and police.¹⁰³ On May 3, 1984,

⁸⁹ John L. Puckett and Devin DeSilvis, “MOVE in Powelton Village,” West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-powelton-village>.

⁹⁰ John L. Puckett and Devin DeSilvis, “MOVE in Powelton Village,” West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-powelton-village>.

⁹¹ The Odyssey: TLG Report at 23.

⁹² The Odyssey: TLG Report at 23.

⁹³ John L. Puckett and Devin DeSilvis, “MOVE in Powelton Village,” West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-powelton-village>.

⁹⁴ John L. Puckett and Devin DeSilvis, “MOVE in Powelton Village,” West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-powelton-village>.

⁹⁵ John L. Puckett and Devin DeSilvis, “MOVE in Powelton Village,” West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-powelton-village>.

⁹⁶ John L. Puckett and Devin DeSilvis, “MOVE in Powelton Village,” West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-powelton-village>.

⁹⁷ Michael D’Onofrio, “Another MOVE 9 member tied to 1978 case leaves prison,” The Philadelphia Tribune (Oct. 23, 2018), https://www.phillytrib.com/news/another-move-member-tied-to-case-leaves-prison/article_527cb30d-ca63-5a87-8af7-77a1ece0a337.html.

⁹⁸ The Odyssey: TLG Report at 23.

⁹⁹ The Odyssey: TLG Report at 24.

¹⁰⁰ The Odyssey: TLG Report at 26-27.

¹⁰¹ John L. Puckett, “Move on Osage Avenue,” West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-osage-avenue>.

¹⁰² John L. Puckett, “Move on Osage Avenue,” West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-osage-avenue>.

¹⁰³ The Odyssey: TLG Report at 27 (citing Commission Report at 11).

tensions rose when a MOVE member was alleged to have carried a shotgun to the roof of 6221 Osage Avenue.¹⁰⁴ The police surrounded the neighborhood but eventually withdrew.¹⁰⁵ For the next year, discord persisted between the Police, MOVE, and neighbors based on MOVE's alleged disturbances in the neighborhood, the perceived refusal of the government to adequately respond, and MOVE's advocacy on behalf of the MOVE 9.¹⁰⁶ Ultimately, then-District Attorney Ed Rendell activated outstanding arrest warrants for certain MOVE members.¹⁰⁷ On May 7, 1985, Mayor Wilson Goode met Managing Director Leo Brooks, Police Commissioner Gregore Sambor, and Rendell, and authorized the Police Commissioner to prepare and execute a tactical plan to effectuate the outstanding search warrants and potentially quell some of the reported disturbances.¹⁰⁸ Despite the need for the Managing Director's supervision, Brooks left town and Mayor Goode approved the Police Commissioner's plan on May 9, 1985, scheduled to be carried out on May 13.¹⁰⁹

On May 13, 1985, outside 6221 Osage Avenue, Commissioner Sambor made verbal demands that the four individuals for whom the police had arrest warrants surrender.¹¹⁰ The MOVE members did not leave the home and the police laid siege to the house in the early morning of May 13.¹¹¹ Approximately 500 police officers were present and armed with "flak jackets, tear gas, SWAT gear, .50- and .60-caliber machine guns, and an anti-tank machine gun."¹¹² The Fire Department used a flood of water in an attempt to breach the home and force its inhabitants out. When this did not work, the police used explosives to gain entry to home through the front and adjacent walls, then pumped tear gas into the home.¹¹³ Several shots were fired from the MOVE home at police.¹¹⁴ Ten thousand rounds of ammunition were employed by police over the ensuing 90-minute-period.¹¹⁵ More explosions and deployment of tear gas ensued. After a 12-hour standoff, at 5 p.m. Mayor Goode approved the use of explosives to destroy the bunker on top of 6221 Osage Avenue.¹¹⁶

¹⁰⁴ Commission Report at 5.

¹⁰⁵ Commission Report at 5.

¹⁰⁶ Commission Report at 11-14.

¹⁰⁷ John L. Puckett, "Move on Osage Avenue," West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-osage-avenue>.

¹⁰⁸ Commission Report at 14.

¹⁰⁹ Commission Report at 14.

¹¹⁰ John L. Puckett, "Move on Osage Avenue," West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-osage-avenue>.

¹¹¹ John L. Puckett, "Move on Osage Avenue," West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-osage-avenue>.

¹¹² Gene Demby, "I'm From Philly. 30 Years Later, I'm Still Trying To Make Sense Of The Move Bombing," NPR (May 13, 2015), <https://www.npr.org/sections/codeswitch/2015/05/13/406243272/im-from-philly-30-years-later-im-still-trying-to-make-sense-of-the-move-bombing>.

¹¹³ GJ Report at 117-18.

¹¹⁴ Commission Report at 6.

¹¹⁵ John L. Puckett, "Move on Osage Avenue," West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-osage-avenue>.

¹¹⁶ Commission Report at 7.

At 5:27 p.m., the City dropped an improvised bomb made of C-4 explosive, in an effort to destroy the bunker on the roof and create an entry for the insertion of tear gas,¹¹⁷ despite the known possibility that there was a canister of gasoline hoisted on the roof as reported by neighbors and corroborated by a news photograph.¹¹⁸ A fire engulfed the home and was allowed to burn unabated for over an hour.¹¹⁹ The fire was finally extinguished at 11:41 p.m.¹²⁰ Eleven people, including five children, were killed: Tomaso “Boo” Levino, Delisha Orr, Katricia “Tree” Dotson, Zanetta Dotson, Phil Phillips, Vincent Leaphart aka John Africa, Rhonda Ward Harris, Theresa Brooks, Raymond Foster, James Conrad Hampton, and Frank James. Sixty-one homes were destroyed, 100 homes were damaged, and 250 residents were left homeless.¹²¹ Ramona Johnson also known as Ramona Africa, 29 years old at the time of the bombing, survived and was sentenced to seven years in prison on riot and conspiracy charges.¹²² Michael Ward, also known as Birdie Africa, 13 years old at the time of the bombing, also survived.¹²³ Both escaped by crawling through a basement window.¹²⁴ It was alleged that a male adult and child also attempted to escape through a back alley but were fired upon by an officer, prompting their return to the burning building.¹²⁵

In the aftermath of the bombing, numerous individuals and investigative bodies—from the Commission created by Mayor Goode to the grand jury to private lawyers, pathologists, and experts—attempted to understand the events leading up to one of the most catastrophic days in Philadelphia’s history and to identify the remains of the 11 victims.

IV. FACTUAL FINDINGS RELATED TO THE REMAINS

This section provides a detailed narrative of the factual findings of our investigation related to the victims’ remains. We proceed chronologically from 1985 to present. We begin first with the MEO’s work at the scene of the bombing and directly after, moving forward to the MOVE Commission’s investigation and identification of the remains beginning in July 1985, and then the MEO’s continued investigation and analysis of certain remains in 1986 under Dr. Segal. A detailed

¹¹⁷ Commission Report at 7.

¹¹⁸ GJ Report at 151; Commission Report at 6.

¹¹⁹ John L. Puckett, “Move on Osage Avenue,” West Philadelphia Collaborative History, <https://collaborativehistory.gse.upenn.edu/stories/move-osage-avenue>.

¹²⁰ Commission Report at 7.

¹²¹ GJ Report at 1.

¹²² Stanford Libraries Website, Say Their Names Green Library Exhibit, <https://exhibits.stanford.edu/saytheirnames/feature/ramona-africa>.

¹²³ Jason Fagone, “Birdie Africa: The Lost Boy,” Philadelphia Magazine (February 27, 2014), <https://www.phillymag.com/news/2014/02/27/birdie-africa-lost-boy/>.

¹²⁴ “25 Years Ago: Philadelphia Police Bombs MOVE Headquarters Killing 11, Destroying 65 Homes,” Democracy Now (May 13, 2010), https://www.democracynow.org/2010/5/13/25_years_ago_philadelphia_police_bombs.

¹²⁵ “25 Years Ago: Philadelphia Police Bombs MOVE Headquarters Killing 11, Destroying 65 Homes,” Democracy Now (May 13, 2010), https://www.democracynow.org/2010/5/13/25_years_ago_philadelphia_police_bombs; Commission Report at 20; GJ Report at 231-232.

analysis of handling of the remains of each victim is reflected in a separate chronology in Appendix B to the Report.

Our chronological findings resume in 2009 with discussion of MOVE samples at the Toxicology Lab at the MEO, which represents the next time the MOVE remains were discussed or appeared in the MEO files. We then describe the discovery of the box of MOVE remains at the MEO in 2017, the decision to cremate the remains, and the events leading to and following the re-discovery of the MOVE remains in May 2021.

At the outset, we provide a chart that summarizes much of the key information that we learned for each victim. The information in this chart provides a useful way to understand the general chronology below and reflects the more detailed victim-by-victim review in Appendix B.

Victim (Age)	Assigned Case Letter and Number	Date Remains Retrieved from Scene	Remains Recovered from Scene	Positively Identified (Appx. Date and Manner)	Released to Next of Kin (Date and Funeral Home)	Buried (Date and Location)
Tomaso Levino aka Boo (8-10 years old)	Body H, #2493	5/15/1985	Largely intact	5/23/1985 by Officer George Draper, Philadelphia Police Department Civil Affairs Unit by photograph and surveillance	9/19/1986 Hankins Funeral Home	9/22/1986 Eden Cemetery, Celestine Reserve 2, Lot 260, Grave 3
Katricia "Tree" Dotson (14 ½ years old)	Body B-1, #2599	5/14/1985	Half femur, half pelvis and possible teeth	11/18/1985 by age range and blood type	12/14/1985 Hankins Funeral Home	12/14/1985 Eden Cemetery
Zanetta Dotson (13 years old)	Body D, #2490	5/14/1985	Body with portions of facial, skull, ilium, sacral, rib, vertebrae, and metacarpal bones separate	11/1985 by blood type and age range based on teeth	12/14/1985 Hankins Funeral Home	12/14/1985 Eden Cemetery
Delisha Orr (12 or 13 years old)	Body G, #2492	5/15/1985	Scapulae, multiple ribs, portions of spine, three portions of skull (basilar, temporal) and	11/1985 by age range and blood type	9/22/1986 Hankins Funeral Home	9/22/1986 Eden Cemetery

Victim (Age)	Assigned Case Letter and Number	Date Remains Retrieved from Scene	Remains Recovered from Scene	Positively Identified (Appx. Date and Manner)	Released to Next of Kin (Date and Funeral Home)	Buried (Date and Location)
			“Multiple portions of various bones and tissues”			
Phil Phillips (10-12 years old)	Body C, #2489	5/14/1985	Anterior aspect of torso from clavicular area inferiorly, skin across chest and abdomen portion of right pubic area, right hypogastrium, right thigh, right lower leg, and disarticulated right foot	11/1985 by blood type, x-ray comparison, and age range based on teeth and bone	9/22/1986 Hankins Funeral Home	9/22/1986 Eden Cemetery
James Conrad Hampton (36 years old)	Body A, #2486	5/14/1985	Portions of maxilla, mandible with teeth, detached left hand, thorax, abdomen, pelvis, and thighs	5/19/1985 by fingerprint, dental and pelvic x-ray comparisons	5/28/1985 W.D. Jackson Funeral; later exhumed by the Hameli Team	9/1985 Glenwood Memorial Gardens
Vincent Leaphart aka John Africa (53 years old)	Body F, #2491	5/15/1985	Headless, armless body with lower legs and feet separate.	11/1985 by blood type and chest x-rays from military records and a history of a toe fracture	11/4/1985 or 12/4/1985 Louise James /James L. Morse of Morse Funeral Home	12/5/1985 Whitmarsh Memorial Park
Frank James (mid-to-late 20s)	Body K, #2473	5/15/1985	Body missing left	5/17/1985 by fingerprints and a history of	11/4/1985 or 12/4/1985 Louise James /James L. Morse of	12/5/1985 Whitmarsh Memorial Park

Victim (Age)	Assigned Case Letter and Number	Date Remains Retrieved from Scene	Remains Recovered from Scene	Positively Identified (Appx. Date and Manner)	Released to Next of Kin (Date and Funeral Home)	Buried (Date and Location)
			arm and hand	dental information	Morse Funeral Home	
Raymond Foster (49 years old)	Body E, #2488	5/14/1985	Body missing arms, neck, and head	5/28/1985 by fingerprints and photographs	5/28/1985 Arturo J. Wilson Funeral Home	6/8/1985 Cheltenham Cemetery
Theresa Brooks (26 years old)	Body B, #2487	5/14/1985	Body with disarticulated humerus portions, right hand up to elbow, and left arm and right calf missing	5/21/1985 by fingerprints and a comparison of teeth and jaw x-rays	5/21-23/1985 Tunsil Funeral Home	5/23/1985 Cremated at Harleigh Cemetery but not interred. In possession of Mary Claire Leak from 5/23-8/10/1985. On 8/10/1985 given to Dr. Hameli's team for analysis.
Rhonda Ward (30 years old)	Body I, #2485	5/15/1985	Body intact	5/17/1985 by fingerprints	5/23/1985 Savin Funeral Home; exhumed by the Hameli Team	5/23/1985 Northwood Cemetery; reinterred 9/30/1985

A. Period from 1985 to 1988

1. The City Excavates the Site Around 6221 Osage Avenue and Transfers Remains to MEO Where They are Examined by Various Experts

We begin our analysis of the handling of the remains of the victims of the MOVE bombing by first describing how the City excavated the bombing site and searched for and collected those remains in the immediate aftermath of the bombing. That process not only made it challenging for the MEO to properly keep track of where the remains were initially located and, of course, identify the victims, but it also complicated any effort for later investigators, including our team, to accurately recreate what the MEO did once it took custody of the remains.

Starting on May 14, 1985, the morning after the bombing, the City, through multiple agencies, began the process of clearing the area around 6221 Osage Avenue to find bodies and other evidence. To accomplish this goal, the City used a clamshell crane, also referred to as a bucket crane, to recover debris and any bodies at the site. The crane was used initially to remove the unstable walls that had survived the bombing and ensuing fire because of the risk that these

walls would fall on anyone clearing the area.¹²⁶ However, the crane caused the remaining walls to fall onto the site and further bury evidence, including remains, in the vicinity.¹²⁷ That same crane scooped up the debris, including the human remains, from the house and dumped them into Osage Avenue.¹²⁸ According to media reports from that time, “investigators sifted through [the rubble] with pitchforks and their own hands”¹²⁹ or, as the grand jury later reported, used rakes or shovels.¹³⁰ This manner of excavation caused the bodies that were later recovered to be further dismembered¹³¹ and commingled with each other and other debris,¹³² while also making it impossible to determine precisely where the various remains were recovered.¹³³ The confusion at the scene was also exacerbated by the absence of coordination among the various agencies on the scene (for instance, the Police, Fire Department, and MEO each had different labeling systems for the remains recovered).¹³⁴

The MOVE Commission later criticized the MEO for these failures and found that it had “violated standard procedures for body recovery and identification and the gathering of evidence at a disaster scene.”¹³⁵ Most notably, according to the MOVE Commission, the pathologists “did not follow a systematic procedure for uncovering and recording the position of each body. For example, locator stakes were not placed where each body was found; bodies were not numbered or tagged at the scene; and no sequential photographic or descriptive record was made of the recovery process. As a result, there was no proper control or custody of the physical remains.”¹³⁶

In short, as others have reported, the chaotic and disorganized excavation complicated the later effort to quickly and precisely identify the remains, as well as to track the remains once they were retrieved.¹³⁷

Though it was obvious that people had been killed in the bombing, the Chief Medical Examiner at the time, Dr. Marvin Aronson, refused to be at the scene on the morning of May 14, 1985, or to send any of his pathologists to the scene until the first body was recovered, and then failed to coordinate among the various City agencies involved with the excavation.¹³⁸ The digging

¹²⁶ GJ Report at 253.

¹²⁷ GJ Report at 253.

¹²⁸ GJ Report at 253; Mayor Goode said that he was angered, surprised, and upset by the manner in which the scene was excavated, including the use of the crane to recover human remains. He noted that the decision to use the crane is a decision that the Managing Director or the Commissioner for License and Inspections would have made. Goode Interview.

¹²⁹ Larry Eichel and Robin Clark, “MOVE Death Toll Reaches 11, Goode to Pick Panel,” *The Philadelphia Inquirer* (May 16, 1985).

¹³⁰ GJ Report at 241.

¹³¹ GJ Report at 253-54.

¹³² Testimony of Dr. Ali Hameli to the PSIC (“Hameli Testimony”) at 16; Commission Report at 21.

¹³³ GJ Report at 254-55.

¹³⁴ GJ Report at 255.

¹³⁵ Commission Report at 21.

¹³⁶ Commission Report at 21.

¹³⁷ *See, e.g.*, Monge Interview.

¹³⁸ Commission Report at 21; Hameli Testimony at 17-18; GJ Report at 242.

for remains began that afternoon and the first remains, those of Theresa Brooks, were found around 3:50 p.m.¹³⁹ that day, after which the MEO's duty pathologist, Dr. Robert Catherman,¹⁴⁰ the Deputy Medical Examiner at the time, went to the scene to assist and participate in the digging.¹⁴¹ The final of the five bodies retrieved that day, that of Raymond Foster, was located at around 7:32 p.m.¹⁴² after which the search was halted because of darkness.¹⁴³ In total, the remains of the following six victims were recovered that day,¹⁴⁴ with their MEO designations:¹⁴⁵

- James Conrad Hampton (which the MEO designated as Body A, MEO #2486),
- Theresa Brooks (B, MEO #2487),
- Katricia Dotson (B-1, MEO #2599),¹⁴⁶
- Phil Phillips (C, MEO #2489),
- Zanetta Dotson (D, MEO #2490), and
- Raymond Foster (E, MEO #2488).

We include below a schematic,¹⁴⁷ which we retrieved from the MEO records, identifying by letter the approximate locations of the six remains recovered on May 14, 1985, which, as the diagram details, were all in the back of the MOVE house in the basement area.

¹³⁹ Report of Death for Theresa Brooks.

¹⁴⁰ Dr. Catherman passed away in 2020. Montgomery Newspapers Obituary for Robert Lewis Catherman, <https://www.legacy.com/us/obituaries/montgomerynews/name/robert-catherman-obituary?id=8813500>.

¹⁴¹ Report of Dr. Robert Segal, dated April 14, 1986 ("Segal Report") at 2; GJ Report at 241.

¹⁴² Diagram of Location of Victims Found May 14, 1985.

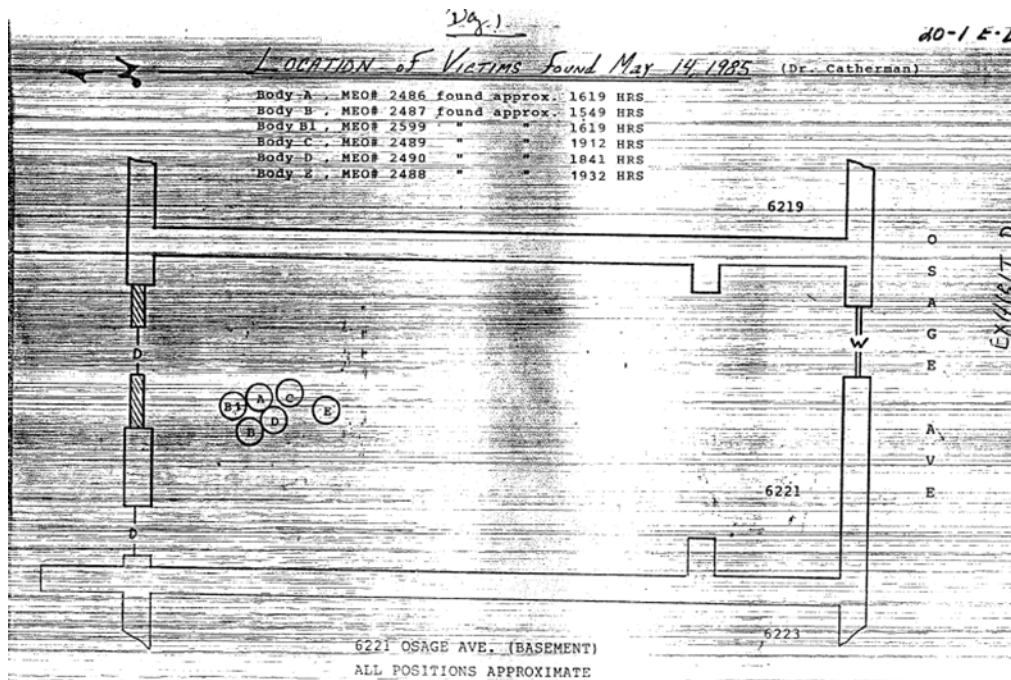
¹⁴³ GJ Report at 242.

¹⁴⁴ Hameli Testimony at 18.

¹⁴⁵ Diagram of Location of Victims Found May 14, 1985.

¹⁴⁶ The MEO assigned the letter B-1 to those remains because it was first believed that B-1 and B were remains from the same person and the MEO later realized that the remains were from two separate people. Hameli Testimony at 18.

¹⁴⁷ Diagram of Location of Victims Found May 14, 1985.



On the second day after the bombing, May 15, 1985, the search resumed, again without the presence of anyone from the MEO. The construction crane was now used to remove debris from the front of the house. In doing so, shortly around noon, the crane placed a bucket of material with human remains unto Osage Avenue,¹⁴⁸ at which point Dr. Robert Segal, the Assistant Medical Examiner at the time, was called to the scene. (Those remains, labeled Body F, were later identified to be of John Africa, the head of the MOVE organization). An additional five bodies were recovered later that afternoon, as reflected in another diagram, and assigned the following the case numbers and letters:

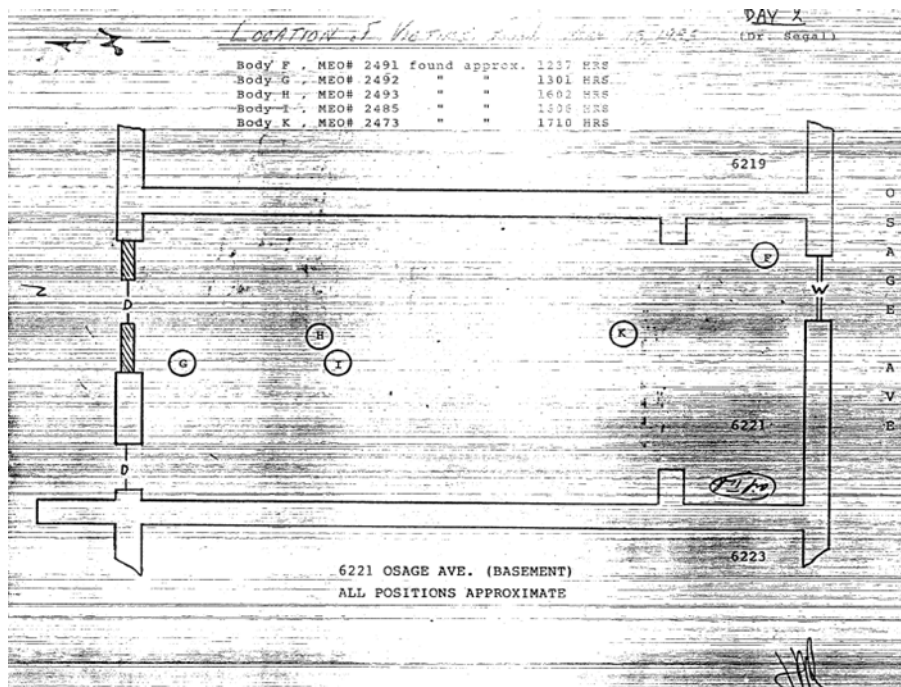
- John Africa (F, MEO #2491),
- Delisha Orr (G, MEO #2492),
- Tomaso Levino (H, MEO #2493),
- Rhonda Harris (I, MEO #2485), and
- Frank James (K, MEO #2473).

Below is another schematic,¹⁴⁹ which we also retrieved from the MEO records, identifying by letter the approximate locations of the five remains recovered on May 15, 1985, demonstrating that three sets of remains were originally retrieved from the back of the basement, like the six sets of remains the day before, while those of Frank James and John Africa were found toward the front of the basement of the house.¹⁵⁰

¹⁴⁸ GJ Report at 242; Segal Report at 3.

¹⁴⁹ Diagram of Location of Victims Found May 15, 1985.

¹⁵⁰ According to the grand jury, the bodies of John Africa and Frank James were also at a higher level than where the other nine remains were found. GJ Report at 243-44. The former was on



The remains of these victims were badly burned by the fire—which was around 2,000 degrees Fahrenheit—and, in fact, even two days after the bombing, there was still smoke and heat coming from the debris in which the bodies were found.¹⁵¹ Dr. Segal, in the MEO’s report of the investigation dated April 14, 1986, explained that:

[The] remains were extensively burned, damaged, destroyed, and comingled (sic) at the scene in such a way that their recovery and separation, although done as carefully as possible, was done with the full knowledge that there be some mixing of the parts. The comingling (sic) was due to the collapse of the building and the heavy machinery used in the discover-recovery process.¹⁵²

The remains retrieved were in various conditions. For instance, some of the bodies were generally intact, such as those of Rhonda Ward (I) and Tomaso Levino (H). Others, however, were almost completely consumed by the fire and barely identifiable. For instance, the remains of B-1, which was associated with Katricia Dotson, consisted of only half a femur, half a pelvis, and possible teeth.

On May 14 and May 15, 1985, the remains of the 11 victims were transported to the MEO’s offices, located at 321 South University Avenue in West Philadelphia next to the campus of the

the porch area, whereas the latter was buried under an additional foot or more of debris, which suggests that they may have been on different levels.

¹⁵¹ Hameli Testimony at 15-16.

¹⁵² Segal Report at 2.

University of Pennsylvania, and were delivered to the basement of the building¹⁵³ where autopsies are typically performed.¹⁵⁴ On May 15, 1985, the then-Health Commissioner Dr. Stuart Shapiro removed the Medical Examiner at the time, Marvin Aronson,¹⁵⁵ from leading the MEO's investigation of the MOVE bombing and directed Dr. Segal to coordinate and supervise that work.¹⁵⁶ However, Dr. Shapiro remained active in managing and overseeing the initial stages of the investigation.¹⁵⁷ For instance, he is depicted in photographs at the MEO from that time period and is featured prominently in the contemporaneous press stories about the MEO's work related to the remains.¹⁵⁸

Based on photographs that we have reviewed and our interviews, the remains were then placed on a series of trays on tables or gurneys, and as noted above, some individuals were partially intact.¹⁵⁹ Several photographs depict intact remains that were placed on gurneys.

Our review of the records shows that in addition to Dr. Segal, two Assistant Medical Examiners, Drs. Hal Fillinger¹⁶⁰ and Paul Hoyer,¹⁶¹ also examined and handled the remains for the MEO. These three pathologists conducted the autopsies, took x-rays, postmortem reports, ordered toxicology reports, and began taking toxicology samples to assist in making identifications and determining the cause and manner of death.

In the first few days after the bombing, the MEO enlisted the assistance of other experts to assist in identifying the remains of the MOVE victims. Specifically, these included at minimum odontologists, anthropologists, and fingerprint experts. Though these experts prepared notes and reports, there is no single document or comprehensive listing of who, when, or how the remains were handled.

¹⁵³ The MOVE Commission later found that the "facility itself was unclean, and not conducive to disciplined, scientific examination." Commission Report at 21.

¹⁵⁴ Monge Interview.

¹⁵⁵ The Philadelphia Inquirer Obituary for Marvin Aronson, https://www.inquirer.com/philly/obituaries/20140920_Marvin_Aronson__medical_examiner.html.

¹⁵⁶ PSIC Memo Regarding Medical Examiner's Office.

¹⁵⁷ Segal Report at 3.

¹⁵⁸ See Donald Drake, "Identifying bodies is a huge and grisly task," Philadelphia Inquirer, May 20, 1985; *see also* Lindsey Gruson, "Forensic medicine cracks a tough case," The New York Times, July 14, 1985.

¹⁵⁹ Monge Interview.

¹⁶⁰ Dr. Fillinger passed away in June 2006. Pervaiz Shallwani, "Montco's 'Homicide Hal' dies at 79** Veteran coroner Halbert E. Fillinger was respected in field.," The Morning Call (June 13, 2006), <https://www.mcall.com/news/mc-xpm-2006-06-13-3664463-story.html>.

¹⁶¹ The investigative team sought to interview Dr. Hoyer and he advised that he would be available to be interviewed after his normal retainer was paid and subject to his regular hourly fee. The investigators informed him that he is a fact witness and, like all witnesses, would not be paid, and emphasized the importance of speaking to him to obtain an understanding of the handling of the remains. He did not respond to that correspondence.

Shortly after the bombing, the MEO asked Dr. Alan Mann and Dr. Janet Monge to assist the City in identifying the remains. Dr. Mann was then Professor, now Professor Emeritus, of Anthropology at the University of Pennsylvania and Dr. Monge was his research assistant, keeper of the skeletal records at the University of Pennsylvania Museum, and later a recipient of a Ph.D. in anthropology from Penn. According to Dr. Monge, they had consulted with the MEO on at least a dozen instances before MOVE. And in a letter to Dr. Segal attaching his invoice, Dr. Mann stated that he had worked with the MEO for 10 years.¹⁶² Drs. Mann and Monge were present at the MEO on May 16 and 17, 1985, to examine the remains.¹⁶³

By the time that Drs. Mann and Monge arrived at the basement of the MEO, all of the remains related to MOVE had been transferred to the MEO. Once there, Drs. Monge and Mann consulted with Dr. Segal, who was leading the investigation.¹⁶⁴ Their role was to identify which remains belonged to which individuals and the respective ages of those individuals. Because Dr. Monge and Dr. Mann were experts in childhood growth and development, and also had experience reviewing skeletal remains, including fragments, they were specifically asked to look at the remains of the children whose bodies were so altered by fire and burning that they were reduced to individual fragments of skeletal materials.

By reviewing all the bodies, bones, and skulls, Drs. Mann and Monge determined that the remains at the MEO were from seven adults and four children. Though they did not document the particular remains that they examined, Drs. Mann and Monge created a handwritten listing of their preliminary assessment.¹⁶⁵ They noted, for instance, that bodies H (Tomaso) and I (Rhonda Ward) were complete, and that body A (James Conrad Hampton) was complete other than arms and lower femora. One of the remains they focused on in their review was Body B-1. They believed that Body B-1 belonged to a 20-year-old female and noted the presence of an “unfused iliac crest” as a basis for this conclusion.¹⁶⁶

Also present at the MEO on May 16 and 17, 1985, were members of the Federal Bureau of Investigation’s Disaster Squad.¹⁶⁷ The Disaster Squad consists of specially trained forensic examiners who are deployed to assist in identifying the remains of victims of mass fatality events or disasters through fingerprints, palm prints, or footprints.¹⁶⁸ In this instance, according to its report, the Disaster Squad received a call from the MEO on May 15, 1985, to “assist in the

¹⁶² Invoice from Mann to Segal, dated May 20, 1985. That handwritten letter attached an invoice dated May 20, 1985 charging the MEO at 1.5 days at \$200 per diem for May 16-17. *Id.*

¹⁶³ Invoice from Mann to Segal, dated May 20, 1985.

¹⁶⁴ Monge Interview.

¹⁶⁵ Handwritten Notes Listing “Individuals”.

¹⁶⁶ Handwritten Notes Listing “Individuals”.

¹⁶⁷ FBI Fingerprint Report.

¹⁶⁸ “The Disaster Squad Serving in the Worst of Times,” The FBI (June 24, 2010), <https://archives.fbi.gov/archives/news/stories/2010/june/disaster-squad>.

identification of victims.”¹⁶⁹ According to news accounts, three FBI technicians led by Ronald S. Hurt arrived at the MEO on May 16, 1985, and began lifting prints from the victims.¹⁷⁰

The FBI’s report from that visit noted that “[t]he bodies and body parts of the eleven victims, seven adults and four children, were examined.”¹⁷¹ According to this report, the FBI’s examination was confined mainly to hands, fingers, and fingerprints on pieces of skin, for purposes of performing fingerprint analyses.¹⁷² Based on its review and a comparison against other known fingerprints, the FBI positively identified five adults: James Conrad Hampton (A), Theresa Brooks (B), Raymond Foster (E), Rhonda Ward (I), and Frank James (K).¹⁷³ In two cases the hands were attached to the rest of the body and in three cases where they were separate. The FBI could not match the other fingerprints it obtained from its work, in part due to the fact that there were no prior police records of fingerprints for the children, given their age. The FBI obtained footprints of Phil Phillips (C) and Tomaso Levino (H), but could not identify them at the time due to the absence of any birth records containing footprints.

Another specialist assisting the MEO was Dr. Haskell Askin, of Brick Town, New Jersey.¹⁷⁴ Dr. Askin was a forensic odontologist, a field that involves the handling, examination, and reporting of dental evidence, including identifying burned or unknown human remains using teeth and jaws.¹⁷⁵ It appears that on May 16, 1985, between around noon and 9:30 p.m., Dr. Askin examined dental remains related to many of the remains and took photographs and dental radiographs. Dr. Askin’s draft report, which is the only version available to us, gives a glimpse of the chaotic nature of the scene at the MEO at that time.¹⁷⁶ For instance, to show how commingled the remains were, he found a section of jawbone in the chest cavity of Zanetta Dotson (D)¹⁷⁷ and he also found a fragment of mandible and a bicuspid tooth within the body cavity of Delisha Orr (G), though he was not sure whether it belonged with the body.¹⁷⁸ He also described retrieving at least one body, Frank James (K), from the main refrigerator, and photographed the head, though we have not located any photographs taken by Dr. Askin.¹⁷⁹ Ultimately, Dr. Askin’s report is incomplete as it omits his review of remains, such as of Rhonda Ward (I) and Theresa Brooks (B),

¹⁶⁹ FBI Fingerprint Report.

¹⁷⁰ See Donald Drake, “Identifying bodies is a huge and grisly task,” *Philadelphia Inquirer*, May 20, 1985.

¹⁷¹ FBI Fingerprint Report. As discussed later, the reference to seven adults and four children in the report, as compared to six adults and five children, as later identified, is because body B-1 was thought by the MEO, based on the review by Drs. Mann and Monge, to be an adult and not Katricia Dotson, who was a teenager.

¹⁷² FBI Fingerprint Report.

¹⁷³ FBI Fingerprint Report.

¹⁷⁴ Dr. Askin died in January 2011. The *Philadelphia Inquirer* Obituary for Haskell Askin, https://www.inquirer.com/philly/obituaries/20110131_Haskell_Askin_forensic_dentist_dies_a_t_75.html.

¹⁷⁵ Hameli Testimony (Levine) at 11-12.

¹⁷⁶ Report of Dr. Haskell Askin (Draft) (“Askin Draft Report”).

¹⁷⁷ Askin Draft Report.

¹⁷⁸ Askin Draft Report.

¹⁷⁹ Askin Draft Report.

that other records show that he did indeed examine.¹⁸⁰ (He also did not describe in his report his examination of the remains of Raymond Foster (E), which did not include a head.)¹⁸¹

With help from its experts and based on its own work, the MEO had positively identified six persons within about two weeks of the bombing: Rhonda Ward (5/17/1985), Frank James (5/17/1985), James Conrad Hampton (5/19/1985), Theresa Brooks (5/21/1985), Tomaso Levino (5/23/1985), and Raymond Foster (5/28/1985).¹⁸² By May 28, 1985, records show that the MEO released to the appropriate next of kin the remains of the identified persons other than Frank James and Tomaso Levino. The other five remains remained unidentified as of July 1985. There is no record of where the remains were stored, though presumably they remained at the MEO, which is where the MOVE Commission consultants found them when they took over the investigation.

Even after the initial flurry of activity, the MEO continued to try to identify the remains. For instance, a *New York Times* article dated July 14, 1985, quoted Dr. Segal explaining that even after identifying the six bodies, “[w]e still hope to make progress” and that he was hoping to identify a few more of the bodies.¹⁸³ A week before this article was published, Dr. Segal endeavored to further identify remains that were later associated with John Africa and Katricia Dotson. Specifically, on July 5, 1985, Dr. Segal traveled to the Smithsonian Institution and “carried with him, in an old-fashioned satchel bag, two fragments of a male pubic bone that could conceivably be from John Africa” as well as the thigh and pelvis of a “woman,” presumably B-1, for examination by forensic anthropologist Stephanie Damadio.¹⁸⁴ According to this report, Dr. Damadio estimated that the pubic bones were remains from an adult male over the age of 35 and maybe even as old as 50 and that the age of the female pelvis and thigh bone to be between 19

¹⁸⁰For instance, he contributed to the identification of Rhonda Ward. See Police Activity Sheet for Body I, (“The body . . . was subsequently positively identified on Friday 5-17-85, through the combined efforts of the F.B.I.; Anthropology Dept of H.U.P.; Dr. Haskell Askin D.D.S. (Forensic Dentist); OME staff; and the Phila Police Dept.”). And he later refers to his review of Brooks’ dental remains. See Letter from Askin to Segal, dated May 28, 1985, stating that “I examined the teeth and jaws of body B-85 on May 16, 1985 at the Philadelphia Medical Examiner’s Office”.

¹⁸¹ Donald Drake, a reporter from the *Philadelphia Inquirer*, was given access to the MEO to observe the initial work and provided in his reporting a detailed description of the work by the MEO pathologists, Drs. Mann, Monge, Askin, and the FBI Disaster Squad were doing in connection with the remains. See Donald Drake, “Identifying bodies is a huge and grisly task,” *Philadelphia Inquirer*, May 20, 1985. Indeed, an article he published in the first week after the bombing included a photograph of Dr. Shapiro and Dr. Fillinger in front of a tray with what appears to be a charred human body covered by a blanket on a gurney in the background. Dr. Segal, in the MEO’s final report on the MOVE investigation, referred to Drake’s presence at the scene and stated that he objected to it. Segal Report at 3.

¹⁸² We describe in Appendix B for each victim the remains that their families received from the City.

¹⁸³ Lindsey Gruson, “Forensic medicine cracks a tough case,” *The New York Times* (July 14, 1985).

¹⁸⁴ Thomas J. Gibbons Jr., “A mystery remains: who was in the MOVE house?,” *Philadelphia Inquirer*, July 7, 1985.

and 23, using the same analysis that Drs. Mann and Monge had used, namely that the remains could not have come from a child because the iliac crest had fused.

2. The MOVE Commission's Consultants Assume Control of the Investigation to Identify the Remains from July 1985 to November 1985

On May 22, 1985, Mayor Goode established the MOVE Commission to investigate “the events leading up to and culminating in the death and destruction of May 13.”¹⁸⁵ The MOVE Commission was formally established on June 4, 1985, by Executive Order 4-85, which was rescinded and replaced by Executive Order 5-85, signed on June 19, 1985. Through these orders, Mayor Goode empowered the MOVE Commission to engage in an independent review and analysis “of the events leading up to and including the incident of May 13, 1985.” Notably, the Executive Order also required all employees in the Executive and Administrative branches of the City to cooperate with the Commission and provide any information, documents, records, or files that the Commission requested. Mayor Goode told us that he expected this cooperation from City employees.¹⁸⁶ The MOVE Commission consisted of 11 members,¹⁸⁷ all civic leaders from across a range of backgrounds, and was chaired by William H. Brown III, an attorney who was the former chair of the Equal Employment Opportunity Commission.¹⁸⁸ H. Graham McDonald served as Deputy Director and Counsel, Carl E. Singley served as Special Counsel, and William B. Lytton served as Director and Counsel, at the request of Chairman Brown.¹⁸⁹

In our interview with Chairman Brown, he said one focus of the Commission was to conclusively identify the victims' remains.¹⁹⁰ Bill Lytton elaborated that it was important there would be an inquiry on issues such as the identity of the remains, the age of the decedents, and the manner and cause of death. Accordingly, once appointed, the MOVE Commission advised the MEO on June 24, 1985, that it would seek to have its own forensic pathologist “review the findings of your office concerning the remains found in and around the MOVE house on Osage Avenue.”¹⁹¹ From the outset, the MOVE Commission was concerned that the remains would be released before the Commission had retained its consultants. As a result, Chairman Brown asked the MEO not to release any remains and to provide all relevant materials. Dr. Segal ultimately agreed that the MEO would advise the Commission if the next of kin of the identified individuals whose remains

¹⁸⁵ Commission Report at 1; City of Philadelphia Executive Orders, https://www.phila.gov/ExecutiveOrders/Executive%20Orders/1985_EO05-85.pdf.

¹⁸⁶ Goode Interview.

¹⁸⁷ Commission Report at 1. The other Commission members were Charles W. Bowser, Reverend Audrey F. Bronson, Julia Chinn, M. Todd Cooke, Reverend Edward P Cullen, Bruce W. Kauffman, Charisse Ranielle Lillie, Henry S. Ruth Jr., Reverend Paul Matthews Washington, and Neil J. Welch. *Id.*

¹⁸⁸ Commission Report at 1.

¹⁸⁹ Commission Report at 1; Lytton Interview.

¹⁹⁰ Bill Brown Interview.

¹⁹¹ Letter from PSIC to MEO, dated June 24, 1985.

had not yet been released—Frank James and Tomaso Levino—sought to claim them for burial,¹⁹² and the MOVE Commission agreed with being informed before any remains were released.¹⁹³

By letter dated July 2, 1985, the Commission formally retained Dr. Ali Z. Hameli¹⁹⁴ as a consulting forensic pathologist.¹⁹⁵ The letter described the scope of Dr. Hameli’s engagement as follows:

The Commission would like you to determine how many people died in the fire, identify as many of those people who died as possible, provide a description of the unidentified bodies as accurately as possible, and indicate the cause of death if there is sufficient evidence upon which to base such a conclusion. In addition, the Commission would like you to review the examination conducted by and the results reached by the Philadelphia Medical Examiner’s Office with regard to the same issues. At the conclusion of your examination, it is anticipated that you would testify at a public hearing with the results of your inquiry.¹⁹⁶

The Commission, at Dr. Hameli’s request, also retained Dr. Ellis Kerley,¹⁹⁷ a forensic anthropologist,¹⁹⁸ and Dr. Lowell Levine, a forensic odontologist, to work with Dr. Hameli in completing these tasks, including identifying the remains.¹⁹⁹ We will refer to Drs. Hameli, Levine, and Kerley as the “Hameli Team.” The three experts knew each other well and had in fact worked together in Brazil on behalf of the U.S. Department of Justice and U.S. Marshals Service to assist in identifying the remains of the notorious Nazi war criminal Joseph Mengele in June 1985.²⁰⁰ During the MOVE investigation, the Hameli Team worked collaboratively throughout the process,

¹⁹² Letter from Segal to PSIC, dated June 28, 1985.

¹⁹³ Letter from PSIC to Segal, dated July 8, 1985.

¹⁹⁴ Dr. Hameli, who was then the Chief Medical Examiner for the state of Delaware, was a forensic pathologist of some renown and was licensed in five states and had served previously as the past president of the National Association of Medical Examiners. Hameli Testimony at 4-5.

¹⁹⁵ Letter from Hameli to Lytton, dated November 4, 1985, at 3.

¹⁹⁶ Letter from Hameli to Lytton, dated November 4, 1985, at 2.

¹⁹⁷ Dr. Kerley died in September 1998. Ellis R. Kerley Forensic Sciences Foundation Photobiography of Dr. Ellis R. Kerley, <https://www.elliskerleyfoundation.org/dr-ellis-r-kerley.html>.

¹⁹⁸ A forensic anthropologist has specialized knowledge in examining skeletal remains for identification. Hameli Testimony (Levine) at 11.

¹⁹⁹ Letter from Hameli to Lytton, November 4, 1985, at 1. Dr. Levine and Dr. Hameli were as renowned as Dr. Hameli. Dr. Kerley, of the University of Maryland, was a past officer of the American Academy of Forensic Sciences and had spent time identifying war dead from the Korean war. Dr. Levine was past president of the American Academy of Forensic Sciences and had worked on identifying five major aviation accidents and consulted in the reinvestigation of the assassination of President Kennedy. Hameli Testimony (Kerley and Levine) at 10-11.

²⁰⁰ Hameli Testimony (Levine) at 11-13.

including in seeking to identify the remains,²⁰¹ and would refer to each other because they had different areas of expertise.²⁰²

The Hameli Team promptly began its work. They received the materials (x-rays, reports, case files, etc.) from the MEO and met with the team from the MEO—Drs. Segal, Fillinger, and Catherman—on July 19.²⁰³ On July 21, the Hameli Team went on site to inspect the storage of the bodies and their location at the MEO.²⁰⁴ When the Hameli Team began its work, four bodies had already been released, three of which were buried and one cremated.²⁰⁵ There were remains from seven victims still at the MEO; the MEO had identified two bodies—bodies H (Tomaso Levino) and K (Frank James)—and had not identified bodies B-1 (later identified as Katricia Dotson), C (Phil Phillips), G (Delisha Orr), F (John Africa), and D (Zanetta Dotson).

The remains were in the main refrigeration unit at the MEO, with other non-MOVE bodies. The remains were on several trays, had the original MEO labeling, and still contained commingled parts including animal bones.²⁰⁶ The remains had been at the MEO for two months by then, had been handled by various persons and forensic experts, and had areas of mold and fungus and were in various states of decomposition.²⁰⁷ Dr. Hameli attributed some of the decomposition to improper refrigeration and noted that the remains had been kept unrefrigerated for seven or eight days while they waited for them to be examined.^{208, 209} As a result, at Dr. Hameli's direction, the remains were moved to another refrigeration unit at the MEO.²¹⁰ The MOVE victims' remains were then kept separate from the other bodies at the MEO,²¹¹ and were kept secure with a combination lock that was accessible only to Dr. Hameli and a MOVE Commission investigator,²¹² ensuring that no MEO staff had access to that unit.²¹³ The MOVE Commission believed it was imperative that MEO employees be denied access to the remains during the Hameli Team's review to preserve the independence of their process.²¹⁴

²⁰¹ Levine Interview; Hameli Testimony (Levine) at 13.

²⁰² Levine Interview.

²⁰³ Letter from Hameli to Lytton, dated November 4, 1985, at 2.

²⁰⁴ Letter from Hameli to Lytton, dated November 4, 1985, at 3.

²⁰⁵ Enclosure to Letter from Hameli to Lytton titled "Number of Bodies Recovered from the MOVE House".

²⁰⁶ Hameli Report (Condition of Remains). The MOVE Commission later found that "Animal bones were mixed with human remains." Commission Report at 21.

²⁰⁷ Hameli Report (Condition of Remains).

²⁰⁸ Hameli Report (Condition of Remains).

²⁰⁹ GJ Report at 255. The MOVE Commission later found that "The bodies were improperly stored at a temperature of 56 degrees, causing accelerated deterioration and the growth of fungus and mold." Commission Report at 21.

²¹⁰ Hameli Report (Condition of Remains).

²¹¹ Hameli Interview.

²¹² Hameli Report (Condition of Remains).

²¹³ Levine Interview.

²¹⁴ Lytton Interview.

From around July 21, 1985, until November 5, 1985, the Hameli Team conducted its work, including traveling to the MEO, mostly on weekends but sometimes on weekdays.²¹⁵ Dr. Kerley conducted the anthropological review and Dr. Levine obtained Dr. Askin's dental x-rays and examined the dental remains that were available to him. In addition to examining the remains that were at the MEO, the Hameli Team obtained a court order to exhume the remains of Rhonda Ward and James Conrad Hampton, which were buried in May 1985. They also obtained from the family the cremains of Theresa Brooks, who was cremated in May 1985.²¹⁶

The Hameli Team also worked with Dr. Michael Baden, a noted forensic pathologist.²¹⁷ Dr. Baden was retained by attorney Michael Fenasci, who worked at a law firm in Louisiana representing certain family members. Those family members, through Fenasci, obtained a court order in June or July 1985 enjoining the MEO from releasing any remains until the family had retained an expert pathologist to examine the remains that were unidentified at the MEO.²¹⁸ Fenasci's firm represented Louise James (mother of Frank James and sister of John Africa), Laverne Sims (sister of John Africa), Consuella Dotson (mother of Katricia and Zanetta Dotson), and Mary Claire Leak (mother of Theresa Brooks).²¹⁹ Dr. Baden's retention reflected the family's misgivings about the completeness and reliability of the MEO's identification efforts. Prior to the appointment of the Hameli Team, the family was concerned that the MEO had failed to identify certain victims and that the MEO, due to political pressure, would release the remains before the family could challenge or review these identifications. Dr. Baden was granted access to the remains by the City Law Department²²⁰ and planned to examine the remains on his own after the Hameli Team had completed its review.²²¹ Dr. Levine, who was friends with Dr. Baden, recommended that Dr. Baden work alongside the Hameli Team, in part to avoid excessive handling of the remains.²²² The MOVE Commission supported this approach, so long as Dr. Hameli was the lead, and also because Dr. Baden's involvement gave the Hameli Team access to individuals, such as Alphonse Leaphart, Laverne Sims, and Louise James, who had not been willing to be interviewed by the medical professionals before.²²³

Dr. Baden traveled to the MEO and reviewed the remains, though there is no record of what remains he examined, and he never prepared a report. However, according to Dr. Levine's time records, Dr. Baden was present at the MEO on July 28, 1985, but it is unclear if he was present

²¹⁵ Hameli Interview.

²¹⁶ Fenasci Interview.

²¹⁷ Dr. Baden was the former Chief Medical Examiner of New York City and had participated in many notable reviews, including chairing the forensic pathology panel for "U.S. Congress Select Committee on Assassinations that re-investigated the deaths of President John F. Kennedy and Dr. Martin Luther King, Jr. in the 1970s." See Biography of Dr. Michael Baden, <https://www.dr-michaelbaden.com/bio/>.

²¹⁸ Fenasci Interview; Petition for Writ of Injunction and Temporary Relief (Draft), *James v. City of Philadelphia*.

²¹⁹ Letter from MEO to Angela Martinez, Esquire, dated September 10, 1986.

²²⁰ PSIC Memo Regarding Conversation with Richard Gold, dated July 30, 1985.

²²¹ Levine Interview.

²²² Levine Interview.

²²³ PSIC Memo Regarding Conversation with Richard Gold, dated July 30, 1985.

any other times.²²⁴ Dr. Baden worked alongside the Hameli Team and did so in a collaborative manner to develop a consensus about the identifications.²²⁵ By September 23, 1985, Dr. Baden had reported, through the family attorney, that based on his examination of the remains, he believed that the MEO had the remains of Zanetta Dotson, Katricia Dotson, Theresa Brooks, John Africa, and Frank James, whose relatives were represented by that firm.²²⁶ Dr. Baden told us that he and the Hameli Team had agreed on these identifications before Dr. Baden communicated these findings to the family members' attorney.²²⁷ Based on Dr. Baden's conclusions about these identifications, the families told the City that they wanted those remains released immediately for proper burial.²²⁸ However, the families refused to provide blood samples and other information to the Hameli Team because they wanted to avoid false negatives, which would damage any subsequent civil suits, and because they believed that Dr. Hameli had sufficient information to make his identification.²²⁹

Eventually, the Hameli Team confirmed the MEO's six earlier identifications and identified the remaining four children (Zanetta and Katricia Dotson, Delisha Orr, and Phil Phillips) and one adult, John Africa.²³⁰ Dr. Hameli submitted his report of findings to the Commission on November 4, 1985.²³¹ The Commission, which held televised hearings beginning in October 1985, received televised testimony from Drs. Hameli, Kerley, and Levine on November 5, 1985. In that testimony, the Hameli Team discussed their investigative process and conclusions in identifying the remains, the cause and manner of death, preservation of the scene, the MEO's role in the excavation, and the MEO's performance in the collection and categorization of the remains.²³² Most notably, the Hameli Team believed that B-1 came from the body of a girl teenage girl.²³³ Specifically, Dr. Kerley determined that she was a female between 13 and 15 years of age, whereas Dr. Levine determined it was a teenager between 13 to 16 years old.²³⁴ Based on information from the family that Katricia was the only child who had pubic hair, Dr. Hameli identified B-1 as Katricia Dotson.²³⁵

²²⁴ Dr. Levine's Time Records; Levine Interview.

²²⁵ Baden Interview.

²²⁶ PSIC Memo Regarding Telephone Call from Larry Wiedemann, Esquire, dated September 23, 1985.

²²⁷ Baden Interview.

²²⁸ PSIC Memo Regarding Telephone Call from Larry Wiedemann, Esquire, dated September 23, 1985.

²²⁹ PSIC Memo Regarding Telephone Call from Larry Wiedemann, Esquire, dated September 23, 1985.

²³⁰ Enclosure to Letter from Hameli to Lytton titled "Identification of the Remains".

²³¹ Letter from Hameli to PSIC with Report, dated November 4, 1985.

²³² Hameli Testimony.

²³³ *See generally*, Hameli Testimony at 41-45

²³⁴ Hameli Testimony at 42.

²³⁵ Hameli Testimony at 42-43.

3. The Medical Examiner's Office Regains Control of the MOVE Investigation After Dr. Hameli's Testimony on November 5, 1985

After the Hameli Team presented public testimony to the MOVE Commission, including its identifications of the victims, the MEO and Dr. Segal resumed control of the investigation. Shortly after Dr. Hameli testified, the City said that, irrespective of Dr. Hameli's conclusion, the MEO had the final word on victim identifications.²³⁶ Over the next few months, the MEO, again led by Dr. Segal, largely accepted the identifications by Dr. Hameli and sought to distribute to the next of kin the remains of the victims for which there were no identification issues.²³⁷ Thus, between December 1985 and September 1986, the MEO records reflect that the remains of the MOVE victims were released to the next of kin for each victim. Those records, as noted elsewhere, do not identify what specific remains were provided to the next of kin for each victim or what specific remains, if any, were retained by the MEO. Similarly, the records do not state where the City stored any MOVE-related remains (either prior to release or any remains retained after), though presumably they would have been in refrigeration units at the MEO.

Many of the issues after November 5, 1985, involved the handling and identification of the remains B-1, which the Hameli Team had identified as Katricia Dotson, and, to a lesser extent, G, which had been identified as Delisha Orr.

This dispute began almost right after Dr. Hameli concluded his testimony. Specifically, at the request of Dr. Segal, Dr. Mann, accompanied by Dr. Monge, re-examined the remains of Body B-1 and G on November 14, 1985, at the MEO. They disagreed with the Hameli Team's conclusion that Body B-1 was that of an individual aged 13-15 or 16 years and thought, as they had in May 1985, that it belonged to an older individual aged 18-20 years.²³⁸ Likewise, they took issue with the Hameli Team's conclusion that Body G was that of an individual aged 9-12 years,²³⁹ and concluded that Body G belonged to a much younger individual aged 6-7 years old.²⁴⁰

Despite this apparent challenge to the Hameli Team's finding, the MEO, through MEO investigator Eugene Suplee, sent letters dated November 16, 1985 to the parents of both Katricia Dotson and Delisha Orr informing them that their children's remains had been positively identified "by the Philadelphia Special Investigation Commission's Consultant" as one of the victims of the "MOVE house fire on Osage Avenue" and asked them to make arrangements to claim the bodies, respectively.²⁴¹

²³⁶ For instance, in an Inquirer article on November 13, 1985, the City Law Department advised that the Hameli Team was not the city's "medical examiners, and there must be an identification by the medical examiner's office" prior to the release of any bodies. See Michael E. Ruane, "City won't release MOVE bodies to families," The Philadelphia Inquirer (November 13, 1985).

²³⁷ We have provided a detailed analysis of the specific records and analysis of each victim in Appendix B to this Report.

²³⁸ Report of Dr. Alan Mann, dated November 14, 1985 ("Mann Report").

²³⁹ Mann Report.

²⁴⁰ Mann Report.

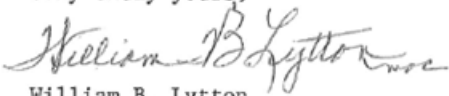
²⁴¹ Letters from MEO dated November 16, 1985; Investigative Log for Body G; Letters from MEO dated November 16, 1985.

Even after the MEO notified the families that Katricia and Delisha had been identified, Dr. Segal took their remains to the Smithsonian Institution for examination by Dr. Stephanie Damadio on November 25, 1985, who opined that the remains of Body G were of a nine- to ten-year-old female and the remains of Body B-1 were of a 17- to 23-year-old female.²⁴²

After learning about the issue regarding this dispute, Drs. Hameli and Kerley went to the MEO on December 3, 1985, to examine the G and B-1 remains. Dr. Hameli was insistent that he had no information about what happened to any of those remains after he concluded his examinations. The next day, Bill Lytton sent the following letter to Dr. Segal:

Dear Dr. Segal:

I was advised by Dr. Ali Hameli on December 4, 1985 that he has concluded his examination of all of the remains currently at the Medical Examiner's Office that related to the MOVE confrontation on May 13, 1985. Dr. Hameli has advised me that the remains may now be released by the Medical Examiner's Office. Consequently, the Philadelphia Special Investigation Commission no longer requires that these remains be retained by your Office and please feel free to release them in accordance with normal procedures.

Very truly yours,

William B. Lytton
Staff Director and Counsel

Based on the Hameli Team's conclusion and Dr. Segal's apparent acceptance of that conclusion, records indicate that the MEO released unknown remains associated with Body B-1 to the next of kin for Katricia Dotson on December 14, 1985, and they were buried in Eden Cemetery that same day along with the remains of Zanetta Dotson.²⁴³ Around that time, in December 1985, the MEO also released the remains of John Africa, Frank James, and Zanetta Dotson to the next of kin, and sought to release the remains of the three children.

Though the MEO released unknown remains of B-1 to the family, it still retained some remains that were associated with B-1 after December 14, 1985. For instance, at Dr. Hameli's request, the MEO sent the pelvic remains of B-1 to Dr. Judy Suchey, an internationally acclaimed-forensic anthropologist at California State University who specialized in the aging of pelvic bones.²⁴⁴ Dr. Suchey had these B-1 remains from December 30, 1985, to January 22, 1986.²⁴⁵ She prepared a report and concluded that the remains belonged to a female individual 13-16 years in age.²⁴⁶

²⁴² Notes of Smithsonian Drop-Off.

²⁴³ Body Delivery Record for Katricia; Eden Cemetery Burial Cards.

²⁴⁴ Letter from Hameli to Segal, dated December 12, 1985.

²⁴⁵ Letter from Suchey to Segal, dated January 22, 1986.

²⁴⁶ Suchey Report.

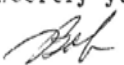
Dr. Segal reviewed Dr. Suchey report and acknowledged to Dr. Hameli on January 23, 1986, that Dr. Suchey's findings were consistent with Dr. Kerley's.²⁴⁷ He wrote:

Ali Hameli, M.D.
Office of the Chief Medical Examiner
200 So. Adams Street
Wilmington, Delaware 19801

Dear Ali,

I received Dr. Judy Suchey's report today and her findings are in complete agreement with Dr. Kerley's. I have therefore written the enclosed letter to Mr. Lytton.

Sincerely yours,



Robert J. Segal, M.D.
Assistant Medical Examiner

FJS/ch

F.S. See you at the meetings in New Orleans.

In the letter enclosed, Dr. Segal informed Dr. Hameli that he had reviewed Dr. Suchey's report and that her conclusion that the B-1 remains were consistent with the finding by the Hameli Team.²⁴⁸ Dr. Segal added, "It would be unreasonable for me to reject these findings in light of the evidence available at this time."²⁴⁹ On that same day, he also wrote to Dr. Shapiro and suggested language to be used in a response to the "news media" about Dr. Suchey's agreement with the findings of Dr. Kerley of the Hameli Team: "It would be unreasonable to reject [Dr. Kerley's] findings in light of the evidence available at this time."²⁵⁰

Dr. Hameli and Dr. Kerley reissued an addendum report dated January 30, 1986, summarizing their additional review, and incorporating the opinion of another forensic anthropologist, Clyde Snow. They reaffirmed and did not change their opinion that the B-1 remains belonged to an individual aged 14-16 years, most likely Katricia.²⁵¹ Lytton recalled the dispute about remains of Katricia Dotson and credited Dr. Hameli's identification because of Hameli's background and experience, his thoroughness, and his public testimony that permitted the public to test his credibility and findings.²⁵² Although Dr. Segal appeared to agree with the findings of the Hameli Team as it relates to whether B-1 was Katricia Dotson, on March 6, 1986, Dr. Segal sent "skeletal material on 'Move' case B-1 and G" to Dr. Damadio at the Smithsonian

²⁴⁷ Letter from Segal to Hameli regarding Suchey's Report, dated January 23, 1986.

²⁴⁸ Letter from Segal to PSIC regarding Suchey's Report, dated January 23, 1986.

²⁴⁹ Letter from Segal to PSIC regarding Suchey's Report, dated January 23, 1986.

²⁵⁰ Letter from Segal to PSIC regarding Suchey's Report, dated January 23, 1986.

²⁵¹ Addendum Report of Dr. Ali Hameli, dated January 30, 1986 ("Hameli Addendum Report").

²⁵² Lytton Interview.

Institution.²⁵³ No list or inventory is included with this correspondence. On September 17, 1986, Dr. Damadio returned the materials to Dr. Segal.²⁵⁴ Records indicate that Dr. Damadio shipped “one box containing human skeletal remains” back to Dr. Segal on September 17, 1986,²⁵⁵ and he received them at the MEO on September 23, 1986.²⁵⁶

On September 23, 1986, Dr. Segal transferred certain remains to Drs. Mann and Monge at Penn. As memorialized in a memo to the file at the MEO, “Bones arrives by mail from the Smithsonian and will be turned over to Allan [*sic*] Mann for his continued evaluation.”²⁵⁷ The same day, Dr. Monge signed for the bones on an MEO receipt that states, “‘Move’ Various bones for anthropological examination.”²⁵⁸ There was no listing of the specific remains sent to Dr. Monge, though she was clear that she received only a proximal femur and two pieces of pelvis, attributed to B-1.²⁵⁹ Dr. Monge still has in her possession the box in which she received the remains—postmarked via first class mail on September 22, 1986 from Stephanie Damadio, Dept. of Anthro. at the Smithsonian Institution to Dr. Segal at the MEO.²⁶⁰

4. The Grand Jury Declined to Issue Any Indictments Related to MOVE

On May 15, 1986, under then-District Attorney (and later Chief Justice) Ronald Castille, a grand jury was empaneled to examine the MOVE bombing and consider charges against high-ranking city officials including Mayor Goode, Police Commissioner Sambor, Managing Director Brooks, and Fire Commissioner Richmond. The grand jury investigated charges of reckless endangerment of another person, conspiracy, murder, involuntary manslaughter, aggravated assault, reckless endangerment, arson, causing or risking a catastrophe, failure to prevent catastrophe, and criminal mischief, arson, and solicitation or attempt to commit assault or murder.²⁶¹

The investigation lasted nearly two years and culminated in a report that was filed publicly on April 26, 1988.²⁶² The investigation consisted of interviews of, and testimony from, fire personnel, police personnel, residents of the neighborhood, and government actors. The grand jury also reviewed testimony by police and at the trial of Ramona Africa, video and audio coverage of the bombing, news, and press conference footage.²⁶³ On May 4, 1988, in a 16-4 vote, the grand

²⁵³ Letter from Segal to Smithsonian Institution, dated March 6, 1986.

²⁵⁴ Smithsonian Shipping Invoice; Memo and Receipt by Segal for Remains from Smithsonian, dated September 23, 1986.

²⁵⁵ Smithsonian Shipping Invoice.

²⁵⁶ Memo and Receipt by Segal for Remains from Smithsonian, dated September 23, 1986.

²⁵⁷ Memo and Receipt by Segal for Remains from Smithsonian, dated September 23, 1986.

²⁵⁸ Memo and Receipt by Segal for Remains from Smithsonian, dated September 23, 1986.

²⁵⁹ Monge Interview.

²⁶⁰ Box photo from Dr. Monge.

²⁶¹ GJ Report at 142, 148, 150, 187.

²⁶² William K. Stevens, “Grand Jury Clears Everyone in Fatal Philadelphia Siege,” *The New York Times* (May 4, 1988), <https://www.nytimes.com/1988/05/04/us/grand-jury-clears-everyone-in-fatal-philadelphia-siege.html>.

²⁶³ GJ Report at 3-6.

jury declined to issue any indictment.²⁶⁴ The grand jury noted its disagreement with the MOVE Commission's finding that the events of May 13, 1985, constituted unjustifiable homicide and gross negligence,²⁶⁵ and referred in its report to the "morally reprehensible behavior," "incredible incompetence," and "political cowardice" of the government actors during the MOVE bombing, discussing at length the financial cost of the bombing and its aftermath.²⁶⁶ Nonetheless, the grand jury concluded that there was no evidence anyone acted with criminal intent, recklessness, or negligence under Pennsylvania law, thus precluding criminal prosecution.²⁶⁷

We examined whether the grand jury, or the District Attorney's Office, directed the MEO to retain any MOVE-related remains or handled the remains. We could not find any evidence to support that the grand jury or District Attorney's Office ever possessed MOVE-related remains or directed the MEO to retain any such remains for those proceedings.

As it related to the MOVE victims' remains, the grand jury focused on the unprofessional manner in which the remains were retrieved from the scene, where the remains were found on the scene, how the remains were first handled, and the later decomposition of the remains when the Hameli Team took over the investigation.²⁶⁸ In its report, the grand jury noted that Drs. Hameli and Segal disagreed about the identity of the B-1 remains, with Dr. Hameli telling the grand jury that they were the remains of Katricia, and Dr. Segal asserting that they belonged to a female who was 18 or 19 years old.²⁶⁹

Castille confirmed to us that his office did not have the remains and would have had the means to store them.²⁷⁰ And Mark Gottlieb, an assistant district attorney who served as lead counsel and directed the investigation, had no recollection of ever presenting any physical remains to the grand jury, or even of seeing them. The scope of the inquiry, as reflected in the report, as it related to the remains, concerned the cause of death determinations and whether the excavation issues compromised those determinations.²⁷¹

MEO records fail to link the grand jury proceedings to the handling or retention of MOVE-related remains by the MEO. The records show a flurry of activity in March 1987 related to the grand jury, but none of those records refer to the remains:

²⁶⁴ GJ Report at 279.

²⁶⁵ William K. Stevens, "Grand Jury Clears Everyone in Fatal Philadelphia Siege," *The New York Times* (May 4, 1988), <https://www.nytimes.com/1988/05/04/us/grand-jury-clears-everyone-in-fatal-philadelphia-siege.html>.

²⁶⁶ GJ Report at 123, 279.

²⁶⁷ William K. Stevens, "Grand Jury Clears Everyone in Fatal Philadelphia Siege," *The New York Times* (May 4, 1988), <https://www.nytimes.com/1988/05/04/us/grand-jury-clears-everyone-in-fatal-philadelphia-siege.html>.

²⁶⁸ GJ Report at 239-257; GJ Report at 255-56 (refrigeration issues); Gottlieb Interview.

²⁶⁹ GJ Report at 243.

²⁷⁰ Castille Interview.

²⁷¹ Gottlieb Interview.

- For instance, members of the MEO scheduled a meeting with ADA Gottlieb on March 10, 1987 to “review the MOVE cases and prepare for Grand Jury testimony.”²⁷²
- We identified handwritten notes, titled “Notes for Joan” dated March 11, 1987 (presumably ADA Joan Weiner, who was the ADA presenting witnesses to the grand jury) summarizing information related to each victim, including dates of autopsies, initial exams, toxicology, and so forth, but not citing the remains.²⁷³
- We located a receipt signed by ADA Joan Weiner confirming that on March 12, 1987, she received materials and reports from the MEO, including notes, flow charts, and other information.²⁷⁴ There is no record or receipt, such as what the MEO had previously provided to Dr. Monge, indicating that she received any remains.
- MEO records reflect that Dr. Catherman and Dr. Segal testified before the grand jury the next day, on March 13, 1987,²⁷⁵ by which time the MEO, according to its records, had indicated that it had transferred the MOVE-related remains to the next of kin (or to Drs. Mann and Monge).²⁷⁶

In short, our investigation does not include any chain of custody review related to the grand jury investigation.

B. The Victims of the MOVE Bombing

In Appendix B to this Report, we provide a detailed analysis of each victim of the MOVE bombing, including the remains found and associated with the respective victims, the investigation conducted for each victim, contact with the families of each victim, and the ultimate release and burial of the remains. The foregoing discussion, along with Appendix B to this Report, constitutes the complete universe of information available to us regarding the location of the victims’ respective remains after the bombing, though we acknowledge that there were other investigations conducted recently regarding the remains that Dr. Segal transferred to Drs. Mann and Monge in September 1986.

Because this Report focuses on the City, and specifically the MEO’s handling of the remains, we cannot provide any further information from 1986 to 2009. Notably, there is no

²⁷² MEO Memo dated March 5, 1987.

²⁷³ Handwritten Notes for Joan, dated March 11, 1987.

²⁷⁴ Receipt signed by ADA Joan Weiner.

²⁷⁵ Investigative Log dated March 18, 1987.

²⁷⁶ The last remains transferred from the MEO to the next of kin occurred on September 22, 1986, of Phil and Tomaso; and, as noted, on September 23, 1986, Dr. Segal transferred remains to Dr. Monge. Though these transfers occurred after the grand jury had begun its investigation, there is also no record that the grand jury or the District Attorney’s Office sought to delay the release or transfer of these remains, bolstering our conclusion that the investigation did not rely on reviewing any physical remains.

documentation of human remains from the MOVE bombing (including those from the MEO Box) at the MEO after 1986, other than the materials that we describe below. We also sought to interview individuals from that period of time to learn if there was any discussion of remains, but they either refused to talk to us (as with Dr. Segal) or had died, like Eugene Suplee and Dr. Haresh Mirchandani, who was the Chief Medical Examiner during the majority of this period, from around 1991 to 2006.

C. 2009 to Present

After the events of 1985-1986, the next mention of MOVE remains in the City's files that we reviewed is in 2009. Thereafter, as we explained at the outset of this report and as prompted this investigation, MOVE remains were again found at the MEO in 2017 and 2021. The following section of the Report therefore focuses on contemporary events.

1. Background on the Health Department, MEO, and Relevant Personnel

Because the organization, function, and personnel of the Philadelphia Department of Public Health and MEO are important to our review of the contemporary events, it is appropriate to offer some additional background here.

In Pennsylvania, the medical examiner or coroner is a county-specific, elected position,²⁷⁷ but in the City of Philadelphia, “The Coroner is abolished and no person shall be elected to such office.”²⁷⁸ Instead, “all powers and duties previously exercised and performed by the Coroner,” including but not limited to inquests (inquiries or investigations into the circumstances surrounding a death); the investigation of “sudden, violent and suspicious deaths and the determination of whether the person or persons responsible shall be charged”; the determination of cause of death; and the conducting of autopsies, are to be exercised and performed by a medical examiner appointed by the Health Commissioner.²⁷⁹ The County Code, in portions that are applicable to counties of the First Class (*i.e.*, Philadelphia), further describe the duties of the coroner, which are assumed by the Medical Examiner in Philadelphia. Specifically, it is the duty of the coroner “in all cases where death is sudden or violent or is of a suspicious nature and character, to cause a careful investigation of the facts concerning said death to be made, to ascertain whether the death was due to other than natural causes, and to make or cause to be made such an autopsy as the facts of the case may demand.”²⁸⁰ And, even where the death has not occurred under suspicious circumstances, “in absence of any knowledge as to the person, his or her home, residence, relatives or friends, the health board or police authorities of any county, city, borough or township shall take possession of such body, and keep the same in such place as may be provided by said authorities, for the purpose of remaining for a limited time for identification.”²⁸¹

²⁷⁷ 53 Pa. Stat. Ann. § 3092(e).

²⁷⁸ Phila. Code § 2-102.

²⁷⁹ Phila. Code § 2-102.

²⁸⁰ 16 P.S. § 9521.

²⁸¹ 16 P.S. § 9522.

In the City, the MEO is a part of the Department of Public Health.²⁸² According to the Department’s website, “The mission of the Department of Public health is to protect and promote the health of all Philadelphians and to provide a safety net for the most vulnerable.”²⁸³ The Department is overseen by the Health Commissioner who, in the Kenney Administration, reports to the Deputy Managing Director for Health and Human Services in the Managing Director’s Office.²⁸⁴ Beneath and reporting to the Health Commissioner are deputy health commissioners who oversee various functions within the Department and report directly to the Health Commissioner.

Adopting the duties laid out in the City Code and County Code, the MEO’s website describes that the office “determines the cause and manner of death for sudden, unexpected, and unnatural deaths in Philadelphia. Our doctors, scientists, and technicians work with the Philadelphia Police Department to investigate these deaths.”²⁸⁵ The MEO is organized into seven investigative units: forensic anthropology, forensic investigation, forensic odontology, forensic technician, histology, pathology, and toxicology laboratory.²⁸⁶ The MEO also has two support and review units, bereavement support and fatality review.²⁸⁷ The Chief Medical Examiner, who oversees and manages the MEO, typically reports to a deputy health commissioner in the Department of Public Health. The Chief Medical Examiner is supported by a deputy medical examiner and forensic services administrator. The forensic services administrator is not a pathologist and manages non-medical matters at the MEO and reports to the Chief Medical Examiner.

From 2016 to 2021, Dr. Farley was the Health Commissioner.²⁸⁸ Although Dr. Farley generally knew of the MOVE bombing, he was not a Philadelphia native, had no prior knowledge

²⁸² Contact Us, Dep’t of Public Health, City of Philadelphia, <https://www.phila.gov/departments/department-of-public-health/about-us/contact-us/> (last visited Mar. 4, 2022).

²⁸³ Contact Us, Dep’t of Public Health, City of Philadelphia, <https://www.phila.gov/departments/department-of-public-health/about-us/contact-us/> (last visited Mar. 4, 2022).

²⁸⁴ The Health Commissioner’s reporting responsibilities varied under different administrations. In the Nutter Administration, many of the departments that report to the Assistant Managing Director for Health and Human Services reported to the Deputy Mayor for Health & Opportunities, who was also the Health Commissioner. City of Philadelphia Organizational Chart, Nutter Administration, <https://www.phila.gov/pdfs/CityOrganizationChart.pdf>. In each instance, though, the MEO was always a part of the Health Department.

²⁸⁵ “What We Do,” Medical Examiner’s Office, City of Philadelphia, <https://www.phila.gov/departments/medical-examiners-office/> (last visited Dec. 13, 2021).

²⁸⁶ “What We Do,” Medical Examiner’s Office, City of Philadelphia, <https://www.phila.gov/departments/medical-examiners-office/> (last visited Dec. 13, 2021).

²⁸⁷ “What We Do,” Medical Examiner’s Office, City of Philadelphia, <https://www.phila.gov/departments/medical-examiners-office/> (last visited Dec. 13, 2021).

²⁸⁸ A graduate of Haverford College, Tulane University School of Medicine, and the Tulane University School of Public Health and Tropical Medicine, Dr. Farley first worked as a pediatric resident and emergency room supervisor at Chicago Children’s Memorial Hospital. Dr. Farley then worked as a volunteer physician in Haiti, then in epidemiology at the CDC, and as a

of the role of the MEO in the aftermath of the bombing, and said that he was not briefed on MOVE when he became Health Commissioner.²⁸⁹

From 2016 to 2021, Sami Jarrah was the deputy health commissioner for fiscal and facilities matters, also referred to as the Chief Operating Officer of the Health Department; and Dr. Caroline Johnson was the deputy health commissioner responsible for oversight of the MEO. Jarrah and Dr. Johnson both left the Health Department in January 2021. Jane Baker was, and remains, a deputy health commissioner and the Department's chief of staff. Beginning in May 2021, Dr. Cheryl Bettigole served as the acting Health Commissioner, and was named Health Commissioner in November 2021.

Dr. Gulino was the Chief Medical Examiner from 2008 to August 2021, having been appointed by the Health Commissioner under Mayor Michael Nutter following a national search.²⁹⁰ Dr. Gulino reported to Dr. Johnson until her resignation in January 2021, at which point he began reporting directly to Dr. Farley. David Quain was and continues to serve as the forensic services administrator in the MEO. Living in Chicago in 1985, Dr. Gulino knew about the MOVE bombing as a historical event but not much more. When he moved to Philadelphia, he began to learn more about MOVE, but he does not recall conversations with MEO employees who worked at the office at the time.

Since August 2021, former deputy medical examiner Dr. Albert Chu serves as the Acting Chief Medical Examiner.

2. The MEO Disposed of Toxicology Samples from MOVE Victims in 2009

The MEO Toxicology Lab tests samples—which are also interchangeably referred to as specimen at the Toxicology Lab—retrieved by the MEO's medical examiners, but the Toxicology Lab does not play any role in identifying bodies or determining the cause and manner of death.²⁹¹ The tests that the Toxicology Lab performs are dictated by the deceased's age and

medical director at the Louisiana Office of Public Health. Following time at Tulane University School of Public Health and Tropical Medicine as professor and Chair of the Department of Community Health Services, Dr. Farley served as the Commission of New York City's Department of Health and Mental Hygiene. Before moving to Philadelphia to serve as the Health Commissioner, he spent a year as a Distinguished Fellow in Public Health at the Roosevelt House Public Policy Institute at Hunter College.

²⁸⁹ Farley Interview.

²⁹⁰ A graduate of Northwestern University Feinberg School of Medicine, Dr. Gulino did his internship in surgery and then residency in anatomic pathology at the Mayo Clinic. He then completed a fellowship in forensic pathology at the Dade County Medical Examiner. Thereafter, he was the Deputy Medical Examiner at the Office of the Jackson County Medical Examiner, Senior Medical Examiner at Florida's District 5 Medical Examiner's Office, associate and then Deputy Chief Medical Examiner at the Hillsborough County Medical Examiner, and then finally the Chief Medical Examiner in Philadelphia. Dr. Gulino is board certified in anatomic pathology and forensic pathology.

²⁹¹ Mundy Interview.

cause and manner of death, as well as the samples provided to the Lab.²⁹² Toxicology samples are stored in a freezer at -20 degrees Celsius in jars and sometimes in tubes. The Toxicology Lab's policy is to hold both short-term and long-term samples for six months to one year, as determined by the medical examiners performing the postmortem examination, and the Toxicology Lab will ask the medical examiner for guidance on retention or destruction.²⁹³ Practically, samples are destroyed after six to twelve months because there is finite space in the Toxicology Lab storage freezers.²⁹⁴ Toxicology specimens are treated as biohazard waste, placed in a waste bucket, and picked up for disposal by a third-party contractor.²⁹⁵

Shortly after the bombing, in 1985, the MEO retrieved toxicology specimens from the MOVE victims to help determine the cause and manner of death. These samples—including blood, bile, bladder wash, fat, and organ and muscle pieces—were analyzed by the Toxicology Lab at the MEO and reports were prepared for each victim. Specifically, the MEO's reports analyzed the presence of carbon monoxide, cyanide, alcohols and opiates, carboxyhemoglobin, and toluene. Samples were also sent to and analyzed by Dr. Toshio Asakura at the Children's Hospital of Philadelphia in June 1985 and National Medical Services, Inc. in September 1985 for further review. Dr. Asakura received nine blood samples and three bone samples.²⁹⁶ The National Medical Services, Inc. received various blood, muscle, fat, spleen, lung, and bone marrow samples for carbon monoxide, iron, carboxyhemoglobin, and other chemicals.²⁹⁷ Samples unused by National Medical Services were set to be discarded on December 25, 1985.²⁹⁸ The MEO reports that we reviewed for each victim show that there were inconsistencies in conclusions among the Toxicology Lab, Dr. Asakura, and National Medical Services, particularly regarding the presence of carbon monoxide, carboxyhemoglobin, and cyanide.²⁹⁹ As Dr. Segal explained in his final report when analyzing the victims' cause of death, "Evidence that the person was alive during the fire includes," among other things, the "presence of products of combustion such as carbon monoxide and cyanide in the body."³⁰⁰

There was no toxicology documentation related to the victims from the period immediately following the bombing until 2009. In 2009, Lisa Mundy, now the Toxicology Lab Supervisor, served as the acting Chief Toxicologist.³⁰¹ Mundy began working at the MEO in 1998. Mundy was familiar with the basic facts surrounding the MOVE bombing since she has lived and worked in Philadelphia for the last 25 years.

The samples from MOVE victims were kept in the Toxicology Lab freezer and were located there in 2009. We learned that employees at the Toxicology Lab always knew that the Lab

²⁹² Mundy Interview.

²⁹³ Mundy Interview.

²⁹⁴ Mundy Interview.

²⁹⁵ Mundy Interview.

²⁹⁶ Letter to MEO dated June 13, 1985.

²⁹⁷ Letter from National Medical Services dated September 25, 1985.

²⁹⁸ Letter from National Medical Services dated September 25, 1985.

²⁹⁹ *See, e.g.*, Report of Toxicologist related to Theresa Brooks; Report of Toxicologist related to Delisha Orr; Report of Toxicologist related James Conrad Hampton.

³⁰⁰ Segal Report at 12.

³⁰¹ Mundy Interview.

had the toxicology samples from the MOVE victims and even told visiting medical students on tours about these samples. The samples were kept in jars—which were typical jars for holding samples in the mid-1980s—arranged in rows on a cafeteria-style tray that was labeled “MOVE.” The tray was in the Toxicology Lab freezer, accompanied by a chart describing the contents of the jars.³⁰² The chart listed the case number, victim name, and type of sample; where the type of sample could not be determined when the chart was prepared, a “?” was left. The chart attributed samples to: MOVE “A” 85-2486, MOVE “B” 85-2487, MOVE “C” 85-2489, MOVE “D” 85-2490, MOVE “E” 85-2488, MOVE “C” 85-2489, MOVE “F” 85-2491, MOVE “G” 85-2492, MOVE “H” 85-2493, MOVE “I” 85-2485, MOVE “K” 85-2473, and MOVE “B” 2599.³⁰³ Most, but not all, of these case numbers and letters correspond with the case numbers and letters assigned to the victims of the MOVE bombing. The samples included fat, blood, lung, muscle, kidney, liver, heart, gall bladder, brain, and bile samples. The chart likely listed the samples in the order in which they appeared on the tray rather than in any particular organized, consecutive order.³⁰⁴ Mundy believed that a former chemical technician or chief toxicologist prepared the chart.³⁰⁵ Although this chart is not a standard form in the Toxicology Lab, this type of chart is typically used to document long-term samples and is usually attached to a piece of cardboard and placed on the respective tray of samples.³⁰⁶

By 2009, the long-term trays in one section of the Toxicology Lab freezer were in poor condition, and employees determined that certain samples, including the MOVE samples, were a biohazard risk. The degradation of the samples was clear: the jars were broken and cracked; the metal tops were rusted; and blood had leaked on the tray.³⁰⁷ In fact, the original blood samples had turned to powder, and the labels on most of the jars had degraded such that they were illegible. These conditions precluded any testing of the samples.³⁰⁸

Seeking guidance, Mundy approached Dr. Gulino, who, as the Chief Medical Examiner at the time, was her direct supervisor.³⁰⁹ Mundy typically seeks the Chief Medical Examiner’s approval to change testing methods and on matters concerning budget or human resources, but less frequently when dealing with samples.³¹⁰ Mundy explained that while she did not go to Dr. Gulino to discuss routine samples, she would ask him about more complicated samples where she felt she needed “back up.”³¹¹ Understanding the import of MOVE and that there was no one in the Toxicology Lab who could advise why the samples were retained well over 20 years after the

³⁰² Chart describing jars found in Toxicology Lab freezer.

³⁰³ Chart describing jars found in Toxicology Lab freezer.

³⁰⁴ Mundy Interview.

³⁰⁵ Mundy Interview.

³⁰⁶ As of December 2021, the Toxicology Lab freezer had approximately twelve trays of long-term samples, including samples from the early 1990s, as the employees responsible for placing those samples are no longer employed at the MEO or have passed away. According to Mundy, these trays are often not disposed because it is time-consuming and resource-intensive for toxicologists to pull case files for the respective samples and determine whether there are holds.

³⁰⁷ Mundy Interview.

³⁰⁸ Mundy Interview.

³⁰⁹ Mundy Interview.

³¹⁰ Mundy Interview.

³¹¹ Mundy Interview.

completion of the MEO's involvement with the MOVE bombing, Mundy felt the decision of how to handle the sample was a decision to be made by Dr. Gulino and asked him how to proceed.³¹² Dr. Gulino directed Mundy to dispose of the samples consistent with normal procedure, if they had no evidentiary value and could not be used for further testing.³¹³ Mundy has no specific recollection of her conversation with Dr. Gulino.³¹⁴ Dr. Gulino does not recall discussing this issue Mundy but said it was possible that Mundy did discuss it with him, and it would be his role to do so.³¹⁵

In deciding how to handle the samples and, more specifically, whether to dispose of them, Mundy first had to determine whether there was any hold on the samples in the freezer. As a result in September 2009, Mundy requested the MOVE case files from MEO records room, and Debbie Lindsay from the records room in turn requested the files from the City's Records Department.³¹⁶ Mundy received the case files on October 2, 2009, accompanied by a list of the following 11 case file numbers and corresponding names, written as follows: 85-2473 Frank James Africa, 85-2485 Rhonda Cheryl Ward, 85-2486 James Conrad Africa, 85-2487 Theresa Marie Brooks, 85-2488 Raymond Nathaniel Foster, Jr., 85-2489 Phil Africa, 85-2490 Zanetta Dodson, 85-2491 Vincent Lopez Leaphart, 85-2492 Delisha Africa, 85-2493 Boo Africa (Tomaso Africa), 85-2599 Katricia Juanette Dotson.³¹⁷

Mundy reviewed the entirety of each victim's case file, looking for any document that might indicate a hold since, she explained, there was no standard form used in 1985 that documented sample holds. Mundy also consulted MEO Investigator Eugene Suplee. Although Mundy did not think that an investigator like Suplee would know if or why a hold was placed on the MOVE toxicology samples,³¹⁸ she was aware that Suplee was the lead investigator on the MOVE cases in 1985 and 1986, so it was plausible he may have some relevant information. For example, in November 1985, Suplee corresponded with the parents of Tomaso, Phil, and Delisha, advising them that the MOVE Commission had identified their children as victims.³¹⁹ And contemporaneous news articles from May 1985 described that Suplee was responsible for collecting records to assist the MEO in identifying potential victims.³²⁰ Suplee was still employed at the MEO in 2009.³²¹ Mundy did not recall what Suplee told her.³²²

³¹² Mundy Interview.

³¹³ Mundy Interview. Dr. Gulino did not recall discussing the samples with Mundy in 2009, but he said it was possible that Mundy discussed it with him, and it would be his role to do so.

³¹⁴ Mundy Interview.

³¹⁵ Gulino Interview.

³¹⁶ Mundy Interview; Case File Request, Receipt dated October 2, 2009, and List of Case File Numbers.

³¹⁷ Receipt dated October 2, 2009, and List of Case File Numbers.

³¹⁸ Mundy Interview.

³¹⁹ Letters from MEO dated November 16, 1985.

³²⁰ Donald Drake, "Identifying bodies is a huge and grisly task," *The Philadelphia Inquirer* (May 20, 1985).

³²¹ Mundy Interview.

³²² Mundy Interview.

Discovering no hold in the files or any other reason for the retention of these samples, on October 9, 2009, Mundy destroyed the jars by placing them in a biohazard waste container.³²³ Before doing so, Mundy did not attempt to match the samples to the chart or toxicology information in the case files, nor did she count the number of samples destroyed to compare to the number of samples on the chart.³²⁴ Mundy explained that the condition of the samples in 2009 did not permit any such analysis.³²⁵ Mundy documented the disposal of the specimen on the chart that was found with the tray of MOVE samples, because that was the only place to do so.³²⁶ This document notes, “All destroyed 10/9/09 [Laboratory Supervisor] LMundy [] no hold in labfiles, casefiles, or per InvSuplee.”³²⁷ A copy of this chart, reflecting the destruction of the specimen, was placed in each MOVE case file. Mundy returned the case files to the Records Department the same day.³²⁸

Mundy did not contact family of the victims whose samples were destroyed. She explained that it is not the policy of the MEO to notify family of the presence or destruction of such samples in the Toxicology Lab.³²⁹ While the topic of MOVE came up over the years in conversation with MEO employees in the context of scientific development, Mundy did not discuss the destruction of the samples with anyone until May 2021 when Dr. Farley resigned and Dr. Gulino was placed on administrative leave.³³⁰ Upon learning of that news, she contacted David Quain, the forensic services administrator, to tell him about the samples, since she recognized that MOVE was on everyone’s radar at the time.³³¹

During our investigation, we compared (1) the original postmortem reports from 1985 for the victims identifying the toxicology specimen retained for each person, (2) the toxicology reports identifying the specimen analyzed by the Toxicology Lab in 1985, and (3) the chart found with the tray of MOVE specimen in 2009. Specifically, we attempted to match up the types of samples retained and analyzed (*i.e.*, blood, liver, lung, etc.) with the case number and body letter identifier associated with the victims. Our goal was to compare each item destroyed in 2009 (assuming all items listed on the chart were destroyed) with that same item in the reports from 1985, in an attempt to determine if all samples were destroyed. Based on this review, it appears that the types of samples analyzed by the Toxicology Lab in the immediate aftermath of the bombing were noted on the chart from 2009, found in the lab, and then destroyed. However, because the 2009 chart is neither specific nor detailed, appears to contain errors, and includes notations that we cannot identify or understand as laypersons, and without the ability to speak to the person who created the chart, we cannot say that the items destroyed were identical to each item that was tested by the Toxicology Lab in 1985.

³²³ Mundy Interview.

³²⁴ Mundy Interview.

³²⁵ Mundy Interview.

³²⁶ Mundy Interview.

³²⁷ Chart describing jars found in Toxicology Lab freezer.

³²⁸ Receipt dated October 2, 2009, and List of Case File Numbers.

³²⁹ Mundy Interview.

³³⁰ Mundy Interview.

³³¹ Mundy Interview.

3. A Box was Discovered at the MEO in 2017

a. *A Box of Remains was Found in the Basement Personal Effects Room*

In early 2017, the MEO's Administrative Officer Gary Sullivan was tasked with auditing and inventorying the contents of the personal effects room to determine what could be auctioned.^{332, 333} The personal effects room is a small room located in the basement of the MEO with shelves containing boxes of envelopes of personal effects items of decedents, as well as larger items like bags, canes, and suitcases. The envelopes typically contain jewelry, watches, rings, wallets, and other small personal items, but not bones, tissue, or remains.³³⁴ The room has two locks—one accessible with a master key and another accessible with a key that Quain kept.³³⁵ Clerical staff at the MEO are responsible for handling personal effects, most of which are kept in a space on the first floor of the MEO, but once that space fills to capacity, older items are moved to the basement room.³³⁶ Items in the room are labeled with a slip containing a name, case number, and date.³³⁷ Sullivan's audit and inventory process involved sorting through the boxes, moving them to a conference room, taking photos of the items, and shredding the slips.³³⁸ The oldest items in the room dated back to 1976.³³⁹ MEO staff worked with the Procurement Department to handle this process.³⁴⁰

On January 24, 2017, while sorting the boxes in the personal effects room, Sullivan, along with two employees from the Procurement Department, found remains in a box.³⁴¹ The box was labeled "MOVE evidence" and contained a clear package inside.³⁴² Sullivan could not recall

³³² Sullivan Interview.

³³³ Sullivan and Quain believe that this process was in anticipation of the relocation of the MEO to a new building from its then offices at 321 South University Avenue, Philadelphia, PA 19104. We do not believe that this process was tied to any imminent move of the MEO, given contemporaneous news sources showing that by early 2016, and certainly by January 2017, the Kenney Administration had begun reconsidering plans to move the MEO and the Police Department to 4601 Market Street, to which the Nutter Administration agreed, and instead preferred the building which served as the former headquarters of the *Philadelphia Inquirer*, on 4040 North Broad Street. Melissa Romero, "Kenney Administration Reconsidering Police Headquarters MOVE," *Curbed Philadelphia* (May 31, 2016) <https://philly.curbed.com/2016/5/31/11818166/philly-police-headquarters-inquirer-building>. In December 2021, the MEO relocated to the former *Inquirer* Building.

³³⁴ Sullivan Interview.

³³⁵ Sullivan Interview.

³³⁶ Sullivan Interview.

³³⁷ Sullivan Interview.

³³⁸ Sullivan Interview.

³³⁹ Gulino Interview; January 25, 2017 Email "MOVE items" from S. Gulino to C. Johnson and S. Jarrah. NB: Sullivan said that the oldest items dated back to 2007.

³⁴⁰ Quain Interview; Sullivan Interview.

³⁴¹ Sullivan Interview; May 10, 2021 Gulino Memorandum "Investigation regarding MOVE bombing victims' remains".

³⁴² Sullivan Interview.

whether the box, or the packages within it, were otherwise labeled.³⁴³ Sullivan immediately discerned that the box was different from the other boxes in the room when he opened it, describing the contents as “unexpected” and obviously human remains.³⁴⁴ Unlike the process used to review and audit the personal effects, Sullivan did not photograph the box of remains. Instead, Sullivan and Procurement personnel finished their work for the day, concluding around noon or 1 p.m., and notified others about the box.³⁴⁵

Sullivan notified both Dr. Gulino and Quain but could not recall with whom he spoke first. He recalls later bringing the box to Dr. Gulino’s office.³⁴⁶ A contemporaneous email—excerpted below—confirms that Sullivan immediately notified Quain of the box’s discovery.³⁴⁷ Sullivan and Procurement personnel never again discussed the box, and Sullivan was never asked about the box until our interview.³⁴⁸

Before Quain could alert Dr. Gulino about this discovery, Dr. Gulino received a call from Jarrah who learned of the discovery of the box from the Procurement personnel working with Sullivan in the personal effects room.³⁴⁹ Dr. Gulino then followed up with his own staff to learn more.³⁵⁰ On the afternoon of January 25, 2017, Dr. Gulino recalled that he and Quain went to the personal effects room to look at the box.³⁵¹ Dr. Gulino said that in addition to the box of human remains, he saw a bankers’ style box of documents related to the Commission and outside experts’ work on the MOVE bombing. These documents, Dr. Gulino clarified, were not the case files for each of the MOVE victims. Dr. Gulino did not recall if the boxes were found together.³⁵²

³⁴³ Sullivan Interview.

³⁴⁴ Sullivan Interview.

³⁴⁵ Sullivan Interview

³⁴⁶ Sullivan Interview.

³⁴⁷ January 25, 2017 Email “MOVE items” from S. Gulino to C. Johnson and S. Jarrah.

³⁴⁸ Sullivan Interview.

³⁴⁹ Gulino Interview.

³⁵⁰ Gulino Interview. Jarrah had no recollection of these events during his interview, despite reviewing contemporaneous emails that referred to this call in detail.

³⁵¹ Gulino Interview; January 25, 2017 Email “MOVE items” from S. Gulino to C. Johnson and S. Jarrah. Quain recalled first learning of the box of remains during one of their weekly, one-on-one meetings with Dr. Gulino; he said it came up causally in conversation, and Dr. Gulino gestured to the box in his office. Dr. Gulino’s contemporaneous email suggests Quain visited the personal effects room and looked at the box with Dr. Gulino the day after it was discovered.

³⁵² Though we have reviewed the contents of this box, we have not identified any other person who recalled the existence of a second box of MOVE-related items.

Later in the day on January 25, Dr. Gulino wrote an email to Jarrah and Dr. Johnson (since she was his supervisor) informing her that a box of MOVE “items” labeled “MOVE EVIDENCE” had been found at the MEO and confirming his call with Jarrah.³⁵³ As Dr. Gulino wrote to Dr. Johnson and Jarrah:

To: Caroline Johnson[Caroline.Johnson@phila.gov]; Sami Jarrah[Sami.Jarrah@Phila.gov]
From: Sam Gulino[/O=PHILA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=SAM GULINO599]
Sent: Wed 1/25/2017 7:55:46 PM (UTC)
Subject: MOVE items

Good afternoon,

Our Administrative Officer, Gary Sullivan, met with two representatives from Procurement yesterday and showed them the backlog of personal effects going back to 1976. During that tour, Gary and the Procurement staff opened several boxes to get a sense of the types of items being stored. Gary opened one box labeled “MOVE EVIDENCE”.

Gary was surprised by what was in this box because it did not belong in this area. In fact, he said that he’s sure the Procurement folks probably easily read the surprise on his face. However, neither he nor anyone else removed the box from the room, as someone stated. He finished the tour of the storage area with the Procurement staff, locked the room (with the box still inside, exactly where it had been), and took the Procurement folks upstairs to meet with Dave Quain. He told Dave about the box after the meeting with Procurement staff. Dave was going to talk to me about it today during our weekly one-on-one, but Sami’s call beat him to it.

I went in the effects storage room this afternoon with Dave, and the box in question was sitting there, exactly where Gary left it.

The items in that box really should not be in our building, much less in that room. The box was clearly placed in there back in 1985, probably because it is one of the most secure rooms in the building, and 3 decades of personal effects accumulated around it. (The personal effects in that room go back to 1976.) On our initial look, there appear to be more things like this...items that someone wanted to secure, so they tossed them in this room even though they are not personal effects.

I now have to figure out what we are going to do with this stuff, but that is a separate conversation.

Sam

Jarrah responded to Dr. Gulino’s email that evening. He wrote, “Thank you for the summary, Sam. I followed up with Procurement so they know we are researching the correct home for these items. Please let me know if you need any help identifying the correct location, or if you wish to discuss.”³⁵⁴ Though the box contained bone, bone fragments, and tissue, both Dr. Gulino and Jarrah did not expressly describe them as such in their emails, but Dr. Gulino explained they both understood he was talking about the human remains that were found since Jarrah had already called Dr. Gulino and informed him what was in the box.³⁵⁵ Jarrah, however, said he had no

³⁵³ January 25, 2017 Email “MOVE items” from S. Gulino to C. Johnson and S. Jarrah.

³⁵⁴ January 25, 2017 Email “MOVE items” from S. Gulino to C. Johnson and S. Jarrah. Dr. Gulino noted that he now knows the box was labeled “MOVE SAVE,” not “MOVE EVIDENCE.”

³⁵⁵ Gulino Interview. During our interview with him, Dr. Gulino described the contents of the box as “specimen,” which are samples of tissue, liquid, or other material collected from the body that are used for a routine purpose like drug and alcohol testing or identification. Though he did not have first-hand knowledge about why the MEO Box and its contents were retained at the MEO, Dr. Gulino surmised that the items found at the MEO were most likely samples kept for DNA testing and further identification. According to Dr. Gulino, “remains,” by contrast, serve no investigatory purpose, and are the parts of the body that are to be returned to the family upon completion of the MEO’s examination. Dr. Gulino noted that the remains were not stored properly, and he cautioned that without knowing the true reason why they were kept, it is impossible to say if they are technically “remains” or “specimen.” For the sake of this Report

recollection of these events or the contents of the box, but assumed that the box only contained documents, despite the context of the email above suggesting that it contained evidence that was more alarming or troubling.³⁵⁶ Dr. Gulino did not discuss the box further with Jarrah, and the only discussions he had with Dr. Johnson regarding the box are described below.

b. *Dr. Gulino Consulted Drs. Johnson and Farley About how to Handle the MEO Box*

Within a few weeks of the box's discovery, Dr. Gulino and Dr. Johnson met in Dr. Johnson's office at 1101 Market Street, Philadelphia, PA 19107, where, at the time, all Department of Health executive staff worked in one office suite. Both Drs. Gulino and Johnson said that this meeting was one of their routine, weekly meetings given Dr. Gulino directly reported to Dr. Johnson at the time.³⁵⁷ During this meeting, Dr. Gulino talked to Dr. Johnson about the MEO Box to solicit her opinion on how to handle it. Dr. Gulino told Dr. Johnson that the box contained unidentified "bone fragments," but did not show her any photos.³⁵⁸ Dr. Johnson had no sense of what types of bones were in the box, and she did not request to see the box, nor did Dr. Gulino invite her to do so.³⁵⁹ Dr. Johnson recalled Dr. Gulino saying that he could not recreate the chain of custody or paper trail because the MOVE events occurred long before computer records existed in the MEO, and he could not link these remains to any documents he had.³⁶⁰

In late January or early February 2017, Dr. Johnson and Dr. Gulino together consulted with Dr. Farley to ask him how to handle the contents of the MEO Box.³⁶¹ Dr. Gulino believed that this meeting took place the same day as his meeting with Dr. Johnson—that he and Dr. Johnson went together from their initial meeting in Dr. Johnson's office directly to Dr. Farley's office, which was adjacent to Dr. Farley's office, to talk to him about the box.³⁶² Dr. Johnson thought that Dr. Gulino set up a meeting with Dr. Farley, but noted that it was not unusual for her and Dr. Gulino to meet with the Health Commissioner on a variety of topics.³⁶³ It was not Dr. Gulino's practice to ask the Health Commissioner for direction regarding MEO matters of this type, and Dr. Gulino judged that there was no evidentiary value to the remains (as discussed in more detail above).³⁶⁴ Nonetheless, Dr. Gulino explained that this situation was something he had never dealt with before, and he recognized the sensitive nature and political import of MOVE remains.³⁶⁵ He

and from a layperson's perspective, we refer to the bones, bone fragments, and tissue found in the MEO Box as "remains" rather than specimen.

³⁵⁶ Jarrah Interview.

³⁵⁷ Johnson Interview.

³⁵⁸ Johnson Interview.

³⁵⁹ Johnson Interview.

³⁶⁰ Johnson Interview.

³⁶¹ Gulino Interview; Johnson Interview; May 10, 2021 Gulino Memorandum "Investigation regarding MOVE bombing victims' remains".

³⁶² Gulino Interview.

³⁶³ Johnson Interview.

³⁶⁴ Gulino Interview.

³⁶⁵ Gulino Interview; May 10, 2021 Gulino Memorandum "Investigation regarding MOVE bombing victims' remains". *See also* Johnson Interview.

therefore “did not feel it was appropriate for [him] to make the decision as to whether the specimens should be destroyed or offered to next of kin for interment.”³⁶⁶

The in-person meeting took place in Dr. Farley’s office and lasted approximately half an hour to one hour.³⁶⁷ Dr. Gulino shared the same information with Dr. Farley that he had conveyed to Dr. Johnson: he presented the story of how the MEO Box was found at the MEO and generally what was in it.³⁶⁸ But Dr. Gulino did not bring the box of remains to this meeting or present pictures of the remains, and there was no discussion of the exact type or quantity of remains in the box.³⁶⁹ Dr. Farley recalled discussion of only bones, not tissue, and he thought it was a small number of remains.³⁷⁰ Dr. Gulino explained that the MEO did not have an established protocol for disposing of these types of items, as they are not typically kept that long nor were they the normal type of materials that the MEO retains for testing or investigatory purposes.³⁷¹ Dr. Gulino recommended that the contents be cremated because biohazard disposal processes would not destroy them.³⁷² Dr. Johnson recalled explaining the significance of the MOVE bombing for Dr. Farley’s benefit at this meeting, telling him that it was a traumatizing event in the City’s history that needed to be given due consideration.³⁷³

As the meeting concluded, Dr. Farley verbally directed Dr. Gulino to hold the remains for six months and then, if Dr. Gulino did not hear from Dr. Farley further on the issue, to destroy the remains in the same manner as other evidence or specimen would be handled.³⁷⁴ Dr. Farley did not think that seeing the remains would have influenced or changed his decision to direct Dr. Gulino to hold and then cremate the remains.^{375, 376} Dr. Farley directed Dr. Gulino to cremate the remains to, in his words, avoid further trauma for the family.³⁷⁷ He did not, however, direct the

³⁶⁶ May 10, 2021 Gulino Memorandum “Investigation regarding MOVE bombing victims’ remains” at 4.

³⁶⁷ Farley Interview.

³⁶⁸ Johnson Interview; Gulino Interview.

³⁶⁹ Johnson Interview; Farley Interview.

³⁷⁰ Farley Interview.

³⁷¹ Gulino Interview.

³⁷² Gulino Interview.

³⁷³ Johnson Interview.

³⁷⁴ Gulino Interview; Johnson Interview.

³⁷⁵ Farley Interview.

³⁷⁶ Dr. Farley said that Jane Baker was present at the meeting along with Drs. Johnson and Gulino, and that Baker advised him that there was one living survivor of the bombing. We have found no other support for this assertion and believe that Dr. Farley’s recollection is in error. Baker had no recollection of this meeting, let alone participating in it, and she had no knowledge of the box of remains until 2021. In addition, neither Dr. Johnson nor Dr. Gulino had any recollection of other participants at this meeting.

³⁷⁷ Farley Interview. Dr. Farley explained that he requested the six-month period to see if it became publicly known and would warrant a different response.³⁷⁷ Specifically, Dr. Farley said that a police officer was present during the discovery of the box, and he wanted to see if the officer was aware or would leak any information. No one else that we spoke to who was involved in the 2017 discovery recalled the presence of a police officer when the box of remains was discovered.

immediate cremation. He told us during his interview that if it were widely known that the bones existed, he would have felt obligated to contact the family, and he requested the six-month waiting period to determine if the discovery became public.

c. *Pursuant to Dr. Farley's Instruction, an MEO Employee was Directed to Cremate the Box of Remains*

The MEO Box was eventually moved from the personal effects room in the basement of the MEO to a cold storage room on the ground floor called "Box 2."³⁷⁸ We have not been able to determine when or by whom the box was moved. After receiving the direction to cremate the contents of the box, within a day or two of the meeting, Dr. Gulino directed Quain to have the remains cremated.³⁷⁹ In turn, Quain recalls directing forensic investigator supervisor Harolyn Chris Rogers to handle the cremation, as it was within the scope of the forensic investigator supervisor's job description.³⁸⁰ Quain assumed, but could not specifically recall, that he gave Rogers possession of the box and its contents to handle the cremation.

Rogers created an inventory of the contents of the box, titled "ITEMS FOUND IN MOVE BOX," marked with his initials, "HCR," at the bottom of the page and dated "11/21/17."³⁸¹ We will refer to this document as the "2017 Inventory." Notably, this date is approximately 10 months after the meeting when Dr. Farley gave the direction to cremate the remains. The 2017 Inventory listed 11 packages or sets of remains, tags associated with the various packages, and the contents of the packages.³⁸² The 11 packages were associated with a number of different MOVE victims, identified by case numbers, names, and/or body letters. The 2017 Inventory listed various bones and bone fragments—including materials described as dentition, maxilla, mandible, ramus, teeth, pubis, long bones, iliac crest, and corpus—as well as unknown tissue in glass jars.³⁸³ While Quain did not recall if he requested that Rogers create such a list cataloging the contents of the box, he believed creating one was good practice.³⁸⁴

Quain twice asked Rogers whether he had carried out the cremation but learned that Rogers had not yet done so. Quain said that he normally would not follow up on the status or completion of cremations, but MOVE was "different," particularly because the box was found in a place it should not have been, the remains were to be cremated as opposed to discarded like any other specimen, and Dr. Gulino went to Dr. Farley about it, which was unusual.³⁸⁵ After a few months, Rogers reported to Quain that the cremation was complete, but Quain did not recall exactly when this occurred.³⁸⁶ He attributed the delay in implementing the directive to the fact that the MEO is a busy office where tasks can suffer from delay, but he did not know if Rogers' delay in cremating

³⁷⁸ Willer Interview.

³⁷⁹ Quain Interview; Gulino Interview.

³⁸⁰ Quain Interview. Rogers left the MEO on January 1, 2021, but before his departure, he was voluntarily demoted, as his own request, from his supervisory role.

³⁸¹ MOVE 2017 Inventory.

³⁸² MOVE 2017 Inventory.

³⁸³ MOVE 2017 Inventory.

³⁸⁴ Gulino Interview; Quain Interview.

³⁸⁵ Quain Interview.

³⁸⁶ Quain Interview; Gulino Interview.

the MOVE remains was intentional. Quain kept a copy of the 2017 Inventory on his desk and handwrote “cremated?” on the paper—later crossing out the question mark when he learned that the remains were cremated.³⁸⁷ He did not recall when he made this change on the paper. Quain updated Dr. Gulino when he learned the remains were cremated. Based on the MEO’s normal procedures for the cremation of remains, Dr. Gulino understood or expected that the remains would be cremated through a funeral home that provides free cremation services for the MEO.³⁸⁸

Our investigation uncovered no further evidence or documentation of the efforts to complete the cremation of the remains. However, Quain explained that the cremation of these remains would not necessarily have been documented on the traditional “cremation lists” kept by the MEO because funeral homes and crematoriums cannot cremate remains without a death certificate, and the remains associated with the victims of the MOVE bombing had already been released and had a death certificate on file.³⁸⁹

Dr. Gulino contacted the Records Commissioner Jim Leonard regarding the box of documents, which were Dr. Hameli’s files, to see if he wanted the box.³⁹⁰ Dr. Gulino kept the box in his office for a few months until it was picked up and taken to Archives.³⁹¹

Everyone we interviewed expressed surprise regarding the discovery of the MEO Box in 2017 and had no understanding of how the box came to be located in the personal effects room of the basement of the MEO. Drs. Gulino and Johnson and Quain assumed that the remains were kept for diagnostic or identification purposes, including potential DNA testing.³⁹² Some interviewees speculated that the box was put there many years ago and forgotten. After the cremation directives, and despite the acknowledged sensitivity of the discovery of these remains, none of the individuals involved in the discovery of the box of remains recalled any further discussion with each other or other people about the box between 2017 and 2021, and we have found no evidence that it was brought up again by any of them.³⁹³

³⁸⁷ Quain Interview; MOVE 2017 Inventory.

³⁸⁸ May 10, 2021 Gulino Memorandum “Investigation regarding MOVE bombing victims’ remains”.

³⁸⁹ Quain Interview. Quain explained that funeral homes generally agree to cremate certain other remains for which there is no death certificate, like fetal remains, to dispose of the remains in a more dignified manner than biohazard waste.

³⁹⁰ Gulino Interview.

³⁹¹ Gulino Interview.

³⁹² Johnson Interview; Gulino Interview.

³⁹³ We inquired as broadly as possible to determine whether there were any discussions regarding the box of MOVE remains or even MOVE generally that might be relevant to this issue. No one recalled any such conversations. However, due to the City’s email retention policies, we do not have access to emails from 2017 from anyone except Dr. Farley and Dr. Johnson.

4. The MEO Box was Re-Discovered at the MEO in 2021

a. *Penn’s Continued Possession of MOVE Remains Became Public in April 2021*

On April 21, 2021, two articles were published about the continued possession of MOVE-remains by Drs. Mann and Monge at the Penn Museum. Maya Kassutto published an article entitled “Remains of children killed in MOVE bombing left in a box at Penn Museum for decades” in *Billy Penn*³⁹⁴; the same day, Abdul-Aliy Muhammad published an opinion piece entitled “Penn Museum owes reparations for previously holding remains of a MOVE bombing victim” in *The Philadelphia Inquirer*.³⁹⁵ These articles publicly described that Drs. Mann and Monge had in their possession, since after the bombing, MOVE-related remains at Penn and then Princeton and that Dr. Monge had used them in a 2019 Coursera video.³⁹⁶ These revelations sparked significant news coverage and public outcry and, in particular, were met with anger and sadness from the victims’ families.³⁹⁷

The day before her article was published, Kassutto wrote to the communications director at the Health Department, James Garrow, requesting information regarding bones of the MOVE victims.³⁹⁸ Garrow then contacted Drs. Farley and Gulino and Quain. Dr. Gulino responded the same day and said, “The MEO would only retain skeletal remains—or any materials for that matter—for the purposes of our investigation, not for research. . . . I am unaware of any bones associated with MOVE still being present in our office.”³⁹⁹ Quain also replied, “There are no

³⁹⁴ Maya Kassutto, “Remains of children killed in MOVE bombing left in a box at Penn Museum for decades,” *Billy Penn* (April 21, 2021), <https://billypenn.com/2021/04/21/move-bombing-penn-museum-bones-remains-princeton-africa/>.

³⁹⁵ Abdul-Aliy Muhammad, “Penn Museum owes reparations for previously holding remains of a MOVE bombing victim,” *The Philadelphia Inquirer* (April 21, 2021), <https://www.inquirer.com/opinion/commentary/penn-museum-reparations-repatriation-move-bombing-20210421.html>.

³⁹⁶ Maya Kassutto, “Remains of children killed in MOVE bombing left in a box at Penn Museum for decades,” *Billy Penn* (April 21, 2021), <https://billypenn.com/2021/04/21/move-bombing-penn-museum-bones-remains-princeton-africa/>; Abdul-Aliy Muhammad, “Penn Museum owes reparations for previously holding remains of a MOVE bombing victim,” *The Philadelphia Inquirer* (April 21, 2021), <https://www.inquirer.com/opinion/commentary/penn-museum-reparations-repatriation-move-bombing-20210421.html>.

³⁹⁷ Michael D’Onofrio, “MOVE members say Penn Museum, officials ‘defiled’ remains of children in 1985 bombing,” *The Philadelphia Tribune* (April 26, 2021), https://www.phillytrib.com/news/local_news/move-members-say-penn-museum-officials-defiled-remains-of-children-in-1985-bombing/article_26c3ef7e-dd3c-5f25-845f-c765ea54393a.html#:~:text=The%20MOVE%20members%20did%20not,t%20give%20us%20our%20children.

³⁹⁸ April 20, 2021 Email “Media Inquiry: MOVE Bones” from Kassutto to Garrow.

³⁹⁹ April 20, 2021 Email “Media Inquiry: MOVE Bones” from S. Gulino to J. Garrow, and D. Quain.

MOVE related remains at the MEO.”⁴⁰⁰ After Kassutto’s article was released on April 21, 2021, Dr. Gulino wrote to Garrow:

I’ve never even had reason to look at the original case files from these deaths, which should be in the City Archives. The only thing that has come up regarding MOVE during my 13 years here was a few years ago; while cleaning out an old storage room in our basement, my staff found a box of records related to the MOVE Commission. We turned it over to the Records Department.⁴⁰¹

When we asked Dr. Gulino why he did not mention to Garrow the discovery of the box of MOVE-related remains found at the MEO in 2017 or the direction to cremate them, Dr. Gulino said he wanted to speak with Dr. Farley before mentioning the box of remains to Garrow, particularly because he did not know to whom Garrow would release the information.⁴⁰² The week the news became public, Dr. Gulino asked Quain about the MEO Box, at which point Quain told Dr. Gulino he had instructed Rogers to cremate the remains and showed Dr. Gulino a copy of the 2017 Inventory with Quain’s handwritten notation “cremated?” and the “?” crossed out.

Having directed the cremation of the box of MOVE remains in 2017, by April 21, 2021, when the news of the Penn remains became public, Dr. Farley was aware that the events of 2017 were newsworthy, at a minimum. Yet, from April 21, 2021, to May 10, 2021, Dr. Farley did not tell or speak to anyone, other than Dr. Gulino, about the 2017 directive to cremate the remains that had been found at the MEO. He explained that he wanted the benefit of all information before he discussed it with anyone else, though he agreed that he could have shared the important information he knew before he had completed a full review.⁴⁰³

b. *In Response to the Penn News, Dr. Gulino Undertook an Internal Review of MEO Materials Related to MOVE*

The same day that Kassutto and Muhammad’s articles were published, Dr. Gulino asked his assistant to compile a list of the case numbers for the MOVE bombing victims and request the case files for each of the eleven victims from the City Archives.⁴⁰⁴ Dr. Gulino received the case files on April 28, 2021, and began to review the materials.⁴⁰⁵ The case files comprised the MEO’s documents for the victims, such as the certificates of death, postmortem reports, toxicology reports, FBI fingerprint reports, MEO correspondence with family members, the MEO investigative log, and the MEO’s final report. Dr. Gulino collected and reviewed these files on his own volition; he

⁴⁰⁰ April 20, 2021 Email “Media Inquiry: MOVE Bones” from D. Quain to J. Garrow and S. Gulino.

⁴⁰¹ April 21, 2021 Email “Media Inquiry: MOVE Bones” from S. Gulino to J. Garrow and D. Quain.

⁴⁰² Gulino Interview.

⁴⁰³ Farley Interview.

⁴⁰⁴ Gulino, “Timeline of MOVE bombing investigation”.

⁴⁰⁵ Gulino, “Timeline of MOVE bombing investigation”.

told us that he wanted to see if there were any records about the remains being given to Penn, and he expected questions would be asked of him.⁴⁰⁶

On May 3, 2021, Dr. Gulino emailed Dr. Farley, Baker, and Garrow summarizing the information he learned from his review of the archived records and providing a copy of Dr. Segal's 1986 Final MEO report.⁴⁰⁷ His review focused on the events of 1985-1986 to understand how MOVE-related remains were transferred to Drs. Monge and Mann.⁴⁰⁸ Dr. Gulino advised, "The report does not make any mention of bones being given to Dr. Mann or the Penn Museum to continue to identify them," speculating that Dr. Hameli, rather than the MEO, made the decision to give the remains to Dr. Mann because Dr. Hameli had control over the remains.⁴⁰⁹ Dr. Gulino visited the City Archives the afternoon of May 3, 2021 to review additional materials, and later that day, Dr. Gulino wrote to Dr. Farley, Baker, and Garrow with the message "Mystery solved. It would be easier for me to explain in a phone call."⁴¹⁰ Dr. Gulino spoke with Garrow and Baker by phone to discuss what he learned about the historical events of 1985-1986.⁴¹¹

On May 7, 2021, Dr. Farley contacted Dr. Gulino and asked him to prepare a report memorializing the information he learned from his review of the archived MOVE records.⁴¹² Dr. Gulino drafted a report, which also included a description of the events of 2017.⁴¹³ The report, entitled "Investigation regarding MOVE bombing victims' remains" was prepared as a memorandum with A City of Philadelphia Department of Health Medical Examiner's Office heading. The report is dated May 10, 2021 from Dr. Gulino in his capacity as Chief Medical Examiner, but he did not identify any recipients.

The introduction of the report reads,

At the request of the Health Commissioner, I undertook an investigation into the handling of the remains of the MOVE bombing victims by the MEO and its consultants. In performing this investigation, I reviewed the original MEO case files and also went to the City Archives on May 3, 2021, to review relevant documents in possession of the Records Department.

⁴⁰⁶ Gulino Interview.

⁴⁰⁷ May 3, 2021 Email "MOVE report" from S. Gulino to T. Farley, J. Baker, and J. Garrow.

⁴⁰⁸ Gulino Interview.

⁴⁰⁹ May 3, 2021 Email "MOVE report" from S. Gulino to T. Farley, J. Baker, and J. Garrow. Our investigation has shown that, in fact, it was Dr. Segal who transferred these remains to Drs. Mann and Monge in September 1986. It appears that Dr. Gulino did not have access to the records of this transfer. In any event, Dr. Hameli was adamant that in his role as the MOVE Commission's expert he never had custody or control over the remains.

⁴¹⁰ May 3, 2021 Email "MOVE report" from S. Gulino to T. Farley, J. Baker, and J. Garrow.

⁴¹¹ Gulino, "Timeline of MOVE bombing investigation"; Baker Interview.

⁴¹² Gulino, "Timeline of MOVE bombing investigation"; Gulino Interview.

⁴¹³ May 10, 2021 Gulino Memorandum "Investigation regarding MOVE bombing victims' remains".

The report describes how after the bombing, the MEO undertook the work of identifying the victims under the direction of Dr. Segal, which was then transferred to the Hameli Team (referred to as the “Pathology Group” in Dr. Gulino’s report) between July and October 1985, and that the Hameli Team testified before the Commission on November 5, 1985 reporting that they had completed the identifications of the five individuals not previously identified by the MEO: “Vincent Lopez Leaphart (John Africa), Little Phil Africa, Zanetta Dotson (Netta Africa), Delisha Africa, and Katricia J. Dotson (Tree Africa or ‘Tree-Tree’).” Dr. Gulino wrote that after their testimony, the experts’ papers were turned over to the MEO—describing that “[a] box containing these records was discovered by my staff in a storage room in 2017 and was sent to the City Archives.” Dr. Gulino observed that although the remains were cleared for release and it “appeared to be a clear expectation that the work of the Commission and the Pathology Group would be the final word on the investigation of the deaths of these victims, the MEO resumed its investigations in November 1985, in particular regarding the identifications of Delisha Africa and Katricia Dotson (Tree).”⁴¹⁴ The report provides a timeline of the work of the MEO and experts after November 1985 and release of remains, as described in the City Archives. Importantly, Dr. Gulino qualifies that “There is no documentation of what was released.”

Finally, Dr. Gulino’s report includes a section entitled “Retained specimens” where he describes the Toxicology specimen found and subsequently discarded in 2009, and the discovery of the box of MOVE-related remains found in the personal effects room at the MEO in 2017. Dr. Gulino summarized the narrative described herein. He described two boxes found in the personal effects room, one box of documents relating to the Hameli Team’s work and another of “bones, bone fragments, and jars of unidentifiable tissue.” Dr. Gulino summarized his response to the discovery of the box as follows,

It is commonplace in forensic pathology to retain specimens for various purposes (identification, diagnosis, evidence in criminal proceedings), but in most jurisdictions such items would be destroyed after serving the intended purpose. Given that more than three decades had passed since the work of the Pathology Group had been completed and all victims’ remains had been identified and released, I judged that these specimens had no evidentiary value. I was, however, aware of the sensitive political nature of the MOVE bombing investigation and did not feel it was appropriate for me to make the decision as to whether the specimens should be destroyed or offered to the next of kin for interment. I consulted with the Deputy Health Commissioner to whom I reported and we together consulted with the Health Commissioner, who made the determination that the specimens should be cremated. I relayed this decision to the Forensic Services Director, who made arrangements with a funeral home that provided indigent cremation services for the MEO to cremate the specimens. At the time this decision was

⁴¹⁴ May 10, 2021 Gulino Memorandum “Investigation regarding MOVE bombing victims’ remains”.

made, the MEO was unaware of any specimens that had been retained by Dr. Mann or any other person.

Drs. Gulino and Farley met in person to discuss this report on May 10, 2021, despite operating mostly remotely at that point in the Covid pandemic.⁴¹⁵ Dr. Gulino told Dr. Farley that they would need to disclose the discovery and destruction of the MEO Box in 2017, noting that if the City or the MEO were subpoenaed, they would need to provide the relevant records concerning the MEO Box.⁴¹⁶ Dr. Farley provided minimal, non-substantive comments to the report, other than recommending that Dr. Gulino should not render opinions about the MEO's conduct in 1985.⁴¹⁷

c. *Dr. Farley Informed the Administration of the Discovery of MEO Box and Resigned*

That same day, upon reviewing Dr. Gulino's report, Dr. Farley contacted Deputy Managing Director for Health and Human Services Eva Gladstein and offered to resign, recognizing, in retrospect, that his decision to direct the cremation of the remains in 2017 was a mistake.⁴¹⁸ Dr. Farley also expressed concern that the administration could not withstand the political ramifications of his actions, which were inconsistent with the values and principles of the administration, particularly in the wake of the pandemic.⁴¹⁹

Gladstein relayed the conversation to Managing Director Tumar Alexander.⁴²⁰ Mayor Kenney's Chief of Staff Jim Engler called Mayor Kenney the evening of May 11, 2021, and informed the Mayor that a box of MOVE human remains was found in 2017, that Dr. Farley directed the box to be cremated, and that Dr. Farley had offered to resign.⁴²¹ Dr. Farley then spoke with Gladstein, Alexander, and Engler, who told him that Mayor Kenney was requesting Dr. Farley's immediate resignation.⁴²² That evening, Gladstein contacted Dr. Gulino, asking if he would be available for a video call; Dr. Gulino spoke with Gladstein, Alexander, and Engler, told them everything he knew, and explained his anticipated next steps. They directed Dr. Gulino to not take any further action.⁴²³ The following day, on May 12, 2021, Gladstein contacted Dr. Gulino again for another video call; Dr. Gulino met with Gladstein, Alexander, and First Deputy

⁴¹⁵ Gulino, "Timeline of MOVE bombing investigation".

⁴¹⁶ Gulino Interview.

⁴¹⁷ Gulino Interview; Farley Interview; Gulino, "Timeline of MOVE bombing investigation".

⁴¹⁸ Farley Interview.

⁴¹⁹ Gladstein Interview.

⁴²⁰ Gladstein Interview.

⁴²¹ Kenney Interview; Laura McCrystal, "Philly Health Commissioner resigns over cremating MOVE victims without telling family; Kenney apologizes," *The Philadelphia Inquirer* (May 14, 2021), <https://www.inquirer.com/news/philadelphia/thomas-farley-resigns-philadelphia-health-commissioner-move-20210513.html>; David Chang, "Philly Health Commish Ousted After MOVE Victims' Remains Cremated and Discarded," *NBC 10 Philadelphia* (May 13, 2021), <https://www.nbcphiladelphia.com/news/local/philly-health-commissioner-dr-thomas-farley-resigns-over-handling-of-remains-of-move-bombing-victims/2813602/>.

⁴²² Farley Interview.

⁴²³ Gulino, "Timeline of MOVE bombing investigation"; Gulino Interview.

Managing Director Vanessa Garrett-Harley.⁴²⁴ They informed Dr. Gulino that he would be placed on administrative leave pending an internal investigation.⁴²⁵ Upon the completion of this internal investigation, Dr. Gulino was not found to have violated any policies or procedures or to have engaged in any misconduct or wrongdoing and was reinstated in July 2021. Thereafter, Dr. Gulino voluntarily decided to resign as Chief Medical Examiner in August 2021.⁴²⁶

On May 13, 2021, Dr. Farley resigned and issued a public statement.⁴²⁷ An MEO employee who was home and not at work saw news coverage of the events and realized that they were referring to a box they knew to be located in the cold storage room.⁴²⁸ When this employee arrived at work the next day, May 14, 2021, they confirmed that the MOVE Box was still in cold storage room Box 2, and immediately informed Acting Chief Medical Examiner Dr. Albert Chu and Quain.⁴²⁹ Dr. Chu and Quain went to the cold storage room to see the box, and Quain informed Dr. Chu about the inventory that was created in 2017.⁴³⁰ Dr. Chu briefly compared the contents of the box (without unpacking or analyzing the remains) to the inventory, confirming that it was the same box that was found in 2017.⁴³¹ Dr. Chu and Quain immediately informed then-acting Health Commissioner Dr. Cheryl Bettigole and called Gladstein.⁴³²

Upon receiving the news of the box, Mayor Kenney went directly to the MEO to see the box of remains—though he did not review the contents—and personally inform members of the Africa Family who were present at the MEO at the time reviewing the MEO case files for each MOVE victim.⁴³³ Dr. Farley learned of the discovery of the box and the fact that the remains were never cremated two days after his resignation through a call from the Deputy Managing Director.⁴³⁴

Dr. Chu moved the box of remains to his office for safekeeping. By 2021, the exterior of the box had visible water damage, likely from temperature fluctuations in the cold storage room.⁴³⁵ The remains were kept in the original clear plastic packages and glass jars, and in September 2021 were repackaged for better preservation.

⁴²⁴ Gulino Interview.

⁴²⁵ Gulino Interview. Dr. Gulino’s leave ended on July 19, 2021.

⁴²⁶ Notwithstanding his resignation, Dr. Gulino continued to cooperate with this investigation and met with our investigation team voluntarily after he left the City.

⁴²⁷ “Mayor Jim Kenney Announces Resignation of Health Commission Dr. Thomas Farley,” Press Releases, City of Philadelphia (May 13, 2021), <https://www.phila.gov/2021-05-13-mayor-jim-kenney-announces-resignation-of-health-commissioner-dr-thomas-farley/>.

⁴²⁸ Willer Interview.

⁴²⁹ Willer Interview; Chu Interview.

⁴³⁰ Chu Interview.

⁴³¹ Chu Interview.

⁴³² Chu Interview.

⁴³³ Kenney Interview.

⁴³⁴ Farley Interview.

⁴³⁵ Willer Interview.

V. CONCLUSION

While this Report touched on a number of issues related to the MOVE bombing and its aftermath, the scope of our investigation and this Report is inherently narrow given our limited charge. We examined the handling of the remains, attempting to perform a chain of custody analysis from 1985 to present. In doing so, as captured in Appendix B to this Report, for each of the 11 victims, we conducted an individualized analysis of the remains recovered at the scene of the bombing; their transfer to the MEO; their review by various pathologists at the MEO, experts nationwide, and the Hameli Team; their identification through the MEO and Hameli Team's investigative efforts; the release to next of kin; and ultimately, the burial and/or cremation of the remains.

We also specifically examined the contemporary evidence related to the remains of MOVE victims that were or are currently at the MEO, including the destruction of toxicology samples from victims in 2009, the discovery of the MEO Box in 2017, and the re-discovery of the MEO Box in 2021. As captured in Appendix A to this Report, we analyzed the contents of the MEO Box and suggested potential associations between the victims' files and the remains currently located at the MEO. We hope that this information will assist in further identification efforts.

VI. APPENDIX A: The Contents of the MEO Box

In addition to our charge to examine chain of custody of the remains of the victims of the MOVE bombing,⁴³⁶ while conducting that investigation and, in particular, tracing the possible source of the remains found in the box at MEO in May 2021 (the “MEO Box”),⁴³⁷ we have also learned facts that may shed light on the identification of those remains. As a result, we believe that we can provide some general conclusions about those remains and, in particular, whether the remains were discussed or referenced in earlier reports that we examined. To be clear, in this section we do not intend or claim to identify these remains formally or informally, but we hope that the information supplied here will facilitate any subsequent effort to do so.

The analysis below relies on certain key reports that we reviewed during our investigation. Though we have referenced these throughout this Report, we define them below for clarity and ease of reference:

- Transcript of Testimony of Drs. Hameli, Kerley, and Levine before the MOVE Commission on November 5, 1985 (hereafter “Dr. Hameli’s Testimony”);
- Postmortem reports and other reports from the MEO case files of the 11 victims;
- Dr. Robert J. Segal’s Final Report on the MOVE Investigation dated April 14, 1986, on behalf of the MEO (hereafter “Dr. Segal’s Report”);
- Dr. Haskell Askin’s Draft Odontological Report dated May 16, 1985 (hereafter, “Dr. Askin’s Draft Report”)⁴³⁸;
- Dr. Lowell J. Levine’s Forensic Odontology Report, undated (hereafter “Dr. Levine’s Report”);
- Dr. Ellis R. Kerley’s MOVE-85-1 Anthropological Report, undated (hereafter “Dr. Kerley’s Report”); and
- Dr. Mann’s Report on Move Remains dated November 15, 1985 (hereafter, “Dr. Mann’s Report”).

In addition to the foregoing documents, we have extensively interviewed individuals who have relevant information regarding the contents of the MEO Box, including some of the medical, anthropological, and dental experts who handled or reviewed the remains in 1985. We interviewed Drs. Monge, Hameli, Levine, and Baden, and also Drs. Chu and Gulino, MEO pathologists who are more familiar with the contents of the MEO Box. Though none of these experts was asked to identify—let alone identify under any scientific standard—or examine the remains in person for the purpose of identification, their views, recollection, expertise, and guidance were invaluable in contextualizing our understanding of the records and in developing the following analysis.

We identified consistencies and correlations in the documentary record to shed further light on these remains and, in particular, determine whether any of the remains appeared to be consistent with the records associated with any particular victim or sets of victims. Our work is limited to

⁴³⁶ See, e.g., Section I.A, Background.

⁴³⁷ In its role as independent investigators, Dechert was not retained to provide any legal advice to the City regarding the disposition of the remains.

⁴³⁸ We have not been able to identify a final version of Dr. Askin’s Draft Report, but also have not identified glaring issues with the draft version.

the information—both documents and individuals—that were available to us. As we have cautioned in the body of this Report, from a documentary perspective, there are no consistent logs describing the handling, review, or transfer of the remains; extensive photographs of or inventories detailing the remains that the City recovered after the bombing; or descriptions of what remains were given to the victims’ next of kin in 1985 and 1986 or released for burial. We also did not have access to all of the postmortem x-rays mentioned in the medical files, although we received certain dental x-rays from Dr. Levine. We are limited to the descriptions of the remains in the reports, many of which focused on the portions of remains used for purposes of identification. Further, in some cases, the tags associated with the remains in the MEO Box are clearly incorrect and difficult to read and decipher. These issues are compounded by factors including but not limited to the comingling of remains (human, animal, and environmental remains), the use of a crane to excavate the site, and the use of inconsistent terminology and naming conventions throughout reports. From an interview perspective, we were further limited by our inability to speak with Drs. Segal, Mann, Damadio, and Suchey, who may have been able to provide further clarity regarding the potential identity of the remains from the MEO Box.

In addition, it is helpful to remind the reader at the outset that certain remains were cremated shortly after the bombing. Theresa Brooks, Body B, was cremated on May 23, 1985. Raymond Foster, Body E, was cremated on June 4, 1985, and his remains were interred on June 8, 1985, and not exhumed by the Commission. Therefore, we do not have reason to suspect that any of the remains in the MEO Box would be attributed to either Theresa Brooks or Raymond Foster.

The remains described below correspond with the 11 packages found within the MEO Box, based on the numbers attributed to the remains on the MOVE 2017 Inventory.⁴³⁹ Some of the remains consist of multiple pieces of bone and bone or tissue fragments. We have provided some description of the remains in the section below to offer context for our analysis, but out of respect for the victims—whose remains have been accorded little dignity or respect for nearly 40 years—and their families, we have provided only the detail necessary to inform our analysis.

As our language below makes clear, we have not made, nor, as lawyers, could we make, any formal or scientifically reliable identifications that a pathologist, anthropologist, or odontologist could make. Nor in this Appendix to the Report do we make a recommendation to the City as to how or to whom the remains should be disseminated. In short, we believe this analysis can assist the City to move closer to determining the identity of the remains.

Remain 1: Remain 1 is a maxilla (upper jawbone) with multiple teeth intact, a left and right fragment of mandible (lower jawbone) with certain teeth intact on each fragment, and potential teeth and bone fragments with a standard, form MEO tag, stamped with “#2485” “HARRIS, RHONDA AKA WARD AFRICA 6221 OSAGE AVE.” Using this tag as our starting point, we reviewed documents to see if there were any maxilla or mandibles associated with Ward. The remains of Ward were buried on May 23, 1985, exhumed September 20, 1985, and reinterred September 30, 1985. Our review of the records reveals that the MEO was in possession of Ward’s maxilla and mandible, and she was identified, at least in part, by her dental records. The

⁴³⁹ We have not handled or touched any of these remains; rather, much of our analysis is based on photographs that were taken to assist our review.

postmortem report of Ward, Body I, dated May 20, 1985, describes that “In a plastic bag are burnt portions of bony skull, maxilla, and mandible with teeth,” and the “teeth and the attached bone are retained for dental comparison.”⁴⁴⁰ Although identified by fingerprints,⁴⁴¹ Ward was also identified by Dr. Askin on June 19, 1985, via analysis of mandibular jaw fragments.⁴⁴² Dr. Kerley’s Report for Ward mentioned a “chipped tooth,”⁴⁴³ and Dr. Hameli, Testimony, said that Ward was identified through a comparison of dental records and confirmed to be around 25-30 years old.⁴⁴⁴ Dr. Segal’s Report likewise indicates that Ward was identified through comparison of pre- and postmortem dental examinations,⁴⁴⁵ and Ward’s medical records include her prison dental records.⁴⁴⁶ On balance, though we cannot provide a conclusion to a reasonable degree of scientific certainty, Remain 1 is likely consistent with the records we reviewed associated with Rhonda Ward, Body I.

Remain 2: Remain 2 consists of two clavicles (collarbones) with a handwritten piece of paper labeled “C.” The postmortem report of Phil Phillips, Body C, dated May 16, 1985, describes remains that include, among other things, “the anterior aspect of a torso, . . . extending from the clavicular area.”⁴⁴⁷ Dr. Kerley’s Report states that “Comparison of the paddle-shaped clavicles and their radiographs with clinical X-rays of ‘Phil’ afford a positive identification” and describes the clavicles as “anomalies.”⁴⁴⁸ Notably, Dr. Kerley’s Report attributes a “special and unusual shape of the clavicles or collarbone” with “flattened paddle-like shape . . . of the sternum ends”; he compared it to x-rays of Phil from 1980 showing the “same formation,” and thus “concluded that this is the remains of Phil or boy known as Phil.”⁴⁴⁹ During his testimony to the Commission, Dr. Kerley emphasized the unique nature of Phil’s bone structure: “I have probably examined the clavicles and other parts of the skeletal remains of over 3,000 individuals during my career and I noticed with these clavicles that the shape was rather unusual. In fact, virtually unique in my experience”⁴⁵⁰ Likewise, according to Dr. Segal’s Report, “Dr. Kerley during his examination of the remains discovered an unusual configuration of the clavicles which when compared to films taken in Virginia 5 years earlier revealed an excellent match and so established positive identification.”⁴⁵¹

There are no contemporaneous photos of Phil’s clavicles, either through x-rays or photographs while he was alive or of his clavicles postmortem. No one we spoke to suggested that the clavicles in Remain 2 were atypical. Therefore, though we cannot provide a conclusion to a reasonable degree of scientific certainty, they are likely not associated with Phil Phillips, Body C.

⁴⁴⁰ Postmortem Report of Rhonda Ward, Body I, dated May 20, 1985.

⁴⁴¹ Postmortem Report of Rhonda Ward, Body I, dated May 20, 1985.

⁴⁴² Letter from Askin to Segal dated June 19, 1985; *see also* Identification Sheet for Rhonda Ward.

⁴⁴³ Report of Dr. Ellis Kerley, dated September 1, 1985 (“Kerley Report”).

⁴⁴⁴ Hameli Testimony at 38.

⁴⁴⁵ Segal Report at 8.

⁴⁴⁶ Identification Sheet for Rhonda Ward.

⁴⁴⁷ Postmortem Report dated May 16, 1985 for Body C.

⁴⁴⁸ Kerley Report.

⁴⁴⁹ Hameli Testimony at 48-50.

⁴⁵⁰ Hameli Testimony at 48-49.

⁴⁵¹ Segal Report at 8.

There are no other victims who were identified by their clavicles or whose clavicles were described in reports.

Remain 3: Remain 3 consists of three bones or bone fragments: a portion of a mandible (lower jawbone) with teeth attached and one detached tooth; a piece of unknown tissue or bone; and a portion of a pelvic bone. There was a single tag on the bag labeled with the following handwritten notations: “E” “(1) Mandible Rt corpus w/ RT c-M2,” “Prob ‘C’-1,” “(2) 15 yo Lt ascending Ramus,” and “(3) ff. corpus (immature) ±12-14 yrs.” There was an envelope labeled “E-1 Mandible,” and there was a piece of paper marked “D” and dated “11/26/85.”

- Remain 3(a) Portion of right mandible: This is a portion of the right mandible with three teeth attached and one tooth detached. The portion of mandible was found within the envelope with the handwritten notation “E-1 Mandible.”⁴⁵² We reviewed the record for any references to E-1 mandible. We understand that there were fragments of mandible that were named in various reports as E, E-1, E-2, and E-miscellaneous.

Dr. Segal’s Report describes a portion of mandible “designated as ‘E’ and has four teeth in it” and notes that Dr. Levine estimated the mandible belonged to an individual 13 to 16 years old, Dr. Askin estimated the age of 14 years old, and Dr. Mann estimated 13 to 15 years old.⁴⁵³ Dr. Levine’s Report describes the receipt of various x-rays from Dr. Askin, including “E x-rays are labelled ‘E-1’ and related to Body B-1,” because Dr. Askin “notes in his narrative that Body E [Raymond Foster] has no head.”⁴⁵⁴ Dr. Levine’s Report details “charring and loss of hard tissue of approximately half of the right ramus of the mandible and loss of the mandible from the right lateral incisor beyond” and estimates that E-1 is 13 to 16 years old.⁴⁵⁵ Dr. Askin’s Draft Report describes a “Case labeled with tag ‘E’ Portion of Mandible,” that is “consistent with a young teenager, 14?” and lists teeth numbers for the five teeth present,⁴⁵⁶ which are consistent with the lower right quadrant of the mouth. Dr. Askin’s Draft Report further describes, “This fragment was x-rayed and photographed on a separate piece of paper mark [*sic*] it E-misc.”⁴⁵⁷ Finally, Dr. Mann’s Report, when describing the B-1 remains, describes that “The mandible, ‘E-1’, of dental age 13-15 placed with this body by the pathology group, can not reasonably be placed with these older in age postcranial materials[.]”⁴⁵⁸

⁴⁵² It is unclear why the naming convention “E-1” was selected to describe these remains; as noted above, Dr. Levine stated, relying on Dr. Askin, and our review of the postmortem report confirms, that the head of Raymond Foster, Body E, was not recovered.

⁴⁵³ Segal Report at 10.

⁴⁵⁴ Report of Dr. Lowell Levine, undated (“Levine Report”). We do not have access to these x-rays.

⁴⁵⁵ Levine Report.

⁴⁵⁶ Askin Draft Report.

⁴⁵⁷ Askin Draft Report.

⁴⁵⁸ Mann Report at 3.

On balance, the records we reviewed and information available to us does not allow us to draw any further conclusions.

- Remain 3(b) Unknown tissue or bone fragment: The individuals we interviewed were unable to determine the nature of this remain and whether it was bone, tissue, or a combination of both.⁴⁵⁹ There is no relevant information in the record that would permit further discussion or analysis of this remain.
- Remain 3(c) Pelvic bone: Dr. Monge said this was a right pelvic bone or innominate; Dr. Chu also believed it could be a right, incomplete portion of a pelvic bone.⁴⁶⁰

We considered the records of the various victims to determine whether there was reference to a right pelvic bone. The records do not indicate that the pelvis of Tomaso was examined, as it does not appear in any postmortem reports or testimony. The postmortem report for Phil Phillips, Body C, dated May 16, 1985, describes “a portion of the right pubic area [and] right hypogastrium.” Dr. Kerley’s Report for Body G describes the “ischio-pubic ramus is unfused on one side and just beginning fusion on the other.”⁴⁶¹

The postmortem report for Zanetta Dotson, Body D, dated May 16, 1985, also describes that the pelvic bone is missing from her body but a “right wing of the ileum” was associated with Body D.⁴⁶² In Dr. Kerley’s Report for Body D, he described “parts of the pelvis.”⁴⁶³ In his associated diagram for Body D, Dr. Kerley, in outlining the bones present, drew what appears to be a straight line on the inner portion of the right pelvic bone rather than following the curve of the complete pelvic bone (thus denoting the presence of a portion of the right pelvic bone).⁴⁶⁴

As noted above, there is no reason for us to suspect that the remains of Theresa Brooks or Raymond Foster might be in the MEO Box. Considering the other adult victims, the remains of James Conrad Hampton were buried on/around May 29, 1985 and ordered exhumed on September 20, 1985. The postmortem report for Hampton, Body A, dated June 18, 1985, describes “the large portion [of the remains] consists of a thorax, abdomen, pelvis, and thighs, measuring approximately 31 ½ inches in total length,” further detailing the burned condition of the pelvis and surrounding area.⁴⁶⁵ Dr. Hameli’s Testimony described comparing pre- and post-mortem x-rays to identify Hampton, but does not specify the portions of the body that were x-rayed.⁴⁶⁶ Dr. Segal’s Report explains more specifically that Hampton, Body A, was identified by

⁴⁵⁹ Chu Interview.

⁴⁶⁰ Monge Interview; Chu Interview.

⁴⁶¹ Kerley Report.

⁴⁶² Postmortem Report for Body D.

⁴⁶³ Kerley Report.

⁴⁶⁴ Kerley Report.

⁴⁶⁵ Postmortem Report for James Conrad Hampton.

⁴⁶⁶ Hameli Testimony at 34.

multiple means, including “x-ray comparisons of antemortem and postmortem pelvic films.”⁴⁶⁷

The only other discussion of a pelvis we found in the records is with respect to Frank James, Body K, in Dr. Hameli’s Testimony. Dr. Hameli explained that a solid object was found in Body K in the hip area, showing an x-ray of his pelvic bone to demonstrate to the Commission.⁴⁶⁸

On balance, the records we reviewed and information available to us does not allow us to draw any further conclusions.

Remain 4: Remain 4 is a maxilla and loose teeth with a tag labeled “BODY A MAXILLA.” We used this tag as a starting point and reviewed the reports associated with Body A, who was identified as James Conrad Hampton. As noted above, the remains of Hampton were buried on/around May 29, 1985, and ordered exhumed on September 20, 1985. The postmortem report for Hampton, Body A, dated June 18, 1985, describes “a number of other specimen,” in addition to the main torso associated with Hampton, including “a plastic container carrying the designated labels ‘A-maxilla-adult’ – ‘A-mandible-adult’. This is opened and a burned portion of identifiable maxilla and mandible are present having a number of teeth present in each.”⁴⁶⁹ Dr. Levine’s Report describes, with respect to Body A, “The jaws were discovered in a container by Doctor Askin,” “The dentition is consistent with a 35 to 50 year-old person,” and “The maxilla is . . . fractured at the right premolar area.”⁴⁷⁰ Dr. Hameli’s Testimony states that “Dr. Levine looked at the teeth and determined that the age range was about 35 to 50, which matched with the age of this individual.”⁴⁷¹ Similarly, Dr. Segal’s Report describes that Hampton, Body A, was identified, in part, by “the presence of discolorations of the upper central incisor which were known and reported to this office.”⁴⁷² On balance, though we cannot provide a conclusion to a reasonable degree of scientific certainty, Remain 4 is consistent with the records we reviewed associated with James Conrad Hampton, Body A.

Remain 5: Remain 5 includes two phalanges⁴⁷³ and fragments with a tag labeled “UNKNOWN – STAKE F 2491,” another tag that appears to read “Body F Lt. corpus toe”; a third tag that appears to read “Body ‘F’ Right Hallux” and “AZH”⁴⁷⁴; and a fourth tag that appears to read “Body ‘F’ Hallux Toe (Left).”⁴⁷⁵ Dr. Hameli confirmed that the label contains his initials that

⁴⁶⁷ Segal Report at 7.

⁴⁶⁸ Hameli Testimony at 87-88.

⁴⁶⁹ Postmortem Report for James Conrad Hampton.

⁴⁷⁰ Levine Report.

⁴⁷¹ Hameli Testimony at 34.

⁴⁷² Segal Report at 7.

⁴⁷³ The term phalanges, is a plural of “phalanx” which refers to “one of the digital bones of the hand or foot of a vertebrate.” Merriam Webster definition of phalanx, <https://www.merriam-webster.com/dictionary/phalanx>.

⁴⁷⁴ The term “hallux” refers to the big toe. AZH are the initials of Dr. Ali Z. Hameli.

⁴⁷⁵ There is no evidence in the record that there were fingers associated with the remains of Leaphart aka John Africa, and therefore it is unlikely that the phalanges attributed to those remains are fingers.

he left as he was conducting his review, but he confirmed that he never asked that the remains be retained by the MEO for any reason. Based on these tags, we began with a review of records for Body F, Vincent Leaphart aka John Africa. The postmortem report for Leaphart aka John Africa, Body F, Case 2491, dated May 21, 1985, describes “a headless, armless, trunk disarticulated at the knees with the lower legs and feet separate.”⁴⁷⁶ Dr. Hameli’s Testimony explains that Alphonso Leaphart, the brother of Leaphart, told the Hameli Team that Leaphart “had an accident and split his great toe” when he was younger, so to properly analyze the fracture, the experts “had to detach the toes” for x-ray and were able to see the old fracture.⁴⁷⁷ Dr. Segal disagreed, noting, “Examination of these films by me and others indicated that the area diagnosed as a fracture was in fact a soft tissue fold. Additional postmortem x-rays taken after some of the soft tissues had been removed clearly indicates that there is no fracture present.”⁴⁷⁸ The records do not indicate that any other victims were identified by their toes. On balance, though we cannot provide a conclusion to a reasonable degree of scientific certainty, Remain 5 is likely consistent with the records we reviewed associated with Vincent Leaphart aka John Africa, Body F.

Remain 6: Remain 6 is a portion of right side of mandible with two teeth/molars with a tag labeled “G ♀ 6± yrs” on the front and “erupted M̄” on the back. Based on this tag, we began our review with the records associated with Body G. Handwritten notes in the medical files, which we understand to be Dr. Mann’s notes and which are in the same handwriting as the tags, have the same notations as the tag on Remain 6: “G 6+ ♀ erupted M̄.”⁴⁷⁹ Dr. Mann’s report describes, with respect to Body G, “a fragment of the right mandible, containing an erupted molar and immediately behind, an unerupted molar in its crypt.”⁴⁸⁰ Dr. Mann posited that “[i]f the teeth represent an erupted second and developing third molar, as suggested by the pathology group report, then considering the evidence of the post-cranial remains as those of a 6- to 7-year-old, it would appear more likely that this jaw fragment belongs to another of the immature remains (perhaps D),” Zanetta Dotson.⁴⁸¹

Dr. Levine’s report attributed to Body G “[a] segment of right mandible including body from the second molar post area and the ramus[.]”⁴⁸² Dr. Kerley’s report for Body G describes the “right ascending ramus of the mandible.”⁴⁸³ Dr. Hameli testified to the identification of Body G as Delisha Orr using a teeth age of 12-13 years old.⁴⁸⁴ Dr. Segal’s final report describes “[e]xamination of a portion of mandible” that was “found in the chest cavity of body ‘G’,” and to which the various forensic experts attributed different ages (namely, Dr. Mann said it was 6-7 years old, radiologists at Penn Dental School said 11-12 years old, Dr. Askin said 11-12 years old, and Dr. Levine said approximately 12 years old).⁴⁸⁵ Therefore, though we cannot provide a

⁴⁷⁶ Postmortem Report for Vincent Leaphart.

⁴⁷⁷ Hameli Testimony at 53-54.

⁴⁷⁸ Segal Report at 8.

⁴⁷⁹ Handwritten Notes Listing “Adults” and “Immatures”.

⁴⁸⁰ Mann Report.

⁴⁸¹ Mann Report.

⁴⁸² Levine Report.

⁴⁸³ Kerley Report.

⁴⁸⁴ Hameli Testimony at 47.

⁴⁸⁵ Segal Report at 9.

conclusion to a reasonable degree of scientific certainty, Remain 6 is likely consistent with the records associated with Delisha Orr, Body G.

Remain 7: Remain 7 includes five bones and bone, muscle, or tissue fragments, including: portion of a pelvic bone; femur; fragment of a long bone; unknown tissue or bone fragment; and a collection of unknown tissue, muscle, and bone fragments. There were three tags associated with the packaging of this Remain, but they were not tied to or directly connected to any particular bone or tissue: “B1 Symphysis, NYS 5/30/85” with a circled “R” on the back; “B1 ♀ 20 yrs” with “unfused iliac crest”⁴⁸⁶ on the back; and “‘E’ MISC Pubis Possibly Assoc. w/ B1.” There was also a handwritten piece of paper stapled to “C” attributed to the entire package.

- Remain 7(a) Pelvic bone: Based on the tags found with Remain 7, we begin our review with the records associated with B-1 to determine if any of the records are consistent with these remains. Dr. Mann’s report of November 14, 1985, describes a “triradial plate” of 18-20 years old and an iliac crest with fusion, all attributed to B-1.⁴⁸⁷ In Dr. Suchey’s report analyzing the B-1 pelvic bone, she describes the review of the “[r]ight innominate (in two fragments), left pubic bone fragment, proximal portion of the right femur,” and, in particular, detailed the analysis of the iliac crest with “distinct rugged lines characteristic of unfused epiphyses.”⁴⁸⁸

Dr. Monge, however, told us that there was only one B-1 pelvic bone, and it was in her or Dr. Mann’s possession from 1986 to 2021, which is consistent with our review of the records.⁴⁸⁹ Further, we have compared a photograph of the B-1 pelvic bone found in the MEO’s files with the pelvic bone portion in Remain 7. Dr. Monge confirmed that this photograph of B-1 is the same pelvic bone that was in Penn’s possession.⁴⁹⁰ The tag that is shown in the photograph of the B-1 pelvic bone is the “B1 Symphysis” tag currently at the MEO attached to the packaging of Remain 7.⁴⁹¹ Nonetheless, the pelvic bone in Remain 7 does not visibly match the B-1 pelvic bone depicted in the photographs.⁴⁹² Therefore, based on this review, the pelvic bone in Remain 7 does not belong to B-1.

Having eliminated the possibility that this pelvic bone belongs to B-1, we considered the records of the remaining victims. The records do not indicate that the pelvis of Tomaso was examined, as it does not appear in any postmortem reports or testimony. The postmortem report for Phil Phillips, Body C, dated May 16, 1985, describes “a portion of the right pubic area [and] right hypogastrium.”⁴⁹³ Dr. Kerley’s report for Delisha Orr, Body G, describes “[t]he ischio-pubic ramus is unfused on one side and

⁴⁸⁶ Based on our conversations with Dr. Chu and review of relevant materials, we determined that this tag reads “unfused” rather than “infused.”

⁴⁸⁷ Mann Report.

⁴⁸⁸ Suchey Report.

⁴⁸⁹ Monge Interview.

⁴⁹⁰ Monge Interview.

⁴⁹¹ Bone Photographs of B1.

⁴⁹² Bone Photograph of B1.

⁴⁹³ Postmortem Report dated May 16, 1985 for Body C.

just beginning fusion on the other.”⁴⁹⁴ The postmortem report for Zanetta Dotson, Body D, dated May 16, 1985, also describes that the pelvic bone is missing from her body but there was “the right wing of the ileum” associated with Body D.⁴⁹⁵

As we describe above, the postmortem report for James Conrad Hampton, Body A, dated May 22, 1985, describes “the large portion [of the remains] consists of a thorax, abdomen, pelvis and thighs measuring approximately 31½ inches in total length,” further detailing the burned condition of the pelvis and surrounding area.⁴⁹⁶ Dr. Hameli’s Testimony described comparing pre- and post-mortem x-rays to identify Hampton, but does not specify the portions of the body that were x-rayed.⁴⁹⁷ Dr. Segal’s Report explains more specifically that Hampton, Body A, was identified by multiple means, including “x-ray comparisons of antemortem and postmortem pelvic films.”⁴⁹⁸

The only other discussion of a pelvis we found in the records is with respect to Frank James, Body K, in Dr. Hameli’s Testimony. Dr. Hameli explained that a solid object was found in Body K in the hip area, showing an x-ray of his pelvic bone to demonstrate to the Commission.⁴⁹⁹

On balance, the records we reviewed do not allow us to draw any further conclusions.

- Remain 7(b) Femur: Drs. Monge and Chu both described this long bone as a femur, and Dr. Monge believed it was a right femur.⁵⁰⁰ We again began our review with the records associated with B-1 to determine if any of the records are consistent with these remains. However, this bone does not belong to B-1, as the only remains associated with B-1 were a pelvic bone and portion of a right femur, which were transferred from the MEO in September 1986.⁵⁰¹ Having eliminated B-1, we looked at the records for other victims for descriptions of femurs. Dr. Kerley’s report and related diagram confirm that there was a fully intact right femur associated with Body C, Phil Phillips, that measured 310 mm.⁵⁰² Dr. Kerley measured the femur of Body F, Vincent Leaphart/John Africa, at 490 mm,⁵⁰³ and the femur of Body K, Frank James, at 537 mm.⁵⁰⁴ We appreciate that a proper measurement of a bone requires tools that account for the curvature of the bones.⁵⁰⁵ While we have not measured this bone in person or with a standard process accounting for this curvature, the photographs we have suggest

⁴⁹⁴ Kerley Report.

⁴⁹⁵ Postmortem Report for Body D.

⁴⁹⁶ Postmortem Report for James Conrad Hampton.

⁴⁹⁷ Hameli Testimony at 34.

⁴⁹⁸ Segal Report at 7.

⁴⁹⁹ Hameli Testimony at 87-88.

⁵⁰⁰ Monge Interview; Chu Interview.

⁵⁰¹ Monge Interview; Suchey Report.

⁵⁰² Kerley Report.

⁵⁰³ Kerley Report.

⁵⁰⁴ Kerley Report.

⁵⁰⁵ Photo of Bone with Ruler.

that this femur is approximately 330 mm in length—slightly longer than the documented length of the Body C femur, but shorter than the documented lengths of the femurs of Bodies F and K. The postmortem report for Phil, Body C, dated May 16, 1985, also describes the presence of the right thigh.⁵⁰⁶ While we believe that the tags referring to B-1 and E are incorrect with respect to this remain, there is a handwritten piece of paper marked “C” stapled to the package of Remain 7. On balance, though we cannot provide a conclusion to a reasonable degree of scientific certainty, this femur is likely consistent with the records we reviewed associated with Phil Phillips, Body C.

- Remain 7(c) “Fragment of a long bone”: Our discussions with Drs. Chu and Monge revealed that a “long bone” like the one found in the MEO Box could be a portion of a femur, humerus, or tibia.⁵⁰⁷ Based on the preceding analysis, for which we believe that the femur in Remain 7(b) and the pelvis in Remain 7(a) may be consistent with the remains associated with Phil Phillips, Body C, we began our analysis with an examination of any and all long bones described in the records of Body C. Dr. Kerley’s report and related diagram for Phil Phillips, Body C, show the presence of the lower half of the left femur.⁵⁰⁸ The postmortem report for Phil, Body C, dated May 16, 1985, describes the presence of a segment of the left thigh.⁵⁰⁹ Dr. Kerley’s report describes a “distal humerus” belonging to Body C. Handwritten notes associated with the medical files, which we understand to be Dr. Mann’s notes, also describe a “distal humerus” associated with Body C.⁵¹⁰ On balance, the records we reviewed do not allow us to draw any further conclusions.
- Remain 7(d) “Unknown tissue or bone fragment”: The records we reviewed and our conversations with pathologists and anthropologists do not permit any discussion or analysis of this fragment given that this Remain in its current form cannot be identified as tissue or bone.⁵¹¹
- Remain 7(e) “Collection of unknown tissue, muscle, and bone fragments”: The records we reviewed and our conversations with pathologists and anthropologists do not permit any discussion or analysis of these fragments.

Remain 8: Remain 8 is a glass jar with an “unknown tissue” or bone fragment, marked “MOVE B-1.” The records we reviewed and our conversations with pathologists and anthropologists do not permit any discussion or analysis of this fragment.

⁵⁰⁶ Postmortem Report dated May 16, 1985 for Body C.

⁵⁰⁷ Monge Interview; Chu Interview.

⁵⁰⁸ Kerley Report.

⁵⁰⁹ Postmortem Report dated May 16, 1985 for Body C.

⁵¹⁰ Handwritten Notes Listing “Adults” and “Immatures”.

⁵¹¹ Remains 7(d) and 7(e) were not maintained in glass jars like Remains 8, 9, and 10. Rather, they were in a large bag that also contained Remains 7(a), 7(b), and 7(c).

Remain 9: Remain 9 is a glass jar with an unknown bone fragment or muscle, marked “MOVE D.” The records we reviewed and our conversations with pathologists and anthropologists do not permit any discussion or analysis of this fragment

Remain 10: Remain 10 is a glass jar with portion of a mandible, non-erupted tooth, and tooth fragments, and enclosed a tag labeled “C-Table ‘E’ Left Ascending Ramus.” Dr. Levine’s Report describes the receipt of slides of various sheets of x-ray, including one labeled E-2, “a left portion of ramus consistent in age with a 12- to 13-year-old. It appears that E-2 is a portion of Body G.”⁵¹² Dr. Segal’s Report also describes a “portion of mandible” labeled “E-miscellaneous”—that “physically looked to be about the same size as the portion of mandible labeled ‘G’” and to which the various forensic experts again attributed different ages (namely, Dr. Mann said it was 6-7 years old, Dr. Askin thought 7 or 11-12 years old, and Dr. Levine thought 12-13 years old)—which likely belong with Body G.⁵¹³ Dr. Kerley’s Report describes a “MANDIBLE fragment E-2” added to Body G’s remains on September 1, 1985 that had “bilateral symmetry” with the existing portion of mandible—the “right ascending ramus of the mandible” already associated with Body G—indicating E-2 was likely a left portion of the mandible.⁵¹⁴ On balance, though we cannot provide a conclusion to a reasonable degree of scientific certainty, this mandible is consistent with the records we reviewed associated with Delisha Orr, Body G.

Remain 11: A glass jar within “unknown tissue,” marked “MOVE G.” The records we reviewed and our conversations with pathologists and anthropologists do not permit any discussion or analysis of the contents of this jar.

⁵¹² Levine Report.

⁵¹³ Segal Report at 10. Although Dr. Segal described this portion of mandible as “E-miscellaneous,” by description it matches the E-2 mandible that was associated with Body G. Dr. Askin’s Draft Report of May 16, 1985, suggests E-miscellaneous is a portion of the right mandible. The draft we have also does not refer to the age range that Dr. Segal’s Report attributes to that report. We believe there is another version of this report that we have not had the opportunity to review.

⁵¹⁴ Kerley Report.

VII. APPENDIX B: Individual Victims of the MOVE Bombing

The chronological background sections presented earlier in this Report provide a general overview of what happened and when. The following section aims to offer a more specific and detailed summary of the records that we reviewed associated with each of the 11 victims of the MOVE bombing. This analysis includes, as best as we can tell from the records available to us, information about how the remains of each victim was identified, examined, and transferred.

It is important to add a note of caution here before we offer this detailed analysis. As we have repeated throughout this Report, our investigation identified multiple insurmountable barriers to establishing a thorough and accurate chain of custody of the victims' remains in the aftermath of the bombing. These barriers include the manner in which the remains were initially recovered from 6221 Osage Avenue, how they were handled and stored at the MEO; the absence of documentation from the MEO, including about what was transferred to the families; inconsistencies, inaccuracies, and omissions in the documentation that was available; and the number of individuals who handled the remains. Despite these limitations, we still believe that the information in the following sections is important for the public and especially the victims' families.

While we acknowledge that each victim-specific review that follows may seem duplicative at times, our aim is to create individualized summaries that can stand on their own to provide each victim as complete as possible narrative that they deserve.

Finally, where possible, we have stated whether there are remains that were found in the MEO Box that may be associated with each victim, as discussed in further detail in Appendix A to this Report.

1. Tomaso "Boo" Levino⁵¹⁵

Tomaso Levino was the youngest victim of the MOVE bombing. Records show that his remains were at the MEO from approximately May 15, 1985, to September 19, 1986. Though he was one of the earliest victims identified, and the only child whom the MEO positively identified before Dr. Ali Hameli and his team took charge of the investigation, he was also among the last three victims whose remains the MEO formally released to the authorized next of kin.

Because the records we reviewed do not include Tomaso's birth certificate, the MEO described Tomaso as young as eight years old⁵¹⁶ and as old as 10.⁵¹⁷ The grand jury⁵¹⁸ and Dr. Kerley, the forensic anthropologist working with the Hameli Team, estimated that he was between seven and nine years old.⁵¹⁹

⁵¹⁵ Tomaso was referred to by various names, including "Temasa," "Tomasco," and "Boo." We will refer to him here as Tomaso.

⁵¹⁶ Postmortem Report for Tomaso Levino.

⁵¹⁷ Postmortem Report for Tomaso Levino.

⁵¹⁸ GJ Report at 243.

⁵¹⁹ Kerley Report.

a. *Period 1: From Bombing to Involvement of Hameli Team*

Tomaso was the son of Sue Africa,⁵²⁰ who was in custody at the time of the bombing, and Robert Moses.⁵²¹ His remains were found in the back of the basement of 6621 Osage Avenue with eight of the other victims.⁵²² Though his body was found near Rhonda Harris, Dr. Hameli could not say whether Tomaso was sheltered by Harris in any way.⁵²³ Tomaso's body had the least burning of all of the victims' bodies.⁵²⁴

The potential inconsistencies and lack of clarity about a fundamental fact such as when Tomaso's remains were even found show the challenges of conducting a chain-of-custody review. Specifically, both Dr. Segal (in his report) and Dr. Hameli (in his MOVE Commission testimony) assert that Tomaso's body was recovered on May 15, 1985.⁵²⁵ A diagram listing the location of the bodies shows that Body H—which was the letter the MEO assigned to Tomaso—was located on May 15, 1985, at approximately 4:02 p.m.⁵²⁶ However, the Report of Death in Tomaso's file, completed by MEO Investigator Eugene Suplee, states that Tomaso's body—described initially as “Unknown – Stake H”—was reported by Detective Boyle of Police Homicide to Suplee on May 14, 1985, at 3:40 p.m.⁵²⁷ The Report of Death also has a stamp at the top with Tomaso's file number and date “#2493 5/14/1985,” again suggesting that the MEO may have received information about remains later identified as Tomaso's on May 14, 1985.⁵²⁸

Dr. Segal ordered the body to be delivered to the MEO on May 15, 1985, and the MEO received Tomaso's remains on May 15, 1985, at around 3:50 p.m.⁵²⁹ The MEO designated those remains Case No. 85-2493 or 2493-85, Body “H.”⁵³⁰ As described in the overview above, by the time the victims' remains (including Tomaso's) arrived at the MEO in the immediate aftermath of the bombing, they were being handled by a number of people, including pathologists, anthropologists, FBI investigators, an odontologist, and others seeking to identify them. These specialists referred to the bodies based on their letter, which corresponded to the trays in which the remains were placed. Consequently, Tomaso was in Tray H.

The MEO files do not provide a log or detailed record of who handled Tomaso's remains. However, prior to the involvement of the Hameli Team beginning in late July 1985, the records indicate that at least four different sets of doctors and investigators examined the remains once

⁵²⁰ Sue Africa is also referred to in other documents we have reviewed as “Sue Leon,” “Sue Levino,” or “Sue Levino Africa.” We refer to her here as Sue Africa.

⁵²¹ Certificate of Identification for Tomaso Levino.

⁵²² Segal Report at 13; Segal Report at 15.

⁵²³ Hameli Testimony.

⁵²⁴ Hameli Testimony.

⁵²⁵ Segal Report at 3 (identifying Bodies A-F as having been found on May 14 and G, H, and I on May 15); Hameli Testimony.

⁵²⁶ Diagram of Location of Victims Found May 15, 1985.

⁵²⁷ Report of Death for Body H.

⁵²⁸ Report of Death for Body H.

⁵²⁹ Body Delivery Record. *But see* Report of Death, which says that the report of death was received on 5/14/1985 at 3:40 p.m.

⁵³⁰ Report of Death for Body H.

they arrived at the Medical Examiner's Office: Drs. Mann and Monge of the University of Pennsylvania; FBI fingerprint analysts; forensic odontologist Dr. Haskell Askin; and Assistant Medical Examiner Dr. Paul Hoyer.

First, Drs. Monge and Mann examined or at least looked at Tomaso's body in the days after the bombing. According to handwritten notes from Dr. Mann, Monge and Mann referred to Tomaso as Body H, identified him as male between eight and ten years old, and noted that the body was complete.⁵³¹

Second, the MEO requested members of the FBI Disaster Squad take finger and footprints.⁵³² The FBI took "Right and left footprints from body on Tray H" on May 15 or 16,⁵³³ but they could not match his footprints because of the absence of comparators, likely given his young age.⁵³⁴

Third, Dr. Haskell Askin, a forensic odontologist consulted by the MEO, examined, or at least had x-rays taken of, the head of Tomaso, whom Dr. Askin referred to in a report as "Body H."⁵³⁵ He took note of the dental charting of Tomaso and also noted that dental radiographs and photographs were taken of the body.⁵³⁶ Based on his review, Dr. Askin estimated that Tomaso was "8 to 8 and ½ give or take one year," which he acknowledged needed to be firmed up.⁵³⁷

Though Tomaso was at the MEO from at least May 15, 1985, there is no record of any examination or handling by the MEO until May 19, 1985, when, according to the records, a post-mortem examination was conducted by Assistant Medical Examiner Dr. Paul Hoyer.⁵³⁸ The report referred to the remains being in a tray and describes the clothing that Tomaso was wearing and the extent of his injuries from the fire.⁵³⁹ The report also refers to the labels left by the FBI when they took his footprints.⁵⁴⁰ More significantly, the report describes that "[t]he body has been previously opened," and there were "post-mortem" incisions and the thoracic organs had been removed and the lips sewn together.⁵⁴¹ This report demonstrates that Tomaso's body had been previously handled by someone at the MEO yet there is no record of who did so, why they did so, or even when they did so.⁵⁴² Additionally, the report suggests that the post-mortem examination occurred

⁵³¹ Handwritten Notes Listing "Individuals,".

⁵³² FBI Fingerprint Report.

⁵³³ FBI Fingerprint Report.

⁵³⁴ FBI Fingerprint Report.

⁵³⁵ Askin Draft Report.

⁵³⁶ Askin Draft Report.

⁵³⁷ Askin Draft Report.

⁵³⁸ Postmortem Report for Tomaso Levino. The investigative team contacted Dr. Hoyer to interview him as part of this inquiry. Despite possessing relevant information, Dr. Hoyer did not respond.

⁵³⁹ Postmortem Report for Tomaso Levino.

⁵⁴⁰ Postmortem Report for Tomaso Levino.

⁵⁴¹ Postmortem Report for Tomaso Levino.

⁵⁴² We have uncovered handwritten notes, titled "Notes for Joan," dated March 11, 1987, that we believe relate to preparation for grand jury testimony by the MEO, that, in relevant terms, describe for Body "H – PJH. Initial exam – 5/16/1985 @ 9:15 a.m. by RJS." Handwritten Notes

on May 19, but the report itself refers to an examination of Tomaso's brain on May 22, 1985, at 10 a.m.; it is not explained why the date was provided or the significance of the time and date.⁵⁴³

On May 23, 1985, at approximately 5:35 p.m., based on a review of photos of the face presented by Investigator Suplee, the body of "Move-H" was positively identified by Police Officer George Draper of the Philadelphia Police Department's Civil Affairs Unit as Boo Africa, the son of Sue Africa.⁵⁴⁴ Officer Draper said he was familiar with Tomaso from having surveilled him for years and therefore could identify him from a photograph.⁵⁴⁵

On May 24, 1985, at 10:50 a.m., MEO Investigator Suplee called Pennsylvania State Correctional Institution-Muncy ("SCI-Muncy"), where Tomaso's mother Sue Africa was incarcerated at the time, to inform her of the positive identification.⁵⁴⁶ According to MEO records, the secretary of Superintended of SCI-Muncy called Suplee back and confirmed to Suplee that on May 24, 1985, at 12:45 p.m. that Sue Africa had been informed of the positive identification.⁵⁴⁷

b. *Period 2: Involvement of Hameli Team*

With respect to the Hameli Team, there are similarly no records to conclusively establish a chain of custody. However, we have identified some relevant materials. Before discussing those, we note that the MEO, through Dr. Hoyer, issued Tomaso's death certificate on July 31, 1985, after the Hameli Team took over custody of the remains. That death certificate stated the cause of death as "smoke inhalation" and manner of death as "accidental."⁵⁴⁸ An autopsy failed to demonstrate the presence of disease or gunshot wounds.⁵⁴⁹

Dr. Lowell Levine, the odontologist working on the Hameli Team, mentions Tomaso in his Forensic Odontology Report, but it is unclear if Dr. Levine directly examined Tomaso's remains. In his report, he refers to eight slides and a sheet of thirteen x-ray films for "Body H."⁵⁵⁰ Based on his examination of these materials, he determined that his age range is someone is between eight and nine years old.⁵⁵¹ Dr. Kerley also had access to Tomaso's remains and described his observations of Tomaso's remains in his report.⁵⁵² It is clear that by the time the Hameli Team examined Tomaso, over two months after the body had been retrieved from Osage Avenue, that

for Joan, dated March 11, 1987. Those initials match the initials of Assistant Medical Examiners Paul J. Hoyer and Robert J. Segal. There are no documents in the file that shows an initial exam.

⁵⁴³ Postmortem Report for Tomaso Levino.

⁵⁴⁴ Investigative Log for Tomaso Levino; Postmortem Report for Tomaso Levino.

⁵⁴⁵ Certificate of Identification for Tomaso Levino; Investigative Log for Tomaso Levino; Segal report at 7; Hameli Testimony.

⁵⁴⁶ Investigative Log for Tomaso Levino.

⁵⁴⁷ Investigative Log for Tomaso Levino.

⁵⁴⁸ Death Certificate for Tomaso Levino.

⁵⁴⁹ Postmortem Report for Tomaso Levino; Segal Report at 15.

⁵⁵⁰ Levine Report.

⁵⁵¹ Levine Report.

⁵⁵² Kerley Report.

the body had not been properly maintained, as Dr. Hameli had described in his overall report.⁵⁵³ For instance, he noted that the body is “rigid, dried out, and fungus covered in some areas” and gave an age range of seven to nine years old.⁵⁵⁴

In his MOVE Commission testimony, Dr. Hameli reviewed Tomaso’s identification, described Tomaso’s identification by the police officer, and said that he had “no reason to discount this officer’s belief and that as far as I’m concerned this body is also identified.”⁵⁵⁵

c. *Period 3: Medical Examiner Resumption of Custody*

After Dr. Hameli positively identified Tomaso, the Medical Examiner’s Office sent a letter to Sue Africa. Specifically, in a letter dated November 16, 1985, MEO Investigator Suplee wrote to Sue Africa:

We regret to inform you that your child, Boo AKA Tomaso, has been identified by the Philadelphia Special Investigation Commission’s Consultant as one of the victims in the Move house fire on Osage Avenue.

If you wish to claim the body please have your funeral director contact us.

Our telephone number is 215-823-7444.⁵⁵⁶

According to other correspondence, it appears that the mothers of the child victims hired a lawyer in Philadelphia, Angela L. Martinez, Esq., to represent them and also gave power of attorney to an individual named Gerald Ford Africa, and Martinez was in touch with the MEO about retrieving Tomaso’s remains.⁵⁵⁷ Martinez informed the MEO on April 2, 1986, that funds were being raised for the burial of the remains of the three remaining children.⁵⁵⁸ On September 10, 1986, the MEO again sent Sue Africa a letter informing her that the body of her son had not yet been claimed for burial and requested that she or a representative contact the MEO to make the necessary burial arrangements.⁵⁵⁹

Tomaso’s remains were held at the MEO until September 19, 1986, though it is unclear where at the MEO they were being stored. According to a Body Delivery Record and Order to Release Body, signed by MEO Investigator Luther Lassitt, the remains were released to Hankins

⁵⁵³ See Hameli Report (Condition of Remains) (“Some portions of the bodies revealed extreme dryness and hardening of the tissue while other parts showed advanced decomposition and fragmentation.”).

⁵⁵⁴ Kerley Report.

⁵⁵⁵ Hameli Testimony. In his report, Dr. Segal agrees with this identification. Segal report at 7.

⁵⁵⁶ Letter from MEO to Sue Leon dated November 16, 1985.

⁵⁵⁷ Letter from MEO to Angela Martinez, Esquire, dated September 10, 1986. We are not sure if the Power of Attorney is valid or if Africa properly had power of attorney for the mothers.

⁵⁵⁸ City of Philadelphia Memo, dated April 2, 1986.

⁵⁵⁹ Letter from MEO to Sue Leon dated September 10, 1986.

Funeral Home.⁵⁶⁰ These documents do not specifically identify or describe what remains were sent to Hankins. The remains were buried at Eden Cemetery, Celestine Reserve 2, Lot 260, Grave 3, on September 22, 1986.⁵⁶¹ The owner of this plot is listed as Gerald Ford Africa.⁵⁶²

Our investigation did not identify remains currently at the MEO that can be attributed to or associated with Tomaso Levino, according to our review of the records.

2. Katricia “Tree” Dotson

Katricia Dotson was 14 and a half years old at the time of the MOVE bombing and was the oldest child killed in the bombing.⁵⁶³ As we describe below, the records indicate that the remains associated with Katricia were at the MEO from May 14, 1985, until at least December 14, 1985, with portions of the remains continuing to be in the MEO’s possession until March 1986, from which they were transferred to the Smithsonian and then ultimately Drs. Mann and Monge. It is not clear from the records or interviews we have conducted why certain remains were not released for burial in December 1985 or which remains were released to the next of kin at that time. Remains associated with Katricia were then in the possession of an anthropologist at the Smithsonian, Stephanie Damadio, from March 1986 until September 1986, at which time the remains were transferred to the custody of Dr. Alan Mann and kept at the Penn Museum, where they remained until some point in 2021.

a. *Period 1: From Bombing to Involvement of Hameli Team*

Katricia was the daughter of Consuella Dotson, who was in jail at the time of the bombing, and Nathaniel Galloway.⁵⁶⁴ Remains associated with Katricia, which later records note consisted of a portion of a right femur and portion of a right pelvis, were recovered from 6221 Osage Avenue on the first day of recovery efforts, May 14, 1985, at 4:19 p.m. and delivered to the MEO the same day.⁵⁶⁵ The remains were found at the back of the basement near the remains of eight other victims.⁵⁶⁶ The MEO designated these remains Case No. 85-2599, Body B-1.⁵⁶⁷

As with all other victims, there is no chain-of-custody document or comprehensive list of every doctor, expert, and analyst who examined the remains. Prior to the involvement of the Hameli Team beginning in late July 1985, the records indicate that at least three people examined the remains once they arrived at the MEO: Drs. Mann and Monge of the University of Pennsylvania, and Assistant Medical Examiner Dr. Robert J. Segal. Body B-1 is not included in the FBI fingerprint report, presumably due to the lack of fingerprint evidence.⁵⁶⁸

⁵⁶⁰ Order to Release Body, dated September 19, 1986 for Tomaso.

⁵⁶¹ Eden Cemetery Burial Cards.

⁵⁶² Eden Cemetery Burial Cards.

⁵⁶³ Identification Sheet.

⁵⁶⁴ Letters from MEO dated November 16, 1985.

⁵⁶⁵ Diagram of Location of Victims Found May 14, 1985; Report of Death for B1.

⁵⁶⁶ Diagram of Location of Victims Found May 14, 1985.

⁵⁶⁷ Report of Death for B1.

⁵⁶⁸ FBI Fingerprint Report.

First, as noted above, Drs. Mann and Monge were present at the MEO on May 16 and 17, 1985, to examine certain of the remains.⁵⁶⁹ One of the remains they focused on in their review was Body B-1. Handwritten notes from their examination indicate they thought Body B-1 was the body of a 20-year-old female and notes an “unfused iliac crest,” but otherwise does not provide information regarding how they reached that preliminary conclusion.⁵⁷⁰

Next, Assistant Medical Examiner Dr. Robert J. Segal performed a postmortem examination of Body B-1 on May 21, 1985.⁵⁷¹ The postmortem report describes the totality of the remains as: 1) a portion of “identifiable human tissue,” with no further description; 2) portion of a right pelvis with two fractures; and 3) the proximal (*i.e.*, upper) portion of a right femur with a fracture at the mid-shaft.⁵⁷² The report concludes that the remains belong to a female individual with an estimated age of 20 years old, but there is no information in the report about how Dr. Segal reached that estimate.⁵⁷³ An addendum to the postmortem report dated June 17, 1985, indicates that postmortem x-rays had been taken by that date, but does not explain when, why, or where the x-rays were taken.⁵⁷⁴ This addendum also notes that the identification the B-1 remains had not been established as of June 17, 1985.⁵⁷⁵

News reports describe that on July 5, 1985, Dr. Segal traveled to the Smithsonian Institution in Washington, D.C. and carried with him the thigh and pelvis of a “woman,” presumably B-1, for examination by forensic anthropologist Stephanie Damadio from the Physical Anthropology division of the Smithsonian National Museum of Natural History. According to this report, Dr. Damadio estimated that the age of the female pelvis and thigh bone to be between 19 and 23, using the same analysis that Drs. Mann and Monge had used, namely that the remains could not have come from a child because the iliac crest had fused.⁵⁷⁶ A later news article also discussed Dr. Segal’s visit to Dr. Damadio.⁵⁷⁷ Notably, the medical records do not reflect this trip.

b. *Period 2: Involvement of Hameli Team*

The remains of Body B-1 were located at the MEO at the time the Hameli Team began their review in July 1985.⁵⁷⁸ Dr. Hameli’s report indicates that his team examined the B-1 remains⁵⁷⁹ and identified the remains as those of Katricia Dotson.⁵⁸⁰ This conclusion was based on Dr. Kerley’s examination of the B-1 remains, which led to an estimated bone age of 13-15 years

⁵⁶⁹ Invoice from Mann to Segal, dated May 20, 1985.

⁵⁷⁰ Handwritten Notes Listing “Individuals”.

⁵⁷¹ Postmortem Report for B1; Police Activity Sheet for Body B-1.

⁵⁷² Postmortem Report for B1.

⁵⁷³ Postmortem Report for B1.

⁵⁷⁴ Postmortem Report for B1.

⁵⁷⁵ Postmortem Report for B1.

⁵⁷⁶ Thomas J. Gibbons Jr., “A mystery remains: who was in the MOVE house?,” Philadelphia Inquirer (July 7, 1985).

⁵⁷⁷ “Pathologist’s report raises questions,” Philadelphia Inquirer (November 10, 1985).

⁵⁷⁸ Hameli Report.

⁵⁷⁹ Hameli Report.

⁵⁸⁰ Hameli Report.

old.⁵⁸¹ Dr. Hameli's report also indicates that his team examined "[t]eeth" related to the B-1 remains, which they concluded belonged to an individual aged between 13 and 16 years old, but it is not clear from the report itself what exact dental remains they reviewed to reach this conclusion related to B-1.⁵⁸² Both Dr. Kerley and Dr. Levine in their reports conclude that the dental fragment labeled "E-1," described in more detail below, *see* Section VII.9, related to the B-1 individual and had an estimated age of 13 to 15 or 16 years old.⁵⁸³ Because of this, it is reasonable to conclude that the "[t]eeth" mentioned in Dr. Hameli's report were the dental remains labelled E-1.

The Hameli Team used other data to conclude the B-1 remains belonged to Katricia, including the blood type (O), which matched the blood type of her mother, Consuella Dotson.⁵⁸⁴ The reports of Dr. Hameli and Dr. Kerley both note the presence of pubic hair with the B-1 remains,⁵⁸⁵ which, as Dr. Hameli explained during his testimony before the MOVE Commission, was significant because the team learned from family members that Katricia was the only child in the house at 6221 Osage Avenue known to have pubic hair.⁵⁸⁶ We have not found records indicating with whom the Hameli Team spoke to obtain this information. The records indicate that Body D, later identified as Zanetta Dotson, Katricia's half-sister, also had pubic hair, a detail that Dr. Hameli and his team did not include in their analysis or mention during their testimony to the Special Commission.⁵⁸⁷

c. *Period 3: Continued Investigation, November 1985 to March 1986, and December 1985 Burial*

Following the Hameli Team's review and testimony before the Commission in November 1985, the remains of Body B-1 remained at the MEO, during which time they were examined at least by Drs. Mann, Monge, Hameli, and Kerley, according to records we have reviewed. The records also indicate that in November 1985, Dr. Segal physically took the remains of Body B-1 to the Smithsonian in Washington, D.C., for review by Dr. Damadio, and also that Dr. Hameli shipped the B-1 remains to forensic anthropologist Dr. Judy Suchey in late December 1985. Then in March 1986, Dr. Segal actually sent the B-1 remains to the Smithsonian, where they remained in the possession of Dr. Damadio until September 1986. This investigation of the B-1 remains continued despite the fact that some B-1 remains purportedly were released for burial in December 1985.

(1) *Additional Review by Drs. Mann and Monge, and Damadio of the Smithsonian*

Following the Hameli Team's testimony before the Commission on November 5, 1985, Dr. Mann, accompanied by Dr. Monge, re-examined the remains of Body B-1 on November 14, 1985, because he did not agree with the Hameli Team's conclusion that Body B-1 was that of an

⁵⁸¹ Hameli Report.

⁵⁸² Hameli Report.

⁵⁸³ Levine Report at 2; Kerley Report.

⁵⁸⁴ Hameli Report.

⁵⁸⁵ Hameli Report; Kerley Report.

⁵⁸⁶ Hameli Testimony at 42.

⁵⁸⁷ Postmortem Report for Body D.

individual aged 13-15 or 16 years.⁵⁸⁸ Instead, Drs. Mann and Monge thought Body B-1 belonged to an older individual aged 18-20 years.⁵⁸⁹ And based on this discrepant age, Drs. Mann and Monge also concluded that the dental fragment labeled E-1 could not belong to Body B-1 but provided no information about with which set of remains they thought the fragment should belong.⁵⁹⁰

The records are clear that Stephanie Damadio, who at the time was at the Smithsonian Institution's National Museum of Natural History,⁵⁹¹ also examined the remains of Body B-1 at least twice, once in November 1985 and again from March to September 1986, described below. Indeed, in a news report in November 1985, she explained that she had believed, based on her earlier analysis in July 1985, that the B-1 remains were from a woman who was between 19 to 23 years old, but after Hameli's testimony she publicly stated that she would like to see the remains again given the difference in conclusions between her and the Hameli Team.⁵⁹² A handwritten note by Dr. Segal dated November 25, 1985—seven days after he accepted the identification—indicates that he “took the bones of case B1 and G to the Smithsonian,” where they “were examined by Stephanie Dematio [*sic*].”⁵⁹³ Additional handwritten notes are attached and appear to indicate that Dr. Damadio examined Body B-1 around 10 a.m. on November 25 and concluded the remains were of a female individual aged anywhere from 16 to 23 years.⁵⁹⁴ These notes indicate that Dr. Damadio examined a femur and a pelvis to reach this conclusion.⁵⁹⁵

(2) Purported Burial, December 14, 1985

It seems that no one at the MEO or the Commission took these additional reviews into consideration, as the MEO notified Katricia's parents, Consuella Dotson (who was imprisoned at the time) and Nathaniel Galloway of the positive identification on November 16, 1985, by sending letters to each parent.⁵⁹⁶ In fact, Katricia's family was seeking the return of her remains around that time. For instance, an attorney, Roger Perry, wrote to the MEO on November 6, 1985, on behalf of Galloway and wrote that because her “remains have been identified, I believe release should be arranged immediately.”⁵⁹⁷ On November 14, 1985, a note showed that Perry spoke to Dr. Segal and was told that two to three weeks would be required for identification. Finally, Galloway visited the MEO two days later, on November 18, 1985, to sign a document accepting the identification of Body B-1 as Katricia “as established by the consultants to the Philadelphia Move Commission.”⁵⁹⁸ The records indicate that MEO staff showed Galloway no remains at that time.⁵⁹⁹ One day later, on November 19, 1985, Dr. Segal signed a form titled “Findings of the

⁵⁸⁸ Mann Report.

⁵⁸⁹ Mann Report.

⁵⁹⁰ Mann Report.

⁵⁹¹ “Pathologist's report raises questions,” *The Philadelphia Inquirer* (November 10, 1985).

⁵⁹² “Pathologist's report raises questions,” *The Philadelphia Inquirer* (November 10, 1985).

⁵⁹³ Handwritten Note by Dr. Segal, dated November 25, 1985.

⁵⁹⁴ Handwritten Note by Dr. Segal, dated November 25, 1985.

⁵⁹⁵ Handwritten Note by Dr. Segal, dated November 25, 1985.

⁵⁹⁶ Letters from MEO dated November 16, 1985.

⁵⁹⁷ Letter from Attorney for Nathaniel Galloway to MEO.

⁵⁹⁸ Certificate of Identification for Katricia Dotson.

⁵⁹⁹ Certificate of Identification for Katricia Dotson (“Body Viewed? No.”).

Medical Examiner” related to Body B-1 on which he wrote, “This body is released to the next of kin based solely on the identification made by the consultants to the Philadelphia Move Commission,” *i.e.*, the Hameli Team.⁶⁰⁰

Based on the Hameli Team’s conclusion and Dr. Segal’s apparent acceptance of that conclusion, records indicate that the MEO released Body B-1 as the remains of Katricia Dotson on December 14, 1985, and they were buried in Eden Cemetery that same day.⁶⁰¹ There is no list, inventory, or description of what remains were released as Katricia Dotson on this date, nor is there any record of what remains Eden Cemetery received for burial. The records are clear that the *only* remains in the MEO’s possession at any time related to Body B-1 were a section of human tissue, a portion of right pelvis, a portion of right femur, and the dental fragment labeled E-1; later records and testimony, including Dr. Hameli’s testimony before the MOVE Commission and Dr. Segal’s April 1986 report, indicate that the only remains for Body B-1 were the portions of pelvis and femur. Based on our interviews and review of the records, photographs, and slides available to us, we conclude that the right pelvis and right femur were in the possession of the Penn Museum from September 1986 to at least April 2021, as described in further detail below, and thus could not have been released for burial in December 1985. Moreover, the dental fragment labeled E-1 is currently in the possession of the MEO. This leaves three possibilities, each equally disturbing, of what was buried in December 1985: (1) the MEO released remains *not associated with Body B-1* for burial as Katricia Dotson and retained the B-1 remains; (2) the MEO released the section of human tissue associated with Body B-1 for burial as Katricia Dotson and retained the skeletal B-1 remains; or (3) the MEO released *no* remains for burial as Katricia Dotson. Based on the records available to us and the interviews we have conducted, we do not have sufficient information to determine what, in fact, was buried in Katricia’s casket in Eden Cemetery.

(3) Additional Review by the Hameli Team and Others

At some point after their Commission testimony, Drs. Hameli and Kerley learned of the ongoing debate as to the identity of the Body B-1 remains and visited to the MEO to review them once again. Dr. Hameli issued an addendum report dated January 30, 1986, summarizing this additional review. This addendum does not specify when exactly they examined the remains, though Dr. Kerley’s addendum report—which is attached to Dr. Hameli’s addendum—is dated December 5, 1985, thus their additional review of the Body B-1 remains likely took place prior to that date.⁶⁰² A letter from Dr. Kerley dated late December 1985 says that he and Dr. Hameli examined the remains of Body B-1 and Body G at the MEO on December 3, 1985.⁶⁰³ This additional examination did not change their opinion that the Body B-1 remains belonged to an individual aged 14-16 years, most likely Katricia.⁶⁰⁴

In the addendum report, Dr. Hameli also noted that he asked Dr. Clyde Snow, a forensic anthropologist at the University of Oklahoma, to review the case of Body B-1, but without “the

⁶⁰⁰ Findings of the Medical Examiner for Body B1.

⁶⁰¹ Body Delivery Record for Katricia; Eden Cemetery Burial Cards.

⁶⁰² Hameli Addendum Report.

⁶⁰³ Letter from Kerley to PSIC, dated December 28, 1985.

⁶⁰⁴ Hameli Addendum Report.

advantage of examining the actual specimens of bones.”⁶⁰⁵ Dr. Snow’s report, dated January 31, 1986, explains that he had reviewed “radiographs, photographs and other materials” related to Body B-1 and also to Body G, supporting Dr. Hameli’s earlier statement that Dr. Snow had not any of the actual remains, but rather only photographs/x-rays of them.⁶⁰⁶ Nevertheless, as to Body B-1, Dr. Snow concludes that the age range was 16 years plus or minus 2 years, and that the “segments labelled as B-1 on X ray of Body E” were compatible with Body B-1, but without describing which exact remains these were.⁶⁰⁷

On December 12, 1985, Dr. Hameli requested that Dr. Segal forward to Dr. Judy Suchey, a forensic anthropologist at California State University who specialized in the aging of pelvic bones, the pelvic remains of B-1.⁶⁰⁸ Dr. Suchey received the following items on December 30, 1986: (1) right innominate (*i.e.*, pelvic bone), in two fragments; (2) the proximal (*i.e.*, upper) portion of a right femur; and (3) a left pubic bone fragment.⁶⁰⁹ We have found no records to indicate that there was a left pubic bone fragment associated with Body B-1. Dr. Suchey concluded that the specimen belonged to a female individual 13-16 years in age.⁶¹⁰ Dr. Suchey returned the remains she analyzed to Dr. Segal on January 22, 1986.⁶¹¹

The following day, on January 23, 1986, Dr. Segal wrote to William Lytton, counsel to the MOVE Commission, to inform him that Dr. Suchey’s conclusions regarding the B-1 remains were consistent with those of the Hameli Team. Dr. Segal added, “It would be unreasonable for me to reject these findings in light of the evidence available at this time.”

d. *Period 4: Continued Investigation, March 1986 to April 2021*

We have found records suggesting that the B-1 remains were moved out of the MEO between January 22 and March 6, 1986.

Dr. Damadio, who had examined the remains in July and also mid-November 1985, later came into possession of the Body B-1 remains. On March 6, 1986, Dr. Segal sent the “skeletal material” associated with Body G and Body B-1 to Dr. Damadio.⁶¹² This is in direct contradiction to his statement to counsel for the Special Commission that “[i]t would be unreasonable . . . to reject” the findings of the Hameli Team and, by extension, the Commission itself. In the accompanying letter to Dr. Damadio in March 1986, Dr. Segal wrote,

Please re-examine [the remains] to whatever extent you require and submit a written report as to their ages and return the material to me.

⁶⁰⁵ Hameli Addendum Report.

⁶⁰⁶ Letter from Snow to Hameli.

⁶⁰⁷ Letter from Snow to Hameli.

⁶⁰⁸ Letter from Hameli to Segal, dated December 12, 1985.

⁶⁰⁹ Suchey Report.

⁶¹⁰ Suchey Report.

⁶¹¹ Letter from Suchey to Segal.

⁶¹² Letter from Segal to Smithsonian Institution, dated March 6, 1986.

If you can, please advise me if mild to chronic malnutrition would make skeletal material appear older or younger than its chronological age.⁶¹³

We have found no information regarding which remains were sent to Dr. Damadio, nor have we found any written report by Dr. Damadio regarding the remains of Body B-1. We attempted to contact Dr. Damadio several times but received no response.

The following month, April 1986, Dr. Segal released his final report related to the MOVE remains. In that report, and again despite his apparent acceptance of the identification by Dr. Hameli of B-1 as Katricia and the purported release of those remains based on that identification, he wrote that there was “no scientific evidence to support the identification of B-1 as Katricia Dotson.”⁶¹⁴ He even speculated that there could have been more people in the house at 6221 Osage Avenue at the time of the bombing, adding that “there is evidence” that Katricia was seen running away from the house, leading him to speculate further that she “was buried under some of the rubble in the alley a distance from the 6221 Osage Avenue site” or that “she ran into one of the houses up the street and died there.”⁶¹⁵ Dr. Segal does not cite or describe the source of this “evidence.” Because he refused to participate in this investigation despite our repeated requests, we were unable to determine why Dr. Segal refused to accept the findings of the Commission and its experts, despite stating otherwise.

Records indicate that Dr. Damadio shipped the remains of Body B-1 back to Dr. Segal on September 17, 1986,⁶¹⁶ and he received them at the MEO on September 23, 1986.⁶¹⁷ An MEO receipt dated the same day, September 23, 1986, indicates that Dr. Segal then gave remains to Dr. Monge of the University of Pennsylvania, but there is no mention of any specific victim or list of what remains Dr. Monge received.⁶¹⁸ The receipt reads: “Received from Robert J. Segal, M.D., the following material in the case of ‘Move’: Various bones for anthropologic examination.”⁶¹⁹ In multiple interviews with our investigative teams, Dr. Monge repeatedly stated that she received remains associated with Body B-1 only.⁶²⁰ Based on our investigation and the investigations conducted on behalf of the University of Pennsylvania and Princeton University, the B-1 remains were located at the Penn Museum from September 23, 1986, until at least April 2021. We have found no evidence to suggest that the B-1 remains returned to the MEO at any point after Dr. Segal gave them to Drs. Mann and Monge in September 1986.

There are remains currently at the MEO that may be associated with Katricia Dotson, according to our review of the records.

⁶¹³ Letter from Segal to Smithsonian Institution, dated March 6, 1986.

⁶¹⁴ Segal Report at 11 (emphasis in original).

⁶¹⁵ Segal Report at 11.

⁶¹⁶ Smithsonian Shipping Invoice.

⁶¹⁷ Memo and Receipt by Segal for Remains from Smithsonian, dated September 23, 1986.

⁶¹⁸ Memo and Receipt by Segal for Remains from Smithsonian, dated September 23, 1986.

⁶¹⁹ Memo and Receipt by Segal for Remains from Smithsonian, dated September 23, 1986.

⁶²⁰ Monge Interviews.

3. Zanetta Dotson

Zanetta Dotson was 13 years old on May 13, 1985.⁶²¹ The records indicate that Zanetta's remains were located at the MEO from May 14, 1985, until December 14, 1985, when they were released to Hankins Funeral Home and interred at Eden Cemetery.

a. *Period 1: From Bombing to Involvement of Hameli Team*

Zanetta Dotson was the daughter of Consuella Dotson, who was in custody at the time, and the younger half-sister of Katricia Dotson. Her remains were recovered from the back of the basement at 6221 Osage Avenue, along with the remains of eight other victims, on May 14, 1985, the day after the bombing, at 6:41 p.m. and transported to the MEO the same day.⁶²² Her remains were designated Body D, Case No. 85-2490.⁶²³

As with other victims, there is no consolidated list of the doctors, experts, or analysts who examined Zanetta's remains in the days following the bombing. The records indicate that at least three sets of people examined the remains in May 1985: Drs. Mann and Monge of the University of Pennsylvania; Dr. Haskell Askin; and Assistant Medical Examiner Hal Fillingner. Body D is not included in the FBI fingerprint report, presumably because the Philadelphia Police Department had no fingerprints on file for Zanetta since she was a child. We have seen no indication from the records that Zanetta's were examined by anyone else until the involvement of the Hameli Team beginning in late July 1985, as described in the next section.

Drs. Mann and Monge examined the remains of Body D on May 16 and May 17, 1985, at the MEO.⁶²⁴ They determined that Body D belonged to an "immature" individual who was younger than 12 years old and female.⁶²⁵

On or before May 16, 1985, Dr. Askin examined dental remains related to Body D, which included a fragment of mandible and a bicuspid tooth found in the chest cavity of Body D but which may not have belonged to those remains.⁶²⁶ Dr. Askin's draft report, which is the only version we have been able to find and is dated May 16, 1985, reaches no conclusions regarding the sex or age of Body D.⁶²⁷

Dr. Fillingner conducted a postmortem examination of Body D on May 16, 1985.⁶²⁸ The report concludes only that the remains belong to a "female child of approximate pubertal age."⁶²⁹

⁶²¹ Certificate of Identification for Zanetta Dotson.

⁶²² Diagram of Location of Victims Found May 14, 1985; Report of Death for Body D.

⁶²³ Report of Death for Body D.

⁶²⁴ Handwritten Notes Listing "Individuals".

⁶²⁵ Handwritten Notes Listing "Individuals".

⁶²⁶ Askin Draft Report.

⁶²⁷ Askin Draft Report.

⁶²⁸ Postmortem Report for Body D.

⁶²⁹ Postmortem Report for Body D.

b. *Period 2: Involvement of Hameli Team*

As noted above, there is no indication from the records that Zanetta's remains were examined between May 1985 and when the Hameli Team began work in July 1985. Dr. Hameli's report concludes that Body D belonged to Zanetta based on several pieces of data: an x-ray showing female remains aged 11-14 years, but without a description of what was depicted there or why it was reviewed rather than examining the bones themselves; "[t]eeth" showing an age of 12 or more years; and comparison of Body D's blood type, O, with that of Consuella, also O.⁶³⁰

Neither of Dr. Hameli's two other team members explicitly identified Body D as Zanetta. Dr. Kerley determined, based on his examination of the bones (with no mention of x-rays) that Body D belonged to a female individual aged 11-14 years.⁶³¹ Dr. Hameli testified before the MOVE Commission that Dr. Kerley engaged in an "examination of the X-ray" related to Body D, but there is no indication from Dr. Kerley's report that he did anything other than examine the actual remains themselves.⁶³² Dr. Levine described a segment of mandible along with an upper bicuspid that may not be related to Body D, but—similar to Dr. Askin—reached no conclusions as to the age range of the individual.⁶³³ Nevertheless, Dr. Hameli testified to the MOVE Commission that Dr. Levine concluded that Body D belonged to an individual aged 12 years, plus or minus two years.⁶³⁴

c. *Period 3: Burial*

On November 14, 1985, Dr. Fillinger signed a form titled "Findings of the Medical Examiner" related to Body D on which he wrote, "This body is released to the next of kin based solely on the identification made by the consultants to the Philadelphia Move Commission," *i.e.*, the Hameli Team.⁶³⁵ This is the same language used in the "Findings of the Medical Examiner" document related to Body B-1 and signed by Dr. Segal, but is dated five days before the document related to Body B-1.

Two days later, on November 16, 1985, the MEO notified Zanetta's mother, Consuella Dotson (who was imprisoned at the time), of the positive identification by sending a letter to her at SCI Muncy.⁶³⁶ Consuella's sister, Zelma Harrigan, visited the MEO at some point to sign a Certificate of Identification, the date of which is not visible due to poor copying.⁶³⁷ The records indicate that MEO staff showed Harrigan no remains at that time.⁶³⁸

Based on the Hameli Team's conclusion and the MEO's apparent acceptance of that conclusion, records indicate that the MEO released Body D as the remains of Zanetta Dotson on

⁶³⁰ Hameli Report.

⁶³¹ Hameli Report.

⁶³² Hameli Testimony at 45.

⁶³³ Levine Report.

⁶³⁴ Hameli Testimony at 45-46.

⁶³⁵ Findings of Medical Examiner for Body D.

⁶³⁶ Letter from MEO to Consuella Dotson dated November 16, 1985.

⁶³⁷ Certificate of Identification for Zanetta Dotson.

⁶³⁸ Certificate of Identification for Zanetta Dotson ("Body Viewed? No.").

December 14, 1985, and they were buried in Eden Cemetery that same day.⁶³⁹ There is no list, inventory, or description of what remains were released as Zanetta Dotson on this date, nor is there any record of what remains Eden Cemetery received for burial.

Despite the identification of Body D as Zanetta and the release of those remains for burial as Zanetta, Dr. Segal nevertheless continued to dispute the identification. In his April 1986 report, Dr. Segal wrote that the identification of Body D (as well as the identifications of Body B-1—Katricea—and Body G—Delisha) “cannot be established as there are no unique identifying features.”⁶⁴⁰ Despite this claim, Dr. Segal did concede in his report that Body D was the body of a female aged 11-14 years with blood type O, thus appearing to accept the conclusions of the Hameli Team and the MOVE Commission, and then noted that Zanetta was known to be a 13-year-old girl with blood type O.⁶⁴¹ Unlike with Body B-1, described above, and Body G, described below, there is no indication that Dr. Segal continued his investigation into the identification of Body D by, for example, sending remains to the Smithsonian or other experts for review and continued examination.

There are remains currently at the MEO that may be associated with Zanetta Dotson, according to our review of the records.

4. Delisha Orr⁶⁴²

Delisha Orr was 12 or 13 years old at the time of the MOVE bombing. The records we reviewed do not include Delisha’s birth certificate, though records refer to her as aged 13, while media reports from the time of the bombing age her at 12, and Dr. Hameli and his team estimated she was 12-13 years old.

The records indicate that Delisha’s remains were at the MEO from May 15, 1985, to September 22, 1986, when they were buried at Eden Cemetery. Though the remains had been identified as belonging to Delisha nearly a year prior, her remains were one of the last three sets to be released from the MEO, along with those of Phil Phillips and Tomaso Levino.

a. *Period 1: From Bombing to Involvement of Hameli Team*

Delisha Orr was the daughter of Janet Holloway and Delbert Orr, who were both in custody at the time of the bombing.⁶⁴³ Her remains were recovered from the MOVE bombing site on the second day of recovery efforts, May 15, 1985, at 1:00 p.m.⁶⁴⁴ Her remains were found in the back of the basement near the remains of eight other victims; per a diagram of the site, Delisha’s remains

⁶³⁹ Eden Cemetery Burial Cards.

⁶⁴⁰ Segal Report at 11 (emphasis in original).

⁶⁴¹ Segal Report at 11.

⁶⁴² Based on the records we have reviewed, we understand this victim’s name to have been spelled variously “Delisha” and “Delicia.” We have chosen to use the former spelling as that is the spelling used on official documentation, such as final death certificates.

⁶⁴³ Certificate of Identification for Delisha Orr.

⁶⁴⁴ Diagram of Location of Victims Found May 15, 1985.

were located the closest to the back of the basement of all the victims.⁶⁴⁵ Her remains were transported to the Medical Examiner's Office on May 15, 1985, and designated Body G, Case No. 85-2492.⁶⁴⁶

As with all other victims, there is no chain of custody document or comprehensive list of every doctor, expert, and analyst who examined the remains. Prior to the involvement of the Hameli Team beginning in late July 1985, the records indicate that at least three different sets of doctors examined the remains once they arrived at the Medical Examiner's Office: Drs. Mann and Monge of the University of Pennsylvania; forensic odontologist Dr. Haskell Askin; and Assistant Medical Examiner Dr. Robert J. Segal.

First, as noted above, Drs. Mann and Monge were present at the MEO on May 16 and 17, 1985, to examine certain of the remains.⁶⁴⁷ One of the remains they focused on in their review was Body G. Handwritten notes from their examination indicate they thought Body G was the body of a "6+" year old female with an erupted first molar, indicating that they had dental evidence associated with Body G.⁶⁴⁸ Other notes from Drs. Mann and Monge indicate that they also examined pelvic and skull portions associated with Body G, which indicated an approximate age of six years old.⁶⁴⁹ Body G is not included in the FBI fingerprint report, indicating that the FBI analysts presumably did not take evidence from or related to Body G.⁶⁵⁰

Second, Dr. Haskell Askin, the forensic odontologist brought in by the MEO to assist in the immediate aftermath of the bombing, examined the remains of Body G on May 16, 1985.⁶⁵¹ His report indicates that he reviewed the head and chest of Body G for dental evidence, finding only a section of jawbone in the chest cavity.⁶⁵² He noted this as a portion of a mandible with one molar visible, which he x-rayed and photographed.⁶⁵³ His report evidences no conclusions reached about the identity of Body G or whether this mandibular fragment should be associated with Body G or the remains of some other victim.

Third, Assistant Medical Examiner Dr. Robert J. Segal performed a postmortem examination of Body G on May 21, 1985.⁶⁵⁴ The report of that same date concludes nothing regarding the age or even sex of Body G.⁶⁵⁵ An addendum to the postmortem report dated June 17, 1985, indicates that postmortem x-rays had been taken by that date, but does not explain when,

⁶⁴⁵ Diagram of Victims Found in Basement.

⁶⁴⁶ Certificate of Identification for Delisha Orr; Segal Report at 3.

⁶⁴⁷ Invoice from Mann to Segal, dated May 20, 1985.

⁶⁴⁸ Handwritten Notes from MEO Examination.

⁶⁴⁹ Handwritten Notes from MEO Pelvic and Skull Examination.

⁶⁵⁰ FBI Fingerprint Report.

⁶⁵¹ Letter from Askin to Segal, dated May 28, 1985.

⁶⁵² Askin Draft Report.

⁶⁵³ Askin Draft Report.

⁶⁵⁴ Postmortem Report for Body G dated May 21, 1985; Police Activity Sheet for Body G.

⁶⁵⁵ Postmortem Report for Body G dated May 21, 1985.

why, or where the x-rays were taken.⁶⁵⁶ This addendum also notes Body G’s estimated age as “6 years,” but does not explain how Dr. Segal reached that estimate.⁶⁵⁷

The chain-of-custody review of these remains is severely complicated by statements regarding Body G in Dr. Segal’s report from April 1986 and compounded further by Dr. Segal’s unwillingness to speak with us. In his report, Dr. Segal indicates that the remains of Body G were examined in some way by several other doctors/experts other than those listed above. He writes that the remains were examined by “three anthropologists [*sic*] at the Smithsonian Institute,” “radiologists at the University of Pennsylvania Dental School,” and “another anthropologist,” without naming those individuals, what they reviewed, or when.⁶⁵⁸ Moreover, Dr. Segal notes that the remains were x-rayed by a Dr. Borden at the Children’s Hospital—again, without specifying what was x-rayed, when, or why.⁶⁵⁹

b. *Period 2: Involvement of Hameli Team*

It is not clear where Body G’s remains were located at the time the Hameli Team began their review in July 1985. Dr. Hameli’s report lists the sets of remains that he and his team found at the MEO when they arrived in July; Body G is not one of them.⁶⁶⁰ Nevertheless, Dr. Hameli and his team presumably were able to examine at least some of Body G’s remains at some point since they are described and attributed to Delisha in their respective reports, including the report that omitted Body G from the list of remains located at the MEO.

Dr. Hameli’s report indicated that Body G had a bone age of 9-12 years, with a teeth age of 12-13 years.⁶⁶¹ He also noted that Body G had a blood type of “A.”⁶⁶² Based on these factors, he concluded that Body G is that of Delisha.⁶⁶³

The report of Dr. Kerley, the team’s forensic anthropologist, concluded that Body G belonged to an individual between 9 and 12 years old, hypothesizing that Body G was Delisha.⁶⁶⁴ He also noted that the mandible fragment labelled “E-2” belongs with Body G based on age, size, and bilateral symmetry.⁶⁶⁵

Dr. Levine, the team’s forensic odontologist, examined a segment of right mandible, which he did not name or otherwise provide a designation for, and determined that the age is consistent with a 12- to 13-year-old and appeared consistent with the age range attributed to the left mandibular portion labeled “E-2.”⁶⁶⁶ His report concluded that “E-2” is a portion of Body G,

⁶⁵⁶ Postmortem Report for Body G dated June 17, 1985.

⁶⁵⁷ Postmortem Report for Body G dated June 17, 1985.

⁶⁵⁸ Segal Report at 9.

⁶⁵⁹ Segal Report at 9.

⁶⁶⁰ Hameli Report.

⁶⁶¹ Hameli Report.

⁶⁶² Hameli Report.

⁶⁶³ Hameli Report.

⁶⁶⁴ Kerley Report.

⁶⁶⁵ Kerley Report (E-1); Kerley Report (E-2).

⁶⁶⁶ Levine Report.

meaning that this right mandibular portion that he did not name should also, in his opinion, belong with Body G.⁶⁶⁷

c. *Period 3: November 1985 to September 1986*

Based on our review of the records, and as noted above, it is not clear when, if at all, the remains of Body G were shipped to and/or examined by the various experts that Dr. Segal listed, but the majority of whom he did not expressly name, in his report. However, the records do make clear that following the Hameli Team's review and testimony before the Commission, the remains of Body G remained at the MEO, during which time the remains were examined at least by Drs. Mann, Monge, Hameli, and Kerley, according to records we have reviewed. Records also indicate that in November 1985, Dr. Segal physically took the remains of Body G to the Smithsonian in Washington, D.C., and then in March 1986 actually sent the remains to the Smithsonian, where they remained in the possession of Stephanie Damadio, who worked in the Physical Anthropology division of the Smithsonian National Museum of Natural History, until September 1986.

Following the Hameli Team's testimony before the Commission on November 5, 1985, Dr. Mann, accompanied by Dr. Monge, re-examined the remains of Body G on November 14, 1985, because he did not agree with the Hameli Team's conclusion that Body G was that of an individual aged 9-12 years.⁶⁶⁸ Instead, Drs. Mann and Monge thought Body G belonged to a much younger individual of 6-7 years old.⁶⁶⁹ And based on this discrepant and much younger age, Drs. Mann and Monge also concluded that the right mandible fragment could not belong to Body G and surmised that it belonged instead to Body D (identified as Zanetta Dotson).⁶⁷⁰ However, it does not seem that anyone at the MEO or the Commission took Dr. Mann's additional review into consideration, for the MEO notified Delisha's parents, Janet Holloway and Delbert Orr, both of whom were incarcerated at the time, of the positive identification on November 15, 1985, by leaving messages with the prisons' staff and sending letters to each parent.⁶⁷¹

Four days later, on November 19, 1985, Dr. Segal signed a form titled "Findings of the Medical Examiner" related to Body G on which he wrote, "This body is released to the next of kin based solely on the identification made by the consultants to the Philadelphia Move Commission," *i.e.*, the Hameli Team.⁶⁷²

At some point after their Commission testimony, Drs. Hameli and Kerley learned of the ongoing debate as to the identity of the Body G remains and visited the MEO to review them once again. Dr. Hameli issued an addendum report dated January 30, 1986, summarizing this additional review. This addendum does not specify when exactly they examined the remains, though Dr. Kerley's addendum report—which is attached to Dr. Hameli's addendum—is dated December 5, 1985, thus their additional review of the Body G remains likely took place prior to that date.⁶⁷³ A

⁶⁶⁷ Levine Report.

⁶⁶⁸ Mann Report.

⁶⁶⁹ Mann Report.

⁶⁷⁰ Mann Report.

⁶⁷¹ Investigative Log for Body G; Letter from MEO to Delbert S. Orr dated November 16, 1985.

⁶⁷² Findings of Medical Examiner for Body G.

⁶⁷³ Hameli Addendum Report.

letter from Dr. Kerley dated late December 1985 says that he and Dr. Hameli examined the remains of Body B-1 and Body G at the MEO on December 3, 1985.⁶⁷⁴ This additional examination did not change their opinion that the Body G remains belonged to an 8- to 13-year-old individual, most likely Delisha.⁶⁷⁵

In the addendum report, Dr. Hameli also noted that he asked Dr. Clyde Snow, a forensic anthropologist at the University of Oklahoma, to review the case of Body G, but without “the advantage of examining the actual specimens of bones.”⁶⁷⁶ Dr. Snow’s report, dated January 31, 1986, explains that he had reviewed “radiographs, photographs and other materials” related to Body B-1 and also to Body G, supporting Dr. Hameli’s earlier statement that Dr. Snow had not any of the actual remains, but rather only photographs/x-rays of them.⁶⁷⁷ Nevertheless, as to Body G, Dr. Snow concludes that the age range is 10 years plus or minus 2 years, and that the “segment of mandible noted on X ray E and labelled G” is compatible with Body G.⁶⁷⁸

The records are clear that Dr. Damadio also examined the remains of Body G at least two times. Despite his earlier acceptance of the identification, records indicate that Dr. Segal continued to solicit expert review of the remains of Body G. A handwritten note by Dr. Segal dated November 25, 1985—six days after he accepted the identification—indicates that he “took the bones of case B1 and G to the Smithsonian,” where they “were examined by Stephanie Dematio [*sic*].”⁶⁷⁹ Additional handwritten notes are attached and appear to indicate that Dr. Damadio examined Body G around 11:45 a.m. on November 25 and concluded the remains were of a 9- to 10-year-old female.⁶⁸⁰ It is not clear on what this apparent conclusion is based, nor is it clear which remains Dr. Segal took with him to the Smithsonian for Dr. Damadio’s review.

Dr. Damadio later came into possession of the Body G remains. On March 6, 1986, Dr. Segal sent the “skeletal material” associated with Body G and Body B-1 to Dr. Damadio.⁶⁸¹ In the accompanying letter, Dr. Segal wrote,

Please re-examine [the remains] to whatever extent you require and submit a written report as to their ages and return the material to me.

If you can, please advise me if mild to chronic malnutrition would make skeletal material appear older or younger than its chronological age.⁶⁸²

⁶⁷⁴ Letter from Kerley to PSIC, dated December 28, 1985.

⁶⁷⁵ Hameli Addendum Report.

⁶⁷⁶ Hameli Addendum Report.

⁶⁷⁷ Letter from Snow to Hameli.

⁶⁷⁸ Letter from Snow to Hameli.

⁶⁷⁹ Handwritten Note by Dr. Segal, dated November 25, 1985.

⁶⁸⁰ Handwritten Note by Dr. Segal, dated November 25, 1985.

⁶⁸¹ Letter from Segal to Smithsonian Institution dated March 6, 1986.

⁶⁸² Letter from Segal to Smithsonian Institution, dated March 6, 1986.

We have found no information regarding which remains were sent to Dr. Damadio, nor have we found any written report by Dr. Damadio regarding the remains of Body G. We attempted to contact Dr. Damadio several times but received no response.

Records indicate that Dr. Damadio shipped the remains of Body G back to Dr. Segal on September 17, 1986,⁶⁸³ and he received them at the MEO on September 23, 1986.⁶⁸⁴ An MEO receipt dated September 23, 1986, indicates that Dr. Segal then gave remains to Dr. Monge of the University of Pennsylvania, but there is no mention of any specific victim or list of what remains Dr. Monge received.⁶⁸⁵ The receipt reads: “Received from Robert J. Segal, M.D., the following material in the case of ‘Move’: Various bones for anthropologic examination.”⁶⁸⁶ In our multiple interviews, Dr. Monge repeatedly stated that she received remains associated with Body B-1 only.⁶⁸⁷

d. *Period 4: Release of Remains for Burial*

On September 10, 1986, the MEO again sent letters to Holloway and Orr informing them that their daughter’s remains had not yet been claimed for burial and requesting that they contact the MEO regarding Delisha remains to make the necessary burial arrangements.⁶⁸⁸ According to other correspondence, it appears that the mothers of the child victims hired a lawyer in Philadelphia, Angela L. Martinez, Esq., to represent them and also gave power of attorney to an individual named Gerald Ford Africa.⁶⁸⁹ Martinez informed the MEO on April 2, 1986, that funds were being raised for the burial of the remains of the three remaining children.⁶⁹⁰

Despite the fact that some of the remains associated with Delisha were en route back to the MEO from the Smithsonian at the time, records indicate that Delisha’s remains were released to Freeman L. Hankins, the director of Hankins Funeral Home, on September 22, 1986.⁶⁹¹ The remains were buried at Eden Cemetery in Collingdale, Pennsylvania, the same day.⁶⁹² The owner of this plot is listed as Gerald Ford Africa.⁶⁹³ In a media report from the day after the burial, Gerald Ford Africa attributed the delay in releasing the remains of Delisha, Phil, and Tomaso to a lack of money and the MOVE commission.⁶⁹⁴ We have located no list or inventory of remains received by Hankins Funeral Home or Eden Cemetery.

⁶⁸³ Smithsonian Shipping Invoice.

⁶⁸⁴ Memo and Receipt for Remains from Smithsonian.

⁶⁸⁵ Memo and Receipt for Remains from Smithsonian.

⁶⁸⁶ Memo and Receipt for Remains from Smithsonian.

⁶⁸⁷ Monge Interviews.

⁶⁸⁸ Letter from MEO to Delbert S. Orr dated September 10, 1986.

⁶⁸⁹ Letter from MEO to Angela Martinez, Esq. dated September 10, 1986.

⁶⁹⁰ City of Philadelphia Memo, dated April 2, 1986.

⁶⁹¹ Order to Release Body and Body Delivery Record for Delisha Orr.

⁶⁹² Eden Cemetery Burial Cards.

⁶⁹³ Eden Cemetery Burial Cards.

⁶⁹⁴ Rich Heidorn, Jr., “For 3 MOVE Children, Burial After 16 Months, Media Report,” September 23, 1986.

A media report dated three days later, September 25, 1986, reports a “mixup” by the MEO, explaining that three days earlier, morgue attendants had mistakenly given other remains to Hankins Funeral Home for burial, including “bones and other human debris.”⁶⁹⁵ The article reports that the children’s remains were then released to Hankins on September 25 and buried, and Medical Examiner Robert L. Catherman is quoted as saying that “all MOVE remains had been removed from the morgue.”⁶⁹⁶ Again, we have not located any list of inventory of what was released either on September 22 or in the following days (if any). Furthermore, other than this media report, we have found no records indicating that the remains of Delisha, Phil, and Tomaso were released and buried on any day other than September 22, 1986.

There are remains currently at the MEO that may be associated with Delisha, according to our review of the records and our investigation.

5. Phil Phillips

Phil was the second and oldest boy who died in the bombing. While we have not been able to confirm Phil’s date of birth, the records indicate a consensus among doctors and experts that he was between 10 and 12 years old. Despite being identified just days after the bombing, Phil’s remains were held at the MEO for a year and a half, until September 1986, at which time they were interred in Eden Cemetery with the remains of Delisha Orr and Tomaso Levino.

a. *Period 1: From Bombing to Hameli Team Review*

Phil Phillips was the son of Janine and William Phillips, who were both in custody at the time of the bombing.⁶⁹⁷ His remains were recovered the day after the bombing, on May 14, 1985, and ordered to the MEO at that time.⁶⁹⁸ Per a diagram of the site, Phil’s remains were recovered at 7:12 p.m. toward the back of the basement, with the remains of eight other victims.⁶⁹⁹ The remains were designated Body C, MEO case number 85-2489.⁷⁰⁰ Some records indicate that the remains placed on the same table may have all been designated “C,” then further designated as C-1, C-2, etc., and the remains later associated with Phil were designated “C-5.”⁷⁰¹

As with all other victims, there is no consolidated list or description of which experts, doctors, or investigators examined Phil’s remains or when, though the records show Phil’s remains were examined by at least four different sets of doctors in the days after the bombing. Records indicate that Phil’s remains were first examined three days after the bombing, on May 16, 1985,

⁶⁹⁵ Michael E. Ruane, “Error Made on MOVE Remains,” Media Report, September 25, 1986.

⁶⁹⁶ Michael E. Ruane, “Error Made on MOVE Remains,” Media Report, September 25, 1986.

⁶⁹⁷ Investigative Log for Phil Phillips.

⁶⁹⁸ Report of Death for Body C.

⁶⁹⁹ Location of Victims Found May 14, 1985 Diagram.

⁷⁰⁰ Location of Victims Found May 14, 1985 Diagram.

⁷⁰¹ Handwritten Notes Listing “Individuals”.

during a postmortem examination conducted by Assistant Medical Examiner Dr. Hal Fillinger.⁷⁰² This examination confirmed the remains as those of a young male child.⁷⁰³

Apart from medical examiners, at least three other doctors and one or more forensic artists also examined the remains. Dr. Askin examined Phil's remains; in his draft report dated May 16, 1985—the same day as Dr. Fillinger's postmortem examination—Dr. Askin described the dental remains associated with Body C and assigned those remains an approximate age of 10-11 years old.⁷⁰⁴ Drs. Mann and Monge also examined the remains, given their focus on the children, and assigned Body C (which they referred to as “C-5”) a preliminary age range of 9-11 years.⁷⁰⁵ While FBI fingerprint analysts were present at the MEO in the days after the bombing, there is no indication in the records that they analyzed Phil's remains since he is not mentioned in their report, presumably because there were no fingerprints on file to use as comparisons given his young age.⁷⁰⁶ Finally, records indicate that on June 4, 1985, Dr. Segal gave a portion of Body C's skull to Frank Bender, a forensic artist who specialized in skull reconstructions.⁷⁰⁷ Dr. Segal then received a clay model of the skull on June 10, 1985, and received from Bender on June 24, 1985, the “skull + mandible” of Body C-5, which presumably refers to Body C.⁷⁰⁸

b. *Period 2: Hameli Team Review*

When the Hameli Team arrived at the MEO in July 1985, Body C remained at the MEO and had not yet been identified.⁷⁰⁹ Each of the team's members examined the remains. Dr. Levine, the team's forensic odontologist, concluded the dental remains showed “mixed dentition most consistent with a ten year old.”⁷¹⁰ Dr. Kerley, the forensic anthropologist, determined the Body C remains had a bone age of 10-12 years.⁷¹¹ Dr. Hameli agreed with these assessments and concluded that Body C was that of Phil based on bone and teeth age, blood type comparison, and ante- and postmortem x-ray comparison.⁷¹² Dr. Segal, in his April 1986 report, concurred with the identification, but noted that there was no postmortem blood sample to use as a comparison, so the information regarding blood type was not useful for identification purposes.⁷¹³

There is a purported anomaly related to Body C that is mentioned throughout the records. Dr. Kerley focused on what he termed the “paddle-shaped clavicles” associated with Body C.⁷¹⁴ He wrote that “[t]he clavicles do not resemble those of any other bodies in this case and are quite

⁷⁰² Postmortem Report dated May 16, 1985 for Body C.

⁷⁰³ Postmortem Report dated May 16, 1985 for Body C.

⁷⁰⁴ Askin Draft Report.

⁷⁰⁵ Handwritten Notes.

⁷⁰⁶ FBI Fingerprint Report.

⁷⁰⁷ Receipt for Part of Skull.

⁷⁰⁸ Receipt for Clay Model of Skull; Receipt for Skull & Mandible.

⁷⁰⁹ Hameli Report.

⁷¹⁰ Levine Report.

⁷¹¹ Kerley Report.

⁷¹² Hameli Report.

⁷¹³ Segal Report at 8.

⁷¹⁴ Kerley Report.

unusual in their configuration.”⁷¹⁵ Dr. Hameli echoes the phrase “[p]addle-[s]haped [c]lavicles” in his report, reporting it as an anomaly useful for identification.⁷¹⁶ Even Dr. Segal used the phrase in his report, explaining, “Dr. Kerley during his examination of the remains discovered an unusual configuration of the clavicles which when compared to films taken in Virginia 5 years earlier revealed an excellent match and so established positive identification.”⁷¹⁷ We have found no description of these “paddle-shaped clavicles,” nor any photos that are labeled such.

Additionally, we reviewed the records from Richmond, Virginia, where the children associated with MOVE lived prior to Osage Avenue, and until they were removed from the Virginia residence by Child Protective Services in January 1980.⁷¹⁸ While the Virginia records related to Phil contain no radiographic images, there is a radiographic report detailing a “skeletal survey” performed via x-ray.⁷¹⁹ The report indicates that x-rays were taken of Phil’s skull, axial skeleton, and the long bones of all four extremities, and the radiologist noted the following:

There are prominent growth arrest lines in the ends of the long bones [blank] diffuse paucity of soft tissues and a slight diffuse osteoporosis.

A single PA view of the left hand reveals a bone age of between two years, eight months and three years, 0 months. No chronologic age is given.⁷²⁰

Neither this report nor the 1980 records reveal any mention of an anomaly of Phil’s clavicles, as described in later reports and testimony.

Beyond the records, we have also reviewed slides from various sources depicting the remains in 1985; there are multiple slides depicting a set of clavicles, along with what appear to be postmortem x-rays of an individual’s thoracic region, including the clavicles.⁷²¹ However, none of these slides appear to depict any clavicular anomaly and there are no mentions in records we have reviewed of “paddle-shaped clavicles” other than the reports of Drs. Kerley, Hameli, and Segal.

c. *Period 3: Resumption of MEO Custody, Release, and Ultimate Disposition*

Records indicate that Body C was positively identified as Phil as of November 13, 1985, when Assistant Medical Examiner Dr. Hal Fillinger noted that “final identification [was] concluded following evaluation of all information in this case.”⁷²² The MEO wrote to Phil’s

⁷¹⁵ Kerley Report.

⁷¹⁶ Hameli Report.

⁷¹⁷ Segal Report at 8.

⁷¹⁸ Virginia Commonwealth University Records, Patient Identification Form.

⁷¹⁹ Virginia Commonwealth University Records, Radiographic Report.

⁷²⁰ Virginia Commonwealth University Records, Radiographic Report.

⁷²¹ Photographs of slides at City Archives.

⁷²² Findings of the Medical Examiner for Body C.

parents, Jeanine and William Phillips, on November 16, 1985, to inform them of the positive identification; both were incarcerated at the time.⁷²³ The records we have reviewed do not indicate that any other doctors or experts examined Phil's remains after this date.

The following year, on September 10, 1986, the MEO again sent letters to Phil's parents informing them that their son's remains had not yet been claimed for burial and requesting that they contact the MEO regarding Phil's remains to make the necessary burial arrangements.⁷²⁴ According to other correspondence, it appears that the mothers of the child victims hired a lawyer in Philadelphia, Angela L. Martinez, Esq., to represent them and also gave power of attorney to an individual named Gerald Ford Africa.⁷²⁵ Martinez informed the MEO on April 2, 1986, that funds were being raised for the burial of the remains of the three remaining children.⁷²⁶

Records indicate that Phil's remains were released to Freeman L. Hankins, the director of Hankins Funeral Home, on September 19, 1986.⁷²⁷ The remains were buried at Eden Cemetery in Collingdale, Pennsylvania, the same day.⁷²⁸ The owner of this plot is listed as Gerald Ford Africa.⁷²⁹ In a media report from the day after the burial, Gerald Ford Africa attributed the delay in releasing the remains of Delisha, Phil, and Tomaso to a lack of money and the MOVE Commission.⁷³⁰ We have located no list or inventory of remains received by Hankins Funeral Home or Eden Cemetery.

A media report dated three days later, September 25, 1986, reports a "mixup" by the MEO, explaining that three days earlier, morgue attendants had mistakenly given other remains to Hankins Funeral Home for burial, including "bones and other human debris."⁷³¹ The article reports that the children's remains were then released to Hankins on September 25 and buried, and Medical Examiner Robert L. Catherman is quoted as saying that "all MOVE remains had been removed from the morgue."⁷³² Again, we have not located any list or inventory of what was released either on September 22 or in the following days (if anything). Furthermore, other than this media report, we have found no records indicating that the remains of Delisha, Phil, and Tomaso were released and buried on any day other than September 22, 1986.

There are remains currently at the MEO that may be associated with Phil, based on our investigation.

⁷²³ Letters from MEO dated November 16, 1985.

⁷²⁴ Letter from MEO to Williams Phillips dated September 10, 1986; Letter from MEO to Jeanene Phillips dated September 10, 1986.

⁷²⁵ Letter from MEO to Angela Martinez dated September 10, 1986.

⁷²⁶ City of Philadelphia Memo, dated April 2, 1986.

⁷²⁷ Order to Release Body for Phil Africa.

⁷²⁸ Eden Cemetery Burial Cards.

⁷²⁹ Eden Cemetery Burial Cards.

⁷³⁰ Rich Heidorn, Jr., For 3 MOVE Children, Burial After 16 Months, Media Report, September 23, 1986.

⁷³¹ Michael E. Ruane, "Error Made on MOVE Remains," Media Report, September 25, 1986.

⁷³² Michael E. Ruane, "Error Made on MOVE Remains," Media Report, September 25, 1986.

6. James Conrad Hampton

James Conrad Hampton was 36 years old on May 13, 1985.⁷³³ His remains were located at the MEO from May 14 until May 29, 1985, when they were interred in Glenwood Memorial Gardens. Records indicate that the Hameli Team had the remains exhumed in September 1985 for further examination; the remains presumably were reinterred later the same month.

a. *Period 1: From the Bombing to Interment*

Hampton was the son of James and Blanche Hampton⁷³⁴ and married to Elussia Hampton, with whom he had two children.⁷³⁵ His remains were discovered at 6221 Osage Avenue on May 14, 1985, the day after the bombing, at 4:19 p.m. and delivered to the MEO the same day.⁷³⁶ The remains were found at the back of the basement near the remains of eight other victims.⁷³⁷ The MEO designated Hampton's remains Case No. 85-2486, Body A.⁷³⁸

The records indicate that Hampton's remains were examined by FBI fingerprint analysts, Dr. Haskell Askin, and Assistant Medical Examiner Dr. Robert J. Segal in the days immediately following the bombing. There is no indication from the records that Drs. Mann and Monge examined Hampton's remains in detail.⁷³⁹

First, analysts from the FBI Disaster Squad were present at the MEO on May 16 and 17, 1985, to analyze remains for fingerprint evidence, and took fingerprints from a detached left hand that matched fingerprints taken of Hampton in November 1966.⁷⁴⁰ Second, forensic odontologist Dr. Haskell Askin examined the remains at least by May 16, 1985, the date of his draft report; he noted that he reviewed a maxilla and mandible, reporting decalcifications on the incisors.⁷⁴¹ Dr. Askin made no conclusions regarding the age or identification of Body A. Finally, Assistant Medical Examiner Dr. Robert J. Segal performed a postmortem examination of Body A on May 19, 1985.⁷⁴² An addendum dated the following month, June 18, 1985, reports that Body A was identified as Hampton "by fingerprint identification of a detached left hand, discoloration of the upper central incisor teeth and x-ray comparison of anti [*sic*] mortem and post mortem pelvic films."⁷⁴³

⁷³³ Postmortem Report for Conrad Hampton.

⁷³⁴ Certificate of Identification for James Conrad Hampton.

⁷³⁵ Application for Employment for James Conrad Hampton.

⁷³⁶ Location of Victims Found May 14, 1985 Diagram; Report of Death for James Conrad Hampton.

⁷³⁷ Diagram of Victims Found in Basement.

⁷³⁸ Report of Death for James Conrad Hampton.

⁷³⁹ Monge Interviews.

⁷⁴⁰ FBI Fingerprint Report.

⁷⁴¹ Askin Draft Report.

⁷⁴² Police Activity Sheet for Body A; Postmortem Report for James Conrad Hampton.

⁷⁴³ Addendum Postmortem Report for James Conrad Hampton.

Hampton's wife, Elussia Hampton, was notified of the positive identification on May 20, 1985.⁷⁴⁴ She signed a Certificate of Identification on May 24, 1985, accepting the positive identification of Body A as Hampton based on fingerprints.⁷⁴⁵ An order to release Hampton's remains was issued on May 28, 1985.⁷⁴⁶ W.D. Jackson Funeral Home received the remains the following day, May 29, 1985.⁷⁴⁷ The remains were buried at Glenwood Memorial Gardens in Broomall, Pennsylvania, at some point thereafter. We do not have records that indicate the precise date of Hampton's burial because we were unable to reach anyone at W.D. Jackson Funeral Home, and Glenwood Memorial Gardens refused to provide specific information or documents, other than confirming that Hampton's remains are buried there, citing their privacy policy.⁷⁴⁸

b. *Period 2: Exhumation*

As described in further detail below, Hampton's remains were interred from some date after May 29, 1985, until they were exhumed at the request of the Hameli Team and pursuant to a court order. The remains were then to be reinterred. Unfortunately, we do not have records indicating when or whether the exhumation or reinterment occurred, because we were unable to reach anyone at W.D. Jackson Funeral Home and Glenwood Memorial Gardens refused to provide specific information or documents, other than confirming that Hampton's remains are buried there, citing their privacy policy.

When Dr. Hameli began to examine the remains at the MEO in July 1985, Hampton's was one of four bodies that had been released.⁷⁴⁹ Al Jordan, an investigator for the MOVE Commission, wrote to William B. Lytton on September 4, 1985, that Hampton's family would provide authorization to exhume Hampton's remains, "with a view toward accomplishing the exhumation the week of 9 September."⁷⁵⁰ However, it appears that the remains had been exhumed at least as of September 11: in a letter to Lytton dated September 11, 1985, Dr. Hameli wrote that he had completed about 90% of his on-site examination of the remains kept in the secured refrigerator of the MEO,⁷⁵¹ and would like to examine the interred remains of the individuals who had been buried but not cremated: Rhonda Ward and James Conrad Hampton.⁷⁵²

Unlike for Rhonda Ward, discussed later in this Appendix, we have found no petition for exhumation related to Hampton. There are, however, a petition for a protective order dated

⁷⁴⁴ Identification Sheet for James Conrad Hampton.

⁷⁴⁵ The form indicates that she gave information in person at the MEO. Certificate of Identification for James Conrad Hampton.

⁷⁴⁶ Order to Release Body of James Conrad Hampton.

⁷⁴⁷ Body Delivery Record for James Conrad Hampton.

⁷⁴⁸ Court Order Regarding Conrad Hampton; Glenwood phone calls.

⁷⁴⁹ Hameli Report.

⁷⁵⁰ PSIC Memo Regarding Conversation with Mike Fanesci.

⁷⁵¹ Letter from Hameli to PSIC, dated September 11, 1985.

⁷⁵² Letter from Hameli to PSIC, dated September 11, 1985.

September 18, 1985, related to the exhumation of Hampton's remains, and also the court's signed order permitting the exhumation.⁷⁵³

Likewise, we have located no records indicating that Hampton's remains were, in fact, exhumed and then reinterred. However, Dr. Hameli testified before the MOVE Commission regarding fragments he removed from Hampton's body, indicating that the remains were indeed exhumed.⁷⁵⁴

c. *Period 3: Hameli Team Review and Ultimate Disposition*

We have found no contemporaneous records describing the review of the Hameli Team; rather, Dr. Hameli's report notes that Hampton was previously identified via fingerprints and that his team had determined Body A had a teeth age of 35-50 years and a bone age of 30-45 years, both of which are consistent with Hampton's age of 36 years.⁷⁵⁵

In his report, Dr. Hameli includes Hampton's remains in the group of those identified by the MEO prior to his involvement in the investigation.⁷⁵⁶ He notes that Hampton was ultimately identified by (1) fingerprints from a detached left hand, (2) comparisons of antemortem and postmortem lumbar spine x-rays, and (3) discoloration of upper incisors, thereby confirming the findings of the MEO.⁷⁵⁷ While Hampton's detached left hand was identified by FBI fingerprint analysis, it was necessary to confirm that the hand belonged with the rest of Hampton's body.⁷⁵⁸ In order to determine whether it was a match, Hampton's antemortem x-ray was compared to postmortem x-rays by Dr. Segal and MEO staff.⁷⁵⁹ Dr. Hameli and Dr. Kerley also reviewed these x-rays and confirmed that the left hand fingerprinted by the FBI belonged to the body of James Conrad Hampton.⁷⁶⁰ They also reviewed an antemortem x-ray of Hampton's lumbar spine to postmortem x-rays of the same region, and determined that there was a match there as well.⁷⁶¹

Dr. Levine prepared a report documenting his findings using descriptions, x-rays, and photographs.⁷⁶² He noted that Hampton's jaws, and teeth, were discovered in a jar by Dr. Askin who also supplied 12 photographic slides and 12 periapical x-ray films.⁷⁶³ At the beginning of Dr.

⁷⁵³ Petition for Protective Order Regarding Conrad Hampton; Court Order Regarding Conrad Hampton.

⁷⁵⁴ Hameli Testimony at 98-99.

⁷⁵⁵ Hameli Report.

⁷⁵⁶ Hameli Report.

⁷⁵⁷ Hameli Report, Addendum Postmortem Report for James Conrad Hampton.

⁷⁵⁸ Hameli Testimony.

⁷⁵⁹ Hameli Testimony.

⁷⁶⁰ Hameli Testimony.

⁷⁶¹ Hameli Testimony.

⁷⁶² Levine Report.

⁷⁶³ Levine Report.

Levine's examination, Hampton's body was not yet exhumed.⁷⁶⁴ He found that the teeth were consistent with a person who was 35-50 years old, and noted the condition of the teeth in detail.⁷⁶⁵

It is not clear from the records whether Dr. Kerley, the team's forensic anthropologist, examined Hampton's remains. He reported the status of Body A as "buried" and his report has no section dedicated to Body A, as it does for other victims.⁷⁶⁶ Dr. Kerley's report notes that exhumation and "pelvic Id" were "needed."⁷⁶⁷

There does not appear to have been a dispute regarding the identification of Body A as Hampton. Dr. Segal's April 14, 1986, report concludes that Hampton was presumptively identified to a reasonable degree of medical certainty based on the fingerprints, x-ray comparisons of antemortem and postmortem pelvic films, and discoloration of upper incisors.⁷⁶⁸

For the reasons discussed above, we have not located records indicating that Hampton's remains were reinterred after the Hameli Team examined them. However, Glenwood Memorial Gardens did confirm that Hampton's remains are currently buried there, albeit in a different plot than the one listed in the protective order, raising the possibility that Hampton's remains were reinterred in a different grave than the one in which they were originally interred.⁷⁶⁹ Again, we were unable to confirm the reinterment and reason for the possible location change due to Glenwood Memorial Gardens' privacy policy.

There are remains currently at the MEO that may be associated with James Conrad Hampton, based on our investigation.

7. Vincent Leaphart aka John Africa⁷⁷⁰

Vincent Leaphart, also known as John Africa, the founder of the MOVE organization, was the oldest victim of the fire, at 53 years old. His remains were located at the MEO from May 15, 1985, until November or December 1985; as described below, the records contain two different potential release dates. What is clear, however, is that portions of his remains were buried on December 5, 1985.

⁷⁶⁴ Levine Report.

⁷⁶⁵ Levine Report.

⁷⁶⁶ Kerley Report.

⁷⁶⁷ Kerley Report.

⁷⁶⁸ Segal Report at 18.

⁷⁶⁹ Phone call with Glenwood Memorial Gardens. Per the protective order, Hampton was buried in (and to be exhumed from) Section G, Lot No. 122, Space No. 3; Glenwood said Hampton was currently buried in Section G, Lot No. 131, Space No. 2.

⁷⁷⁰ We understand that MOVE members do not acknowledge that Vincent Leaphart was John Africa. See, e.g., Louise James' testimony at the PSIC that "Vincent was . . . Vincent and John Africa was John Africa". Therefore, we refer here to Vincent Leaphart for pre-MOVE events/records, and to John Africa for post-MOVE events/records.

a. *Period 1: From Bombing to Hameli Team Involvement*

John Africa was born Vincent Lopez Leaphart on July 26, 1931.⁷⁷¹ He was the son of Lennie Mae and Frederick E. Leaphart.⁷⁷² He married Dorothy Clark on March 11, 1961, and as described in further detail below, remained legally married to her at the time of the bombing.⁷⁷³

His remains were discovered on the second day of recovery efforts, May 15, 1985, at 12:37 p.m. in the front portion of the house at 6221 Osage Avenue, apart from the remains of the 10 other victims, whose remains were all recovered from the middle and rear portions of the basement.⁷⁷⁴ Dr. Hameli testified that, unlike other victims, who were all found on the cement floor of the basement with debris above them, Leaphart/Africa's remains were found with debris above and below, indicating the possibility that he may have been on a floor above the basement at the time the structure collapsed.⁷⁷⁵ His remains were designated Body F, Case No. 85-2491, and transported to the MEO on May 15, 1985.⁷⁷⁶

As with other victims, there is no comprehensive listing of which doctors, experts, or analysts examined Leaphart/Africa's remains. The FBI analysts present at the MEO to take fingerprint evidence on May 16 and 17, 1985, apparently did not examine the remains of Body F, as these remains are not mentioned in the FBI Fingerprint Laboratory report—presumably because the remains of Body F were recovered without arms.⁷⁷⁷ The records indicate that the remains of Body F were examined at least by Drs. Mann and Monge, Assistant Medical Examiner Dr. Segal, and Dr. Askin in the two weeks after the bombing. Handwritten notes by Dr. Mann, who was present at the MEO on May 16 and 17, 1985, with Dr. Monge to examine certain remains, indicate that he and/or Dr. Monge examined the remains of Body F; those notes include information about Body F, including the hypothesis that the Body F individual was “17-18 y.o.” or “early to mid-20s.”⁷⁷⁸ Subsequent notes indicate Drs. Mann and Monge thought the Body F individual was an adult between the ages of 35-50.⁷⁷⁹ The records reveal that Dr. Segal performed a postmortem examination on May 19, 1985, and finalized his report of that examination on May 21, 1985.⁷⁸⁰ Finally, the forensic odontologist Dr. Askin viewed x-rays of Body F; his report notes that he saw what he thought might be “a dental root right side or under the right side,” but upon examination of the actual remains, including “sift[ing] through debris under the body,” he found no dental root or other pertinent evidence for purposes of his review. Moreover, Body F was headless when it

⁷⁷¹ Certificate of Identification for Vincent Leaphart.

⁷⁷² Investigative Log for Vincent Leaphart aka John Africa.

⁷⁷³ Investigative Log for Vincent Leaphart aka John Africa.

⁷⁷⁴ Diagram of Location of Victims Found May 15, 1985; Diagram of Victims Found in Basement.

⁷⁷⁵ Hameli Testimony at 176.

⁷⁷⁶ Report of Death for John Africa aka Vincent Leaphart.

⁷⁷⁷ FBI Fingerprint Report; Postmortem Report for Vincent Leaphart.

⁷⁷⁸ Mann Handwritten Notes.

⁷⁷⁹ Handwritten Notes.

⁷⁸⁰ Police Activity Sheet by Det. L. Grace, reporting on Body F postmortem examination that happened on that day; Postmortem Report for Vincent Leaphart.

was recovered from the bombing scene and arrived at the MEO, so there was no dental evidence associated with Body F for Dr. Askin to review.⁷⁸¹

Identifying the remains of Body F took the MEO more time than some other remains. An addendum to the postmortem report notes that Body F remained unidentified as of June 17, 1985, more than a month after the bombing.⁷⁸² Nevertheless, the records indicate that investigators from the MEO had connected the remains of Body F with Leaphart/Africa before that date. For example, on June 10, 1985, investigators contacted Leaphart/Africa's legal wife, Dorothy Clark, who reported that John had suffered a burn on the right inner thigh and had a donor skin graft site on his outer left thigh.⁷⁸³ Using this information, Dr. Segal re-examined the remains of Body F on June 17, 1985, to look for a donor graft site, which was the impetus for the addendum of the same date. However, Dr. Segal noted there that his examination of sections of skin from the left thigh rendered no information helpful to identification.⁷⁸⁴

Upon learning that Leaphart had served in the U.S. Army during the Korean War, investigators from the MEO sought his military records, including medical records.⁷⁸⁵ While Leaphart's records housed at the National Personnel Records Center had been destroyed by a fire, there were two chest x-rays still in existence that the Center sent to the MEO.⁷⁸⁶ Also, through the City Veterans Commission, investigators learned that Leaphart/Africa's blood type was "O."⁷⁸⁷

News reports describe that on July 5, 1985, Dr. Segal traveled to the Smithsonian Institution and "carried with him, in an old-fashioned satchel bag, two fragments of a male pubic bone that could conceivably be from the body of John Africa."⁷⁸⁸ He presented that remain to Dr. Stephanie Damadio. According to this report, Dr. Damadio estimated that these remains were from an adult male over the age of 35 and maybe even as old as 50. Notably, the medical file that we reviewed for Leaphart/Africa does not reflect this trip or Damadio's analysis.

b. *Period 2: Hameli Team Review*

Despite the above efforts, by late July 1985, when the Hameli Team began its review of the remains at the MEO, the remains of Body F were at the MEO and had not been definitively identified as Vincent Leaphart aka John Africa.⁷⁸⁹ Dr. Kerley examined Body F and determined the individual to have been male and 50 years old, plus or minus five years, at the time of death; Dr. Kerley identified the remains of Body F as those of Leaphart/Africa based on the sex, age, and stature.⁷⁹⁰ Dr. Levine noted in his report that Body F had no associated dental remains, and so the

⁷⁸¹ Askin Draft Report.

⁷⁸² Addendum Postmortem Report for Vincent Leaphart.

⁷⁸³ Investigative Log for Vincent Leaphart aka John Africa.

⁷⁸⁴ Addendum Postmortem Report for Vincent Leaphart.

⁷⁸⁵ Investigative Log for Vincent Leaphart aka John Africa.

⁷⁸⁶ Investigative Log for Vincent Leaphart aka John Africa.

⁷⁸⁷ Investigative Log for Vincent Leaphart aka John Africa.

⁷⁸⁸ Thomas J. Gibbons Jr., "A mystery remains: who was in the MOVE house?," Philadelphia Inquirer (July 7, 1985).

⁷⁸⁹ Hameli Report.

⁷⁹⁰ Kerley Report.

report does not make any findings as to Body F.⁷⁹¹ Dr. Hameli ultimately concluded that Body F was that of Leaphart/Africa based on several findings.⁷⁹² First, Dr. Hameli referenced the same facts as Dr. Kerley: sex, age, and stature. Second, he noted the identical antemortem and postmortem blood type of “O.” Third, Dr. Hameli noted a fractured left big toe. Fourth, he also referenced “enhanced x-ray comparison,” but his report does not provide further information regarding the subject of the x-rays that were compared. Per Dr. Segal’s Final Report, the identification was established via comparison antemortem and postmortem chest x-rays, but it is not clear what details of these x-rays allowed for a positive identification.⁷⁹³

Regarding the purported toe injury that Dr. Hameli referenced, Dr. Segal also noted that injury in his report of April 1986, explaining that Dr. Hameli had “obtained a history” of Leaphart having a fractured big toe as a child and subsequently took x-rays of Body F’s feet. But where Dr. Hameli saw a fractured left big toe, Dr. Segal concluded the purported fracture was actually a soft tissue fold.⁷⁹⁴ Nevertheless, Dr. Segal’s report asserts that the identification of Leaphart/Africa was established to a reasonable degree of medical certainty.⁷⁹⁵ Body F was identified as Leaphart/Africa as of November 14, 1985, and the MEO notified next of kin that same day.⁷⁹⁶

c. *Period 3: Next of Kin Dispute and Ultimate Disposition*

Following the positive identification of the remains of Body F as those of Vincent Leaphart aka John Africa, there was a dispute over who was entitled to receive his remains. When the remains were approved for release on November 14, 1985, his wife, Dorothy Clark Leaphart, said she would claim them.⁷⁹⁷ The next day, his sister Louise James informed the MEO that John Africa was not married at the time of his death, and she “expressed distress” that the remains would be released to Dorothy Leaphart.⁷⁹⁸ Dorothy Leaphart had arranged for A.V. Barkley Funeral Home to receive the remains; however, that funeral home informed the MEO that it would not receive the remains due to the “conflict” of “knowing both wife and sister.”⁷⁹⁹

On November 18, 1985, the MEO received a call from a woman named Ava Atkinson, who said she was “counsel to Louis Farrakhan,” who was “a personal friend of Louise’s.”⁸⁰⁰ Atkinson said that she would file for an injunction to prohibit the release of the remains to Dorothy Leaphart because she would cremate them, which was against Africa’s religious beliefs.⁸⁰¹ Louise James, represented by Fincourt B. Shelton, Esq., filed a petition for an injunction on November 19, 1985, arguing that cremation was against Africa’s beliefs and wishes, he had been living with

⁷⁹¹ Levine Report.

⁷⁹² Hameli Report.

⁷⁹³ Segal Report at 8.

⁷⁹⁴ Segal Report at 8.

⁷⁹⁵ Segal Report at 18.

⁷⁹⁶ Findings of Medical Examiner for John Africa aka Vincent Leaphart; Investigative Log for Vincent Leaphart aka John Africa.

⁷⁹⁷ Certificate of Identification for Vincent Leaphart, Investigative Log for John Africa, .

⁷⁹⁸ Investigative Log for Vincent Leaphart aka John Africa.

⁷⁹⁹ Investigative Log for Vincent Leaphart aka John Africa.

⁸⁰⁰ Investigative Log for Vincent Leaphart aka John Africa.

⁸⁰¹ Investigative Log for Vincent Leaphart aka John Africa.

Alberta Africa as husband and wife since 1975, and he and Dorothy Leaphart had “irretrievably separated” in 1970.⁸⁰²

The MEO Investigative Log notes that the petition was granted on November 22, 1985, and the remains were ordered released to Louise James.⁸⁰³ The remains were delivered to James L. Morse of Morse Funeral Home on December 4, 1985.⁸⁰⁴ Similar to records related to Louise James’ son and Africa’s nephew, Frank James, discussed in detail below, there appears to be an erroneous Body Delivery Record indicating that Morse Funeral Home received the remains of Frank James and John on November 5, 1985. But that cannot be the case with respect to Leaphart/Africa because his remains had not been conclusively identified as of November 5, 1985 (the date of Dr. Hameli’s testimony).⁸⁰⁵ Leaphart/Africa’s remains were buried, along with the remains of his nephew Frank James, in an unmarked grave at Whitemarsh Memorial Park on December 5, 1985.⁸⁰⁶ There is no available listing of which of Leaphart/Africa’s remains were buried at Whitemarsh Memorial Park.

There are remains currently at the MEO that may be associated with Vincent Leaphart aka John Africa, based on our investigation.

8. Frank James

Frank James was in his mid-to-late 20s on May 13, 1985. The records indicate that he was born on June 22 in either 1955 or 1958, which would put his age at the time of bombing at 26 or 29, respectively. As described below, although his remains were identified within days of the bombing, his remains were not released until seven months later, in December 1985.

a. *Period 1: From Bombing to Hameli Team Review*

James was the son of Louise James and Frank James.⁸⁰⁷ Frank’s remains were found toward the front of the basement of 6221 Osage Avenue, between the remains of his uncle, Vincent Leaphart aka John Africa, which were situated at the front of the basement, and the remains of nine other victims found at the back of the basement.⁸⁰⁸

As with some other victims, and given the lack of quality of the records, there are inconsistencies regarding when James’ remains were recovered from the site of the bombing and transferred to the MEO. According to a diagram of the site, James’ remains—then designated as “Body K” with an MEO case number of 85-2473—were found on the second day of recovery efforts, May 15, 1985, at 5:10 p.m.⁸⁰⁹ However, the MEO’s Report of Death indicates that James’

⁸⁰² Petition for an Injunction dated November 19, 1985.

⁸⁰³ Investigative Log for Vincent Leaphart aka John Africa

⁸⁰⁴ Order to Release Body, dated December 4, 1985 for Vincent Leaphart.

⁸⁰⁵ Body Delivery Record for Body F.

⁸⁰⁶ Death Certificate of Vincent Leaphart.

⁸⁰⁷ Death Certificate of Frank James.

⁸⁰⁸ Segal Report at 15; Diagram of Victims Found in Basement.

⁸⁰⁹ Location of Victims Found May 15, 1985 Diagram.

remains were found on May 14, 1985, at 3:50 p.m. and transferred to the MEO on May 15, 1985.⁸¹⁰ A Body Receiving Record (Incoming) indicates the MEO received James' remains on May 15, 1985, at 6:05 p.m., which is consistent with the time of discovery indicated on the site recovery diagram.⁸¹¹ Dr. Hameli testified that Body K, which was later identified as James, was recovered on the second day, *i.e.*, May 15.⁸¹² All in all, the majority of the records indicate that James' remains were recovered and received by the MEO on the same day: May 15, 1985.

Doctors and analysts from at least three entities examined James' remains in the immediate aftermath of the bombing. First, on May 16, 1985, Dr. Askin examined the dental remains of Body K; after comparing the dentition to James' antemortem dental x-rays, Dr. Askin positively identified Body K as James.⁸¹³ Second, on May 16 and 17, 1985, analysts from the FBI Fingerprint Laboratory matched the right hand of Body K and a detached left hand associated with Body K to James using fingerprints associated with him taken by the Philadelphia Police Department in 1975.⁸¹⁴ Third, Dr. Segal conducted a postmortem examination of the remains of Body K on May 21, 1985, by which time Body K had been identified as the remains of Frank James.⁸¹⁵ There is no indication that Drs. Mann and/or Monge examined the remains of Body K.⁸¹⁶

James' mother, Louise James, was notified of the positive identification on May 17, 1985, and the records indicate that James' remains were ready for release that month.⁸¹⁷

b. *Period 2: Hameli Team Review*

Although there appears to be no dispute regarding the identity of Frank James, his remains stayed at the MEO through either November 5 or December 4, 1985.⁸¹⁸ In addition to Dr. Askin, the FBI, and Dr. Segal, the remains were also examined by the Hameli Team starting in July 1985.

Dr. Hameli's report notes that the remains of Body K were identified as Frank James based on fingerprints, dentition, and "Family Information."⁸¹⁹ Dr. Hameli further explained in his testimony to the Commission on November 5, 1985, that James' family provided information that James had a chipped upper incisor and missing lower incisor. Dr. Hameli testified that the team spoke with James' mother, Louise James; her sister, Laverne Sims; and her brother, Alphonso Leaphart, all of whom were also siblings of James' uncle and MOVE founder John Africa.⁸²⁰ Dr. Levine utilized this dental information to conclude that Body K was Frank James⁸²¹; likewise, as

⁸¹⁰ Report of Death for Frank James.

⁸¹¹ Body Receiving Record for Frank James.

⁸¹² Hameli Testimony at 18.

⁸¹³ Askin Draft Report.

⁸¹⁴ FBI Fingerprint Report.

⁸¹⁵ Postmortem Report for Frank James.

⁸¹⁶ Mann Handwritten Notes (not including Body K).

⁸¹⁷ Investigative Log for Frank James.

⁸¹⁸ Investigative Log for Frank James.

⁸¹⁹ Hameli Report.

⁸²⁰ Hameli Testimony at 39.

⁸²¹ Levine Report.

Dr. Hameli testified, Dr. Kerley matched the estimated age of Body K's bones and dentition (25-30 years) with James.⁸²²

c. *Period 3: Release and Ultimate Disposition of the Remains*

Despite a note in the records indicating that the remains were ready for release in May 1985, they remained at the MEO until either November or December 1985. The records on this point are unclear, underscoring again the difficulties of performing a chain of custody review. One record indicates that James' remains were released to Morse Funeral Home on November 5, 1985.⁸²³ However, an undated letter from the MEO to the Philadelphia Bureau of Vital Statistics reported that the remains of James were "picked up from this office by the designated funeral director on 12/4/85."⁸²⁴ James' mother, Louise James, wrote a check to Morse Funeral Home for funeral expenses on December 4, 1985, indicating that Morse Funeral Home likely received and transferred the remains at that time.⁸²⁵ The records we have reviewed are clear, nonetheless, that James' remains were buried in Whitemarsh Memorial Park in Ambler, Pennsylvania, on December 5, 1985.⁸²⁶ Contemporaneous media reports—substantiated by our conversations with James L. Morse, Jr., the son of James L. Morse, Sr., who received and transferred the remains of Frank and also John Africa—state that Frank James and Vincent Leaphart aka John Africa were buried together in the same grave at Whitemarsh Memorial Park, which remains unmarked.⁸²⁷

It is not entirely clear from the records why the MEO retained the remains of Frank James for seven months after they were nominally approved for release. The undated letter from the MEO to the Philadelphia Bureau of Vital Statistics acknowledges the delay of release and provides two alternative explanations for that delay, but does not specify which explanation applied in this case.⁸²⁸ That letter states, "The delay is not the responsibility of the funeral director. The late release was caused by the investigation of this office to locate relatives, or the failure of the family to promptly notify a funeral director."⁸²⁹ Given the records show that relatives were located immediately following the bombing, as early as May 14, 1985, per an investigative log indicating Louise James called the MEO on that day, it seems unlikely the delay was due to any inability to locate next of kin.⁸³⁰ It seems plausible that the delay was caused by a dispute over the rightful next of kin to receive the remains of Leaphart/Africa, which is described in further detail in the prior section, since Louise James spearheaded the legal battle to receive her brother's remains and ultimately arranged for the same funeral home to receive the remains of both Frank James and Leaphart/Africa on the same day and bury in the same cemetery, in the same grave. The records

⁸²² Hameli Testimony at 38-39.

⁸²³ Body Delivery Record for Frank James.

⁸²⁴ Letter from MEO to Bureau of Vital Statistics

⁸²⁵ Photo of Check from Louise James to Morse Funeral Home.

⁸²⁶ Death Certificate of Frank James

⁸²⁷ Steven A. Marquez, "Laid to Rest: John, Frank James Africa Buried," Philadelphia Daily News (December 6, 1985); conversations with James L. Morse.

⁸²⁸ Letter from MEO to Bureau of Vital Statistics.

⁸²⁹ Letter from MEO to Bureau of Vital Statistics

⁸³⁰ Investigative Log for Frank James.

we have reviewed do not support further conclusions related to the delay of releasing James' remains.

There are no remains currently at the MEO that can be attributed to or associated with Frank James, according to our review of the records.

9. Raymond Foster

Raymond Nathaniel Foster, Jr. was 49 years old on May 13, 1985.⁸³¹ As discussed in subsequent sections, the records indicate that his remains were located at the MEO from May 14, 1985 to May 28, 1985; cremated on June 4, 1985; and interred on June 8, 1985. There is no indication from the records that Foster's cremains were exhumed for purposes of the Hameli Team's investigation. While there were various other items that the records relate to or group with Foster's remains, these items do not appear to be appropriately attributed to Foster, and we have not learned why or how these items were grouped with his remains.

a. *From Bombing to Release of Remains and Ultimate Disposition*

Foster was the son of Della Mae Foster and Raymond N. Foster, Sr.⁸³² His remains were found at the site of the bombing in the back of the basement at 6221 Osage Avenue with the remains of eight other victims.⁸³³ A diagram listing the location of the bodies found on the first day of recovery, May 14, 1985, shows that Body E was recovered that day at approximately 7:32 p.m.⁸³⁴ The Report of Death related to these remains, which were originally designated "Stake E" with an MEO case number of 85-2488 and later identified as belonging to Foster, indicates that the MEO received the remains on May 14, 1985 at 5:30 p.m., approximately two hours before the time of discovery on the diagram.⁸³⁵ Despite this discrepancy in the records, the records consistently indicate that Foster's remains were recovered and delivered to the MEO at some point in the evening of May 14, 1985.

As with other victims, the records available to us contain no consolidated list or record of who examined Foster's remains. At minimum, the records indicate that representatives of the MEO and the FBI examined the remains between May 14, 1985, and May 28, 1985. Assistant Medical Examiner Dr. Hal Fillinger performed a postmortem examination of Foster's remains on May 16, 1985.⁸³⁶ The report explains that Foster's remains did not include the head, neck, or arms, and does not mention any hands recovered in connection with Foster's remains. There is also a list of "extraneous material" at the end of the postmortem report that includes fourteen "groups" of various body parts that were stored on the tray with the remains of Body E but did not appear to relate to Body E.⁸³⁷ Notably, there are no hands included in this list. A Philadelphia Police Department Activity Sheet dated May 21, 1985, refers to Body E as tentatively identified as Foster

⁸³¹ Certificate of Identification for Raymond Foster.

⁸³² Certificate of Identification for Raymond Foster.

⁸³³ Segal Report at 14.

⁸³⁴ Diagram of Victims Found in Basement.

⁸³⁵ Report of Death for Raymond Foster.

⁸³⁶ Postmortem Report for Raymond Foster.

⁸³⁷ Postmortem Report for Raymond Foster.

as of May 17, 1985.⁸³⁸ Unlike other victims, we have found no corresponding Activity Sheet detailing the postmortem examination.

Records indicate that agents from the Federal Bureau of Investigation's Disaster Squad were present at the MEO to assist in the identification of victims on May 16 and 17, 1985.⁸³⁹ Per the FBI's report dated May 24, 1985, "[t]he bodies and body parts of the eleven victims, seven adults and four children, were examined," but the report does not specify who performed those examinations.⁸⁴⁰ Based on this letter, it appears that the FBI's examination was confined mainly to hands, fingers, and fingerprints on pieces of skin, for purposes of performing fingerprint analyses.⁸⁴¹ Specifically, the FBI matched fingerprints from a "detached left hand" to fingerprints taken of Foster by the Philadelphia Police Department in August 1983.⁸⁴² Although the FBI's letter explicitly connects this remain to Foster, it uses that the designation "Body Part G-FP-1," which does not match the Medical Examiner's designations for Foster's remains.⁸⁴³

A certificate of identification dated May 28, 1985, notes that Foster was identified via fingerprints.⁸⁴⁴ The certificate of identification is signed by Foster's brother, Al Foster, but does not identify what, if any, remains Al Foster reviewed during the identification process.⁸⁴⁵ An order to release Foster's body dated May 28, 1985, indicates that Foster was identified by fingerprints and photographs, but there is no mention of photographs of Foster in any other records that we reviewed.⁸⁴⁶ Dr. Segal's April 1986 report claims that Body E was identified as Foster by fingerprints and the presence of an appendectomy scar.⁸⁴⁷ While the postmortem report describes an abdominal scar, it does not indicate whether that scar was thought to be from an appendectomy or some other surgery or injury.⁸⁴⁸

Based on the identification via fingerprints and possibly other means, Foster's remains were released to Arturo J. Wilson Funeral Home on May 28, 1985.⁸⁴⁹ The remains were then cremated at Cheltenham Hills Cemetery in Philadelphia on June 3, 1985, and interred there on June 8, 1985.⁸⁵⁰ While the Hameli Team exhumed two sets of remains, those of Rhonda Ward and James Conrad Hampton, and reviewed the cremains of Theresa Brooks, we have seen no records indicating the Hameli Team sought to exhume the cremains of Raymond Foster.

⁸³⁸ Police Activity Sheet with Identification List.

⁸³⁹ FBI Fingerprint Report.

⁸⁴⁰ FBI Fingerprint Report.

⁸⁴¹ FBI Fingerprint Report.

⁸⁴² FBI Fingerprint Report.

⁸⁴³ FBI Fingerprint Report.

⁸⁴⁴ Certificate of Identification for Raymond Foster.

⁸⁴⁵ Certificate of Identification for Raymond Foster.

⁸⁴⁶ Order to Release Body of Raymond Foster, dated May 28, 1985.

⁸⁴⁷ Segal Report at 7.

⁸⁴⁸ Postmortem Report for Raymond Foster.

⁸⁴⁹ Order to Release Body of Raymond Foster, dated May 28, 1985.

⁸⁵⁰ Conversation with Cheltenham Hills Cemetery staff.

There are two noteworthy items included amongst records related to Foster. First, Foster's file contains a MEO form titled "Receipt" with handwritten notes indicating that a Philadelphia police officer named James M. Hanlon delivered to the MEO on June 5, 1985, "one plastic bag of bones."⁸⁵¹ A handwritten note in the upper righthand corner reads, "New bone from Move," but there is no other mention of the bombing, Raymond Foster, or Body E. Second, there is a Body Receiving Record (Incoming), similar to those for other remains described in this report, dated June 17, 1985, noting that a Philadelphia police officer named William McDowell delivered "bones unk" (presumably "bones unknown") to the MEO at 6:15 p.m. on that day.⁸⁵² There is no mention on this record of MOVE, the bombing, Raymond Foster, Body E, or any other indication that these bones were related to MOVE at all, so it is not clear why this record is present in the MOVE victim files or how it relates to MOVE, if at all.

b. *Other Remains Designated "E"*

As noted above, Assistant Medical Examiner Dr. Hal Fillinger included in the postmortem report for Body E a list titled "Extraneous Material" containing 14 groups of items, including two right feet, various arm, rib, hand, and vertebral bones, one portion of a right mandible, and one portion of a left mandible.⁸⁵³ It is not clear why these remains are listed here, in the postmortem report for Body E, nor does it seem that these items are associated with Body E at all, let alone one victim. For example, the list describes the presence of two right feet.

Dr. Kerley's report sheds some light on this list. His report contains a similar, but longer and more detailed, list of remains that he writes were located on "Table E."⁸⁵⁴ Based on interviews and our review of the records, it appears that the remains were assigned letters as they were recovered from the scene of the bombing and then, once the remains arrived to the MEO, the remains were placed on tables, also called trays, that then became known by the letters associated with the remains located on that table. Hence, the remains recovered with Body E were located on the table/tray designated "E" and thus carried that designation as well.

Dr. Kerley's report contains some of the same items as the postmortem report, including two right feet, various arm, rib, hand, and vertebral bones, and two mandibular fragments.⁸⁵⁵ Here, however, Dr. Kerley designated these mandibular fragments as "'D' mandibular symphysis" and "'E' mandibular fragment," respectively, without providing other information, including right or left side.⁸⁵⁶ Dr. Kerley also does not specify why or how he came to associate these mandibular fragments with D and E, respectively, especially given that Body E, Raymond Foster, was recovered without dental evidence.

Based on our review of the records, it appears that the mandibular fragments labelled elsewhere as "E-1," "E-2," and "E-miscellaneous," discussed in more detail in the Appendix were

⁸⁵¹ Receipt for New Bones.

⁸⁵² Body Receiving Record for "bones unk" .

⁸⁵³ Postmortem Report for Raymond Foster

⁸⁵⁴ Kerley Report.

⁸⁵⁵ Kerley Report.

⁸⁵⁶ Kerley Report.

so named due to their original presence on the table labelled “E.” Because of this, there are currently no remains located at the MEO that we have associated with Body E, Raymond Foster.

10. Theresa Brooks

Theresa Brooks was 26 years old on May 13, 1985. As described below, the records indicate that her remains were located at the MEO from May 14, 1985, to May 21, 1985, and then cremated on May 23, 1985. Brooks’ mother, Mary Claire Leak, retained the cremains and brought the cremains to the MEO in August 1985 for the review of the Hameli Team. The records do not indicate the ultimate disposition of Brooks’ cremains; however, there is no indication in the records that the Hameli Team or MEO retained the cremains, nor are there any cremains present in the box of remains currently at the MEO.

a. *Period 1: From Bombing to Release of Remains*

Brooks was the daughter of Mary Claire Leak⁸⁵⁷ and Roland Brooks.⁸⁵⁸ Her remains were found at the site of the bombing in the back of the basement at 6221 Osage Avenue with the remains of eight other victims.⁸⁵⁹ A diagram listing the location of the bodies found on the first day of recovery, May 14, 1985, shows that Body B was recovered at approximately 3:49 p.m.⁸⁶⁰ The Report of Death related to these remains, which were originally designated “Stake B” with an MEO case number of 85-2487 and later identified as belonging to Brooks, indicates that the MEO received the remains on May 14, 1985, at 3:50 p.m.⁸⁶¹

The records available to us do not contain a complete and consolidated record of who exactly examined Brooks’ remains in the aftermath of the bombing. However, the records do indicate that several individuals examined different portions of remains between May 14 and May 21, 1985.

First, Brooks’ dental remains were examined on May 16, 1985, by Dr. Askin at the MEO.⁸⁶² Per a May 28, 1985, letter from Dr. Askin to Dr. Segal at the MEO, Dr. Askin “examined the teeth and jaws of body B-85” in person at the MEO⁸⁶³; the following day, May 17, Dr. Askin compared x-rays taken the day before to x-rays of Brooks’ dentition from 1975.⁸⁶⁴ Based on the comparison of these antemortem and postmortem x-rays, Dr. Askin concluded that the dental remains of Body B belonged to Theresa Brooks.⁸⁶⁵

⁸⁵⁷ Certificate of Identification for Theresa Brooks (referencing “Mary Claire Benfold”); Summary of August 1985 Interview of Theresa’s mother, “Mary Claire Leak”.

⁸⁵⁸ Postmortem Report for Theresa Brooks.

⁸⁵⁹ Diagram of Victims Found in Basement.

⁸⁶⁰ Location of Victims Found May 14, 1985 Diagram.

⁸⁶¹ Report of Death for Theresa Brooks.

⁸⁶² Letter from Askin to Segal, dated May 28, 1985.

⁸⁶³ Letter from Askin to Segal, dated May 28, 1985.

⁸⁶⁴ Letter from Askin to Segal, dated May 28, 1985.

⁸⁶⁵ Letter from Askin to Segal, dated May 28, 1985.

Records indicate that agents from the Federal Bureau of Investigation's Disaster Squad were also present at the MEO to assist in the identification of victims on May 16 and 17, 1985.⁸⁶⁶ Per the FBI's report dated May 24, 1985, "[t]he bodies and body parts of the eleven victims, seven adults and four children, were examined," but the report does not specify who performed those examinations.⁸⁶⁷ It appears from this letter that the FBI's examination was confined mainly to hands, fingers, and fingerprints on pieces of skin, for purposes of performing fingerprint analyses.⁸⁶⁸ Specifically, the FBI matched fingerprints from "two detached hands" (presumably one left hand and one right hand, but this is not specified in the letter) to fingerprints taken of Brooks by the Philadelphia Police Department in November 1981.⁸⁶⁹ Although the letter explicitly connects these remains to Theresa, this letter uses the designations "Body Parts C-FP-1 and C-FP-2," which are not designations that match up with those assigned by the MEO (Body "B" and case number 85-2487).⁸⁷⁰

Handwritten notes from the examination of Drs. Mann and Monge on May 16 and 17, 1985, refer to Brooks as "B" and an "adult."⁸⁷¹ Though Brooks' remains arrived at the MEO on May 14, 1985, there is no evidence in the records that any MEO employee examined the remains until four days later, on May 18, 1985, when Assistant Medical Examiner Dr. Paul J. Hoyer performed a postmortem examination of Brooks' remains.⁸⁷² The report refers to Brooks' remains being on a tray, wrapped in emergency blankets and with some clothing intact, alongside "several plastic bags containing body fragments."⁸⁷³ The report also describes the extent of Brooks' injuries from the fire.⁸⁷⁴ Significantly, the postmortem report notes that no left hand was recovered, despite the FBI's prior examination of two hands associated with Body B.⁸⁷⁵ The postmortem report is consistent in this respect with a Philadelphia Police Department Activity Sheet dated May 18, 1985, describing the postmortem examination of the remains of Body B, which at that time remained unidentified.⁸⁷⁶ The certificate of identification dated May 21, 1985, notes that Brooks was "identified via fingerprints."⁸⁷⁷

Brooks' next of kin were notified of the positive identification on the morning of May 20, 1985.⁸⁷⁸ The MEO issued an Order to Release Brooks' remains to Samuel Tunsil, of Tunsil Funeral Home, dated May 21, 1985.⁸⁷⁹ However, it appears that Brooks' remains were not actually

⁸⁶⁶ FBI Fingerprint Report.

⁸⁶⁷ FBI Fingerprint Report.

⁸⁶⁸ FBI Fingerprint Report.

⁸⁶⁹ FBI Fingerprint Report.

⁸⁷⁰ FBI Fingerprint Report.

⁸⁷¹ Handwritten Notes Listing "Individuals".

⁸⁷² Postmortem Report for Theresa Brooks; Findings of the Medical Examiner for Theresa Brooks.

⁸⁷³ Postmortem Report for Theresa Brooks.

⁸⁷⁴ Postmortem Report for Theresa Brooks.

⁸⁷⁵ Postmortem Report for Theresa Brooks.

⁸⁷⁶ Police Activity Sheet for Body B.

⁸⁷⁷ Certificate of Identification for Theresa Brooks.

⁸⁷⁸ Report of Death for Theresa Brooks; Investigative Log for Theresa Brooks; Identification Sheet.

⁸⁷⁹ Body Delivery Record for Theresa Brooks.

released until two days later, May 23, 1985, according to a Body Delivery Record with that date, but that record does not identify what remains were delivered or to whom.⁸⁸⁰ Based on the information in the Order to Release combined with the Body Delivery Record, it is reasonable to conclude that Tunsil received Brooks' remains as early as May 21 or as late as May 23, 1985.

b. *Period 2: From Cremation to Hameli Team Review*

Tunsil Funeral Home arranged for the cremation of Brooks' remains, which were cremated on May 23, 1985,⁸⁸¹ at Harleigh Cemetery in Camden, New Jersey. Personnel at Harleigh Cemetery confirmed that Brooks' remains were never interred there.⁸⁸²

When the Hameli Team began their review in late July 1985, Dr. Hameli said three sets of remains had been buried and one set cremated.⁸⁸³ Dr. Hameli's report lists the sets of remains that were at the MEO in July 1985; Body B is not among them, leading to the conclusion that the remains of Brooks, which were cremated in May 1985, were the cremains that Dr. Hameli identified.⁸⁸⁴

The records indicate that Brooks' mother, Mary Claire Leak, had possession of the cremains from May 23, 1985, to August 10, 1985. On that day, Leak was interviewed at the MEO by the Commission's investigator, Albert Jordan, along with the Hameli Team (Drs. Hameli, Kerley, and Levine) and Dr. Michael Baden, a pathologist who was retained by counsel for certain family members to assist with the identifications.⁸⁸⁵ Leak brought Brooks' cremains with her to that interview, explaining that she had "held on to the remains" following the cremation.⁸⁸⁶ According to Jordan's memorandum of this interview, Leak "release[d] the remains to Dr. Hameli" at the end of this interview, "with the understanding that the case [containing the cremains] would be returned to her upon the completion of the examination of the contents."⁸⁸⁷

The Hameli Team reviewed Brooks' cremains and purported to confirm the identification previously made by the MEO.⁸⁸⁸ The report of Dr. Levine indicates that he also examined the cremains of Brooks.⁸⁸⁹ We have not located records indicating that the cremains were returned to Leak; however, because there are no cremated remains currently at the MEO associated with MOVE victims, it is reasonable to conclude that the cremains were returned consistent with Leak's understanding.

⁸⁸⁰ Body Delivery Record for Theresa Brooks.

⁸⁸¹ Tunsil Funeral Home Records.

⁸⁸² Conversation with Harleigh Cemetery.

⁸⁸³ Hameli Report.

⁸⁸⁴ Hameli Report.

⁸⁸⁵ Summary of August 1985 Interview of Theresa's mother, "Mary Claire Leak".

⁸⁸⁶ Summary of August 1985 Interview of Theresa's mother, "Mary Claire Leak".

⁸⁸⁷ Summary of August 1985 Interview of Theresa's mother, "Mary Claire Leak".

⁸⁸⁸ Hameli Report (Examination of Remains).

⁸⁸⁹ Levine Report.

c. *Period 3: From Hameli Team Review to Present*

Brooks' mother, Mary Claire Leak, mentioned in her August 10, 1985, interview that Brooks fractured her left clavicle (collar bone) in 1979.⁸⁹⁰ A minor debate then ensued between the Hameli Team and the MEO over the presence and significance of such a fracture.

In November 1985, Dr. Hameli provided testimony to the MOVE Commission and explained that Brooks was identified via dental comparisons.⁸⁹¹ He added, however, that the information regarding the 1979 clavicular fracture, and the presence of a healed fracture on postmortem x-rays, "was an additional confirmation" of the identification.⁸⁹² Dr. Segal's April 1986 report notes that the Hameli Team "examined" at least the postmortem x-rays and "diagnosed an old healed fracture of the left clavicle."⁸⁹³ It is not clear whether the Hameli Team had access to, or actually reviewed, any antemortem clavicular fracture x-rays, nor is it clear whether the Hameli Team used this fracture to support their identification of Body B as Theresa. Nevertheless, Dr. Segal disagreed with the Hameli Team's analysis, at least as he characterized it, explaining that he "subsequently" obtained antemortem clavicular x-rays that showed Brooks' clavicle fracture was at the distal end of the bone, not the mid-portion of the bone where the healed fracture was located on the postmortem x-rays.⁸⁹⁴ Due to this discrepancy in the location of the fracture, Dr. Segal determined that this evidence was "of no value in establishing or supporting the identification."⁸⁹⁵

Nearly a month after Dr. Segal's report, on April 4, 1986, Assistant Medical Examiner Dr. Paul J. Hoyer drafted what appears to be an addendum to the earlier postmortem report, explaining he had "re-examin[ed]" antemortem and postmortem x-rays of Brooks' clavicles.⁸⁹⁶ It is not clear from the records why Dr. Hoyer re-examined these x-rays at this time, given that Brooks' remains had been cremated nearly a year prior, and that the MEO and the Hameli Team had each positively identified the remains designated Body B as belonging to Theresa Brooks. This addendum states that postmortem x-rays show a "healed fracture of the mid portion of the left clavicle," while antemortem x-rays show a "fracture of the proximal left clavicle" with no healing.⁸⁹⁷ Note that proximal is the opposite of distal, which is the adjective Dr. Segal used in his report to describe the location of the antemortem fracture.⁸⁹⁸ The addendum does not provide the date(s) of the antemortem x-rays, nor does it specify that these antemortem x-rays were the same ones that Dr. Segal reviewed and described in his report, leaving the possibility that the x-rays Dr. Hoyer reviewed were from immediately after Brooks' clavicular fracture and hence why the fracture was not healed on those x-rays. Dr. Hoyer concluded, based on the lack of "evidence of healed

⁸⁹⁰ Summary of August 1985 Interview of Theresa's mother, "Mary Claire Leak".

⁸⁹¹ Hameli Testimony at 35.

⁸⁹² Hameli Testimony at 35.

⁸⁹³ Segal Report at 7, .

⁸⁹⁴ Segal Report at 7.

⁸⁹⁵ Segal Report at 7.

⁸⁹⁶ Radiographic Study.

⁸⁹⁷ Radiographic Study.

⁸⁹⁸ MedlinePlus Medical Dictionary definition of proximal, <https://medlineplus.gov/ency/article/002287.htm>.

fracture” on the antemortem x-ray, that the postmortem x-ray was “not useful for identification.”⁸⁹⁹ Unlike Dr. Segal’s conclusion, Dr. Hoyer’s conclusion did not appear to be based on the different locations of the clavicle fractures—mid-shaft versus proximal—seen on the postmortem and antemortem x-rays, respectively.

As noted above, it is unknown, but presumed that, Brooks’ cremains were returned to her mother following the Hameli Team’s analysis of those cremains. Our review of the available records has uncovered no further information regarding the location or ultimate disposition of Brooks’ cremains.

There are no remains currently at the MEO that can be attributed to or associated with Theresa Brooks, according to our review of the records.

11. Rhonda Ward

Rhonda Ward, also known as Rhonda Harris, was 30 years old on May 13, 1985.⁹⁰⁰ The records indicate that Ward’s remains were at the MEO from May 15, 1985, to May 23, 1985, after which they were buried in Northwood Cemetery in Philadelphia. Ward’s remains were exhumed later that year, on September 20, 1985, analyzed by the Hameli Team, and then reinterred on September 30, 1985.

a. *Period 1: From the Bombing to Burial*

Rhonda Ward was the daughter of Ramona Shannon and the mother of MOVE bombing survivor Michael Ward, also known as Birdie Africa.⁹⁰¹ Ward’s remains were recovered on the second day of recovery efforts, May 15, 1985, at 4:06 p.m.⁹⁰² Her remains were found in the back of the basement near the remains of eight other victims.⁹⁰³ Ward’s remains arrived at the MEO on May 15, 1985, at 5:30 p.m. and designated Body I, Case No. 85-2485.⁹⁰⁴

While there is no chain of custody document or list of doctors or experts who analyzed Ward’s remains after they arrived at the MEO, the records indicate that at least two sets of investigators examined the remains: the FBI, for fingerprint analysis, and Assistant Medical Examiner Dr. Robert J. Segal. Although Ward’s remains included dental remains, and the records indicate that Dr. Haskell Askin, the forensic odontologist who examined dental remains of the victims on May 16, 1985, did review Body I’s remains,⁹⁰⁵ Dr. Askin did not include information regarding Body I in his draft report,⁹⁰⁶ which is the only copy of the report that we have been able

⁸⁹⁹ Radiographic Study.

⁹⁰⁰ Certificate of Identification for Rhonda Ward.

⁹⁰¹ Certificate of Identification for Rhonda Ward.

⁹⁰² Diagram of Location of Victims Found May 15, 1985.

⁹⁰³ Diagram of Locations of Remains.

⁹⁰⁴ Report of Death for Rhonda Ward.

⁹⁰⁵ Police Activity Sheet for Body I (“The body . . . was subsequently positively identified on Friday 5-17-85, through the combined efforts of the F.B.I.; Anthropology Dept of H.U.P.; Dr. Haskell Askin D.D.S. (Forensic Dentist); OME staff; and the Phila Police Dept.”).

⁹⁰⁶ Askin Draft Report.

to find. There is also no indication from the records that Drs. Mann and/or Monge examined Ward's remains in detail, which is consistent with Dr. Monge's statements to the investigative team that she and Dr. Mann focused on identification of the children, which was their area of expertise.⁹⁰⁷

First, on May 16 and 17, 1985, members of the FBI Disaster Squad examined victims' remains at the MEO to gather information for fingerprint analysis to aid in the identification of those victims.⁹⁰⁸ The FBI identified Body I as that of Rhonda Ward via fingerprint comparison to a set taken in 1978 by the Philadelphia Police Department.⁹⁰⁹ On this basis, Ward's next of kin was notified on May 17, 1985, of the positive identification.⁹¹⁰

Second, on May 18, 1985, Assistant Medical Examiner Dr. Robert J. Segal performed a postmortem examination on the remains of Body I.⁹¹¹ The postmortem report reaches no independent conclusions regarding the identity of the remains, but rather notes only that identification was "[e]stablished by fingerprints."⁹¹²

On the basis of the fingerprint identification, Ward's remains were ordered released on May 18, 1985.⁹¹³ The remains were released to Savin Funeral Home on May 23, 1985,⁹¹⁴ and buried in Northwood Cemetery in Philadelphia later the same day.⁹¹⁵

b. *Period 2: Exhumation*

As described in further detail below, Ward's remains were interred from May 23, 1985, until they were exhumed on September 20, 1985, at the request of the Hameli Team and pursuant to a court order. The remains were then reinterred 10 days later, on September 30, 1985.

When Dr. Hameli began to examine the remains at the MEO in July 1985, Ward's was one of four bodies that had been released.⁹¹⁶ In a letter to William B. Lytton dated September 11, 1985, Dr. Hameli wrote that he had completed about 90% of his on-site examination of the remains kept in the secured refrigerator of the MEO,⁹¹⁷ and would like to examine the interred remains of the individuals who had been buried but not cremated: Rhonda Ward and James Conrad Hampton.⁹¹⁸

⁹⁰⁷ Monge Interviews.

⁹⁰⁸ FBI Fingerprint Report.

⁹⁰⁹ FBI Fingerprint Report.

⁹¹⁰ Police Activity Sheet dated May 19, 1985.

⁹¹¹ Police Activity Sheet for Body I.

⁹¹² Postmortem Report of Rhonda Ward, Body I, dated May 20, 1985.

⁹¹³ Order to Release Body of Rhonda Ward.

⁹¹⁴ Body Delivery Record for Rhonda Ward.

⁹¹⁵ Body Delivery Record for Rhonda Ward.

⁹¹⁶ Hameli Report.

⁹¹⁷ Letter from Hameli to PSIC, dated September 11, 1985.

⁹¹⁸ Letter from Hameli to PSIC, dated September 11, 1985.

Accordingly, Lytton filed a petition in the Philadelphia County Court of Common Pleas on September 18, 1985, requesting an order for the exhumation of the remains of Rhonda Ward.⁹¹⁹ In support of this petition, Lytton provided signed statements of consent from Ward's mother, Ramona Shannon, and son, through his father and guardian Andino Ward.⁹²⁰ While we have not found in the records we reviewed a copy of the signed order granting exhumation, a later petition for a protective order states that the court ordered the exhumation on September 18, 1985.⁹²¹

Ward's remains were exhumed from the plot at Northwood Cemetery on September 20, 1985, for examination by the Hameli Team.⁹²²

c. *Period 3: Hameli Team Review and Reinterment*

We have found no contemporaneous records describing the Hameli Team's review; rather, Dr. Hameli's report notes that Ward was previously identified via fingerprints and that his team had determined Body I had a teeth age of 25-30 years and a bone age of 25-35 years, both of which are consistent with Ward's age of 30 years.⁹²³

Dr. Levine, the team's forensic odontologist, also reported that Body I had been identified as Rhonda Ward via fingerprints, but also noted that he reviewed dental x-rays and dental remains to confirm a teeth age of 25-30 years.⁹²⁴ Dr. Levine also summarized his review of a dental chart associated with Ward from the Department of Corrections; despite a discrepancy in the location of a filling noted on that chart, Dr. Levine wrote that such an error that "could easily occur" and "certainly would not exclude the possibility" that the remains belonged to Ward.⁹²⁵

It is not clear from the records whether Dr. Kerley, the team's forensic anthropologist, examined Ward's remains. He reported the status of Body I as "buried" and his report has no section specifically for Body I, as it does for other victims.⁹²⁶ In his testimony before the MOVE Commission, Dr. Hameli indicated that Dr. Kerley had confirmed a bone age of 25-35 years using x-rays,⁹²⁷ but neither Dr. Kerley's report nor Dr. Hameli's testimony say anything about Dr. Kerley examining the actual remains.

Ward's remains were reinterred in Northwood Cemetery on September 30, 1985, 10 days after they had been exhumed.⁹²⁸

There are remains currently at the MEO that may be associated with Rhonda Ward, based on our investigation.

⁹¹⁹ Petition Regarding Rhonda Harris.

⁹²⁰ Consent for Exhumation and Autopsy.

⁹²¹ Petition for Protective Order Regarding Rhonda Harris Ward.

⁹²² Northwood Cemetery Records.

⁹²³ Hameli Report.

⁹²⁴ Levine Report.

⁹²⁵ Levine Report.

⁹²⁶ Kerley Report.

⁹²⁷ Hameli Testimony at 38

⁹²⁸ Northwood Cemetery Records.

Final Report of the Independent Investigation into the City of Philadelphia's Possession of Human Remains of Victims of the 1985 Bombing of the MOVE Organization

***Please be advised that this Report contains detailed and sometimes graphic discussions concerning the remains of the victims who died after the City of Philadelphia's bombing of the MOVE house at 6221 Osage Avenue on May 13, 1985. It also includes several x-rays and one photograph of skeletal remains.**

**Part Two of Three: The MOVE Victim Remains
in the Custody of Drs. Alan Mann and Janet Monge**

June 3, 2022

Prepared by:

Montgomery McCracken Walker & Rhoads LLP

Keir Bradford-Grey
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TABLE OF CONTENTS

	Page
I. Executive Summary	1
II. The MMWR Review Team’s Investigative Process	3
III. Chain of Custody of the B-1 Remains From September 23, 1986 to Today	6
A. No Clear Directive From the MEO With Respect to the Remains	6
B. Storage of the Remains	8
C. Continued Examination of the Remains	9
D. Use of the Remains In Teaching and Other Contexts	13
E. The Public Revelation of the MOVE Victim Remains at the Museum and Actions Taken Thereafter	15
IV. Whether Drs. Mann and Monge Took Possession of Any Remains Associated With Body G	19
A. The Chain of Custody of Body G’s Remains Leading Up to Delisha Orr’s Burial and the Transfer of MOVE Victim Remains to Drs. Mann and Monge, Which Both Took Place in September 1986	20
B. Documents and Statements Suggesting that Drs. Mann and Monge May Have Taken Possession of Remains Associated with Body G	24
1. The November 1, 2018 X-Rays	24
2. Witness Statements	29
C. The MMWR Review Team’s Attempt to Compare the November 1, 2018 X-rays With Archival X-rays, Slides, and Photographs of Body G’s Skeletal Remains from 1985 and 1986	31
V. How Many B-1 Bone Fragments Did Drs. Mann and Monge Take Possession Of?	33
A. Recap of the Remains Associated with Body B-1	33
B. Dr. Monge’s Statements and the B-1 Remains Used in the Coursera Course	34
C. The November 1, 2018 X-rays of the B-1 Pelvic Bones	35
VI. Conclusion	38

I. Executive Summary¹

As noted in Part One of the Report, the City of Philadelphia retained Montgomery, McCracken, Walker & Rhoads LLP (the “MMWR Review Team”) to serve as co-investigators with Dechert LLP (the “Dechert Review Team” or “Dechert”). Specifically, the City asked the MMWR Review Team to serve as the liaisons to family members of the victims of the City’s bombing of the MOVE house at 6221 Osage Avenue on May 13, 1985 (the “Bombing”), including family members both inside and outside the MOVE organization, to ensure that they were included in the process and to give voice to any requests they have. The City also asked the MMWR Review Team to investigate any relevant information related to the MOVE victim remains that the MEO transferred to Drs. Alan Mann and Janet Monge, anthropologists associated with the University of Pennsylvania (“Penn”) and Princeton University, in 1986, that were later discovered to still be in Dr. Monge’s possession in April 2021 when it came to light that she had used the remains as a teaching tool in an online video course.² Finally, the City asked the MMWR Review Team to summarize and evaluate the MEO’s current policies and practices and make recommendations to enhance those policies and practices through a racial equity lens. This Part of the Report focuses on the MOVE victim remains transferred to Drs. Mann and Monge. The MMWR Review Team’s evaluation of the MEO’s policies and practices and our recommendations are discussed in Part Three.

In Part One of this Report, the Dechert Review Team provided detailed information concerning the investigations conducted by the MEO, the Hameli Team, and other experts in the aftermath of the Bombing. They also provided a detailed analysis of the remains of each of the eleven victims of the Bombing and an analysis of the MOVE victim remains retained by the MEO and later re-discovered by MEO personnel in a box labeled MOVE (first in 2017, and then again in 2021).

Our analysis in this Part of the Report begins with the handwritten “Memo to File” and accompanying receipt memorializing the transfer of MOVE victim remains from the MEO to Drs. Mann and Monge on September 23, 1986. As discussed in Part One, from those documents, it appears that Drs. Mann and Monge took possession of “[v]arious bones [from the MOVE case] for anthropologic examination” on that day.³ And, from all of the information we have reviewed, we know that Drs. Mann and Monge received (at least) three bone fragments associated with Body B-1 (who was identified by the Hameli Team as fourteen-and-a-half-year-old Katricia Dotson, but is considered unidentified by Dr. Monge), a fragmentary proximal right femur, a fragmentary right innominate (a pelvic bone formed from the fusion of the ilium, ischium, and pubis), and a fragmentary pubic bone.⁴

¹ **NOTE:** To fully understand the discussions in this Part of the Report, it is important for readers to review Part One first. Many of the abbreviations used in Part One of the Report are used again here.

² **NOTE:** The MMWR Review Team uses the phrase “MOVE victim remains” to refer generally to remains of the victims of the Bombing. It is not used to refer to the remains of any one specific victim.

³ Memo and Receipt by Segal for Remains from Smithsonian, dated September 23, 1986, MOVE_08152.

⁴ **NOTE:** Dr. Monge has consistently stated that, based on the characteristics of the B-1 remains, she believes that B-1 is an unidentified Jane Doe who was older than Katricia Dotson (between eighteen and twenty years-old).

The events surrounding the chain of custody of the B-1 remains from that point onward have been thoroughly discussed in publicly released reports prepared by independent investigators from the Tucker Law Group, LLC (retained by Penn) and Ballard Spahr LLP (retained by Princeton).⁵ Relying in part on the reports prepared by the Tucker Law Group and Ballard Spahr, but also drawing on information learned from our own interviews and independent review of documents, we summarize the chain of custody of the B-1 remains from September 23, 1986 to today, including what (if any) directives Drs. Mann and Monge received from MEO personnel with respect to the remains, where the remains were stored at the Penn Museum of Archaeology and Anthropology (the “Museum” or “Penn Museum”), Drs. Mann and Monge’s continued examination of the remains, Dr. Monge’s use of the remains for instructional purposes, the news stories about the remains at the Museum released in April 2021, and the actions taken thereafter. Comparisons made between the findings of the Tucker Law Group and Ballard Spahr are only to provide full context for a transparent analysis of the chain of custody of the remains.

Then we discuss information that inexplicably varied between several documents we reviewed and witness accounts provided to the MMWR Review Team concerning the MOVE victim remains that were transferred to Drs. Mann and Monge regarding Body G (who was identified by the Hameli Team as Delisha Orr) and a second pubic bone fragment that may have been associated with Body B-1. Specifically, we sought to resolve discrepancies about whether Drs. Mann and Monge took possession of any remains belonging to Body G or any other victims from the Bombing. We also explored whether they took possession of a second pubic bone fragment, bringing the total to four bone fragments associated with Body B-1 (as opposed to just the three listed above). The MMWR Review Team regrets to report that we could not reveal any definitive answers with respect to these two additional questions. Nevertheless, we feel it is our duty to set out all of the relevant facts and claims concerning both questions in an effort to bring as much transparency as possible to the families of the victims and the City as a whole. Based on the information we revealed, we believe the only potential way to gain additional clarity is for an

She does not know who the B-1 remains belong to, suggesting it is possible that there was an unknown twelfth victim who died in the MOVE house that day. Dr. Monge has stated that it is even possible that B-1 was not a member of MOVE. October 20, 2021 Interview of Dr. Monge; November 1, 2021 Interview of Dr. Monge. Relying on the testimony of Michael Moses Ward (previously known as Birdie Africa), who escaped the MOVE compound on May 13, 1985 and testified to the Commission that Katricia had also gotten out of the house and started running towards Cobbs Creek, Dr. Monge has theorized that Katricia may have escaped 6221 Osage Avenue, entered an adjacent house, and been killed in the fire there, where her remains may have been left undiscovered because only the area around the MOVE compound was excavated for the recovery of human remains. *The Odyssey of the MOVE Remains: Report of the Independent Investigation into the Demonstrative Display of MOVE Remains at the Penn Museum and Princeton University*, Tucker Law Group (Aug. 20, 2021), available at <https://www.penn.museum/documents/pressroom/MOVEInvestigationReport.pdf> (hereafter, “Tucker Law Group Report”), at Exhibit 14; see also Transcript of Testimony of Michael Moses Ward before the MOVE Commission on October, 12, 1985, at 127:7 – 17, 136:19 – 137:8. It is worth noting, however, that Mr. Ward also testified that Phil Phillips, another MOVE child, had escaped from the house, but there is no dispute that Body C was positively identified as Phil Phillips.

⁵ *Tucker Law Group Report; Investigative Report Regarding Princeton University’s Role in the Handling of Victim Remains from the 1985 MOVE Bombing in Philadelphia*, Ballard Spahr, LLP (Aug. 30, 2021), available at <https://www.princeton.edu/sites/default/files/documents/2021/08/2021-08-30-FINAL-MOVE-REPORT.pdf> (hereafter, “Ballard Spahr Report”).

independent biological anthropologist to review and compare the relevant records contained within the Report.⁶

II. The MMWR Review Team's Investigative Process

With limited exceptions, the MMWR Review Team participated in all of the interviews listed by the Dechert Review Team in Part One. Specifically, the MMWR Review Team interviewed the following individuals with Dechert:

- Dr. Michael Baden, a forensic pathologist who was hired by family members of the victims and participated in identification efforts in the summer of 1985;
- Jane Baker, Deputy Health Commissioner and Chief of Staff, Philadelphia Department of Public Health;
- William Brown III, Chairman, MOVE Special Investigation Commission;
- Alisha Cartair, Forensic Technician Supervisor, MEO;
- Ronald Castille, Former Chief Justice of the Pennsylvania Supreme Court, and the Philadelphia District Attorney responsible for impaneling a grand jury to assess charges related to the Bombing;
- Dr. Albert Chu, Deputy Chief Medical Examiner and Current Acting Chief Medical Examiner, MEO;
- Seth Ditizio, Forensic Investigator, MEO;
- Dr. Thomas Farley, Former Health Commissioner, Philadelphia Department of Public Health;
- Michael Fenasci, an attorney who represented family members of some of the victims;
- Eva Gladstein, Deputy Managing Director for Health and Human Services, City of Philadelphia;
- Dr. Sam Gulino, Former Chief Medical Examiner, MEO;
- Dr. Ali Hameli, Expert Forensic Pathologist, MOVE Special Investigation Commission;
- Sami Jarrah, Former Deputy Commissioner and Chief Operating Officer, Philadelphia Department of Public Health;
- Dr. Caroline Johnson, Former Deputy Health Commissioner, Philadelphia Department of Public Health;

⁶ **NOTE:** Anthropology is generally broken down into four main subfields: (1) archaeology; (2) biological anthropology (also known as physical anthropology); (3) cultural anthropology; and (4) linguistic anthropology. American Anthropological Association, What is Anthropology?, https://www.americananthro.org/AdvanceYourCareer/Content.aspx?ItemNumber=2150&gclid=Cj0KCQiA64GRBhCZARIsAHOLriIaRMKj-5veZ6b68GlnMoMTy3FvfleLYqIIBBZkSpUIQh72-gZhYV0aAqcCEALw_wcB (last visited May 24, 2022). Drs. Mann and Monge are biological/physical anthropologists. Biological anthropologists study humans (living and dead), other primates such as monkeys and apes, and human ancestors (fossils). Depending on their sub-specialty, biological anthropologists are often experts at examining skeletal human remains and identifying characteristics of the decedent, including sex, size, and age at the time of death.

The MMWR Review Team contacted multiple biological anthropologists who were not involved in the investigation of the Bombing in an attempt to retain an independent consultant to help us review and compare the relevant records contained within the Report ourselves. However, we were unable to retain an independent biological anthropologist before the publication of this Report.

- Ciara Johnson, Forensic Investigator, MEO;
- Mayor Jim Kenney, City of Philadelphia;
- Dr. Lowell Levine, Expert Odontologist, MOVE Special Investigation Commission;
- Charisse Lillie, Commission Member, MOVE Special Investigation Commission;
- William Lytton, Staff Director and Counsel, MOVE Special Investigation Commission;
- H. Graham McDonald, Deputy Director and Counsel, MOVE Special Investigation Commission;
- Dr. Janet Monge, Keeper and Associate Curator of the Physical Anthropology Section, Penn Museum;
- Lisa Mundy, Forensic Toxicology Laboratory Supervisor, MEO;
- Robert O'Neal, Forensic Investigator, MEO;
- David Quain, Forensic Services Director, MEO;
- Tanya Rutter, Forensic Investigator, MEO;
- Gary Sullivan, Administrative Officer, MEO;
- Danielle Thompson, Forensic Investigator Supervisor, MEO;
- Joan Weiner, one of the Assistant District Attorneys who ran the grand jury proceedings relating to the investigation of the Bombing; and
- Jamie Willer, Forensic Investigator, MEO.

The MMWR Review Team also separately interviewed the following individuals as part of its independent investigation into the MOVE victim remains that were transferred from the MEO to Drs. Mann and Monge and the chain of custody of those remains from 1986 to today, including:

- Tumar Alexander, Managing Director, City of Philadelphia;
- Dr. Marie-Claude Boileau, Director, Center for the Analysis of Archaeological Materials, Penn Museum;
- Malcolm Burnley, Journalist;
- Gregory Burrell, President and CEO, Terry Funeral Home;
- Lionell Dotson, biological brother of Katricia and Zanetta Dotson;
- Stacey Espenlaub, NAGPRA Coordinator, Penn Museum;
- Dr. David Frayer, Professor Emeritus, University of Kansas;
- Dr. Lucy Fowler Williams, Associate Curator, Penn Museum;
- Councilwoman Jamie Gauthier, Philadelphia City Council;
- Dr. Michelle Glantz, Professor of Anthropology and Chair of the Human Origins Laboratory, Colorado State University;
- Maya Kassutto, Journalist; Former Undergraduate Student, Penn;
- Dr. Ed Liebow, Executive Director, American Anthropological Association; Affiliate Associate Professor of Anthropology, University of Washington;
- Dr. Owen Lovejoy, Professor of Anthropology, Kent State University;
- Paul Wolff Mitchell, Graduate Student, Penn;
- Amanda Mitchell-Boyask, Executive Director of Development, Penn Museum;
- Abdul-Aliy Muhammad, Journalist;
- Dr. Deborah Thomas, Professor of Anthropology, Penn;

- Dr. Stephen Tinney, Deputy Director, Penn Museum; Professor of Assyriology, Penn;
- Leigh Whitaker, Director of City Relations, Penn;
- Dr. Milford Wolpoff, Professor of Anthropology, University of Michigan;
- Dr. Christopher Woods, Director, Penn Museum;
- Two Former Undergraduate Students, Penn⁷;

Attorneys from Dechert were present for our first interview of Dr. Christopher Woods and for our interviews of Abdul-Aliy Muhammad and Dr. Ed Liebow. However, no attorneys from Dechert attended or participated in any of the other interviews listed directly above.

Over the course of this investigation, we also reviewed over 10,000 pages of documents, photographs, and other materials from the City of Philadelphia (including materials from the Department of Records that are housed at the City Archives), Temple University’s Special Collections Research Center, funeral homes and cemeteries, online resources, and various interviewees, as summarized by Dechert in Part One. These materials included, but were not limited to: medical files for all the victims of the Bombing; reports issued in relation to the Bombing and the remains of the MOVE victims, including the reports issued by the MEO and the Hameli Team; FBI reports; funeral home and cemetery records pertaining to the transfer, burial, and cremation of remains; photographs of victims’ remains; news articles; memoranda and correspondence among the MEO, experts, and Commission personnel; Commission hearing transcripts; and the reports prepared by the Tucker Law Group and Ballard Spahr.

As part of our investigation, the MMWR Review Team also reviewed the video segments from Dr. Monge’s online course in which the B-1 remains were discussed or handled. We also reviewed copies of x-rays that were taken at the Penn Museum on November 1, 2018 and labeled as being associated with MOVE victims at that time.

It is important to reiterate that we did not have subpoena power and could not compel people to speak with us. The people who sat down for interviews and provided us with information did so voluntarily, and we are grateful for their participation in this process. Unfortunately, there were a number of key witnesses who refused to cooperate with our investigation despite our best efforts. Other potential witnesses have passed away or could not be tracked down. Most importantly for purposes of this Part of the Report, those who either refused to participate in an interview or did not respond to our requests included Dr. Segal, Dr. Mann, and a student who graduated from Penn as an undergraduate in 2019, arranged for the x-rays referenced above to be taken on November 1, 2018, wrote her senior research paper on the MOVE victim remains, and appeared in the online video course with Dr. Monge (referred to herein as “Undergraduate Student One”).⁸ Our efforts to reach Drs. Segal and Mann were discussed in Part One of the Report. Our

⁷ **NOTE:** Because they were undergraduate students during the relevant time period (as opposed to the other professionals identified throughout the Report) and to remain consistent with the Tucker Law Group Report and the Ballard Spahr Report (which did not reveal the names of the former undergraduate students who they spoke with), the MMWR Review Team has decided to honor these former students’ requests not to publicly disclose their identities.

⁸ **NOTE:** As discussed above, the MMWR Review Team has decided not to publicly disclose the identities of those who were undergraduate students during the relevant time period.

efforts to reach Undergraduate Student One included multiple emails, phone calls, and a letter. Undergraduate Student One did not respond to any of our inquiries.

Other witnesses who we attempted to reach out to for an interview included Ramona Africa, Dr. Stephanie Damadio, an anthropologist who worked at the Smithsonian Institution in 1985 and 1986 and reviewed the B-1 and G remains multiple times, and Dr. Julian Siggers, the Museum's former Director. We could not reach Ramona or Dr. Damadio, and Dr. Siggers declined our request for an interview, stating that "everything [he] know[s] about this matter is already in the University of Pennsylvania investigation that was published last year [*i.e.*, the Tucker Law Group Report]."⁹ Sadly, Consuewella Dotson Africa (the mother of Katricia, Zanetta, and Lionell Dotson) passed away in June 2021, and the MMWR Review Team did not have an opportunity to interview her.¹⁰

Finally, the MMWR Review Team reached out to multiple independent biological anthropologists in an effort to retain an expert consultant to review the various photographs, slides, videos, and x-rays of skeletal remains discussed in the body of this Report, but we were unable to retain an anthropologist prior to the completion of the Report.

III. Chain of Custody of the B-1 Remains From September 23, 1986 to Today

A. No Clear Directive From the MEO With Respect to the Remains

To the MMWR Review Team's knowledge, the only record of the transfer of MOVE victim remains from the MEO to Drs. Mann and Monge that still exists today is the handwritten "Memo to File" titled "MOVE" and dated September 23, 1986.¹¹ The memorandum, a copy of which is included below, reads:

Bones arrived by mail from the Smithsonian and will be turned over to Allan [sic] Mann for his continued evaluation under an attached receipt.¹²

⁹ March 4, 2022 Email from Dr. Siggers.

¹⁰ **NOTE:** Based on the records and news articles we have reviewed, we understand that Consuewella Dotson Africa's first name has been spelled in different ways, including "Consuewella" and "Consuella." Daniel Hartstein, legal counsel for Lionell Dotson, Consuewella's son, informed the MMWR Review Team that, according to Mr. Dotson, his mother used "Consuewella." Therefore, the MMWR Review Team uses this spelling of her name throughout Parts Two and Three of the Report. May 19, 2022 Email from Daniel Hartstein to Keir Bradford-Grey.

¹¹ **NOTE:** In 1986, Dr. Mann was an anthropology Professor at Penn, and Dr. Monge was his research assistant. Dr. Mann left Penn and became an anthropology Professor at Princeton in 2001. He now has Professor Emeritus status at both Penn and Princeton. Dr. Monge earned her Ph.D. in anthropology from Penn in 1991 and later became the Keeper and Associate Curator of the Physical Anthropology Section at the Penn Museum. She has also taught anthropology courses as an Adjunct Professor in Penn's Anthropology Department and a Visiting Professor at Princeton. Both Drs. Mann and Monge had served as consultants to the MEO on other forensic cases prior to the Bombing. October 20, 2021 Interview of Dr. Monge.

¹² Memo and Receipt by Segal for Remains from Smithsonian, dated September 23, 1986, MOVE_08152.

A "receipt" attached to the memorandum with the same date states:

Case No. MOVE
Received from [signature of Dr. Segal]
the following material in the case of "MOVE"
Various bones for anthropologic examination.
[signature of Dr. Monge].¹³

Move 9/23/86

Memo & file

Bones arrived by mail from the Smithsonian and will be turned over to Allen Steiner for his continued evaluation under an attached receipt.

RECEIPT	CITY OF PHILADELPHIA OFFICE OF THE MEDICAL EXAMINER DEPARTMENT OF PUBLIC HEALTH	DATE <i>9/23/86</i>
CASE NO. <u><i>Move</i></u>		
Received from <u><i>Harold Segal M.D.</i></u>		
the following material in the case of " <u><i>Move</i></u> "		
<u><i>Various bones for anthropologic examination</i></u>		
<u><i>Joseph Monge</i></u>		

20-X-687 (Rev. 9-77)

MOVE_08152

¹³ Memo and Receipt by Segal for Remains from Smithsonian, dated September 23, 1986, MOVE_08152.

There is no itemization of which remains Dr. Segal provided to Drs. Mann and Monge, and neither Dr. Mann nor Dr. Monge recall receiving any specific instructions (written or otherwise) from Dr. Segal or anyone else from the MEO concerning their continued examination of the remains.¹⁴ Dr. Monge recalls only that, whether it was said or unsaid, their instructions were to continue working on the identification of the remains.¹⁵ And Dr. Mann—who declined the MMWR Review Team’s invitation to meet but did speak with the Ballard Spahr investigators—reported to Ballard Spahr that he believed he could keep the remains that were transferred from the MEO and continue to attempt to identify them for as long as he wanted.¹⁶ According to Ballard Spahr, Dr. Mann further stated that he thought he would ultimately return the remains once he was able to identify the individual to whom they belonged, but he was not sure how long that analysis might take, and no one from the MEO said anything to him about returning the remains.¹⁷

It is unclear why Dr. Segal transferred these remains to Drs. Mann and Monge (or to Dr. Stephanie Damadio at the Smithsonian Institute before Drs. Mann and Monge) and asked them to continue to examine them, because, as discussed in Part One of the Report, he had already authorized the release of the B-1 remains for burial as Katricia Dotson in December 1985¹⁸ and seemingly (though begrudgingly) conceded the identification of B-1 as Katricia Dotson in January 1986 after receiving Dr. Judy Suchey’s report.¹⁹

B. Storage of the Remains

After the MEO transferred the MOVE victim remains to Drs. Mann and Monge, they stored the remains in a box in a cabinet in Dr. Mann’s office at the Penn Museum.²⁰ At that time, Dr. Mann’s office was a double office with an adjoining door.²¹ Dr. Mann allowed Dr. Monge to use one of the offices while she was a graduate student, and, when she earned her Ph.D. in 1991, that

¹⁴ November 1, 2021 Interview of Dr. Monge; *Tucker Law Group Report*, at Exhibit 15.

¹⁵ November 1, 2021 Interview of Dr. Monge.

¹⁶ *Ballard Spahr Report*, at 25 – 26.

¹⁷ *Ballard Spahr Report*, at 25 – 26.

¹⁸ Body Delivery Record for Katricia Dotson, MOVE_00521; Eden Cemetery Burial Cards, MOVE_09936 – 42.

¹⁹ January 23, 1986 Letter from Dr. Segal to William Lytton, MOVE_08104 (“I have received the report from Dr. Judy Suchey, the Forensic Anthropologist Dr. Hameli asked to examine the remains of MOVE victim designated B-1. In her opinion the age is between 12 and 17 years which is in agreement with Dr. Kerley and strongly supports Dr. Hameli’s conclusions. It would be unreasonable for me to reject these findings in light of the evidence available at this time.”).

²⁰ *Tucker Law Group Report*, at 62.

²¹ *Tucker Law Group Report*, at 62.

office became her official office.²² The cabinet where the remains were stored was on Dr. Monge's side of the adjoining doors.²³

The MOVE victim remains were stored there until 2001, when Dr. Mann left Penn and joined Princeton's faculty full time, and Dr. Monge's office moved down the hall.²⁴ When Dr. Mann left Penn in 2001, the MOVE victim remains stayed at the Penn Museum and remained in Dr. Monge's custody.²⁵ From that point until 2014, the remains were primarily stored in a cabinet in Dr. Monge's new office.²⁶ In 2014, Dr. Monge moved the box containing the MOVE victim remains to a cabinet in the Physical Anthropology Lab (the "Lab") in the Center for Analysis of Archeological Materials ("CAAM") at the Museum, where they were primarily kept until April 2021.²⁷

Dr. Monge reported to Ballard Spahr that, between 2001 and 2021, she transported the MOVE victim remains to Princeton no more than five times, where she continued to assist Dr. Mann in his teaching activities part time and eventually began to teach her own courses as a visiting professor.²⁸ One of those times was for teaching in an anthropology seminar in 2015 (discussed in more detail below), and the other times were for further analysis by biological anthropologists visiting Princeton's campus.²⁹

C. Continued Examination of the Remains

According to Ballard Spahr, Dr. Mann stated that, from 1986 to 2001, he occasionally worked on the MOVE victim remains to further evaluate them.³⁰ As stated above, the MMWR Review Team did not have an opportunity to interview Dr. Mann, so it could not independently explore what, if any, efforts Dr. Mann made to further examine the remains during that period of time.

Dr. Monge, however, has consistently stated that she made many attempts to further examine the B-1 remains and showed them to multiple visiting biological anthropologists over the

²² *Tucker Law Group Report*, at 62.

²³ *Tucker Law Group Report*, at 62.

²⁴ *Ballard Spahr Report*, at 19; *Tucker Law Group Report*, at 62.

²⁵ *Ballard Spahr Report*, at 30.

²⁶ *Tucker Law Group Report*, at 62.

²⁷ *Tucker Law Group Report*, at 62.

²⁸ *Ballard Spahr Report*, at 19, 29 – 30.

²⁹ *Ballard Spahr Report*, at 19.

³⁰ *Ballard Spahr Report*, at 27.

years to ask them their opinions about the age of the victim.³¹ In 1988, Dr. Monge made the B-1 remains available for use by anthropologists in the American Society of Forensic Sciences for a diplomat exam, and four students were asked to age the victim as part of that exam.³² Dr. Monge stated that she also showed the B-1 remains to other biological anthropologists, including Drs. Stanley Rhine, Milford Wolpoff, David Frayer, Jakov Radovic, Michelle Glantz, Jaroslav Bruzek, Owen Lovejoy, and several others who she could not remember by name.³³ According to Dr. Monge, all of the anthropologists who examined the B-1 remains agreed with her and Dr. Mann's opinion that they belonged to an older individual, not to a fourteen-and-a-half year-old girl (like Katricia Dotson).³⁴

Unfortunately, Drs. Rhine³⁵ and Radovic³⁶ have since passed away. The MMWR Review Team spoke with Drs. Wolpoff, Frayer, Glantz, and Lovejoy, and Dr. Bruzek responded to an email sent by the MMWR Review Team. With respect to Dr. Lovejoy, Dr. Monge's contemporaneous notes from her daybook calendar corroborate that she likely reached out to him about the MOVE victim remains in January 1986 (before the MEO transferred custody of the remains to Dr. Mann) and December 1987.³⁷ Dr. Lovejoy informed the MMWR Review Team, however, that, although he is generally familiar with the MOVE case and that there were some identification issues, he does not remember examining any of the remains or discussing the case with Drs. Mann or Monge.³⁸

Drs. Wolpoff, Frayer, and Bruzek stated that, although it is possible that Dr. Monge showed them the MOVE victim remains at some point in time, as all three anthropologists have known and respected her and Dr. Mann for over thirty years and have all visited the Penn Museum on at least one occasion (some of them on many occasions), none of them explicitly remember seeing or analyzing any MOVE victim remains.³⁹ And Dr. Glantz, who also considers Dr. Monge a respected colleague, told us more definitively that she never saw or examined the MOVE victim

³¹ November 1, 2021 Interview of Dr. Monge; *Tucker Law Group Report*, at Exhibit 14.

³² November 1, 2021 Interview of Dr. Monge; *see also Ballard Spahr Report*, at 30, n. 135; *Tucker Law Group Report*, at 66 – 67.

³³ November 1, 2021 Interview of Dr. Monge; *Tucker Law Group Report*, at Exhibit 14.

³⁴ November 1, 2021 Interview of Dr. Monge. **NOTE:** The MMWR Review Team is not aware of any documentation or notes that describe the analysis performed by these other anthropologists.

³⁵ University of New Mexico Anthropology, *In Memoriam: J. Stanley Rhine* (Dec. 16, 2020), available at <https://anthropology.unm.edu/news-events/news/item/in-memoriam-j.-stanley-rhine.html>.

³⁶ February 25, 2022 Interview of Dr. Frayer.

³⁷ Dr. Monge's Handwritten Notes dated January 28, 1986, MOVE_09725; Dr. Monge's Handwritten Notes dated December 8, 1987, MOVE_09727 .

³⁸ March 8, 2022 Interview of Dr. Lovejoy.

³⁹ February 25, 2022 Interview of Dr. Frayer; February 28, 2022 Email from Dr. Bruzek; March 8, 2022 Interview of Dr. Wolpoff.

remains, but she did remember hearing Drs. Mann and Monge discuss the MOVE case and their efforts to establish the identity of B-1 while she was an undergraduate student at Penn from 1986 through 1990.⁴⁰

In addition to showing the remains to other biological anthropologists and asking them their opinions, Dr. Monge stated that she also made several attempts to contact MOVE members to discuss the remains and potentially acquire a DNA sample from Consuewella Dotson Africa (Katricia Dotson's mother) to compare to the B-1 remains.

Dr. Monge stated that her first interaction with a MOVE member took place in 1995, around the tenth anniversary of the Bombing, when Ramona Africa visited the Penn Museum, in part, to interview Drs. Mann and Monge regarding their involvement in the MOVE investigation for a documentary she was working on.⁴¹ Dr. Monge stated that, when she met with Ramona in 1995, she told Ramona that she and Dr. Mann had the remains of an unidentified victim of the Bombing and that she wanted to speak with Ramona to see if she had any thoughts on how Drs. Mann and Monge should proceed.⁴² But Dr. Monge could not recall if she specified to Ramona that the remains in her possession were from Body B-1, who had been identified by the Hameli Team as Katricia Dotson.⁴³ Dr. Monge stated that Ramona did not engage in any discussions concerning the remains and only wanted to discuss the MOVE organization more generally.⁴⁴

According to Ballard Spahr, Dr. Mann does not recall this conversation with Ramona.⁴⁵ The Ballard Spahr Report also states, "Nor did our investigation find any evidence corroborating Dr. Monge's recollection of this event from members of MOVE, including Ramona Africa."⁴⁶ It is unclear from this statement, what, if anything, Ramona told Ballard Spahr about Dr. Monge's claim that she met with Ramona in 1995, and the MMWR Review Team was not able to meet with Ramona to discuss it with her independently.

According to Dr. Monge, she also attempted to reach out to Consuewella Dotson Africa in 2014 to obtain a DNA sample to compare to the B-1 remains with the assistance of a local Philadelphia journalist named Malcolm Burnley, whom she met while he was working on a profile

⁴⁰ February 25, 2022 Interview of Dr. Glantz.

⁴¹ April 14, 2022 Interview of Dr. Monge; *Ballard Spahr Report*, at 28 – 29; *Tucker Law Group Report*, at Exhibit 14.

⁴² April 14, 2022 Interview of Dr. Monge; *Ballard Spahr Report*, at 28 – 29.

⁴³ April 14, 2022 Interview of Dr. Monge.

⁴⁴ *Ballard Spahr Report*, at 28 – 29.

⁴⁵ *Ballard Spahr Report*, at 29.

⁴⁶ *Ballard Spahr Report*, at 29.

of her and her work at the Penn Museum for *Philadelphia Magazine*.⁴⁷ While Mr. Burnley was working on that profile, Dr. Monge told him that she had worked on the MOVE investigation and reached “differing conclusions about certain remains” than the Commission did.⁴⁸ In later discussions between Dr. Monge and Mr. Burnley, Dr. Monge told Mr. Burnley that she still had remains from the Bombing in her possession at the Museum and that she was still working to identify them, which interested Mr. Burnley from a journalistic perspective.⁴⁹

Thereafter, Mr. Burnley made multiple attempts to connect with Consuewella Dotson Africa, and he spoke with her over the phone in December 2014.⁵⁰ According to Mr. Burnley, he identified himself to Consuewella as a journalist and told her that he wanted to talk to her about something sensitive involving her daughter.⁵¹ Mr. Burnley stated that, after he mentioned Consuewella’s daughter, she became angry, and it did not appear to him that Consuewella knew that the B-1 remains that had been identified as Katricia by the Hameli Team were still at the Museum. So, Mr. Burnley told Consuewella that an anthropologist at the Museum told him that she had those remains and believes that those remains were misidentified.⁵² Mr. Burnley stated that Consuewella hung up the phone shortly thereafter, and that he could not tell if what he said about the remains truly registered with Consuewella.⁵³

Mr. Burnley then exchanged a few emails with Ramona Africa, but he was never able to connect with her.⁵⁴ Mr. Burnley kept Dr. Monge informed about his communications with

⁴⁷ April 14, 2022 Interview of Dr. Monge; *Tucker Law Group Report*, at 64; see also Malcolm Burnley, *Best of Philly Snapshot: Janet Monge, Best Museum Curator*, *Philadelphia Magazine* (July 30, 2014), available at <https://www.phillymag.com/things-to-do/2014/07/30/best-of-philly-snapshot-janet-monge-best-museum-curator/>.

⁴⁸ Malcolm Burnley, *Best of Philly Snapshot: Janet Monge, Best Museum Curator*, *Philadelphia Magazine* (July 30, 2014), available at <https://www.phillymag.com/things-to-do/2014/07/30/best-of-philly-snapshot-janet-monge-best-museum-curator/>.

⁴⁹ March 8, 2022 Interview of Malcolm Burnley.

⁵⁰ **NOTE:** Dr. Monge’s and Mr. Burnley’s recollections differ as to why Mr. Burnley reached out to Consuewella Dotson Africa. Dr. Monge stated that she asked Mr. Burnley to reach out to Consuewella on her behalf in furtherance of her efforts to identify the B-1 remains because she believed she would not be able to relate to MOVE members’ experiences and that Consuewella and other MOVE members would be more willing to speak to Mr. Burnley, who is biracial. April 14, 2022 Interview of Dr. Monge; *Tucker Law Group Report*, at 64, Exhibit 14. According to Mr. Burnley, however, he did not reach out to Consuewella at Dr. Monge’s request. He told the MMWR Review Team that he became interested in the potential misidentification of B-1 from a journalistic perspective after speaking with Dr. Monge about the MOVE case, and he was planning to write a story about it. He stated that he independently decided to reach out to Consuewella because he thought that it would be important to discuss the potential misidentification with Consuewella if he was going to write an article. March 8, 2022 Interview of Malcolm Burnley.

⁵¹ March 8, 2022 Interview of Malcolm Burnley.

⁵² March 8, 2022 Interview of Malcolm Burnley.

⁵³ March 8, 2022 Interview of Malcolm Burnley.

⁵⁴ *Tucker Law Group Report*, at 65;

Consuewella and Ramona.⁵⁵ Mr. Burnley stated that, after these efforts, he did not make any additional attempts to contact Consuewella.⁵⁶

According to Ballard Spahr, Dr. Monge stated that, around 2014, she also attempted another “lab-based analysis” of the age-related changes in the B-1 remains, and she worked on this renewed effort for about two years.⁵⁷ But that analysis proved not to be feasible.⁵⁸ After that analysis and her efforts to acquire a DNA sample from Consuewella Dotson Africa failed, Dr. Monge considered the case “cold” and concluded that she would not be able to come to a final conclusion regarding their identity.⁵⁹

D. Use of the Remains In Teaching and Other Contexts

Dr. Mann reported to Ballard Spahr that he never used the B-1 remains for teaching purposes.⁶⁰ Dr. Monge, on the other hand, did use the B-1 remains on at least three occasions outside of her efforts to identify them, including twice for teaching purposes and once for a Museum-related fundraising event.

As reported by the Tucker Law Group, multiple witnesses stated that Dr. Monge displayed a box containing MOVE victim remains in early 2015 during a presentation given to Museum donors showcasing Dr. Monge’s forensic work.⁶¹ Amanda Mitchell-Boyask, the Museum’s Executive Director of Development, stated that Dr. Monge displayed MOVE victim remains at the donor event, which she stated included twenty to twenty-five high-level donors, but she did not recall which specific bone fragments Dr. Monge displayed.⁶² Dr. Stephen Tinney, the Museum’s Deputy Director, also attended the event, introduced Dr. Monge to the donors before her presentation, and recalls that Dr. Monge displayed MOVE victim remains. But, like Ms. Mitchell-

⁵⁵ **NOTE:** Some of Mr. Burnley’s email exchanges with Dr. Monge are attached as exhibits to the Tucker Law Group Report. *Tucker Law Group Report*, at 64 – 65, Exhibit 16, Exhibit 17.

⁵⁶ March 8, 2022 Interview of Malcolm Burnley. **NOTE:** In December 2014 and again in 2019, Dr. Monge and Mr. Burnley discussed the possibility of trying to obtain DNA from Consuewella through alternative means, but neither Dr. Monge nor Mr. Burnley ever pursued those alternatives because they believed them to be unethical. March 8, 2022 Interview of Malcolm Burnley; April 14, 2022 Interview of Dr. Monge; *Tucker Law Group Report*, at 65.

⁵⁷ *Ballard Spahr Report*, at 34.

⁵⁸ *Ballard Spahr Report*, at 34. **NOTE:** The MMWR Review Team is not aware of any notes or documentation concerning this “lab-based analysis.”

⁵⁹ *Ballard Spahr Report*, at 34.

⁶⁰ *Ballard Spahr Report*, at 32.

⁶¹ *Tucker Law Group Report*, at 67.

⁶² March 9, 2022 Interview of Amanda Mitchell-Boyask.

Boyask, Dr. Tinney could not recall specifically what bone fragments Dr. Monge displayed or what she said about them.⁶³

When asked about this event by the MMWR Review Team, Dr. Monge stated that she was surprised to read about it in the Tucker Law Group Report, as she did not independently remember it and because it was not her usual practice to show the MOVE victim remains to anyone who was not assisting in her efforts to identify them.⁶⁴ Dr. Monge also stated that she went back and reviewed the guest list for this event and claims that all of the attendees were medical doctors.⁶⁵ She stated that, because of who was attending this specific event, she may have brought out the MOVE victim remains so that she could consult with the attendees about their thoughts on the remains.⁶⁶

Unlike the donor event, Dr. Monge did remember using the B-1 remains for teaching purposes on two occasions. First, in the spring of 2015, Dr. Monge co-taught a small and specialized graduate level course called Anthropology 522A, “Topics in Theory and Practice,” at Princeton.⁶⁷ During that course, Dr. Monge provided a small group of students with background information regarding the Bombing, the political context of the incident, and the issues she and Dr. Mann faced as forensic anthropologists working with materials that had not been properly excavated.⁶⁸ Dr. Monge stated that, during one optional class session held on a Saturday, she displayed the B-1 remains.⁶⁹

Second, as has been well publicized, on January 21, 2019, Dr. Monge used the B-1 remains to film a teaching segment that would later be used for an online video platform called Coursera. Dr. Monge’s Coursera course was titled “Real Bones: Adventures in Forensic Anthropology,” which included several video segments.⁷⁰ The video segment in which the B-1 remains were displayed was titled “MOVE: An Analysis of the Remains” and lasted approximately fourteen minutes.⁷¹ During the video, Dr. Monge and Undergraduate Student One, a Penn undergraduate student who graduated in 2019, examined three bone fragments associated with B-1 while wearing rubber gloves, including a fragment of a femur, a fragmentary right innominate (a pelvic bone

⁶³ March 7, 2022 Interview of Dr. Tinney.

⁶⁴ April 14, 2022 Interview of Dr. Monge.

⁶⁵ April 14, 2022 Interview of Dr. Monge.

⁶⁶ April 14, 2022 Interview of Dr. Monge.

⁶⁷ *Ballard Spahr Report*, at 32; *see also Tucker Law Group Report*, at 67.

⁶⁸ *Ballard Spahr Report*, at 32.

⁶⁹ April 14, 2022 Interview of Dr. Monge; *Ballard Spahr Report*, at 32.

⁷⁰ *Ballard Spahr Report*, at 36; *Tucker Law Group Report*, at 68.

⁷¹ *Ballard Spahr Report*, at 40.

formed from the fusion of the ilium, ischium, and pubis), and a fragment of a pubic bone.⁷² Among other things, Dr. Monge and Undergraduate Student One, who was conducting research on the MOVE victim remains at the time as part of her senior research paper and had previously arranged to have x-rays of the MOVE victim remains taken at the Museum, discussed their attempts to provide an age estimate of the victim.⁷³

In August 2020, Dr. Monge’s Coursera course became available online to members of the public who registered (for free) with Coursera.⁷⁴ According to Ballard Spahr, the segment in which the B-1 remains were displayed had 1,092 views before it was later taken down in April 2021.⁷⁵

According to the Tucker Law Group, Dr. Monge continued to believe that, since the remains were unidentified, and because her previous efforts to contact MOVE members were unsuccessful, there was no one who she could consult and obtain their informed consent to use the remains for teaching purposes or in the presentation to Museum donors.⁷⁶ Therefore, Dr. Monge did not ask for or receive permission from Consuewella Dotson Africa, other living relatives of Katricia Dotson, other MOVE members, or the MEO to use the B-1 remains for these purposes.⁷⁷

E. The Public Revelation of the MOVE Victim Remains at the Museum and Actions Taken Thereafter

The first two news articles that discussed MOVE victim remains being held at the Museum and the use of the B-1 remains in the Coursera course were published on April 21, 2021. One was an op-ed in the *Philadelphia Inquirer* by Abdul-Aliy Muhammad titled “*Penn Museum Owes Reparations for Previously Holding Remains of a MOVE Bombing Victim.*”⁷⁸ The other was an

⁷² *Ballard Spahr Report*, at 41.

⁷³ *Ballard Spahr Report*, at 41.

⁷⁴ *Ballard Spahr Report*, at 42.

⁷⁵ *Ballard Spahr Report*, at 43. **NOTE:** For more information on the Coursera course, see *Ballard Spahr Report*, at 35 – 43.

⁷⁶ *Tucker Law Group Report*, at 69.

⁷⁷ **NOTE:** Neither Drs. Mann nor Monge attempted to return the remains to the MEO at any time. Similarly, to the MMWR Review Team’s knowledge, no one from the MEO ever reached out to Drs. Mann or Monge to request that the remains be returned.

⁷⁸ Abdul-Aliy Muhammad, *Penn Museum Owes Reparations for Previously Holding Remains of a MOVE Bombing Victim*, *Philadelphia Inquirer* (Apr. 21, 2021), available at [Penn Museum owes reparations for previously holding remains of a MOVE bombing victim | Opinion \(inquirer.com\)](https://www.inquirer.com/opinion/commentary/penn-museum-owes-reparations-for-previously-holding-remains-of-a-move-bombing-victim). **NOTE:** Abdul-Aliy had previously written about enslaved remains being held as part of the Morton Collection at the Museum and called for their repatriation. Abdul-Aliy Muhammad, *As Repatriation Debate Continues, the University of Pennsylvania Has a Role to Play*, *Philadelphia Inquirer* (July 12, 2019), available at <https://www.inquirer.com/opinion/commentary/university-of-pennsylvania-slavery-reparations-debate-20190712.html>; Abdul-Aliy Muhammad, *It’s Past Time for Penn Museum to Repatriate the Morton Skull Collection*, *Philadelphia Inquirer* (Apr. 5, 2021), available at <https://www.inquirer.com/news/morton-collection-skulls-upenn-museum-repatriation-racial-justice-20210405.html>.

article published in a WHYY online newsletter called *Billy Penn* by Maya Kassutto, a former student in Penn’s Anthropology Department and Museum intern, titled “*Remains of Children Killed in MOVE Bombing Sat in a Box at Penn Museum for Decades.*”⁷⁹

Some have reported that the initial news stories were “instigated” by Paul Wolff Mitchell, a Ph.D. candidate in Penn’s Anthropology Department who is discussed in more detail in Section IV below. Although Mr. Mitchell did speak with both authors before they published their stories and told them what he knew about the MOVE victim remains, both authors told the MMWR Review Team that they independently knew about the MOVE victim remains at the Museum and chose to write about the remains before they discussed them with Mr. Mitchell.⁸⁰

After his discussions with Ms. Kassutto, Mr. Mitchell informed his faculty advisor at Penn, Dr. Deborah Thomas, about the Coursera course and the pending news coverage.⁸¹ Dr. Thomas then set up a Zoom meeting with Dr. Christopher Woods, the Museum’s Executive Director, who had only started at the Museum on April 1, 2021, Dr. Tinney, and Dr. Kathleen Morrison, the Chair of Penn’s Anthropology Department.⁸² This meeting took place on April 16, 2021.⁸³ In this meeting, Mr. Mitchell informed the Museum’s leadership about the Coursera course and that there would soon be press coverage about it.⁸⁴

The next day, April 17, 2021, Abdul-Aliy called Mr. Mitchell and asked him what he knew about the MOVE victim remains.⁸⁵ Mr. Mitchell then informed the Museum’s administration that another journalist was planning to write on the MOVE victim remains and that the stories would be released earlier than he originally expected.⁸⁶

For a more in depth discussion on the background of the Morton Collection and the calls for repatriation of skulls from the collection, see *Tucker Law Group Report*, at 41 – 44.

⁷⁹ Maya Kassutto, *Remains of Children Killed in MOVE Bombing Sat in a Box at Penn Museum for Decades*, BillyPenn (April 21, 2021), available at <https://billypenn.com/2021/04/21/move-bombing-penn-museum-bones-remains-princeton-africa/>. **NOTE:** The *Billy Penn* article did not initially disclose that Ms. Kassutto was formerly an intern at the Museum.

⁸⁰ December 23, 2021 Interview of Abdul-Aliy Muhammad; February 17, 2022 Interview of Maya Kassutto.

⁸¹ January 12, 2022 Interview of Paul Wolff Mitchell.

⁸² January 7, 2022 Interview of Dr. Woods; February 16, 2022 Interview of Dr. Thomas; March 7, 2022 Interview of Dr. Tinney.

⁸³ April 2021 Email Exchange Between Dr. Thomas, Dr. Woods, Dr. Morrison, Dr. Tinney, and Paul Wolff Mitchell.

⁸⁴ January 7, 2022 Interview of Dr. Woods; January 12, 2022 Interview of Paul Wolff Mitchell; February 16, 2022 Interview of Dr. Thomas; March 7, 2022 Interview of Dr. Tinney.

⁸⁵ January 12, 2022 Interview of Paul Wolff Mitchell.

⁸⁶ January 12, 2022 Interview of Paul Wolff Mitchell; April 17, 2022 Email from Paul Wolff Mitchell to Dr. Woods, Dr. Thomas, Dr. Tinney, and Dr. Morrison.

Following the April 16, 2021 meeting, Dr. Tinney discussed the MOVE victim remains with Dr. Monge.⁸⁷ After learning from Dr. Monge that the MEO had originally transferred the MOVE victim remains to Dr. Mann, not to Dr. Monge or to the Museum itself, Museum leadership decided to have the MOVE victim remains sent back to Dr. Mann, with the thought that Dr. Mann would then be able to return the remains to the MEO.⁸⁸ On April 18, 2021, upon receiving instructions from Dr. Tinney, Dr. Monge transported the B-1 remains from the Museum to Dr. Mann's private residence in Princeton, New Jersey, where Dr. Mann stored the remains in his basement until April 30, 2021.⁸⁹

In the meantime, Ms. Kassutto and Abdul-Aliy had both independently contacted Mike Africa, Jr. to inform him about the MOVE victim remains at the Penn Museum and the Coursera course and interview him for their respective forthcoming articles.⁹⁰ After Mike Africa, Jr. learned about the MOVE victim remains being held at the Penn Museum and the Coursera course, he reached out to Councilwoman Jamie Gauthier to tell her what he had learned.⁹¹ A few days before the news broke, Councilwoman Gauthier contacted Leigh Whitaker, Penn's Director of City Relations, and asked Ms. Whitaker if what Mike Africa, Jr. was saying was true.⁹² Ms. Whitaker, who had just learned about the MOVE victim remains herself after being filled in by Museum leadership, told Councilwoman Gauthier that it was, which outraged Councilwoman Gauthier, who later participated in a rally held outside the Penn Museum protesting the mishandling of the remains.⁹³

Around this time, Penn held several internal meetings to discuss what to do with the remains, and Dr. Woods suggested that they try to return the remains to the MEO.⁹⁴ Ms. Whitaker then reached out to Tumar Alexander, the City's Managing Director, to discuss the MOVE victim remains with him.⁹⁵ Mr. Alexander told the MMWR Review Team that he thought it would be inappropriate to send the MOVE victim remains back to the City because over thirty years had

⁸⁷ March 7, 2022 Interview of Dr. Tinney.

⁸⁸ January 7, 2022 Interview of Dr. Woods; March 7, 2022 Interview of Dr. Tinney. **NOTE:** The September 23, 1986 "memo to file" states that the MOVE victim remains would be turned over to "Allan [sic] Mann for his continued evaluation under an attached receipt." Memo and Receipt by Segal for Remains from Smithsonian, dated September 23, 1986, MOVE_08152. Although Dr. Monge signed the receipt, she is not otherwise mentioned in the memo.

⁸⁹ *Ballard Spahr Report*, at 43.

⁹⁰ August 25, 2021 Interview of Mike Africa, Jr.

⁹¹ April 19, 2022 Interview of Councilwoman Jamie Gauthier.

⁹² March 9, 2022 Interview of Leigh Whitaker; April 19, 2022 Interview of Councilwoman Jamie Gauthier.

⁹³ April 19, 2022 Interview of Councilwoman Jamie Gauthier.

⁹⁴ March 9, 2022 Interview of Leigh Whitaker.

⁹⁵ March 9, 2022 Interview of Leigh Whitaker.

passed and no one who had worked on the MOVE case was still employed at the MEO.⁹⁶ He further stated that he told Ms. Whitaker that she should advise Penn leadership to speak with the MOVE victims' family and do whatever they request.⁹⁷ Notably, Ms. Whitaker's conversations with Mr. Alexander took place before the news broke about the separate set of MOVE victim remains being held at the MEO, and neither Dr. Farley nor Dr. Gulino had informed Mr. Alexander (or others in City Government) by this point that the box with other MOVE victim remains had been re-discovered at the MEO in 2017 and ordered to be cremated by Dr. Farley.⁹⁸

After speaking with Mr. Alexander, Ms. Whitaker told her colleagues at Penn that he thought that contacting the family was the best course of action.⁹⁹ Dr. Woods then contacted Mike Africa, Jr., who told Dr. Woods that he was not the right person to speak with and provided Dr. Woods with contact information for Janine Africa.¹⁰⁰ Dr. Woods then contacted Janine and had several conversations and meetings with Janine, Sue Africa, Janet Africa, and Consuewella Dotson Africa to apologize, explain the facts as he knew them, and discuss how to return the remains.¹⁰¹ By this point, Penn had engaged the Tucker Law Group to conduct its investigation into the remains.¹⁰²

On April 30, 2021, Penn or the Tucker Law Group retained Terry Funeral Home to pick up the remains from Dr. Mann's home.¹⁰³ The remains were then placed in an infant casket and held temporarily at Terry Funeral Home.¹⁰⁴

On June 15, 2021, Consuewella Dotson Africa passed away.¹⁰⁵ Lionell Dotson, Katricia Dotson's biological brother, who had been informed of his mother's passing as well as the fact that the Terry Funeral Home was in possession of the B-1 remains that had been identified by the Hameli Team as Katricia, traveled to Philadelphia to obtain the remains from Terry Funeral

⁹⁶ April 8, 2022 Interview of Tumar Alexander.

⁹⁷ April 8, 2022 Interview of Tumar Alexander.

⁹⁸ April 8, 2022 Interview of Tumar Alexander.

⁹⁹ March 9, 2022 Interview of Leigh Whitaker.

¹⁰⁰ January 7, 2022 Interview of Dr. Woods; March 9, 2022 Interview of Leigh Whitaker.

¹⁰¹ January 7, 2022 Interview of Dr. Woods.

¹⁰² January 7, 2022 Interview of Dr. Woods.

¹⁰³ January 7, 2022 Interview of Dr. Woods; *Tucker Law Group Report*, at 63.

¹⁰⁴ *Tucker Law Group Report*, at 63.

¹⁰⁵ Sam Roberts, *Consuewella Africa, 67, Dies; Lost Two Daughters in MOVE Siege*, New York Times (June 21, 2021), available at [Consuewella Africa, 67, Dies; Lost Two Daughters in MOVE Siege - The New York Times \(nytimes.com\)](https://www.nytimes.com/2021/06/21/us/politics/consuewella-africa-67-dies-lost-two-daughters-in-move-siege.html).

Home.¹⁰⁶ Ultimately, the Terry Funeral Home transferred the B-1 remains to Sue Africa.¹⁰⁷ Thereafter, according to news reports, MOVE members buried the B-1 remains by a tree in Bartram’s Garden where Consuewella’s ashes had previously been scattered.¹⁰⁸

IV. Whether Drs. Mann and Monge Took Possession of Any Remains Associated With Body G

The MMWR Review Team also independently investigated whether Drs. Mann and Monge took possession of any remains associated with Body G (identified by the Hameli Team as Delisha Orr) or any victims of the Bombing other than B-1. This question dates back to the first news stories in April 2021 about the MOVE victim remains, one of which reported that the remains of two individuals, B-1 and G, were being held at the Museum.¹⁰⁹ This question was then investigated by the Tucker Law Group, which concluded that the “weight of the evidence that [they] reviewed clearly establishes that Mann and Monge did not receive the occipital bone or any other bone fragments of Body G from the MEO in 1986[.]”¹¹⁰ It further described the allegations that the remains of a second MOVE child were housed at the Museum as an “inaccurate factual premise.”¹¹¹ But questions about Body G’s remains continue to be asked.¹¹²

While our investigative efforts have not resulted in a definitive answer, we disagree that the weight of the evidence clearly establishes that Drs. Mann and Dr. Monge did not receive any remains associated with Body G. Below, the MMWR Review Team sets forth the facts and circumstances relevant to this question in an effort to be fully transparent. First, we recap the dispute between the MEO and the Hameli Team concerning the identity of Body G and the pertinent facts relating to the chain of custody of the Body G remains leading up to Delisha Orr’s burial and the transfer of MOVE victim remains to Drs. Mann and Monge, which both took place in September 1986. Second, we discuss documents and statements suggesting that Drs. Mann and Monge may have taken possession of remains associated with Body G, including (i)

¹⁰⁶ October 5, 2021 Interview of Lionell Dotson; October 13, 2021 Interview of Lionell Dotson.

¹⁰⁷ October 5, 2021 Interview of Lionell Dotson; December 21, 2021 Interview of Gregory Burrell. **NOTE:** Mr. Dotson also unsuccessfully tried to acquire Consuewella’s remains, but her remains were also transferred to Sue Africa.

¹⁰⁸ Ximena Conde, *MOVE Bombing Victim Remains from Penn have Been Returned, Family Says*, WHYY (July 13, 2021), available at <https://whyy.org/articles/move-bombing-victim-remains-from-penn-have-been-returned-family-says/#:~:text=Thirty%2Dsix%20years%20after%20the,Janine%20Africa%2C%20a%20MOVE%20member.>

¹⁰⁹ Maya Kassutto, *Remains of Children Killed in MOVE Bombing Sat in a Box at Penn Museum for Decades*, BillyPenn (April 21, 2021), available at <https://billypenn.com/2021/04/21/move-bombing-penn-museum-bones-remains-princeton-africa/>.

¹¹⁰ *Tucker Law Group Report*, at 59.

¹¹¹ *Tucker Law Group Report*, at 4, 40.

¹¹² Abdul-Aliy Muhammad, *Decades After Philadelphia’s MOVE Bombing, Penn Museum Still Keeps Secrets on the Remains of 12-Year-Old Girl*, Hyperallergic (Apr. 20, 2022), available at <https://hyperallergic.com/725976/philadelphia-move-bombing-penn-museum-still-keeps-secrets-on-the-remains/>.

Undergraduate Student One's (the student who appeared with Dr. Monge in the Coursera course) arrangement for x-rays to be taken on November 1, 2018 of the B-1 remains as well as x-rays of an occipital bone, which were labeled, "MOVE G1 skull," and of a scapula and three vertebrae, which were labeled, "MOVE scap/vert," in furtherance of her research paper; and (ii) statements from Paul Wolff Mitchell and two former Penn undergraduate students who interned in the Physical Anthropology Section at the Museum and recall, with varying degrees of confidence, seeing an occipital bone, skull bone, or vertebrae mixed in with the B-1 remains in a box in the Lab. As discussed below, an occipital bone, scapula, and vertebrae were three of the five types of bones that Drs. Mann and Monge analyzed in November 1985 when they submitted a report about Body G to the MEO.

Before discussing the x-rays and these witness statements, however, we note that Dr. Monge has consistently stated that the box of remains that she and Dr. Mann received from the MEO did not contain any remains associated with Body G or any victims other than B-1. Dr. Monge has been cooperative with the MMWR Review Team, and we recognize the difficulty of proving a negative (*i.e.*, that she and Dr. Mann never took possession of any of Body G's remains). But others who believe that some of Body G's remains were/are being held at the Museum have been equally cooperative. Therefore, as independent investigators, we believe it is our responsibility to set out all of the relevant facts and claims.

A. The Chain of Custody of Body G's Remains Leading Up to Delisha Orr's Burial and the Transfer of MOVE Victim Remains to Drs. Mann and Monge, Which Both Took Place in September 1986

As discussed in Part One of the Report, on November 5, 1985, Dr. Hameli testified that he and his team identified Body G as Delisha Orr, the daughter of Janet Africa and Delbert Orr Africa, who was twelve or thirteen years old at the time of the Bombing.¹¹³ However, on November 14, 1985, after reexamining the Body G remains at the request of Dr. Segal, Drs. Mann and Monge submitted a report to the MEO concluding that the bulk of the skeletal evidence associated with Body G pointed to an age at death of about six to seven years old, which was inconsistent with what was known about Delisha.¹¹⁴ In reaching this conclusion, Drs. Mann and Monge examined at least the following bones associated with Body G: (1) two ischio-pubic rami; (2) a scapula; (3) skull bones, including an occipital bone; (4) vertebrae; and (5) a fragment of the right mandible.¹¹⁵ These were not the only remains associated with Body G, as her body was "reasonably intact" when it was recovered from the scene.¹¹⁶

¹¹³ Transcript of Testimony of Dr. Ali Z. Hameli before the MOVE Commission on November 5, 1985 (hereafter, "*Dr. Hameli's Testimony*"), at 47:6 – 48:4.

¹¹⁴ Report of Dr. Alan Mann, dated November 14, 1985, MOVE_02041 (hereafter, "*Mann Report*"), at 5. **NOTE:** The first page of Dr. Mann's report is dated November 14, 1985, but the last page is dated November 15, 1985. For purposes of this Report, we will reference the date of Dr. Mann's report as November 14, 1985.

¹¹⁵ *Mann Report*, at 3 – 6.

¹¹⁶ Report of Dr. Robert Segal, dated April 14, 1986, MOVE_00327 (hereafter, "*Segal Report*"), at 3. **NOTE:** The first page of Dr. Segal's report is dated April 14, 1986, but the second page is dated March 18, 1986. For purposes of this Report, we will reference the date of Dr. Segal's report as April 14, 1986.

Despite Drs. Mann and Monge's conclusion that Body G was not Delisha, the MEO nevertheless attempted to notify Delisha's parents, who were both incarcerated at the time, that she was one of the victims who died in the Bombing.¹¹⁷ And, on November 19, 1985, five days after Drs. Mann and Monge submitted their report to the MEO, Dr. Segal signed a form titled "Findings of the Medical Examiner" related to Body G on which he wrote, "This body is released to the next of kin based solely on the identification made by the consultants to the Philadelphia MOVE Commission [*i.e.*, the Hameli Team]."¹¹⁸

Nevertheless, Dr. Segal and Dr. Mann continued to publicly dispute the identifications of Body B-1 as Katricia Dotson and Body G as Delisha Orr,¹¹⁹ and both the MEO and the Hameli Team continued to consult with other experts concerning Bodies B-1 and G. On November 25, 1985, Dr. Segal "took the bones of case B1 + G to the Smithsonian" Institute in Washington, D.C. for the day, where they "were examined by Stephanie" Damadio, an anthropologist who worked there.¹²⁰ There is nothing in the documents indicating that Dr. Segal left any remains with Dr. Damadio on that day. On November 29, 1985, Dr. Hameli submitted x-rays and photographs of Body G's and Body B-1's skeletal remains (not the remains themselves) to Dr. Clyde Snow and asked Dr. Snow to offer an opinion as to the age range of both victims.¹²¹ On January 3, 1986, the MEO sent vials with segments of Body G's pelvis, Body G's mandible, and segments of bones from B-1 and other victims to Dr. Henry Lee, who was the Chief Criminalist at Connecticut's Forensic Science Laboratory, to conduct a blood type analysis.¹²² And on March 6, 1986, Dr. Segal sent Dr. Damadio a letter stating:

I have included the skeletal material on "MOVE" case B-1 and G. Please re-examine them to whatever extent you require and submit a written report as to their ages and return the material to me.

¹¹⁷ Investigative Log for Body G dated November 15, 1985, MOVE_00111; Letter from MEO Investigator Eugene Supplee to Delbert Orr dated November 16, 1985, MOVE_00143 – 44 ("We regret to inform you that your child, Delisha, has been identified by the Philadelphia Special Investigation Commission's Consultant as one of the victims in the MOVE house fire on Osage Avenue. If you wish to claim the body please have your funeral director contact us."); Letter from MEO Investigator Eugene Supplee to Janet Holloway dated November 16, 1985, MOVE_00154 (same).

¹¹⁸ Findings of Medical Examiner for Body G, MOVE_00100.

¹¹⁹ Marc Kaufman, *Pathologist to Restudy Remains MOVE Siege Death Toll, Identities in Question*, Philadelphia Inquirer (Dec. 1, 1985).

¹²⁰ Handwritten Note by Dr. Segal dated November 25, 1985, MOVE_08357.

¹²¹ January 31, 1986 Letter from Dr. Snow to Dr. Hameli, MOVE_08061.

¹²² January 22, 1986 Report from the State of Connecticut Department of Public Safety Division of State Police Forensic Science Laboratory, Case Number ID86A00011C3, MOVE_08012.

If you can, please advise me if mild to moderate chronic malnutrition would make skeletal material appear older or younger than its chronologic age.¹²³

Other than the fact that Dr. Segal provided “skeletal material” from “‘MOVE’ case B-1 and G[.]” the March 6, 1986 letter does not provide any additional detail about what specific “skeletal material” was provided to Dr. Damadio on that date. The MMWR Review Team made several attempts to reach Dr. Damadio, but we were unsuccessful, so we did not have an opportunity to ask her which specific remains she received from Dr. Segal and later shipped back to him.

Records indicate that Dr. Damadio shipped “one box containing human skeletal remains” back to Dr. Segal on September 17, 1986.¹²⁴ While this box was still in transit from the Smithsonian, MEO records indicate that at least some of Body G’s remains were released to Freeman L. Hankins, the Director of Hankins Funeral Home, on September 22, 1986 at 9:25 a.m. and buried as Delisha Orr at Eden Cemetery the same day.¹²⁵ To the MMWR Review Team’s knowledge, there is no existing list or inventory of the specific remains received by Hankins Funeral Home or buried at Eden Cemetery as Delisha on September 22.

From the “Memo to file” and receipt discussed above, which states, “Bones arrived by mail from the Smithsonian and will be turned over to Allan [sic] Mann for his continued evaluation under an attached receipt,” it appears that Dr. Segal received the box containing MOVE victim remains back from Dr. Damadio on September 23, 1986 (the date of Dr. Segal’s memo).¹²⁶ This sequence of events means that the Body G remains that were being examined by Dr. Damadio could not have been buried on September 22, as they had still not reached Dr. Segal.

The receipt signed by Dr. Monge suggests that Drs. Mann and Monge then took possession of MOVE victim remains from the MEO on September 23, 1986 after the MEO received those remains back from the Smithsonian earlier that same day.¹²⁷ Dr. Monge provided the MMWR Review Team with this photograph of the box containing the MOVE victim remains that Dr. Segal gave her.¹²⁸

¹²³ March 6, 1986 Letter from Dr. Segal to Dr. Damadio, MOVE_07992. **NOTE:** The MMWR Review Team has not found any reports written by Dr. Damadio concerning the MOVE victim remains.

¹²⁴ Smithsonian Shipping Invoice dated September 17, 1986, MOVE_08617.

¹²⁵ Order to Release Body and Body Delivery Record for Delisha Orr, MOVE_00113 – 14; Eden Cemetery Burial Cards, MOVE_09953; *see also* Rich Heidorn, Jr., *For 3 MOVE Children, Burial After 16 Months*, Philadelphia Inquirer (Sept. 23, 1986).

¹²⁶ Memo and Receipt by Segal for Remains from Smithsonian, dated September 23, 1986, MOVE_08152.

¹²⁷ Memo and Receipt by Segal for Remains from Smithsonian, dated September 23, 1986, MOVE_08152.

¹²⁸ Box photo from Dr. Monge, MOVE_09925. **NOTE:** There are two additional things worth noting about the box. First, the word “chop” is also written on the box. As discussed by the Dechert Review Team in Part One, Dr. Segal noted in his final report on the MOVE investigation that Body G’s remains were x-rayed and read by a Dr.



The photograph shows that Dr. Monge received the MOVE victim remains in the same box that was used by Dr. Damadio to ship MOVE victim remains back to the MEO. However, neither Dr. Segal’s “Memo to file” confirming his receipt of that box on September 23, 1986 nor the accompanying receipt provide a specific inventory of which remains were in that box and ultimately transferred to Drs. Mann and Monge later that day.¹²⁹

For these reasons, from the archival records alone, it is impossible to determine what, if any, remains associated with Body G were in the box when Dr. Monge picked it up from the MEO on September 23, 1986 or whether the remains from Body G that were shipped to Dr. Damadio at the Smithsonian were reunited with the remains that were buried as Delisha Orr in September 1986.¹³⁰

Borden at “the Children’s Hospital”; however, Dr. Segal does not specify what skeletal remains associated with Body G were x-rayed, when, or why. *Segal Report*, at 9. There is no indication that Dr. Borden took those x-rays of the Body G remains between March 1986 and September 1986, when certain Body G remains were at the Smithsonian for review by Dr. Damadio. Second, there is a sticker in the bottom left dated September 22, 1986. Although the full sticker is not legible, we believe this sticker is a “PS Form 3849-A,” which is a United States Postal Service form re-delivery notice placed on mail after delivery is attempted but unsuccessful. United States Postal Service, PS Form 3849 Redelivery Notice, <https://faq.usps.com/s/article/PS-Form-3849-Redelivery-Notice> (last visited May 24, 2022).

¹²⁹ Memo and Receipt by Segal for Remains from Smithsonian, dated September 23, 1986, MOVE_08152.

¹³⁰ **NOTE:** Notably, news articles published on September 25, 1986 report a “mixup” by the MEO relating to the burial of Delisha Orr and two other MOVE children, Phil Phillips and Tomaso Levino, that took place on September 22, 1986. Gloria Campisi, *At Last, MOVE Kids are Buried*, Philadelphia Daily News (Sept. 25, 1986); Michael Ruane, *Error Made on MOVE Remains*, Philadelphia Inquirer (Sept. 25, 1986). The reports state that morgue

B. Documents and Statements Suggesting that Drs. Mann and Monge May Have Taken Possession of Remains Associated with Body G

Dr. Monge has consistently stated that the box of remains that she and Dr. Mann received from the MEO did not contain any remains associated with Body G or any victims other than B-1. Although the MMWR Review Team did not have an opportunity to interview Dr. Mann, his written statement submitted to the Tucker Law Group says that he recalls that he and Dr. Monge “were asked to review two bone fragments from the same person, labeled B1, small segments of a pelvis and an upper part of a leg bone[,]” and that the MEO provided Drs. Mann and Monge with “the bone fragments” after the Commission had completed its investigation so that they can continue to examine them.¹³¹ His statement does not make any reference to receiving remains associated with Body G or any other MOVE victims.

Nevertheless, as discussed above, there is evidence suggesting that Drs. Mann and Monge may have taken possession of at least some remains belonging to Body G, including an occipital bone, a scapula, and three vertebrae. In fact, Drs. Mann and Monge previously examined the very same three types of bones (plus two additional types of bones) from Body G when working on their November 14, 1985 report.

1. The November 1, 2018 X-Rays

During the 2018-2019 school year, with Dr. Monge serving as her faculty advisor, Undergraduate Student One—the student who appeared with Dr. Monge in the Coursera course—wrote her senior research paper on the MOVE victim remains.¹³² As part of that research, Undergraduate Student One was given access to the MOVE victim remains, and she arranged for x-rays of the remains to be taken on November 1, 2018 at the Museum.¹³³ On this date, in addition to the B-1 femur bone and pelvic bone fragments, x-rays were taken of an occipital bone, a scapula, and three vertebrae. The x-rays of the occipital bone were labeled “MOVE G1 skull.”¹³⁴

attendants had mistakenly given “miscellaneous body parts” from the Bombing to Hankins Funeral Home for burial at Eden cemetery on September 22, not the remains of Delisha, Phil, and Tomaso. The reports further explain that the “mixup” occurred after the children’s remains had been moved from one refrigerator, where they had been stored with the “miscellaneous body parts” from MOVE victims that had never been associated with specific individuals, to another refrigerator in preparation for their burial on September 22. According to the reports, when the funeral home’s representatives arrived on September 22, they were given the unidentified remains, not the children’s remains, because the morgue attendants on duty apparently had not been told that the children had been moved to the other refrigerator and saw the unidentified remains had labels indicating that they were from the Bombing. The reports also state that, on September 24, 1986, the grave at Eden Cemetery where the “miscellaneous body parts” had been buried on September 22 was reopened, and the remains of Delisha, Phil, and Tomaso were buried there. The MMWR Review Team is not aware of any records from the MEO or Eden Cemetery confirming this second burial.

¹³¹ *Tucker Law Group Report*, at Exhibit 15.

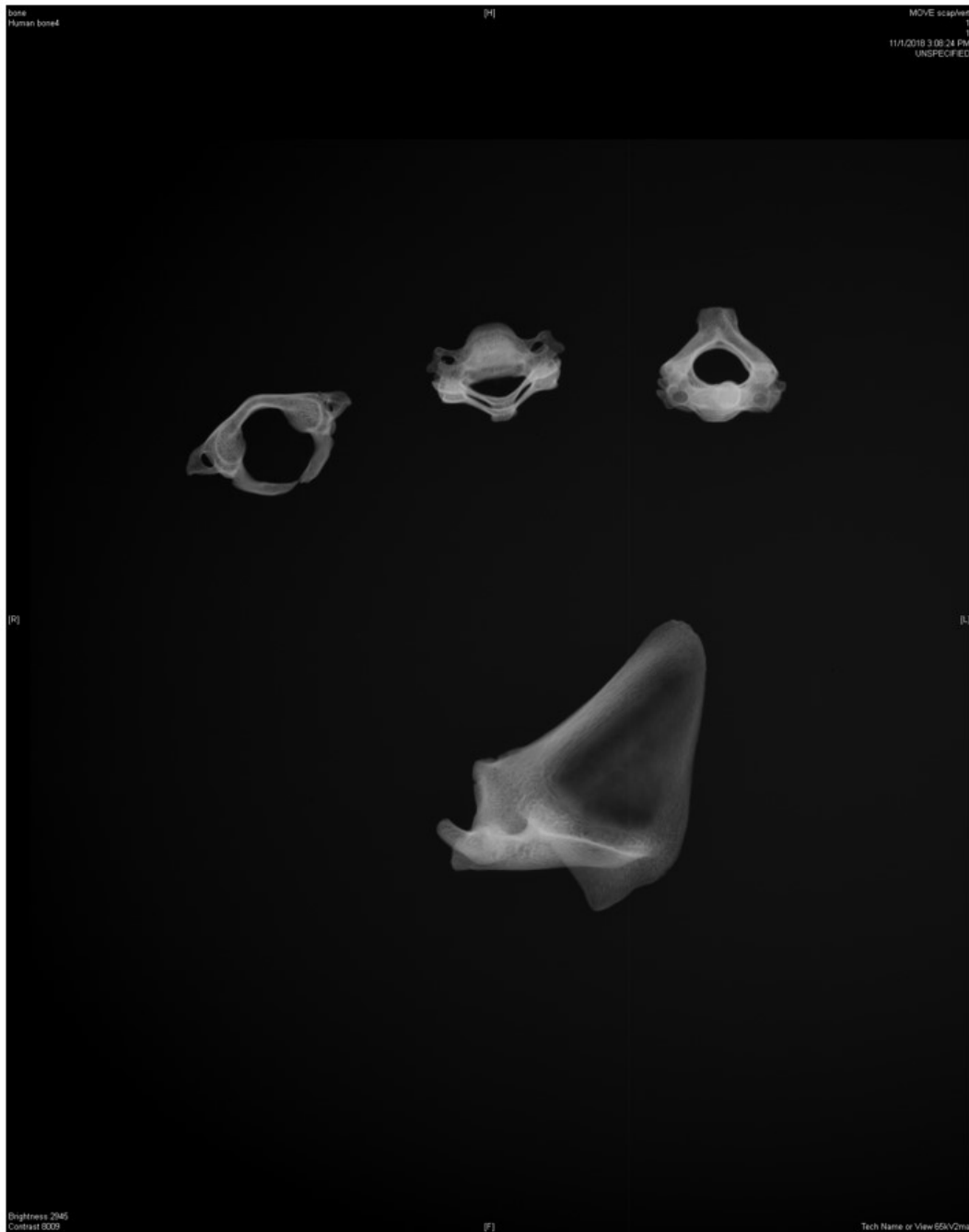
¹³² *Tucker Law Group Report*, at 60.

¹³³ *Tucker Law Group Report*, at 60.

¹³⁴ Penn Museum X-ray Dated November 1, 2018 and Labeled “MOVE G1 Skull.”



The x-rays of the scapula and vertebrae were labeled “MOVE scap/vert.”¹³⁵



According to the Tucker Law Group Report, Undergraduate Student One’s paper was primarily focused on the B-1 remains and Undergraduate Student One’s attempt to determine the

¹³⁵ Penn Museum X-ray Dated November 1, 2018 and Labeled “MOVE scap/vert.”

age of those remains.¹³⁶ However, the paper included one of the x-rays of the occipital bone as “Figure 10,” and included a reference to Body G in the body of the report:

As Figure 10 [the occipital bone] demonstrates, in the MOVE skull of a younger person, Body G, is very thin. From this observation, it was concluded that the skull is of a child growing up in MOVE conditions and susceptible to malnutrition while Body G is of manual density.¹³⁷

These x-rays and Undergraduate Student One’s paper suggest that, as of November 1, 2018, she had reason to believe that these particular skeletal remains that were being housed somewhere at the Museum belonged to a MOVE victim, and that, at least the occipital bone belonged to Body G specifically. Notably, as discussed above, an occipital bone, a scapula, and vertebrae were three of the five skeletal remains associated with Body G that Drs. Mann and Monge had analyzed in their November 14, 1985 report submitted to the MEO.¹³⁸

Whether the skeletal remains that were x-rayed in November 2018 actually belong to Body G, however, is another question. Undergraduate Student One stated to the Tucker Law Group that she was “confused and simply made an error by including the occipital bone in the final version of her paper.”¹³⁹ But this statement begs many additional questions. What made Undergraduate Student One think the occipital bone, vertebrae, and scapula should be x-rayed together with the B-1 remains on November 1, 2018? Were these skeletal remains all together in the same box on that day? Why did she associate the occipital bone with Body G? Why did she associate the scapula and vertebrae with MOVE? Did someone tell Undergraduate Student One that those skeletal remains belonged to Body G? If so, who? Unfortunately, despite many attempts by the MMWR Review Team, Undergraduate Student One never responded to our invitations to speak with us, so we could not explore these questions with her.

Undergraduate Student One also told the Tucker Law Group that Dr. Monge played no role in arranging for and was not present when the x-rays were taken.¹⁴⁰ Dr. Monge herself has reiterated this claim to the MMWR Review Team.¹⁴¹ However, the MMWR Review Team spoke with Dr. Marie-Claude Boileau, the Director of CAAM, who is one of only a few people at the Museum who is trained to use the x-ray machine and who took the November 1, 2018 x-rays.¹⁴² According to Dr. Boileau, Undergraduate Student One submitted a general request to x-ray human

¹³⁶ *Tucker Law Group Report*, at 60.

¹³⁷ *Tucker Law Group Report*, at 60, n. 146 (quoting Undergraduate Student One’s paper).

¹³⁸ *Mann Report*, at 3 – 6.

¹³⁹ *Tucker Law Group Report*, at 61.

¹⁴⁰ *Tucker Law Group Report*, at 60.

¹⁴¹ April 14, 2022 Interview of Dr. Monge.

¹⁴² February 8, 2022 Interview of Dr. Boileau.

remains for her senior research paper via email (without mentioning what types of remains or that they were related to MOVE) in the middle or end of October 2018. Dr. Boileau stated that Dr. Monge was copied on that email and coordinated the scheduling of the x-rays with her.¹⁴³ To the best of her recollection, Dr. Boileau believes that, on November 1, 2018, Dr. Monge and Undergraduate Student One brought the remains to be x-rayed to Dr. Boileau together, but she does not remember if Dr. Monge was present for the entire process.¹⁴⁴ She also believes that it was Dr. Monge's typical practice to be present whenever x-rays of human remains from the Physical Anthropology Section were taken.¹⁴⁵ Dr. Boileau stated that she labeled the x-rays but could not remember whether Undergraduate Student One or Dr. Monge gave her the information for those labels.¹⁴⁶

In discussions with the MMWR Review Team, Dr. Monge acknowledged that she was copied on the emails leading up to the x-rays, but she stated again that she does not believe she was present when the x-rays were actually taken.¹⁴⁷ Contrary to Dr. Boileau, she also stated that it is not her usual practice to be present when remains from the Physical Anthropology Section are x-rayed by her students.¹⁴⁸

Dr. Monge also suggested to the MMWR Review Team that Paul Wolff Mitchell may have been the one who told Undergraduate Student One that the occipital bone, scapula, and vertebrae belonged to a MOVE victim.¹⁴⁹¹⁵⁰ In her statement attached to the Tucker Law Group, Dr. Monge also claims that Mr. Mitchell later released information about Body G to the press with "malicious

¹⁴³ February 8, 2022 Interview of Dr. Boileau.

¹⁴⁴ February 8, 2022 Interview of Dr. Boileau.

¹⁴⁵ February 8, 2022 Interview of Dr. Boileau.

¹⁴⁶ February 8, 2022 Interview of Dr. Boileau.

¹⁴⁷ April 14, 2022 Interview of Dr. Monge.

¹⁴⁸ April 14, 2022 Interview of Dr. Monge.

¹⁴⁹ November 29, 2021 Interview of Dr. Monge; April 14, 2022 Interview of Dr. Monge. **NOTE:** Dr. Monge stated that she thinks Undergraduate Student One told her that Mr. Mitchell gave Undergraduate Student One this information, but Dr. Monge stated that she could not definitively recall whether Undergraduate Student One had, in fact, said that Mr. Mitchell was involved or if Dr. Monge reached that conclusion on her own. April 14, 2022 Interview of Dr. Monge.

¹⁵⁰ **NOTE:** Paul Wolff Mitchell came to Penn as an undergraduate student in 2009, started working for Dr. Monge as a research assistant in the Physical Anthropology Section of the Penn Museum in the summer of 2010, received his bachelor's degree in Anthropology in 2013, and received his master's degree in Anthropology in 2014. Mr. Mitchell returned to Penn to pursue his Ph.D. in 2015, where he continues to study today. January 12, 2022 Interview of Paul Wolff Mitchell. From the time he was an undergraduate student through the first years of his Ph.D. program at Penn, Mr. Mitchell primarily studied human remains through the methods and concepts of biological anthropology, and he spent a significant amount of time studying the collection of human skulls in the Morton Collection. January 12, 2022 Interview of Paul Wolff Mitchell. Around 2016 or 2017, Mr. Mitchell's research interests shifted, and he began to focus more on the history of anthropology and ethical questions about anthropological research on human remains collections. January 12, 2022 Interview of Paul Wolff Mitchell.

intent” in “willful retaliation” against her because she reported Mr. Mitchell for various offenses in May 2019 that could have harmed his reputation and barred him from accessing any of the collections in the Physical Anthropology Section of the Museum.¹⁵¹ Mr. Mitchell, however, stated that he had nothing to do with the x-rays taken in November 2018 and that he did not even know that Undergraduate Student One was writing a research paper on the MOVE victim remains until early 2019.¹⁵² He also provided documentation showing that he was in Europe from June 2, 2018 to December 24, 2018, which coincides with the time when the x-rays were taken.¹⁵³ Moreover, from Dr. Monge’s written statement, it is clear that she did not report him for any misconduct until May 2019, which was several months after the x-rays were taken.¹⁵⁴ And Mr. Mitchell stated he had no knowledge of Dr. Monge’s allegations against him until after news stories about the MOVE victim remains were published in April 2021.¹⁵⁵

2. Witness Statements

In addition to the x-rays and Undergraduate Student One’s discussion of the Body G occipital bone in her thesis paper, several witnesses, including Paul Wolff Mitchell, claim to have seen an occipital bone, skull bone, or vertebrae mixed in with the MOVE victim remains in a box in the Lab.

Mr. Mitchell claims that, in 2015, when he was cleaning up in the Lab at the Museum, he saw a fragment of an occipital bone along with femur and pelvic bone fragments in a box in a cabinet.¹⁵⁶ Mr. Mitchell told the MMWR Review Team that there were no labels on the box or the bones themselves, and he did not know what they were.¹⁵⁷ But, according to Mr. Mitchell, Dr. Monge was in the room at the time, and he asked her about the bones.¹⁵⁸ Mr. Mitchell stated that Dr. Monge told him that they were MOVE victim remains, and that he should be careful with them

¹⁵¹ *Tucker Law Group Report*, at Exhibit 14.

¹⁵² January 12, 2022 Interview of Paul Wolff Mitchell.

¹⁵³ Passport photos provided by Paul Wolff Mitchell.

¹⁵⁴ *Tucker Law Group Report*, at Exhibit 14.

¹⁵⁵ January 12, 2022 Interview of Paul Wolff Mitchell. **NOTE:** Mr. Mitchell further stated that, although his access to the Museum’s Physical Anthropology Section was revoked in July 2019, he was led to believe that he lost his access because of general security breaches at the Museum, not because of anything that Dr. Monge had accused him of.

¹⁵⁶ *Tucker Law Group Report*, at 59; January 12, 2022 Interview of Paul Wolff Mitchell, at 11.

¹⁵⁷ *Tucker Law Group Report*, at 59; January 12, 2022 Interview of Paul Wolff Mitchell. **NOTE:** Dr. Monge told the MMWR Review Team that she did not keep the MOVE victim remains in the box that she originally received them in (*i.e.*, the box that is depicted in the picture above). She used a different, smaller box to store the remains at the Museum. April 14, 2022 Interview of Dr. Monge.

¹⁵⁸ January 12, 2022 Interview of Paul Wolff Mitchell.

and put them back.¹⁵⁹ Mr. Mitchell stated that he only looked at the box briefly and did not handle the bones themselves, but he distinctly remembers seeing an occipital bone in the box because he had been working extensively with the Morton Collection by that time and knew the cranial anatomy well.¹⁶⁰

Mr. Mitchell stated that he asked Dr. Monge about the MOVE case, and she told him that there was some disagreement between her and other investigators, that there was an effort on the part of the City to cover up some of the analysis that she had done, and that she was continuing to investigate the case but did not know if she would be able to get any definitive answers.¹⁶¹ Mr. Mitchell stated that Dr. Monge did not say anything else about the MOVE case, and, at that time, he did not know how many individuals' remains were in the box or who those individuals were identified as.¹⁶² He stated that he did not learn about the names Katricia and Delisha, the body designations for B-1 and G, or the potential association between the occipital bone he saw in the box and Body G until he reviewed Undergraduate Student One's research paper on the MOVE victim remains in the Fall of 2019 and Dr. Mann's Report, which discussed the dispute over the identification of Body G and Dr. Mann's analysis of Body G's occipital bone, among other bones.¹⁶³

The MMWR Review Team also spoke with two former Penn undergraduate students who interned at the Museum and have some recollection of seeing a cranial bone, skull bone, or vertebrae in the box with the B-1 remains. Both former undergraduate students stated that Dr. Monge personally showed them the MOVE victim remains in the Lab and told them about the case (one in 2015, and one in 2017). One student stated that she believes she saw a cranial bone in the box. The other student stated that she believes she saw a skull bone or vertebrae in the box. However, neither of the former students were willing to identify themselves "on the record" with these statements, and both cautioned that they could not fully rely on their memory given the time that has passed and all of the things they have heard and read about the MOVE victim remains since April 2021. Although one of the students stated that she could not definitively recall what bones she saw, she did have a specific recollection of Dr. Monge discussing the bones as if they belonged to multiple people.¹⁶⁴ Both students acknowledged that they have friendly relationships with Mr. Mitchell.

¹⁵⁹ January 12, 2022 Interview of Paul Wolff Mitchell.

¹⁶⁰ January 12, 2022 Interview of Paul Wolff Mitchell.

¹⁶¹ January 12, 2022 Interview of Paul Wolff Mitchell.

¹⁶² January 12, 2022 Interview of Paul Wolff Mitchell.

¹⁶³ January 12, 2022 Interview of Paul Wolff Mitchell.

¹⁶⁴ **NOTE:** When asked if she recalls showing the MOVE victim remains to undergraduate students in the Lab, Dr. Monge stated that she does not think she would have done so unless she had an academic reason. She stated that she could not comment on any specific instances unless we provided her with the names of the students we spoke with, which the MMWR Review Team could not do. April 14, 2022 Interview of Dr. Monge.

To the MMWR Review Team’s knowledge, neither of these former undergraduate students were interviewed by any other investigative teams. However, the Tucker Law Group did not find Mr. Mitchell’s claim that the occipital bone he saw with the other MOVE victim remains in a box in the Lab in 2015 is likely Body G’s occipital bone compelling because the bone was not labeled, and he did not explain why he made that connection.¹⁶⁵ However, as discussed above, Mr. Mitchell did provide an explanation to the MMWR Review Team.¹⁶⁶

C. The MMWR Review Team’s Attempt to Compare the November 1, 2018 X-rays With Archival X-rays, Slides, and Photographs of Body G’s Skeletal Remains from 1985 and 1986

In an attempt to provide a definitive answer, the MMWR Review Team searched for photographs and x-rays of Body G’s occipital bone, vertebrae, and scapula from 1985 and 1986 to compare to the x-rays taken on November 1, 2018.¹⁶⁷ Dr. Monge herself had an old slide she claims shows Body G’s occipital bone that was developed in February 1986, copied below, and part of Body G’s occipital bone can be seen in x-rays taken by Dr. Haskell Askin, the forensic odontologist who examined dental remains of the MOVE victims on behalf of the MEO in 1985, that are still held at the City Archives.¹⁶⁸

¹⁶⁵ *Tucker Law Group Report*, at 59 – 60.

¹⁶⁶ January 12, 2022 Interview of Paul Wolff Mitchell.

¹⁶⁷ **NOTE:** As part of this search effort, we reviewed photographs, slides, and x-rays from the City Archives and photographs provided by Dr. Monge and other witnesses. We also received documents from Dr. Clyde Snow’s case file from Dr. Angela Berg, who is the custodian of Dr. Snow’s records, but his file did not have any x-rays or photographs of Body G’s occipital bone.

¹⁶⁸ **NOTE:** Because of the graphic nature of the archival x-rays, slides, and photographs of the remains, we have decided not to include copies of these types of publicly available documents in the Report. They can be viewed at the City Archives, which is located at 548 Spring Garden Street. However, we included a copy of this 1986 slide depicting Body G’s occipital bone that was provided by Dr. Monge because it is not publicly available.



We showed these documents to Dr. Monge. Dr. Monge stated that the x-rays from the City archives could not be compared to the x-ray of the occipital bone from 2018 because, in the archival x-rays, the occipital bone is still connected to the rest of Body G.¹⁶⁹ Dr. Monge, however, explained that, in her opinion, the occipital bone in the November 1, 2018 x-ray clearly does not match the occipital bone in the slide she shared because the occipital bone in the slide developed

¹⁶⁹ April 8, 2022 Interview of Dr. Monge.

in 1986 (copied above) has an open right-side lateral component that is not present on the occipital bone depicted in the November 1, 2018 x-ray.¹⁷⁰

We made efforts to retain an independent biological anthropologist to review the relevant x-rays and slides and offer an opinion as to whether the occipital bone from the November 1, 2018 x-ray generally matches the occipital bone from the x-rays and slides from 1985 and 1986, and whether the x-rays of the occipital bone, scapula, and vertebrae from November 2018 generally match the descriptions of those bones in the anthropological reports prepared by Drs. Mann and Kerley, the forensic anthropologist who worked with the Hameli Team. Unfortunately, we were unable to retain an independent expert to perform these comparisons prior the completion of the Report.

Although we regret we cannot provide a definitive answer with respect to this question and recognize that this discussion may only cause increased uncertainty and speculation, we believe we needed to be as transparent and open about what our investigation revealed as possible. We believe the only potential way to gain additional clarity is for an independent biological anthropologist to compare the November 1, 2018 x-rays to any photographs or x-rays of Body G's occipital bone, scapula, and vertebrae from 1985 or 1986 that still exist and the descriptions of those bones in Drs. Mann and Kerley's anthropological reports.

V. How Many B-1 Bone Fragments Did Drs. Mann and Monge Take Possession Of?

Finally, the MMWR Review Team also independently investigated how many bone fragments associated with Body B-1 Drs. Mann and Monge took possession of in September 1986.

A. Recap of the Remains Associated with Body B-1

We start with a brief recap of what the archival documents say about the remains associated with Body B-1. Before doing so, it is important to reiterate that, as the Dechert Review Team explained in Part One of the Report, the MEO files and documents relating to the victims' remains are incomplete, inconsistent, and, at times, contradictory. And there is no reliable inventory of the full contents of the remains.

Dr. Segal's May 21, 1985 postmortem examination report describes the totality of the remains for B-1 as: (1) a portion of "identifiable human tissue," with no further description; (2) a portion of a right pelvis with two fractures; and (3) the proximal (*i.e.*, upper) portion of a right femur with a fracture at mid-shaft.¹⁷¹ Dr. Kerley's anthropological report similarly states that B-1 consists of the "right thigh and hip."¹⁷² Dr. Kerley's anthropological report also associates the

¹⁷⁰ April 8, 2022 Interview of Dr. Monge.

¹⁷¹ Postmortem Report for B-1, MOVE_00513.

¹⁷² Dr. Ellis Kerley's Undated MOVE-85-1 Anthropological Report, MOVE_TU_1091 (hereafter, *Kerley Report*).

mandible fragment labeled “E-1” with Body B-1.¹⁷³ Neither of these reports mention a left pubic bone associated with B-1. Nor does Drs. Mann and Monge’s November 14, 2018 Report, Dr. Kerley’s December 5, 1985 supplemental report (which was attached to Dr. Hameli’s January 30, 1986 addendum report), or Dr. Segal’s April 14, 1986 Report.¹⁷⁴

However, Dr. Segal’s notes from his visit with Dr. Damadio in November 1985 and Dr. Suchey’s January 22, 1986 report suggest that there were four total bone fragments associated with victim B-1 (not including the E-1 mandible associated with B-1 by the Hameli Team): the proximal portion of the right femur, a portion of the right innominate, and two pubic bones (one right and one left). In what appear to be Dr. Segal’s handwritten notes from his November 1985 visit with Dr. Damadio at the Smithsonian, he lists out the bones she reviewed for B-1 as including a “femur,” “pelvis,” “symphysis,” and “2nd symphysis.”¹⁷⁵ Dr. Suchey’s report also references two pubic bones associated with B-1. She states that “both pubic bones are present. The right shows some damage to the ventral aspect but the left bone clearly exhibits all the features.”¹⁷⁶ Dr. Suchey also listed the B-1 material she examined as “Right innominate (in two fragments), left pubic bone fragment, [and] proximal portion of the right femur.”¹⁷⁷

Slides and photographs found in the City Archives that depict the B-1 remains also show two pubic bones. One slide dated November 1985 depicts two pubic bones with the B-1 femur and innominate.¹⁷⁸ Dr. Monge confirmed that this November 1985 slide depicts the B-1 femur and innominate bone fragments with two pubic bone fragments.¹⁷⁹ And a slide dated December 1985 depicts what are believed to be the B-1 innominate bone and femur bone fragments with two pubic bones, but none of the bones in this slide are labeled.

B. Dr. Monge’s Statements and the B-1 Remains Used in the Coursera Course

In interviews with the MMWR Review Team, Dr. Monge has consistently stated that she and Dr. Mann only received three bone fragments associated with Body B-1, the proximal portion

¹⁷³ *Kerley Report*.

¹⁷⁴ *Mann Report*; Addendum Report of Dr. Ali Hameli, dated January 30, 1986, MOVE_08568; *Segal Report*.

¹⁷⁵ Handwritten Note by Dr. Segal, dated November 25, 1985, MOVE_08357 – 59. **NOTE:** The pubic symphysis is a feature of the pubic bone. Dr. Segal’s note suggests that Dr. Damadio thought that one of the pubic bones was consistent with an age of eighteen, and that the other pubic bone was consistent with an age of fifteen to sixteen.

¹⁷⁶ Report of Dr. Judy Suchey, dated January 22, 1986, MOVE_08639, (hereafter “*Suchey Report*”), at 8.

¹⁷⁷ *Suchey Report*, at 1.

¹⁷⁸ **NOTE:** Because of the sensitivity of these slides and photographs, we have decided not to include copies of the actual documents in the Report. For those interested in reviewing them, they are available at the City Archives.

¹⁷⁹ April 8, 2022 Interview of Dr. Monge.

of the right femur, the right innominate bone, and one pubic bone that she says articulated with the innominate bone, suggesting that it was also from the right side.¹⁸⁰

In the Coursera course segment titled, “MOVE: An Analysis of the Remains,” Dr. Monge displayed three bone fragments belonging to B-1, a fragmentary proximal right femur, a fragmentary right innominate, and one fragmentary pubic bone. Although there were four other bones on the table during that segment—two pelvic bones and two femur bones—those bones were from the Museum’s teaching collection and were used to compare to the B-1 remains.

The MMWR Review Team also knows that only three bone fragments, a portion of a femur, a portion of an innominate bone, and one pubic bone fragment were returned to Terry Funeral Home, and, eventually, to Sue Africa.¹⁸¹

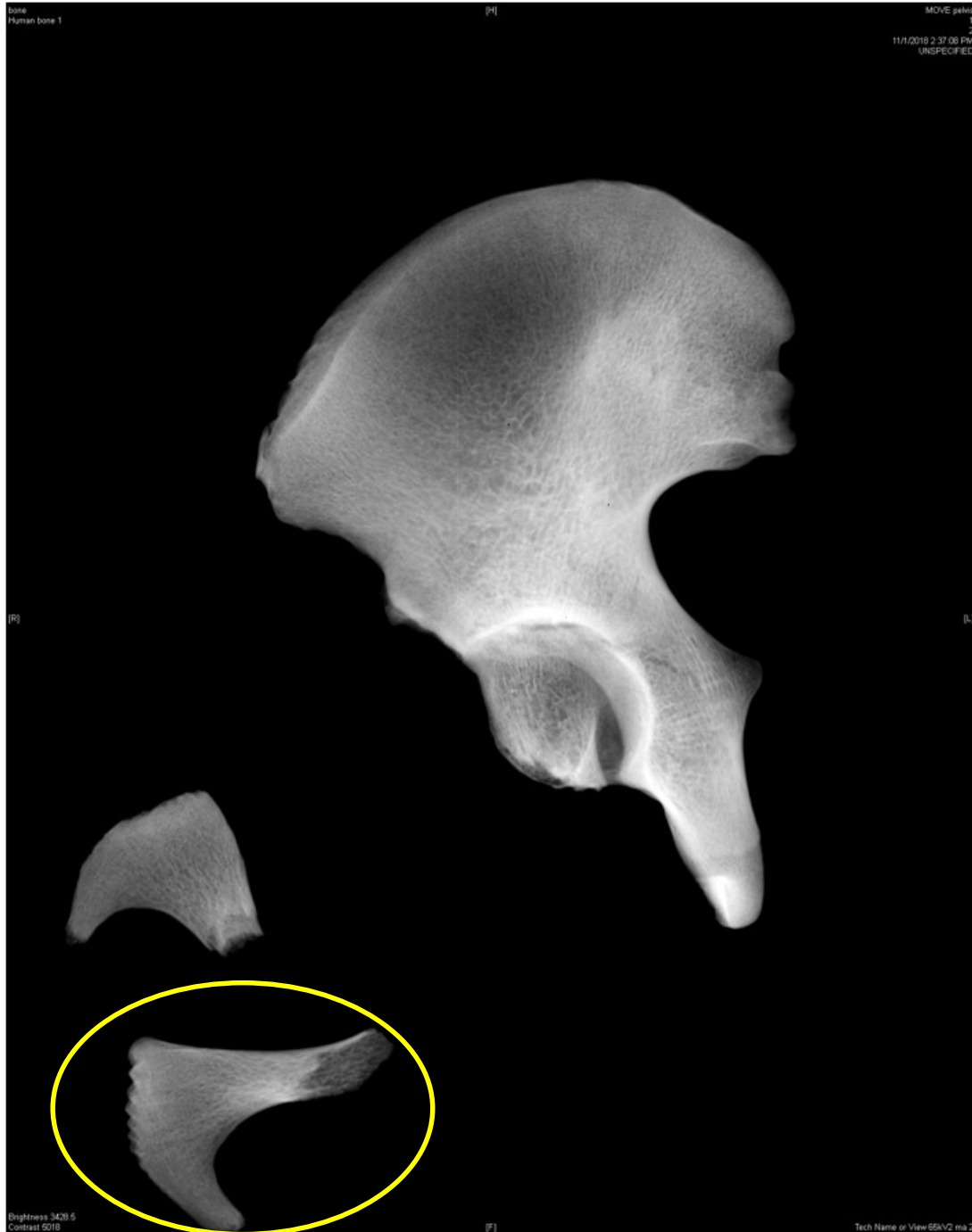
C. The November 1, 2018 X-rays of the B-1 Pelvic Bones

However, a November 1, 2018 x-ray taken at the Museum and labeled “MOVE Pelvis” depicts the B-1 innominate bone with what appear to be two pubic bone fragments.¹⁸²

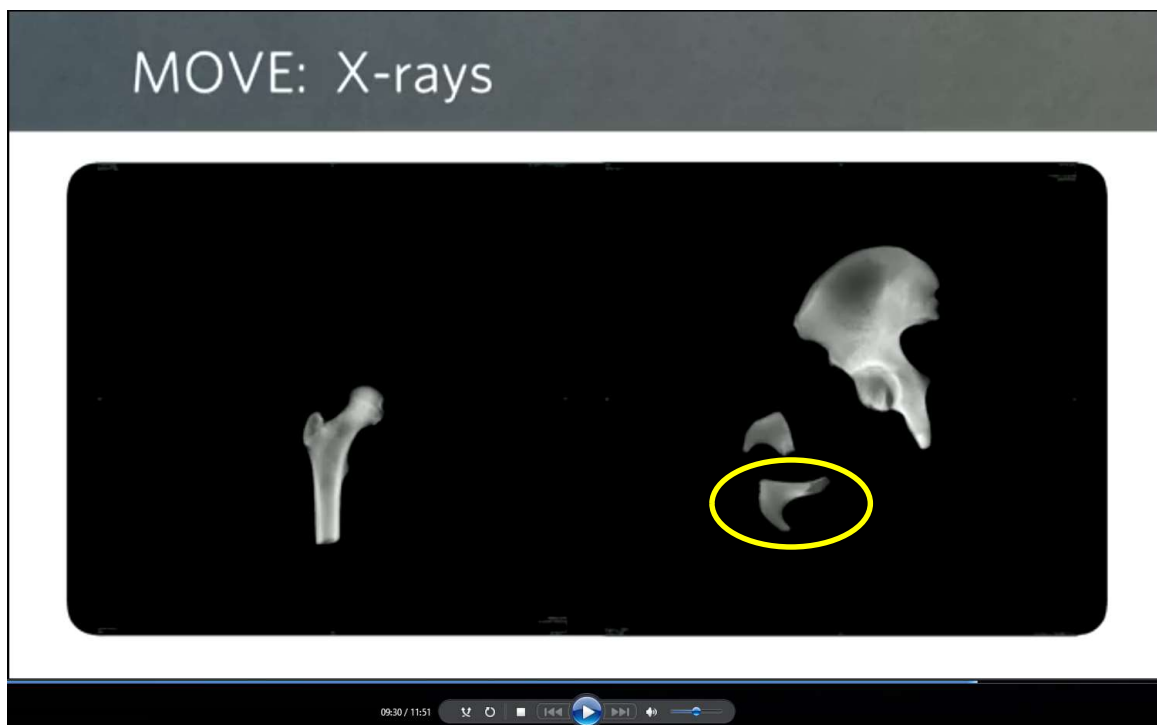
¹⁸⁰ November 29, 2021 Interview of Dr. Monge; April 8, 2022 Interview of Dr. Monge. **NOTE:** In his written statement attached to the Tucker Law Group Report, Dr. Mann stated that he and Dr. Monge were asked by the MEO to “review two bone fragments from the same person, labeled B1, small segments of a pelvis and an upper part of a leg bone.” However, Dr. Mann did not specify how many segments of B-1’s pelvis they took possession of. *Tucker Law Group Report*, at Exhibit 15.

¹⁸¹ November 29, 2021 Interview of Dr. Monge. **NOTE:** As discussed above, according to media reports, these remains were buried by a tree in Bartram’s Garden where Consuewella’s ashes had previously been scattered. Ximena Conde, *MOVE Bombing Victim Remains from Penn have Been Returned, Family Says*, WHYY (July 13, 2021), available at <https://whyy.org/articles/move-bombing-victim-remains-from-penn-have-been-returned-family-says/#:~:text=Thirty%2Dsix%20years%20after%20the,Janine%20Africa%2C%20a%20MOVE%20member.>

¹⁸² Penn Museum X-ray Dated November 1, 2018 and Labeled “MOVE Pelvis.” **NOTE:** The MMWR Review Team added the yellow ovals drawn around one of the pubic bones for demonstrative purposes. It was not on the original x-rays.



Dr. Monge used this x-ray, along with an x-ray of B-1's femur bone, in a PowerPoint presentation in another segment of her Coursera course, titled "Personhood: Restoring Personhood," starting approximately nine minutes and twenty seconds into that segment.



In that segment, Dr. Monge said, “we did of course do x-rays, actually an x-ray analysis to look at those growth plates, and here are a couple that we performed relatively recently....” She then discussed characteristics of the femur bone and the innominate bone. She did not discuss or reference either pubic bone fragment in the x-ray during this video segment.

This begs the question, did Drs. Mann and Monge take possession of two pubic bone fragments associated with B-1 or just the one that was displayed in the Coursera course segment titled, “MOVE: An Analysis of the Remains,” and given to Terry Funeral Home?

When we asked Dr. Monge why there were two pubic bone fragments depicted in the November 1, 2018 x-ray labeled “MOVE Pelvis,” Dr. Monge stated that only one of the pubic bone fragments in the x-ray—the larger one that is below the second, smaller pubic bone fragment (circled in yellow in the x-rays above)—belongs to B-1.¹⁸³ Dr. Monge stated that this pubic bone articulated with the larger innominate bone on the x-ray (which is from the right side).¹⁸⁴ She stated that the smaller pubic bone fragment depicted in the x-rays is from another known-age individual not relating to MOVE from one of the Museum’s collections, and that she asked Undergraduate Student One to include that bone in the x-ray so that it could be compared to the B-1 pubic bone.¹⁸⁵ Dr. Monge also stated that both pubic bones in the x-ray are from the same

¹⁸³ April 8, 2022 Interview of Dr. Monge.

¹⁸⁴ April 8, 2022 Interview of Dr. Monge.

¹⁸⁵ April 8, 2022 Interview of Dr. Monge.

side of the body, so it is not possible that they both belong to B-1.¹⁸⁶ When asked who or what collection the second, smaller pubic bone in the x-ray belonged to, Dr. Monge could not recall.¹⁸⁷

Unfortunately, the MMWR Review Team was not able to retain an independent biological anthropologist before the publication of this Report. Again, we believe that the only potential way to gain additional clarity is for an independent biological anthropologist to review the Coursera course, the November 1, 2018 x-rays, and the archival slides and photographs and offer an expert opinion about whether the pubic bone fragment used in the Coursera course is from the left side or the right side, and whether both pubic bone fragments from the November 1, 2018 x-rays can be matched to the pubic bone fragments depicted in the slides and photographs from 1985.

VI. Conclusion

In this Part of the Report, we attempted to bring as much transparency as possible to questions surrounding the MOVE victim remains transferred to Drs. Mann and Monge in 1986. Although some questions still remain unanswered, additional clarity may be possible if an independent biological anthropologist reviews the information we brought to light.

¹⁸⁶ April 8, 2022 Interview of Dr. Monge.

¹⁸⁷ April 8, 2022 Interview of Dr. Monge.

Final Report of the Independent Investigation into the City of Philadelphia’s Possession of Human Remains of Victims of the 1985 Bombing of the MOVE Organization

***Please be advised that this Report contains detailed and sometimes graphic discussions concerning the remains of the victims who died after the City of Philadelphia’s bombing of the MOVE house at 6221 Osage Avenue on May 13, 1985.**

**Part Three of Three: Recommendations to
Enhance the MEO’s Policies and Practices From a Racial Equity Lens**

June 3, 2022

Prepared by:

Montgomery McCracken Walker & Rhoads LLP

Keir Bradford-Grey
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TABLE OF CONTENTS

Page

I.	Executive Summary	1
II.	The MMWR Review Team’s Investigative Process	3
III.	The Philadelphia Medical Examiner’s Office	4
	A. Role & Responsibilities	4
	B. Structure, Current Caseload, and Facilities.....	10
	C. Past MEO Incidents Involving the Mishandling of Human Remains.....	12
IV.	Recommendations	14
	A. Scene Response and Evidence Processing.....	14
	1. Issues with the MEO’s Scene Response and Evidence Processing in the MOVE Case	14
	2. Recommendations.....	22
	a. Recommendation 1: The MEO Should Make Homicide Scenes a Priority for Independent Investigations, Particularly When Law Enforcement is Involved.....	22
	b. Recommendation 2: The MEO Should Assess Their Current Staffing Levels and Make Appropriate Requests to Hire Additional Investigators that Will Support Independent Investigations.	25
	c. Recommendation 3: The MEO Should Adopt the Department of Justice’s Death Investigation Guide for the Scene Investigator As the Standard for All of Its Scene Investigations. It should Also Develop Training Manuals for Investigators to Establish Uniformity.	26
	d. Recommendation 4: The MEO Should Review Its Mass Fatality Incident Response Plan and Update It to Align With Best Practices. The MEO and Other City Agencies Should Also Conduct Regular Training and Tabletop Exercises on Its Mass Fatality Incident Response Plan.	28
	B. Manner of Death Determinations.....	30
	1. Issues with the MEO’s Determinations of the MOVE Victims’ Manner of Death	30
	2. Recommendation 5: The MEO Should Amend the Death Certificates of All Eleven MOVE Victims to Reflect that their Manners of Death Were Homicides, Not Accidents.....	34
	C. Cause of Death Determinations	35
	1. Issues with the MEO’s Determinations of the MOVE Victims’ Cause of Death.....	35

TABLE OF CONTENTS

	Page
a. The MEO’s Findings.....	36
b. Dr. Hameli’s Findings.....	41
2. Recommendation 6: The MEO Should Review The Case Files of the MOVE Victims and Amend the Causes of Death on their Death Certificates Where Appropriate to Reflect that At Least Some of the Victims’ Causes of Death Were Unknown.....	43
D. Independence, Political Pressure, and Bias.....	45
1. Issues with Independence, Political Pressure, and Bias in Death Investigations in General	45
2. Political Pressure and Bias Likely Contributed to the Mishandling of the MOVE Victim Remains	49
3. Recommendations.....	49
a. Recommendation 7: The MEO Should Have Access to Independent Legal Counsel When Legal Conflicts Arise.....	52
b. Recommendation 8: The MEO Should Adopt a Formal Policy Statement on Independence and Impartiality.	53
c. Recommendation 9: The MEO Should Provide All Employees Training on Cultural Diversity and Sensitivity that Is Specifically Tailored to the MEO.	54
d. Recommendation 10: MEO Leadership Should Reflect a Reform-Minded Approach that Will Ensure the Independence and Neutrality of the MEO.	55
E. Collaboration with Outside Experts.....	56
1. Issues with the MEO’s Collaboration with Outside Experts During the MOVE Investigation	56
2. Recommendation 11: When Consulting With Outside Experts, the MEO Should Use Contracts that Sufficiently Define the Experts’ Scope of Work and Provide Guidelines Setting Out What the Experts Can and Cannot Do With the Remains or Specimens at Issue.	58
F. Communication With Next of Kin and Other Family Members	59
1. Issues Concerning Communication With Next of Kin and Other Family Members	59
2. Recommendations.....	60
a. Recommendation 12: The MEO Should Develop Formal Policies and Procedures Concerning Communications and Interactions With Next of Kin and Other Family Members During Death Investigations And Develop Resources to Provide Pertinent Information to Family Members.....	60

TABLE OF CONTENTS

	Page
b. Recommendation 13: The MEO Should Be Transparent with Family Members When Bones, Tissue, and/or Organs Are Retained for Extended Examination As Part of an Investigation.....	62
G. Documentation Practices	69
1. Issues Concerning Inadequate Documentation.....	69
2. Recommendation 14: The MEO Should Develop Formal Policies and Procedures Concerning Documentation and Record-Keeping.	70
H. Accreditation.....	70
1. Issues Concerning Accreditation	70
2. Recommendation 15: The MEO Should Pursue Accreditation.	73
I. Maintenance of Storage Rooms	75
1. Issues Concerning Maintenance of Storage Rooms.....	75
2. Recommendation 16: The MEO Should Develop Formal Policies and Procedures Concerning the Retention of Specimens and Personal Effects. The MEO Should Also Regularly Audit All Storage Rooms.....	76
V. Disposition of the MOVE Victim Remains from the MEO Box	76
VI. Requests from Family Members of the Victims	78
A. Request from the MOVE Mothers	78
B. Requests from Lionell Dotson	78
C. Requests from Debbie Davis, Michael Africa, Jr., and Michael Davis, Sr.	79
VII. Conclusion	80

I. Executive Summary¹

In Parts One and Two of this Report, the Dechert Review Team and the MMWR Review Team, respectively, discussed the chain of custody of the MOVE victim remains from 1985 to today to the best of our ability based on the available documents and the witnesses who participated in interviews. In this Part of the Report, relying on our findings from Parts One and Two, the MMWR Review Team makes a series of recommendations for how the MEO can be improved through a racial equity lens to address the lingering problems of the past in an effort to ensure that nothing like the mishandling of the MOVE victim remains happens again in the future.

Government has a responsibility to administer its services in an equitable manner for all communities. A fair and equitable government is important to building the trust that is required for advancing healthy communities. Few things in our democracy are as important as ensuring that citizens have confidence in their institutions in a crisis. For many individuals, the death of a loved one is such a crisis. It is with this purpose in mind that we carefully reviewed the actions taken by the MEO as it relates to the professional service (or lack thereof) that the office gave to the families who lost loved ones due to a horrific decision by government actors to bomb a community. We make the following recommendations:

Recommendation 1: The MEO Should Make Homicide Scenes a Priority for Independent Investigations, Particularly When Law Enforcement is Involved.

Recommendation 2: The MEO Should Assess Their Current Staffing Levels and Make Appropriate Requests to Hire Additional Investigators that Will Support Independent Investigations.

Recommendation 3: The MEO Should Adopt the Department of Justice's Death Investigation Guide for the Scene Investigator As the Standard for All of Its Scene Investigations. It should Also Develop Training Manuals for Investigators to Establish Uniformity.

Recommendation 4: The MEO Should Review Its Mass Fatality Incident Response Plan and Update It to Align With Best Practices. The MEO and Other City Agencies Should Also Conduct Regular Training and Tabletop Exercises on Its Mass Fatality Incident Response Plan.

Recommendation 5: The MEO Should Amend the Death Certificates of All Eleven MOVE Victims to Reflect that their Manners of Death Were Homicides, Not Accidents.

Recommendation 6: The MEO Should Review The Case Files of the MOVE Victims and Amend the Causes of Death on their Death Certificates Where Appropriate to Reflect that At Least Some of the Victims' Causes of Death Were Unknown.

¹ **NOTE:** To fully understand the discussions in this Part of the Report, it is important for readers to review Parts One and Two first. Many of the abbreviations used in Parts One and Two of the Report are used again here.

Recommendation 7: The MEO Should Have Access to Independent Legal Counsel When Legal Conflicts Arise.

Recommendation 8: The MEO Should Adopt a Formal Policy Statement on Independence and Impartiality.

Recommendation 9: The MEO Should Provide All Employees Training on Cultural Diversity and Sensitivity that Is Specifically Tailored to the MEO.

Recommendation 10: MEO Leadership Should Reflect a Reform-Minded Approach that Will Ensure the Independence and Neutrality of the MEO.

Recommendation 11: When Consulting With Outside Experts, the MEO Should Use Contracts that Sufficiently Define the Experts' Scope of Work and Provide Guidelines Setting Out What the Experts Can and Cannot Do With the Remains or Specimens at Issue.

Recommendation 12: The MEO Should Develop Formal Policies and Procedures Concerning Communications and Interactions With Next of Kin and Other Family Members During Death Investigations And Develop Resources to Provide Pertinent Information to Family Members.

Recommendation 13: The MEO Should Be Transparent with Family Members When Bones, Tissue, and/or Organs Are Retained for Extended Examination As Part of an Investigation.

Recommendation 14: The MEO Should Develop Formal Policies and Procedures Concerning Documentation and Record-Keeping.

Recommendation 15: The MEO Should Pursue Accreditation.

Recommendation 16: The MEO Should Develop Formal Policies and Procedures Concerning the Retention of Specimens and Personal Effects. The MEO Should Also Regularly Audit All Storage Rooms.

Before making each recommendation, the MMWR Review Team discusses the issues relating to the MOVE case and current MEO policies and practices (where relevant) that we feel necessitate each recommendation.²

After discussing all of our recommendations, we provide additional information learned from chief medical examiners about how they have proceeded in instances where they have

² **NOTE:** This Part of the Report covers Topics Two and Three as set out in the City's written directive to the investigative teams. Topic Two was a summary and evaluation of the MEO's policies and procedures regarding the (a) collection and identification of remains; (b) autopsy and determination of cause of death; and (c) release of remains and personal effects of next of kin. Topic Three was suggestions for reformation of the aforementioned policies and procedures through a lens of racial equity.

recovered commingled remains from a closed-population disaster scene that are difficult or impossible to identify at an individual level. Although the MMWR Review Team believes that the decision as to how to disseminate the MOVE victim remains that are still in the custody of the MEO should be made by the MEO and those who have the legal authority to make such decisions, we recommend that, whatever the MEO chooses to do, it involve the legal next of kin of the universe of likely victims in a collaborative process and consider the wishes of the legal next of kin in accordance with the hierarchy set out in 20 Pa.C.S.A. § 305.

Finally, although the MMWR Review Team's investigation was focused on issues pertaining to the MEO, the MMWR Review Team was also asked to ensure that the voices of the family members of the victims (including family members inside and outside the MOVE organization) are contained within this Report. Therefore, although we have informed the families that we cannot make recommendations concerning their requests that do not relate to the MEO or its mishandling of the MOVE victim remains, we close our Report by listing out their requests.

II. The MMWR Review Team's Investigative Process

In addition to the investigative steps described in Parts One and Two of this Report, the MMWR Review Team also separately interviewed MEO personnel, other City officials, and chief medical examiners from other jurisdictions as part of its investigation into MEO policies and practices and to help us develop recommendations. Specifically, we interviewed the following individuals:

- Councilwoman Cindy Bass, Philadelphia City Council;
- Blanche Carney, Commissioner, Philadelphia Department of Prisons;
- Dr. Joye Carter, Forensic Pathologist, San Luis Obispo Sheriff/Coroner Division; Former Chief Medical Examiner, Houston, Texas and Washington, D.C.; Former Chair of the Diversity Committee, National Association of Medical Examiners;
- Dr. James Gill, Chief Medical Examiner, State of Connecticut; President, National Association of Medical Examiners; Clinical Associate Professor of Pathology, Yale School of Medicine;
- Dr. Jonathan Lucas, Chief Medical Examiner-Coroner, County of Los Angeles;
- Dr. Claus Speth, Co-Chair of the Standards Inspection Committee, National Association of Medical Examiners in the 1980s;
- Dr. Karl Williams, Chief Medical Examiner, Allegheny County;

Attorneys from Dechert were present for two of our three interviews of Dr. Carter, two of our three interviews of Dr. Lucas, and our interview of Dr. Gill. However, no attorneys from Dechert attended or participated in any of the other interviews listed directly above.

In addition to meeting with us for multiple interviews, Dr. Joye Carter also served as a general consulting expert for our team throughout the investigation.

The MMWR Review Team also reviewed the documents described in the Investigative Process Sections in Parts One and Two of the Report and MEO policies and procedures (some dating back to 1986, as far back as we could find), many of which were set out in MEO memoranda

or (more recently) in emails exchanged between MEO personnel. Finally, the MMWR Review Team conducted an extensive literature review on best practices relating to the many aspects of death investigations discussed in our Report and reviewed the websites and (where publicly available) policies and procedures of other large medical examiner offices.

III. The Philadelphia Medical Examiner’s Office

A. Role & Responsibilities

Before we discuss our recommendations, we must first discuss the role and responsibilities of the MEO, so that expectations are appropriate. In short, the MEO identifies decedents in sudden, unexpected, and unnatural death cases in Philadelphia, determines the cause and manner of death,³ notifies next of kin, and works with next of kin and their funeral home of choice to ensure that the remains of the decedent are cremated or buried according to the next of kin’s wishes. The legal authority that sets out the MEO’s role and responsibilities is discussed in more detail below.

Pennsylvania law states that it “shall be the duty of the coroner or the deputy coroner of any county in this Commonwealth, in all cases where death is sudden or violent or is of a suspicious nature and character, to cause a careful investigation of the facts concerning said death to be made, to ascertain whether the death was due to other than natural causes, and to make or cause to be made such an autopsy as the facts of the case may demand.”⁴ However, in 1949, the Pennsylvania General Assembly enacted the First Class City Home Rule Act, which allowed Philadelphia to frame and adopt a charter for its own government.⁵ And in 1953, the General Assembly gave additional powers to Philadelphia City Council, including the power to legislate with respect to the election, appointment, compensation, organization, abolition, merger, consolidation, powers, functions, and duties of the Coroner (an election-based office that previously carried out the duties of the MEO in Philadelphia).⁶

Thereafter, City Council enacted § 2-102 of the Philadelphia Code, which, among other things, abolished the Philadelphia Coroner’s Office, created the MEO, transferred all powers and duties previously exercised by the Coroner relating to the determination of the cause of death and the conducting of autopsies to the Department of Public Health, and stated that those powers and duties shall be exercised by the MEO.⁷ It also transferred all powers and duties previously

³ **NOTE:** As discussed in more detail in Sections IV.B and IV.C below, the “cause of death” is the final disease or condition resulting in death. The “manner of death” is a classification of death based on the circumstances surrounding a particular cause of death and how that cause came into play. The options for manner of death include: (1) natural; (2) accident; (3) suicide; (4) homicide; or (5) undetermined.

⁴ 16 P.S. § 9521.

⁵ Act of Apr. 21, 1949, P.L. 665, No. 155.

⁶ Act of Aug. 26, 1953, P.L. 1476, No. 433, § 2.

⁷ The Philadelphia Code, § 2-102.

exercised and performed by the Coroner relating to the investigation of sudden, violent, and suspicious deaths to the MEO.⁸

Although there is additional Pennsylvania law that sets out duties and guidelines for medical examiners and coroners in counties of the second through eighth classes,⁹ these provisions, which were amended in 2018, do not appear to govern the MEO, as Philadelphia is a first class county.¹⁰ Nevertheless, according to our conversations with Dr. Albert Chu, the MEO's Acting Chief Medical Examiner, the MEO still takes guidance from the provisions governing medical examiners and coroners in counties of the second through eighth classes.¹¹ Although these provisions do not appear to legally bind the MEO, we agree that the MEO should follow them as they are the only detailed legislative guidance pertaining to the roles and responsibilities of medical examiners and coroners in Pennsylvania. Therefore, we discuss some of these provisions below.

16 P.S. § 1218-B discusses what cases must be investigated by medical examiners and coroners, the purpose of an investigation, and the basic requirements of an investigation:

(a) Duty.--The coroner [which, for purposes of these provisions is defined as “an elected or appointed coroner or an elected or appointed medical examiner”]¹² having a view of the body shall investigate the facts and circumstances concerning a death that appears to have happened within the county, notwithstanding where the cause of the death may have occurred, for the purpose of determining whether or not an autopsy or inquest should be conducted in the following cases:

(1) A sudden death not caused by a readily recognizable disease or, if the cause of death cannot be properly certified, by a physician on the basis of prior recent medical attendance.

⁸ The Philadelphia Code, § 2-102. **NOTE:** Unlike Philadelphia, many Pennsylvania counties still use a coroner system instead of a medical examiner system. See Pennsylvania State Coroners Association, Meet Pennsylvania's Coroners and Medical Examiners, http://www.pacoroners.org/cms/members/?search_caa6e=philadelphia (last visited May 24, 2022). Coroners may or may not be physicians and may or may not have any medical training, as there are no medical-related qualifications for elected coroners in Pennsylvania that are mandated by the Commonwealth. However, elected coroners who take office for the first time are required to take a training course. See 16 P.S. § 9525.3.

⁹ See 16 P.S. §§ 1201-B – 1236-B; 16 P.S. § 1201-B (“Except as otherwise expressly provided under this article, this article shall apply to counties of the second class, second class A and third through eighth class.”).

¹⁰ 16 P.S. § 210. **NOTE:** County classes are determined based on population.

¹¹ March 24, 2022 Interview of Dr. Chu.

¹² 16 P.S. § 1202-B.

(2) A death occurring under suspicious circumstances, including if alcohol, a drug or another toxic substance may have had a direct bearing on the outcome.

(3) A death occurring as a result of violence or trauma, whether apparently homicidal, suicidal or accidental, including, but not limited to, a death due to mechanical, thermal, chemical, electrical or radiational injury, drowning, cave-in or subsidence.

(4) A death in which trauma, chemical injury, drug overdose or reaction to a drug or medication or medical treatment was a primary or secondary, direct or indirect, contributory, aggravating or precipitating cause of death.

(5) A perioperative death in which the death is not readily explainable on the basis of prior disease.

(6) A death in which the body is unidentified or unclaimed.

(7) A death known or suspected to be due to contagious disease and constituting a public hazard.

(8) A death occurring in prison or a penal institution or while in the custody of the police.

(9) A death of an individual whose body is to be cremated, buried at sea or otherwise disposed of so as to be unavailable for examination thereafter.

(10) A sudden and unexplained infant death.

(11) A stillbirth.

(b) Purpose.--The purpose of an investigation under subsection (a) shall be to determine:

(1) The cause and manner of the death.

(2) Whether or not there is sufficient reason for the coroner to believe that the death may have resulted from a criminal act or criminal neglect of a person other than the deceased.¹³

¹³ **NOTE:** Although this provision states that medical examiners and coroners are to determine whether there is reason to believe that a death may have resulted from a criminal act, in Philadelphia, it is the District Attorney's Office, not the MEO, that decides whether someone should be charged with a crime.

(c) Requirements.--As part of an investigation under subsection (a), the coroner shall determine the identity of the deceased and notify the next of kin of the deceased.¹⁴

16 P.S. § 1222-B states that, except when a body must be moved for the administration of emergency care or as a precaution against a traffic accident or another serious consequence:

“[I]f a coroner has jurisdiction to investigate the facts and circumstances of death, the body and the surroundings of the body shall be left untouched until either:

(1) the coroner has conducted an initial investigation of the scene of death, including viewing and photographing the scene in the manner that most fully discloses how the individual died.

(2) The coroner directs or authorizes the touching of the body and the surroundings of the body, except as provided by law or as circumstances may require.¹⁵

16 P.S. § 1219-B(a) states that, “If, after investigation, the coroner is unable to determine the cause and manner of death, the coroner shall perform or order an autopsy on the body.”¹⁶ 16 P.S. § 1202-B defines an “autopsy” as follows:

¹⁴ 16 P.S. § 1218-B. **NOTE:** In 1985, there was a similar provision in force that applied to coroners and medical examiners in counties of the third through eighth classes, which stated that, “The coroner having a view of the body shall investigate the facts and circumstances concerning deaths which appear to have happened within the county, regardless where the cause thereof may have occurred, for the purpose of determining whether or not an inquest thereof should be had, in the following cases: (1) Any sudden, as hereafter defined, violent or suspicious death, (2) any death wherein no cause of death is properly certified by a person duly authorized therefor, (3) any death resulting from a mine accident, as directed by law, (4) deaths resulting from drownings, cave-ins and subsidences, (5) any stillbirth, or the death of any baby dying within twenty-four hours after its birth, and, in addition thereto, (6) the death of any prematurely born infant, wherein the cause of death is not properly certified by a person duly authorized therefor. The purpose of the investigation shall be to determine whether or not there is any reason sufficient to the coroner to believe that any such death may have resulted from the criminal acts or criminal neglect of persons other than the deceased, rather than from natural causes or by suicide.” Act of Aug. 9, 1955, P.L. 323, § 1237.

¹⁵ 16 P.S. § 1222-B(a). **NOTE:** In 1985, there was a similar provision in force that applied to coroners and medical examiners in counties of the third through eighth classes, which stated that, “In all cases where the coroner has jurisdiction to investigate the facts and circumstances of death, the body and its surroundings shall be left untouched until the coroner has had a view thereof and until he shall otherwise direct or authorize, except as may be otherwise provided by law, or as circumstances may require. Bodies upon a public thoroughfare or in other places may be removed so much as is necessary for precaution against traffic accidents or other serious consequences which might reasonably be anticipated if they were left intact.” Act of Aug. 9, 1955, P.L. 323, § 1240.

¹⁶ 16 P.S. § 1219-B(a)

The external and internal examination of the body of a deceased person, including but not limited to:

- (1) Gross visual inspection and dissection of the body and its internal organs.
- (2) Photographic or narrative documentation of findings, including microscopic, radiological, toxicological, chemical, magnetic resonance imaging or other laboratory analysis performed upon tissues, organs, blood, other bodily fluids, gases or other specimens.
- (3) The retention for diagnostic and documentary purposes of the following which are necessary to establish and defend against challenges to the cause and manner of death of the deceased person:
 - (i) Tissues, organs, blood, other bodily fluids or gases.
 - (ii) Any other specimen.¹⁷

16 P.S. § 1219-B(d)(2) states that, “[r]etained tissue, organs, blood, other bodily fluid, gas or another specimen from an autopsy are medical waste and shall be disposed of in accordance with applicable Federal and State laws.”¹⁸

Finally, 16 P.S. § 1223-B states that, “[i]f a coroner assumes jurisdiction of a body under the provisions of this article or another law, the body may not be released or removed from the coroner’s jurisdiction except upon the coroner’s directions and consent, in accordance with law.”¹⁹

Based on these provisions, it is clear that the MEO is mandated to be the ultimate authority on the manner and cause of death in Philadelphia. The MEO’s investigations may require a review and investigation of the scene of death, a review of medical records, interviews with family members or witnesses, and post-mortem examinations of the body itself. In many cases, autopsies are required, and bodily fluids and tissue are collected for toxicology testing and other analysis.

¹⁷ 16 P.S. § 1202-B.

¹⁸ 16 P.S. § 1219-B(d)(2). **NOTE:** In addition to federal guidelines implemented by the Environmental Protection Agency, the Occupational Safety and Health Administration, and other federal agencies, the disposal of medical waste is governed by Pennsylvania law, including 25 Pa. Code §§ 284.1 – 284.734.

¹⁹ 16 P.S. § 1223-B. **NOTE:** In 1985, there was a similar provision in force that applied to coroners and medical examiners in counties of the third through eighth classes, which stated that, “Whenever the coroner assumes jurisdiction of a body pursuant to the provisions of this subdivision or of any other law, the body shall not be released or removed from his jurisdiction except upon his directions and consent, in accordance with law.” Act of Aug. 9, 1955, P.L. 323, § 1241.

Based on all of the information gathered, the MEO then determines the decedent's manner and cause of death and completes their death certificate, which is filed with the Commonwealth.

The MEO must also make accurate identifications of decedents. This may be as simple as matching the decedent to a driver's license or other form of identification or having a family member or friend identify the decedent at the scene or come to the MEO to identify the decedent.²⁰ In other cases, like the MOVE case, however, identification is not so simple, and the MEO, with the support of other forensic experts, may need to utilize fingerprints, dental records, x-rays of bones, or DNA to help make identifications.²¹

In addition to identifying the decedent, the MEO must also identify the decedent's next of kin, notify them of the death, return the decedent's personal property, and coordinate with the next of kin for the transfer of the decedent's body to the next of kin's funeral home of choice.²² Unless otherwise specifically provided by a valid will executed by the decedent, the decedent's next of kin has the authority to determine the final disposition of the decedent's remains.²³ The identity of a decedent's next of kin is determined based on a hierarchy of familial relationships established by Pennsylvania law.²⁴

²⁰ October 27, 2021 Interview of Dr. Chu.

²¹ October 27, 2021 Interview of Dr. Chu. **NOTE:** DNA fingerprinting was first used in forensic science in 1986 when police in the United Kingdom asked Dr. Alec J. Jeffreys to verify a suspect's confession that he was responsible for two rape-murders. S. Panneerchelvam and M.N. Norazmi, *Forensic DNA Profiling and Database*, Malays J. Med. Sci. (July 2003), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3561883/#:~:text=DNA%20fingerprinting%20was%20first%20used,had%20not%20committed%20the%20crimes>. DNA was first used in the United States in a rape case in 1987. The use of DNA in forensic science grew steadily over time, and, now, DNA typing is "universally recognized as the standard against which many other forensic individualization techniques are judged." Committee on Identifying the Needs of the Forensic Sciences Community, National Research Council, *Strengthening Forensic Science in the United States: A Path Forward* (Aug. 2009), available at <https://www.ojp.gov/pdffiles1/nij/grants/228091.pdf> (hereafter, "*Strengthening Forensic Science in the United States*") at 130.

²² October 27, 2021 Interview of Dr. Chu.

²³ 20 Pa.C.S.A. § 305.

²⁴ **NOTE:** 20 Pa.C.S.A. § 305 states that the determination of the final disposition of a decedent's remains shall be made by the decedent's surviving spouse (absent an allegation of enduring estrangement, incompetence, contrary intent, or waiver and agreement). 20 Pa.C.S.A. §§ 305(a) – (b). If there is no surviving spouse, the "next of kin," which is defined as the "spouse and relatives by blood of the deceased in order that they be authorized to succeed to the deceased's estate under Chapter 21 (relating to intestate succession) as long as the person is an adult or an emancipated minor," has the right to determine the final disposition of the decedent's remains. 20 Pa.C.S.A. §§ 305(c), (e). The hierarchy after surviving spouse is as follows: (1) issue (*i.e.*, lineal descendants of a common ancestor, including children, grandchildren, etc.); (2) parents; (3) brothers, sisters, or their issue; (4) grandparents; (5) uncles, aunts, and their children and grandchildren; and (6) in default of all persons hereinbefore described, the Commonwealth of Pennsylvania. 20 Pa.C.S.A. § 2103. If two or more persons with equal standing as next of kin disagree on disposition of the decedent's remains, the authority to determine how the remains should be handled is determined by majority decision. 20 Pa.C.S.A. § 305(d)(2). Where two or more persons with equal standing cannot reach a majority decision, the determination is made by a court. 20 Pa.C.S.A. § 305(d)(2).

Although the District Attorney’s Office (the “DA”), not the MEO, ultimately determines whether anyone should be charged with a crime in relation to a death being investigated by the MEO, evidence collected by the MEO at the scene of death and during autopsies can be used for criminal prosecution purposes. And pathologists from the MEO are frequently called to court to testify as to the results of their examinations.

Although the MEO must frequently interact with and share information with other City agencies, including the Philadelphia Police Department (“PPD”), the Philadelphia Fire Department, and the DA, to process scenes, understand how people lost their lives, seek justice, and bring closure to families, the MEO’s process is independent from these other City agencies.²⁵ And, until the body is transferred to the next of kin, it is the MEO and only the MEO that has jurisdiction over the remains.²⁶

B. Structure, Current Caseload, and Facilities

In Philadelphia, the MEO is not a standalone agency. Instead, it falls under the umbrella of the Department of Public Health (“DPH”).²⁷ Internally, the MEO is led by the Chief Medical Examiner, who is appointed by the Commissioner of DPH (the “Health Commissioner”).²⁸ The Health Commissioner is appointed by the Managing Director with the approval of the Mayor.²⁹ The Chief Medical Examiner must be a board certified forensic pathologist, a licensed medical doctor who has completed additional post-graduate residency training in pathology (the study of the causes and effects of disease or injury), completed a post-graduate fellowship training program in forensic pathology (a subspecialty in pathology that focuses on the examination of people who die suddenly, unexpectedly, or violently), and successfully passed examinations offered by the American Board of Pathology.³⁰ The Chief Medical Examiner is the highest paid public servant in the City.

The Chief Medical Examiner typically reports to the Deputy Health Commissioner, but may also report directly to the Health Commissioner.³¹ In the Kenney Administration, the Health Commissioner reports to the Deputy Managing Director for Health and Human Services,³² who

²⁵ October 27, 2021 Interview of Dr. Chu; March 24, 2022 Interview of Dr. Chu.

²⁶ March 24, 2022 Interview of Dr. Chu.

²⁷ The Philadelphia Code, § 2-102(5).

²⁸ The Philadelphia Code, § 2-102(2).

²⁹ The Philadelphia Home Rule Charter, § 3-206(a).

³⁰ March 24, 2022 Interview of Dr. Chu.

³¹ August 2, 2021 Interview of Dr. Gulino; August 24, 2021 Interview of Dr. Johnson; September 23, 2021 Interview of Dr. Farley.

³² September 23, 2021 Interview of Dr. Farley.

reports to the Managing Director.³³ The Managing Director reports to the Mayor's Chief of Staff or directly to the Mayor.³⁴

The MEO itself is composed of several units. The Forensic Investigation Unit determines if a death comes under the jurisdiction of the MEO and investigates the circumstances surrounding the death, including, where necessary, conducting a scene investigation, gathering relevant documents, and reaching out to next of kin and other family members.³⁵ The Forensic Technician Unit coordinates the intake, release, and transportation of the deceased and assists the pathologists with autopsies.³⁶ The Pathology Unit, made up of forensic pathologists, conducts the physical examinations and autopsies and determines the cause and manner of death.³⁷ And the Toxicology Laboratory analyzes postmortem specimens.³⁸ The MEO also employs social workers who provide support services to families who have lost a loved one.³⁹

The Chief Medical Examiner is supported by a Deputy Medical Examiner and Forensic Services Director. The Forensic Services Director is not a pathologist and manages the non-medical departments at the MEO, including the forensic investigators and the forensic technicians.⁴⁰

In 2021, the MEO received 6,921 reported cases, took jurisdiction over 4,097 of those cases (591 of which were homicides), and conducted 1,721 autopsies.⁴¹ Compared to the average annual pre-pandemic caseload from 2012 through 2019, this represents a 24.96 percent increase in the total cases reported, a 38.31 percent increase in the jurisdictional cases, an 81.50 percent increase in the number of homicides, and a 9.30 percent increase in the number of autopsies performed.⁴² According to Dr. Chu, the case numbers for 2022 remain high due to a variety of factors, including

³³ December 16, 2021 Interview of Eva Gladstein.

³⁴ April 8, 2022 Interview of Tumar Alexander.

³⁵ City of Philadelphia, Medical Examiner's Office, <https://www.phila.gov/departments/medical-examiners-office/> (last visited May 24, 2022); August 2, 2021 Interview of Dr. Gulino; August 23, 2021 Interview of David Quain.

³⁶ City of Philadelphia, Medical Examiner's Office, <https://www.phila.gov/departments/medical-examiners-office/> (last visited May 24, 2022); August 2, 2021 Interview of Dr. Gulino.

³⁷ City of Philadelphia, Medical Examiner's Office, <https://www.phila.gov/departments/medical-examiners-office/> (last visited May 24, 2022).

³⁸ City of Philadelphia, Medical Examiner's Office, <https://www.phila.gov/departments/medical-examiners-office/> (last visited May 24, 2022); August 2, 2021 Interview of Dr. Gulino.

³⁹ March 30, 2022 Interview of David Quain.

⁴⁰ August 23, 2021 Interview of David Quain.

⁴¹ Data provided by Dr. Chu on March 25, 2022.

⁴² Data provided by Dr. Chu on March 25, 2022.

the opioid epidemic, the rise in homicides, and collateral consequences caused by the COVID-19 pandemic.⁴³

From 1971 until earlier this year, the MEO's facility was located at 321 University Avenue. However, earlier this year, the MEO completed its move to a new building that it now shares with the PPD at 400 N. Broad Street.⁴⁴ Although the MEO now shares a building with the PPD, they function as separate offices.⁴⁵ The MEO has its own public entrance and loading bay.⁴⁶ MEO personnel's card access does not work for the PPD's offices, and vice-versa.⁴⁷

C. Past MEO Incidents Involving the Mishandling of Human Remains

Finally, before discussing our recommendations, it is important to note that the mishandling of the MOVE victim remains is not the MEO's first incident involving the retention and transfer of portions of bodies without giving notification to and receiving permission from next of kin. In fact, according to a report on the history of the Philadelphia Coroner's Office and the MEO, rumors of Philadelphia morgue workers selling cadavers to Penn date back to the 1880s.⁴⁸

More recently, in the 1990s, reporters revealed several incidents of MEO personnel sending portions of bodies to schools and research institutions without notifying next of kin or receiving their consent. For example, between December 1990 and May 1991, the MEO reportedly sent twenty-six human brains to a professor at Penn's medical school for use in an anatomy class.⁴⁹ The family of the decedents said they were never notified, and many found out that their loved ones' brains were sent to Penn for research purposes only after being reached out to by reporters.⁵⁰ To make matters worse, the record-keeping relating to the arrangement between the MEO and the Penn professor was inadequate, which resulted in much confusion after the news broke. For

⁴³ March 24, 2022 Interview of Dr. Chu.

⁴⁴ March 24, 2022 Interview of Dr. Chu.

⁴⁵ March 24, 2022 Interview of Dr. Chu.

⁴⁶ March 24, 2022 Interview of Dr. Chu.

⁴⁷ March 24, 2022 Interview of Dr. Chu.

⁴⁸ Dennis Carlisle, *Assuming Room Temperature at the City Morgue*, Hidden City (Sept. 20, 2016), available at <https://hiddencityphila.org/2016/09/assuming-room-temperature-at-the-city-morgue/>.

⁴⁹ Layla A. Jones, *Three decades ago, Philly's medical examiner sent 26 human brains to a Penn professor without consent*, BillyPenn (July 31, 2021), available at <https://billypenn.com/2021/07/31/philadelphia-brains-medical-examiner-university-pennsylvania-lawsuit-move-remains/> (hereafter, "*Three decades ago, Philly's medical examiner sent 26 human brains to a Penn professor without consent*"); Walter F. Roche, Jr., *8 Cadaver Abuse Suits May Settle Brains Were Removed Without Kins' Say-So. The City is Out to Pay*, Philadelphia Inquirer (July 13, 1995).

⁵⁰ *Three decades ago, Philly's medical examiner sent 26 human brains to a Penn professor without consent.*

example, one woman was led to believe that her son's brain had been sent to Penn for study.⁵¹ However, after exhuming her son's body, she discovered that her son's brain had not, in fact, been removed.⁵² Several lawsuits were filed against the City relating to this incident and were settled for an undisclosed amount.⁵³

In August 1994, a media report revealed that the MEO had an eighteen-year practice of sending unclaimed bodies to a school for funeral directors so that they could be used to practice embalming.⁵⁴ One family ultimately sued the City, alleging that the MEO had no right to send their loved one's body to the school without their permission.⁵⁵

Several months later, in October 1994, another media report revealed that the MEO had removed the eyes and optic nerves from nineteen deceased infants and young children—most of them abuse victims—and sent them to West Philadelphia's Scheie Eye Institute to be used in a research study without consent from the next of kin.⁵⁶ The same media report shared that the MEO had also lent thirty-eight bodies of homicide and young abuse victims to the Graduate Hospital Imaging Center over a thirteen-month period so that researchers could test new equipment.⁵⁷

According to these reports, the City and the MEO defended their actions in the latter three cases, claiming that all of these arrangements were taken in furtherance of performing autopsies on the decedents, not merely for research, similar to the rationale that has been presented for the retention of the MOVE victim remains in this case.⁵⁸ However, experts debated the accuracy of that assessment.⁵⁹ Although these incidents took place in the 1990s, they highlight that the MEO's mistreatment of the MOVE victim remains is not one isolated incident.

⁵¹ *Three decades ago, Philly's medical examiner sent 26 human brains to a Penn professor without consent.*

⁵² *Three decades ago, Philly's medical examiner sent 26 human brains to a Penn professor without consent.*

⁵³ *Three decades ago, Philly's medical examiner sent 26 human brains to a Penn professor without consent.*

⁵⁴ *Three decades ago, Philly's medical examiner sent 26 human brains to a Penn professor without consent; Walter F. Roche, Jr., Family's Suit Challenges Long-Standing Embalming Routine Unclaimed Bodies Go From the Medical Examiner to a College that Trains Funeral Directors. One Man's Kin Say the City Had No Right, Philadelphia Inquirer (Aug. 12, 1994).*

⁵⁵ *Walter F. Roche, Jr., Family's Suit Challenges Long-Standing Embalming Routine Unclaimed Bodies Go From the Medical Examiner to a College that Trains Funeral Directors. One Man's Kin Say the City Had No Right, Philadelphia Inquirer (Aug. 12, 1994).*

⁵⁶ *Three decades ago, Philly's medical examiner sent 26 human brains to a Penn professor without consent; Walter F. Roche, Jr., Eyes of Dead Children Used in Study Here \ Relatives Weren't Told. The Medical Examiner's Office Removed the Eyes of the Dead, All Under 3, Philadelphia Inquirer (Oct. 27, 1994).*

⁵⁷ *Three decades ago, Philly's medical examiner sent 26 human brains to a Penn professor without consent; Walter F. Roche, Jr., Eyes of Dead Children Used in Study Here / Relatives Weren't Told. The Medical Examiner's Office Removed the Eyes of the Dead, All Under 3, Philadelphia Inquirer (Oct. 27, 1994).*

⁵⁸ *Three decades ago, Philly's medical examiner sent 26 human brains to a Penn professor without consent.*

⁵⁹ *Three decades ago, Philly's medical examiner sent 26 human brains to a Penn professor without consent.*

IV. Recommendations

With this context in mind, and based on the facts discussed in Parts One and Two of the Report, the MMWR Review Team makes sixteen recommendations from a racial equity lens to enhance the policies and practices of the MEO and ensure that nothing like the mishandling of MOVE victim remains happens again in the future. These recommendations are organized into the following nine categories:

- A. Scene Response and Evidence Processing;
- B. Manner of Death Determinations;
- C. Cause of Death Determinations;
- D. Independence, Political Pressure, and Bias;
- E. Collaboration With Outside Experts;
- F. Communication With Next of Kin and Other Family Members;
- G. Documentation Practices;
- H. Accreditation; and
- I. Maintenance of Storage Rooms.

Before making each recommendation, the MMWR Review Team discusses the issues relating to the MOVE case and current MEO policies and practices (where relevant) that we feel necessitate each recommendation.

A. Scene Response and Evidence Processing

1. Issues with the MEO's Scene Response and Evidence Processing in the MOVE Case

To put itself in a position to make accurate findings as to the cause and manner of death, the first obligation of the MEO is to adequately process the scene to ensure the credibility of the MEO's investigation and ultimate findings. How the MEO does this part of its job is crucial to family members who are mourning a loss today and may be seeking justice tomorrow. With that in mind, the MMWR Review Team reviewed the initial processing of the scene at 6221 Osage Avenue following the Bombing on May 13, 1985. Although some of these issues were discussed in Part One of the Report, we include additional details here.

The issues surrounding the excavation of the scene and the collection and processing of remains and evidence have been well documented and include: the MEO's initial refusal to respond to the scene and failure to coordinate and control the actions of the various City agencies

during the excavation; the use of a crane with a clamshell bucket to dig up debris and bodies (which resulted in dismemberment, the commingling of human and animal remains, and the destruction of important physical evidence); the failure to follow a systematic procedure for uncovering and recording the position of each body; the MEO's failure to take timely biological samples for carbon monoxide testing; and the storage of the remains at an improper temperature.⁶⁰ As a result of these issues and others, it became extremely difficult for the MEO, the Hameli Team, and, frankly, the MMWR Review Team to answer key questions (including questions involving identification of the victims and the manners and causes of their deaths).

The failure to properly process the scene after the Bombing began with then-Chief Medical Examiner Dr. Marvin Aronson's initial refusal to send MEO personnel to 6221 Osage Avenue to help with the excavation of remains and evidence. In fact, Dr. Aronson refused to send MEO personnel to 6221 Osage Avenue on multiple occasions. From MEO records, it appears that a PPD detective first called the MEO about a potential dead body at 6221 Osage Avenue on May 13, 1985 at 10:35 a.m. (well before the bomb was dropped on the house and the fire started).⁶¹ This "Report of Death" signed by an employee of the MEO (who was likely an MEO investigator) states that they received a call from Detective Haney of the Philadelphia Police Department.⁶² The report states:

"MOVE" member dead in house. Found after shoot out [sic]. No details. Request our wagon pick up remains. Consulted [with] Aronson[.] Doesn't want our wagon to pick up. Wants bodies brought in by police.⁶³

The author then made another note at 10:45 a.m.:

10:45 a.m. Checked on validity of report. Det. Haney is now returned from Phila P.D. Appears unfounded.
Unfounded.⁶⁴

⁶⁰ See, e.g., *Dr. Hameli's Testimony*; Report of the Philadelphia Special Investigation Commission, dated March 6, 1986 (hereafter, "*Commission Report*"), at 21; Findings and Order of the County Investigating Grand Jury of May 15, 1986, dated April 20, 1988, Court of Common Pleas of Philadelphia County, Trial Division – Criminal Section, Case No. 86-007363 (hereafter, "*Grand Jury Report*"), at 239 – 257.

⁶¹ MEO Report of Death dated May 13, 1985, Case No. 2458, MOVE_01022.

⁶² MEO Report of Death dated May 13, 1985, Case No. 2458, MOVE_01022.

⁶³ MEO Report of Death dated May 13, 1985, Case No. 2458, MOVE_01022.

⁶⁴ MEO Report of Death dated May 13, 1985, Case No. 2458, MOVE_01022 (emphasis in original). **NOTE:** It is unclear which MOVE member this Report of Death was referring to or whether any MOVE members actually died in the morning confrontation between police and MOVE members. The Grand Jury Report states that one of the officers on "Insertion Team B"—which approached 6221 Osage Avenue from 6217 Osage Avenue—reported that he was "90% to 95%" certain that, after multiple C-4 charges were detonated outside the MOVE compound, he saw a dead body in a crawl space at the top of a "wooden structure attached to the [MOVE compound's] porch's ceiling." *Grand Jury Report*, at 110. The authors of the Grand Jury Report stated that they "believe[d] that this [body] was John Africa." *Grand Jury Report*, at 110. And the Commission Report's timeline of events states that the "insertion teams use[d] explosives in houses on both sides of 6221 Osage Ave" between 7:30 and 10:30 a.m. *Commission*

This note shows that after ten minutes of undocumented efforts to “validate” the Report of Death, the MEO determined that the report was “unfounded.”⁶⁵ And, even before the MEO determined that the report was unfounded, the report makes clear that Dr. Aronson would have refused to send MEO personnel to the scene either way and would have instead relied on the police to transport the body to the MEO.⁶⁶

Then, on the morning of May 14th, after the fire had been controlled, personnel from the PPD’s Mobile Crime Detection and Homicide units, together with personnel from the Fire Marshal’s Office and the Federal Bureau of Alcohol, Tobacco and Firearms, began to process the scene.⁶⁷ Despite two requests from the Fire Marshall, the fact that it was obvious that bodies were in the rubble of 6221 Osage Avenue, the MEO’s duty to investigate sudden and violent deaths, and the MEO’s responsibility to manage the removal of bodies, Dr. Aronson refused to send MEO personnel to the scene until a body had been recovered.⁶⁸

By that morning, the fire had reduced the MOVE home to nothing more than debris in piles up to six feet deep within the party walls, *i.e.*, the dividing partitions between the MOVE house and the adjoining houses.⁶⁹ Digging was delayed until the afternoon because smoke was still rising from the debris and fire fighters were still directing hoses on the scene.⁷⁰ In the interim, the Fire Marshall met with police and fire personnel to determine who had responsibility for various tasks, and he ordered that the scene be photographed.⁷¹ At some point, a crane was used to knock down the party walls because they were unstable and would have posed a risk to anyone digging inside the compound.⁷² However, instead of knocking the party walls down so that they would fall outside of the MOVE compound, they were knocked down in a way that caused most of the bricks to fall into the compound, further burying (and perhaps damaging) remains and evidence.⁷³

Report, at 7. Considering the information provided in these documents, it is possible that the 10:35 a.m. Report of Death to the MEO may have related to John Africa. *But see* Transcript of Testimony of Michael Moses Ward before the MOVE Commission on October, 12, 1985, at 119:1 – 16 (in which Michael Moses Ward, who was previously known as Birdie Africa, testified that “Ball” (a nickname of John Africa) was one of the people who came down to the basement of the MOVE house after the fire had started).

⁶⁵ MEO Report of Death dated May 13, 1985, Case No. 2458 (MOVE_01022).

⁶⁶ MEO Report of Death dated May 13, 1985, Case No. 2458 (MOVE_01022).

⁶⁷ *Grand Jury Report*, at 240.

⁶⁸ *Grand Jury Report*, at 240 – 41; *Commission Report*, at 21.

⁶⁹ *Grand Jury Report*, at 241.

⁷⁰ *Grand Jury Report*, at 241.

⁷¹ *Grand Jury Report*, at 241.

⁷² *Grand Jury Report*, at 241.

⁷³ *Grand Jury Report*, at 253.

The digging then began in the afternoon. Instead of using archaeological techniques to excavate the scene in a systematic way, City officials used a crane with a clamshell bucket to scoop debris—including remains and other evidence—from within the compound and dump it onto Osage Avenue, where police and fire personnel sifted through it with rakes and shovels.⁷⁴ After police and fire personnel raked through the debris, it was sent for further remote-site sifting, labeled only with an indication of whether or not it had come from 6221 Osage Avenue.⁷⁵ No further specification was made of where inside the compound the material had come from.⁷⁶

This process was followed until about 4:00 p.m. when someone noticed a human leg dangling from the crane’s bucket.⁷⁷ The crane operator dropped the leg back in the general area from which it had been removed, and police and fire personnel continued digging using shovels and rakes.⁷⁸ Around 4:20 p.m., a body was uncovered (which the MEO later determined was actually the remains of two people).⁷⁹ Only then, at around 5:00 p.m., did Dr. Robert Catherman, the Deputy Medical Examiner at the time, arrive at the scene with an MEO investigator and an MEO photographer to help with the search, both supervising the excavation and digging himself.⁸⁰

When Dr. Catherman arrived, he found many people walking around the scene, and he found that some body parts had already been placed in Fire Department body bags, so he was not able to direct their excavation.⁸¹ He later testified to the Grand Jury, however, that this did not upset him because he viewed the scene as a fire scene, not a crime scene.⁸² By 7:30 p.m., the excavation was suspended because of nightfall.⁸³ By that time, six bodies had been recovered, including the bodies later labeled by the MEO as Bodies A, B (which was later determined to include the remains of two people, B and B-1), C, D, and E.⁸⁴ As Dr. Segal later memorialized in his final report on the MOVE investigation, these remains were “extensively burned, damaged,

⁷⁴ *Grand Jury Report*, at 241.

⁷⁵ *Grand Jury Report*, at 241.

⁷⁶ *Grand Jury Report*, at 255.

⁷⁷ *Grand Jury Report*, at 241.

⁷⁸ *Grand Jury Report*, at 242.

⁷⁹ *Grand Jury Report*, at 242.

⁸⁰ *Grand Jury Report*, at 242; *Segal Report*, at 2. **NOTE:** Dr. Stuart Shapiro, who was the Health Commissioner at the time, stated that an MEO investigator may have reported to the scene before this point, but he could not definitively recall. March 25, 2022 Interview of Dr. Shapiro.

⁸¹ *Grand Jury Report*, at 252 – 53.

⁸² *Grand Jury Report*, at 252 – 53.

⁸³ *Grand Jury Report*, at 242.

⁸⁴ *Grand Jury Report*, at 242; *Segal Report*, at 2.

destroyed and commingled at the scene in such a way that their recovery and separation, although done as carefully as possible [according to Dr. Segal, at least], was done with the full knowledge that there would be some mixing of the parts.”⁸⁵ And, as the MOVE Commission later reported:

Even after going to Osage Avenue, the pathologists in charge of the investigation failed to coordinate and control the actions of the various agencies which simultaneously were engaged in their own searches for evidence and victims.

The pathologists did not follow a systematic procedure for uncovering and recording the position of each body. For example, locator stakes were not placed where each body was found; bodies were not numbered or tagged at the scene; no sequential photographic or descriptive record was made of the recovery process. As a result, there was no proper control or custody of the physical remains.”⁸⁶

Although the MEO’s records contained sketches reportedly setting out the location of each body based on information provided by the police, because of these failures, the exact locations from which the remains and other evidence were found (and their relationship to one another) could not be independently verified by the MEO.⁸⁷ Moreover, although photographs were taken, many of the bodies were first photographed after they had been placed on litters instead of when they were first uncovered.⁸⁸ And many of the photographs themselves were not labeled until two months after the incident.⁸⁹

The scene processing resumed the following morning (May 15, 1985). Although six bodies were recovered the day before, no MEO personnel were present at the scene when the digging resumed the next day.⁹⁰ And, although much of the search that day was conducted with shovels and rakes, the crane was once again used to move piles of bricks and heavy pieces of metal from the back of the house and to remove debris in the front of the house.⁹¹ Shortly before noon, the crane dumped a bucket of material containing a human body (later labeled “Body F” by the MEO) onto Osage Avenue.⁹² Digging was suspended and police and fire officials once again requested

⁸⁵ *Segal Report*, at 2.

⁸⁶ *Commission Report*, at 21.

⁸⁷ *Grand Jury Report*, at 253.

⁸⁸ *Grand Jury Report*, at 254.

⁸⁹ *Grand Jury Report*, at 254.

⁹⁰ *Grand Jury Report*, at 242; *Segal Report*, at 2.

⁹¹ *Grand Jury Report*, at 242.

⁹² *Grand Jury Report*, at 242; *Segal Report*, at 2.

the presence of the MEO.⁹³ And once again, Dr. Aronson initially refused this request and instructed that the remains be brought to the morgue by other officials.⁹⁴ However, after further discussion, it was decided that then-Assistant Medical Examiner Dr. Robert Segal would report to 6221 Osage Avenue with an MEO investigator and photographer.⁹⁵

Dr. Segal and his team arrived at the scene around 12:30 p.m. and began examining the site with fire and police personnel.⁹⁶ Under the supervision of Dr. Segal, three more bodies were recovered that afternoon, including the bodies later labeled by the MEO as Bodies G, H, and I.⁹⁷ Dr. Segal later reported that these bodies were “reasonably intact with no evidence of significant co-mingling.”⁹⁸ The bodies were photographed during their recovery and transported to the MEO by MEO personnel.⁹⁹

Thereafter, Dr. Segal returned to the MEO.¹⁰⁰ Later that day, another body—later labeled Body K by the MEO—was found and transported to the morgue without MEO involvement.¹⁰¹ No other bodies were recovered at any later date, although some additional remains were recovered in the later-conducted remote-site sifting operations.¹⁰²

Notably, three entirely separate labeling systems were employed by the PPD, the Fire Department, and the MEO in identifying the bodies found at the scene.¹⁰³ The MEO labeled the bodies A through K with some sub-numbering, the PPD numbered the bodies with some sub-lettering, and the Fire Department used a separate numbering system.¹⁰⁴ So, for example, the remains labeled B-1 by the MEO were also labeled Body 2A by the PPD and Body 11 by the Fire

⁹³ *Segal Report*, at 2.

⁹⁴ *Segal Report*, at 2.

⁹⁵ *Segal Report*, at 2 – 3. **NOTE:** Dr. Catherman, who had supervised the excavation of the scene the afternoon before, could not return on May 15 because he had a death in his family.

⁹⁶ *Grand Jury Report*, at 242.

⁹⁷ *Segal Report*, at 3.

⁹⁸ *Segal Report*, at 3.

⁹⁹ *Segal Report*, at 3.

¹⁰⁰ *Segal Report*, at 3.

¹⁰¹ *Segal Report*, at 3.

¹⁰² *Grand Jury Report*, at 242.

¹⁰³ *Grand Jury Report*, at 255.

¹⁰⁴ *Grand Jury Report*, at 255.

Department.¹⁰⁵ This discrepancy in labeling was not discovered until two and a half days after the scene processing had begun and created some confusion in the initial days of the investigation.¹⁰⁶

In total, eleven bodies (or, more accurately, human remains including eleven pelvises) were recovered from the scene.¹⁰⁷ Some portions of some bodies and most portions of other bodies were never found.¹⁰⁸ What happened to the unrecovered body parts is unknown. It is likely that portions of the bodies were completely consumed by the fire, and it is also possible that some portions of the bodies were simply lost in the debris. The lingering questions about what happened to the missing body parts are based in part on insufficiently recorded preliminary examinations of the bodies.

For example, the MEO's March 21, 1985 Post-Mortem Report for Vincent Leaphart (aka John Africa) states that the "specimen consists of a headless, armless, trunk disarticulated at the knees with the lower legs and feet separate."¹⁰⁹ However, there is no indication of whether the head and arms were present when the body was first found, were disarticulated during the recovery process, or were removed during an undocumented preliminary examination of the body. To confuse matters more, a 1992 article from the Legal Intelligencer quotes former Pennsylvania Supreme Court Chief Justice Ronald Castille, who became the District Attorney of Philadelphia in January 1986 and served as the District Attorney throughout the Grand Jury investigation of the Bombing, as saying that he had recently learned at that time that there had been prior undocumented autopsies on four of the eleven MOVE victims and that there were "saw marks" on the neck of John Africa's body.¹¹⁰ Because of the improper methods used to excavate the scene and the inadequate documentation of the search and initial examinations of the bodies, questions surrounding those saw marks and portions of other bodies that were not recovered may never be answered.

The MEO's mishandling of the MOVE victim remains did not stop after the processing of the scene and the initial examinations. Rather, according to Dr. Hameli, the MEO also failed to extract and submit toxicology specimens for carbon monoxide analysis in sufficient time to yield accurate results.¹¹¹ Dr. Hameli explained that, although it would have been ideal to take all of the toxicology samples as soon as possible, the MEO waited until "several days" after the bodies had

¹⁰⁵ *Grand Jury Report*, at 255.

¹⁰⁶ *Grand Jury Report*, at 255.

¹⁰⁷ *Grand Jury Report*, at 242.

¹⁰⁸ *Grand Jury Report*, at 242.

¹⁰⁹ Postmortem Report for Vincent Leaphart, MOVE_00930.

¹¹⁰ Lisa Brennan, *Concern Over Pathologist Kept Report From Jurors: MOVE Medical Examiner Was Criticized; Part 2 of 2*, *The Legal Intelligencer* (Aug. 11, 1992).

¹¹¹ *Dr. Hameli's Testimony*, at 69:21 – 73:4.

been recovered to take some of the samples.¹¹² According to Dr. Hameli, the post-mortem changes that would have taken place during that delay could “tremendously change the results and also interpretation of the findings,” and he concluded that the results of the carbon monoxide tests were “very difficult” to interpret at best, and “unreliable” at worst.¹¹³ Moreover, toxicology samples that were submitted to three different laboratories—the laboratory of the MEO, the laboratory of the Children’s Hospital of Philadelphia, and the laboratory of National Medical Services, Inc.—were not “identically representative of a given body” (*i.e.*, they were not all taken from the same place on each body), and the results from the three laboratories were “widely different.”¹¹⁴ However, it is worth noting that Dr. Segal objected to this criticism at the time, telling the Grand Jury that the delay in taking toxicology samples was reasonable because other aspects of the autopsy took priority, and that the delay did not make any difference (although even he conceded that some may disagree with this position).¹¹⁵

Finally, according to Dr. Hameli, the remains were not stored at the proper temperature at the MEO, causing accelerated deterioration and the growth of fungus and mold, which made them more difficult to examine.¹¹⁶ However, it is again worth noting that Drs. Segal and Catherman also objected to this criticism at the time, claiming that the refrigeration problems only arose when the Hameli Team had the bodies moved to another refrigeration unit within the MEO’s facility which had not been used for several years.¹¹⁷ According to Drs. Segal and Catherman, the bodies were moved to that facility before it had been activated long enough to have brought the temperature as far down as it should have been.¹¹⁸ Dr. Catherman further noted that the facility was only at an improper temperature for about twenty-four hours, which was not long enough to make a difference, and he claimed that the bodies were simply in bad shape because of the fire.¹¹⁹

Ultimately, as Dr. Hameli testified, the issues with the scene processing and evidence collection “made it difficult, not only for the staff of the [MEO] to identify the remains, but also the work rather difficult for [his] team, too.”¹²⁰ And, although the Grand Jury determined that the evidence was “not so mishandled as to preclude accurate answers to the truly critical questions,” it also concluded that “it is impossible to gauge accurately the effect of these numerous instances

¹¹² *Dr. Hameli’s Testimony*, at 72:2 – 73:4.

¹¹³ *Dr. Hameli’s Testimony*, at 69:21 – 71:2.

¹¹⁴ Dr. Hameli’s Undated Report on the Toxicology Results, MOVE_TU_01078 – MOVE_TU_01079.

¹¹⁵ *Grand Jury Report*, at 256.

¹¹⁶ *Dr. Hameli’s Testimony*, at 22:4 – 24:7.

¹¹⁷ *Grand Jury Report*, at 255 – 56.

¹¹⁸ *Grand Jury Report*, at 255 – 56.

¹¹⁹ *Grand Jury Report*, at 256.

¹²⁰ *Dr. Hameli’s Testimony*, at 17:3 – 10.

of careless or unprofessional processing of the evidence.”¹²¹ As it noted, “[h]ad the scene been processed in a more meticulous manner, perhaps -- and only perhaps -- there would have been complete agreement among the pathologists that causes of death had been definitively determined, and perhaps additional weapons or other probative evidence would have been recovered.”¹²²

2. Recommendations

In the MMWR Review Team’s opinion, had the MOVE scene been properly handled by the MEO and other City agencies, it may have led to different conclusions about the manner and cause of deaths of the MOVE victims, including the innocent children. The MEO’s abdication of its responsibilities at the scene and in the initial stages of the investigation is the starting point for what has continued to be an ongoing search for answers and truths that should have come from the MEO, the governmental agency that had a duty to independently render transparent and credible opinions. This type of denial of justice breeds distrust for the MEO, and, as a result, the victims’ loved ones and the City as a whole still have questions concerning the correct identity of the remains thirty-seven years later. Based on these issues, the MMWR Review Team makes a series of recommendations so that the City and the MEO can ensure that such an inadequate response will not happen again in the future.

a. **Recommendation 1: The MEO Should Make Homicide Scenes a Priority for Independent Investigations, Particularly When Law Enforcement is Involved.**

Dr. Aronson’s refusal to send MEO personnel to the scene following the confrontation between police and MOVE at 6221 Osage Avenue is confounding, and, even at the time, his decision was heavily criticized. Dr. Hameli testified before the Commission that, based on the nature of the case, it would have been a “prudent decision” for the Chief Medical Examiner to “coordinate the work of various agencies and work together and do a bit more careful scene investigation.”¹²³ This testimony led the Commission to determine that Dr. Aronson’s initial refusal to send MEO personnel to the scene “violated generally accepted practices for pathologists.”¹²⁴

Many of the witnesses we spoke with during the course of our investigation also critiqued Dr. Aronson’s refusals to respond to the scene, including members of the Commission,¹²⁵ Dr.

¹²¹ *Grand Jury Report*, at 256 – 57.

¹²² *Grand Jury Report*, at 256.

¹²³ *Dr. Hameli’s Testimony*, at 180:3 – 181:17.

¹²⁴ *Commission Report*, at 21.

¹²⁵ September 15, 2021 Interview of Charisse Lillie.

Gulino,¹²⁶ and chief medical examiners from other jurisdictions.¹²⁷ Notably, all of the chief medical examiners we spoke with said that, if an event like this happened in their jurisdiction today, it would be best for the chief medical examiner, or at least some personnel from their office, to be present at the scene to supervise the recovery of remains.¹²⁸ They made clear that, although medical examiners must work with police and fire personnel in processing a scene like this, and that fire personnel may initially take the lead to ensure that a scene is safe, the medical examiner has jurisdiction over the bodies, and MEO personnel should be present to ensure that remains are mapped, sufficiently documented, and recovered in a scientific way before the scene can be contaminated.¹²⁹ According to some of the chief medical examiners we spoke with, this is not only a standard practice today, but it was standard practice in 1985 as well.¹³⁰

Medical examiners in some localities send investigators to the scene in every case where they have jurisdiction (at least every homicide scene),¹³¹ and several of the chief medical examiners we spoke with said that it would be best practice to do so.¹³² For example, Dr. James Gill, the Chief Medical Examiner for the State of Connecticut, explained that homicides are a medical examiner's top priority, and it is important to have someone from the medical examiner's office at homicide scenes to give the public confidence in the ensuing investigation.¹³³ The chief medical examiners we spoke with, however, also recognized that, because of resource restrictions, it is not possible for every medical examiner's office to send an investigator to every scene, and, in some jurisdictions, medical examiners rely primarily on the police to conduct scene investigations.¹³⁴ Nevertheless, Dr. Gill stated that there is a general trend in favor of making medical examiners more independent from law enforcement, and he recommends that medical examiners employ their own investigatory staff.¹³⁵

¹²⁶ August 2, 2021 Interview of Dr. Gulino.

¹²⁷ August 9, 2021 Interview of Dr. Carter; September 10, 2021 Interview of Dr. Carter; October 27, 2021 Interview of Dr. Lucas; November 3, 2021 Interview of Dr. Williams.

¹²⁸ August 9, 2021 Interview of Dr. Carter; October 27, 2021 Interview of Dr. Lucas; November 3, 2021 Interview of Dr. Williams; January 17, 2022 Interview of Dr. Gill.

¹²⁹ August 9, 2021 Interview of Dr. Carter; October 27, 2021 Interview of Dr. Lucas; November 3, 2021 Interview of Dr. Williams; January 17, 2022 Interview of Dr. Gill.

¹³⁰ August 9, 2021 Interview of Dr. Carter; September 10, 2021 Interview of Dr. Carter; November 3, 2021 Interview of Dr. Williams.

¹³¹ October 27, 2021 Interview of Dr. Lucas; November 3, 2021 Interview of Dr. Williams; January 17, 2022 Interview of Dr. Gill.

¹³² October 27, 2021 Interview of Dr. Lucas; November 3, 2021 Interview of Dr. Williams; January 17, 2022 Interview of Dr. Gill.

¹³³ January 17, 2022 Interview of Dr. Gill.

¹³⁴ October 27, 2021 Interview of Dr. Lucas; January 17, 2022 Interview of Dr. Gill.

¹³⁵ January 17, 2022 Interview of Dr. Gill.

In speaking with personnel from the MEO, it is clear that the MEO does not have the investigative staff needed to respond to every scene where a body is found.¹³⁶ Instead, the MEO has an informal “priority of cases” in which it instructs its investigators to respond to the scene.¹³⁷ A June 24, 2021 memorandum from the Forensic Investigation Supervisor to the Investigation Unit concerning Investigation Responsibilities and Guidelines states that scene investigations are necessary in many instances, including, among others, sudden unexpected infant deaths, fire deaths where the body/bodies is/are still on scene, and homicides where the body/bodies is/are still on scene.¹³⁸ Despite what this memo says, however, MEO personnel told the MMWR Review Team that, for routine homicides where they know the police will be investigating at the scene, the MEO does not always send their own investigators.¹³⁹ With respect to police-involved deaths, Dr. Chu stated that such cases are not typically a high priority for an MEO scene investigation because they are usually investigated heavily by the PPD’s Internal Affairs Division, and because with police shootings, it is usually easy for the MEO to determine the manner of death (homicide) and cause of death (traumatic injuries caused by gunfire).¹⁴⁰

With this context in mind, the MMWR recommends that the MEO make homicide scenes a priority for independent investigations, especially government-involved deaths and deaths in custody. “Deaths in custody” refer to “those deaths in which the circumstances of the death place the decedent in either direct or indirect contact with law enforcement such as incarceration, apprehension and pursuit.”¹⁴¹ Among others, this term encompasses deaths resulting from law enforcement engaging in physical contact with the decedent in an attempt to restrain or subdue the individual while making an arrest, police involved shootings, and those deaths arising in jail and prison.¹⁴² As recommended by the National Association of Medical Examiners (“NAME”), the MEO must promptly establish jurisdiction on deaths in custody, and neither the scene nor the decedent should be disturbed before the arrival of the MEO.¹⁴³ These deaths have the potential to be highly politicized, drawing heavy media interest and scrutiny.¹⁴⁴ Therefore, the role of the MEO in rendering an independent cause and manner of death free of political pressure or influence

¹³⁶ December 7, 2021 Interview of David Quain; March 30, 2022 Interview of David Quain.

¹³⁷ December 7, 2021 Interview of David Quain.

¹³⁸ June 24, 2021 Memorandum from Harlan Christopher Rodgers to Investigation Unit re: Investigation Responsibilities and Guidelines, MOVE_06141.

¹³⁹ December 7, 2021 Interview of David Quain.

¹⁴⁰ March 24, 2022 Interview of Dr. Chu.

¹⁴¹ Roger A. Mitchell, Jr., *et. al.*, *National Association of Medical Examiner’s Position Paper: Recommendations for the Definition, Investigation, Postmortem Examination, and Reporting of Deaths in Custody* (hereafter, “NAME Position Paper On Deaths in Custody”), at 1.

¹⁴² *NAME Position Paper On Deaths in Custody*, at 1.

¹⁴³ *NAME Position Paper On Deaths in Custody*, at 6.

¹⁴⁴ *NAME Position Paper On Deaths in Custody*, at 19.

is heightened (as it was in the MOVE case), and the presence of the MEO at the scene is critical to ensure that it is processed properly and reliably and to ensure, to the greatest extent possible, that the City’s citizens trust in the results of the ensuing investigation.

b. Recommendation 2: The MEO Should Assess Their Current Staffing Levels and Make Appropriate Requests to Hire Additional Investigators that Will Support Independent Investigations.

Relatedly, as referenced above, the MEO does not have the staffing resources to send an investigator to every scene. In fact, its Forensic Investigation Unit is significantly understaffed. As of March 2022, the MEO had eight investigators on staff and five open investigator positions that it was actively seeking to fill.¹⁴⁵ MEO investigators are staffed twenty-four hours a day, seven days a week. In 2021, the MEO received 6,921 calls about deaths.¹⁴⁶ The MEO took jurisdiction in 4,097 of those cases,¹⁴⁷ but every death call—even those that do not result in the MEO taking jurisdiction over the case—requires an investigator to determine whether the MEO has jurisdiction and fill out a report. Then, for those cases where the MEO does assert jurisdiction, investigators are tasked with investigating the case, including, among other things, gathering relevant records, communicating with witnesses and family members, and, where necessary, conducting scene investigations.

This year, case counts continue to rise, and MEO personnel from different levels shared that the investigators are feeling overwhelmed and suffering burnout.¹⁴⁸ Moreover, because the unit is so short-staffed, the number of cases in which investigators are able to conduct full scene investigations is significantly limited when compared to other medical examiner offices serving large cities and counties.¹⁴⁹ Therefore, the MMWR Review Team recommends that the MEO assess their current staffing levels and make appropriate requests to the City to hire the additional investigative staff that is needed.

The forensic investigators are the eyes and ears of the MEO. As Dr. Chu explained to us, his findings concerning manner and cause of death, and the findings of the other pathologists in the office, are based in large part on the information that investigators are able to gather for any particular case.¹⁵⁰ The work that the investigators do is critical to the overall efficacy of the MEO, and it is imperative that the MEO hire the additional investigators that are needed. By bringing in

¹⁴⁵ Data provided by Dr. Chu on March 25, 2022.

¹⁴⁶ Data provided by Dr. Chu on March 25, 2022.

¹⁴⁷ Data provided by Dr. Chu on March 25, 2022.

¹⁴⁸ March 24, 2022 Interview of Dr. Chu; March 30, 2022 Interview of David Quain.

¹⁴⁹ **NOTE:** Dr. Lucas, for example, stated that his office in Los Angeles County sends a scene investigator to every death other than those deaths where the decedent dies in the hospital or at their home where it is clear, based on the report of death, that the death was a natural death. October 27, 2021 Interview of Dr. Lucas.

¹⁵⁰ March 24, 2022 Interview of Dr. Chu.

more investigators, the MEO can respond to more scenes, and the pathologists will be better equipped with the information they need to make their findings, reducing the likelihood that a future case will be mishandled in the same ways that the MOVE case was.

c. Recommendation 3: The MEO Should Adopt the Department of Justice’s Death Investigation Guide for the Scene Investigator As the Standard for All of Its Scene Investigations. It should Also Develop Training Manuals for Investigators to Establish Uniformity.

Having the requisite number of investigators on staff and sending them to more scenes is just the first step. The MEO’s investigators must also be trained to conduct thorough and credible investigations in every case they respond to. However, the MEO does not currently have any formal, written policies or training manuals that outline what investigators must do when they arrive at a scene or provide foundational principles that they must follow in all cases. Therefore, the MMWR Review Team recommends that the MEO formally adopt the Department of Justice’s Death Investigation Guide as the standard that its investigators should minimally meet.¹⁵¹

In June 1996, with the goal of developing a set of investigative tasks that should and could be performed at every death scene, the Director of the National Institute of Justice assembled an independent review panel whose members represented international and national organizations whose constituents are responsible for the investigation of death and its outcomes, including law enforcement personnel, medical examiners, and coroners across the country.¹⁵² In 1999, the Department of Justice released the first version of a report outlining twenty-nine guidelines developed by this panel of experts that should be followed when conducting death investigations.¹⁵³ The report and recommendations were most recently updated in 2011.¹⁵⁴

Many of the guidelines in the Death Investigation Guide directly address the failures and shortcomings of the MEO’s delayed response to and inadequate investigation of the MOVE scene, including that the scene investigator should, among other things: (1) participate in a scene briefing with other agencies (including law enforcement, fire personnel, and EMTs) to determine each agency’s jurisdiction and investigative responsibilities; (2) conduct a scene “walk through” to locate and view the body or bodies, identify evidence, and determine initial investigative procedures providing for a systematic examination and documentation of the scene and body/bodies before the scene is disturbed; (3) ensure the integrity of the evidence by establishing and maintaining a chain of custody; (4) photograph the scene to create a permanent historical record; (5) create written, descriptive documentation of the scene to compliment the photographic

¹⁵¹ United States Department of Justice, Office of Justice Programs, National Institute of Justice, *Death Investigation: A Guide for the Scene Investigator* (Updated June 2011), available at <https://www.ojp.gov/pdffiles1/nij/234457.pdf> (hereafter, “*Death Investigation: A Guide for the Scene Investigator*”).

¹⁵² *Death Investigation: A Guide for the Scene Investigator*, at 1.

¹⁵³ *Death Investigation: A Guide for the Scene Investigator*, at 1, 7.

¹⁵⁴ *Death Investigation: A Guide for the Scene Investigator*.

records, including a diagram or written description of the evidence and its relationship to the body or bodies (the Death Investigation Guide states that, if scene conditions have changed or evidence has been moved prior to written documentation, that should be noted in the report); (6) establish the probable location of injury or illness (the Death Investigation Guide states that the location where the decedent is found may not be the actual location where the injury/illness that contributed to the death occurred, and it is imperative for the scene investigator to determine the location of any and all injuries that may have contributed to the death); and (7) document post-mortem changes to the body.¹⁵⁵

In addition to establishing these basic guidelines, the Death Investigation Guide provides more detailed procedural steps that the scene investigator should take to ensure a proper investigation is performed. As discussed in more detail in the Death Investigation Guide itself, these steps are necessary so that the scene investigator can minimize scene disturbance, prevent the loss and contamination of physical and fragile evidence, complete a credible and unbiased record of the scene, and safeguard against allegations of tampering, theft, planting, and contamination of evidence.¹⁵⁶

In the MOVE case, the failure to take these steps has led many to question the results of the MEO's investigation and the credibility of its findings. In future cases, it is critical that the MEO's investigators follow the guidelines set out in the Death Investigation Guide so that the public can trust the process and believe in the findings released by the MEO. Therefore, the MMWR Review Team recommends that the MEO use the Death Investigation Guide as the basis to create a formal, written policy that establishes a step-by-step guide for what its investigators must do in every scene investigation. They should also develop training on this policy to ensure that investigators are prepared to implement it in the field.

¹⁵⁵ *Death Investigation: A Guide for the Scene Investigator*, at 11 – 36.

¹⁵⁶ *Death Investigation: A Guide for the Scene Investigator*.

d. Recommendation 4: The MEO Should Review Its Mass Fatality Incident Response Plan and Update It to Align With Best Practices. The MEO and Other City Agencies Should Also Conduct Regular Training and Tabletop Exercises on Its Mass Fatality Incident Response Plan.¹⁵⁷

Following his work for the Commission on the MOVE investigation, Dr. Hameli submitted a list of recommendations that he believed should be implemented to improve the MEO.¹⁵⁸ One of his recommendations at the time was that “a disaster plan must be developed in coordination with appropriate agencies of the City of Philadelphia such as the Police Department, Fire Marshalls Office, and any other agency that is involved with the management of crises and disasters.”¹⁵⁹

Unlike in 1985, the Department of Public Health now has a mass fatality incident response plan, and the MMWR Review Team has no doubt that the MEO and other City agencies would respond more appropriately if a mass fatality incident happened in the City today.¹⁶⁰ DPH’s mass fatality incident response plan is comprehensive and covers many of the topics included in the model plans and best practices recommendations developed by NAME, the American National Standards Institute (“ANSI”), and the Academy Standards Board (“ASB”), including, among others:

- The jurisdiction of each City agency at the scene and how different agencies will coordinate with each other;
- The roles and responsibilities of various MEO personnel in the event of a mass fatality incident;
- Protocols for initial evaluation of a scene and developing an on-scene command center and staging area;
- Protocols for maintaining scene security and safety;

¹⁵⁷ **NOTE:** Traditionally, a “mass fatality incident” has been defined as “any incident resulting in more decedents to be recovered and examined than can be managed in the local Medical Examiner/Coroner jurisdiction, rather than a specific number.” National Association of Medical Examiners, Standard Operating Procedures for Mass Fatality Management (2021) (hereafter, “*NAME Mass Fatality Management Plan*”), at 3. The prototypical example of a “mass fatality incident” is a plane crash. Although the Bombing does not technically fit the definition of “mass fatality incident” given that the MEO would typically be able to manage eleven deaths, the MMWR Review Team believes that the Bombing scene shared similarities with a “mass fatality incident,” including the involvement of multiple government agencies and the complexity of the scene given that the fire was allowed to burn out of control. Therefore, we felt it was necessary to explore the MEO’s current capacity to respond to a “mass fatality incident.”

¹⁵⁸ February 28, 1986 Letter from Dr. Hameli to William Lytton, MOVE_TU_01025 – 28.

¹⁵⁹ February 28, 1986 Letter from Dr. Hameli to William Lytton, MOVE_TU_01025 – 28.

¹⁶⁰ October 27, 2021 Interview of Dr. Chu; Philadelphia Department of Public Health, Mass Fatality Plan (Apr. 6, 2018).

- A mapping procedure to systematically record the position of human remains and evidentiary items to allow for an accurate reproduction of the scene for subsequent investigations;
- A numbering procedure, so that human remains and other evidence are identified and categorized in a uniform way;
- A procedure for transporting and properly storing large numbers of remains;
- Guidelines for where and when to collect biological specimens for DNA testing; and
- Guidelines for the establishment of a “family assistance center,” where family members and friends of those impacted by the incident can receive information and associated services.¹⁶¹

However, DPH’s mass fatality incident response plan was last updated in 2018, and the MEO should review and revise the mass fatality plan (in consultation with other relevant City agencies) to ensure that it is up to date with best practices. Although every mass fatality incident will be unique, the maintenance of an up-to-date mass fatality incident response plan will ensure that the MEO has the tools needed to respond to such events in the future and will prevent the MEO and the City from repeating the same mistakes they made in the MOVE investigation. Moreover, changes in personnel, equipment, or other resources within the MEO should trigger immediate updates to the plan, as necessary.¹⁶²

In addition to ensuring that its mass fatality incident response plan is up to date, the MEO should conduct regular training and tabletop exercises on mass fatality incident response. As the ANSI and ASB explained in their best practices recommendations, “[i]t is critical that the plan be tested, often through realistic exercises, revised, and updated.”¹⁶³ The MEO should coordinate this training with other City agencies involved in the response to a disaster, so that roles can be established and coordination between agencies practiced.

Such training is common in other jurisdictions. For example, in Connecticut, the state medical examiner conducts mass fatality incident response drills with the state health department’s emergency management component to go over, among other things, how to conduct investigations following mass disasters.¹⁶⁴ In Los Angeles County, the medical examiner conducts tabletop

¹⁶¹ Compare Philadelphia Department of Public Health, Mass Fatality Plan (Apr. 6, 2018), with *NAME Mass Fatality Management Plan*; ANSI/ASB Best Practice Recommendation 008, First Edition 2021, *Mass Fatality Scene Processing: Best Practice Recommendations for the Medicolegal Authority* (hereafter, “*ANSI/ASB Best Practice Recommendations for Mass Fatality Scene Processing*”).

¹⁶² *ANSI/ASB Best Practice Recommendations for Mass Fatality Scene Processing*, at 5.

¹⁶³ *ANSI/ASB Best Practice Recommendations for Mass Fatality Scene Processing*, at 5.

¹⁶⁴ January 17, 2022 Interview of Dr. Gill.

exercises concerning disaster response internally and with other county agencies.¹⁶⁵ And in Allegheny County, the medical examiner holds regular mass disaster drills with other county agencies and agencies from surrounding counties.¹⁶⁶ Like with the mass fatality incident response plan itself, training is critical to ensure that the MEO and other City agencies properly handle mass fatality scenes in the future.

B. Manner of Death Determinations

1. Issues with the MEO's Determinations of the MOVE Victims' Manner of Death

Manner of death is a “classification of death based on the circumstances surrounding a particular cause of death and how that cause came into play” and is one of the items that must be reported on a death certificate.¹⁶⁷ The available options for manner of death in Philadelphia and most other jurisdictions are: (1) natural; (2) accident; (3) suicide; (4) homicide; or (5) undetermined.¹⁶⁸ Although manner of death classifications are opinion-based and practices can vary across jurisdictions, NAME has provided general definitions for these five classifications:

1. Natural: “Natural deaths are due solely or nearly totally to disease and/or the aging process.”
2. Accident: “Accident applies when an injury or poisoning causes death and there is little or no evidence that the injury or poisoning occurred with intent to harm or cause death. In essence, the fatal outcome was unintentional.”
3. Suicide: “Suicide results from an injury or poisoning as a result of an intentional, self-inflicted act committed to do self harm or cause the death of one’s self.”
4. Homicide: “Homicide occurs when death results from a volitional act committed by another person to cause fear, harm, or death. Intent to cause death is a common element but is not required for classification as homicide.... It is to be emphasized that the classification of Homicide for the purpose of death certification is a ‘neutral’ term and neither indicates nor implies *criminal* intent,

¹⁶⁵ October 27, 2021 Interview of Dr. Lucas.

¹⁶⁶ November 3, 2021 Interview of Dr. Williams.

¹⁶⁷ National Association of Medical Examiners, *A Guide for Manner of Death Classification* (Feb. 2002), available at <https://name.memberclicks.net/assets/docs/MANNEROFDEATH.pdf> (hereafter, “*NAME Guide for Manner of Death Certification*”), at 3.

¹⁶⁸ October 13, 2021 Interview of Dr. Chu; *NAME Guide for Manner of Death Certification*, at 3.

which remains a determination within the province of the legal processes.”

5. Undetermined: “Undetermined or ‘could not be determined’ is a classification used when the information pointing to one manner of death is no more compelling than one or more other competing manners of death in thorough consideration of all available information.”¹⁶⁹

Classifying manner of death often involves an evaluation of intent, particularly when choosing between accident, homicide, or suicide, but NAME’s Guide for Manner of Death Certifications explains that the concepts of “voluntary acts” or “volition” may be more useful than the concept of intent.¹⁷⁰ In general, “if a person’s death results at the ‘hands of another’ who committed a harmful volitional act directed at the victim,” the death may be considered a homicide.¹⁷¹ In its guide, NAME uses the following example to demonstrate this point:

[C]onsider the case of a variation of firearms “roulette” in which the game is played as usual (one bullet in the revolver’s cylinder) except that another person holds the gun to the “player’s” head, spins the cylinder, pulls the trigger, and the gun discharges and kills the “player.” All acts (loading the gun, spinning the cylinder, placing the gun to the head, and pulling the trigger) were both volitional and intentional. Although there may not have been intent to kill the victim, the victim died because of the harmful, intentional, volitional act committed by another person. Thus, the manner of death may be classified as homicide because of the intentional or volitional act—not because there was intent to kill.¹⁷²

This concept was echoed by the chief medical examiners we spoke with, who explained that, in the context of a manner of death classification, homicide simply means that one person performed a deliberate act that resulted in someone else’s death.¹⁷³ It does not matter if the death was caused by a private citizen or a government agent.¹⁷⁴ And it does not matter if the homicide

¹⁶⁹ NAME *Guide for Manner of Death Certification*, at 5 – 6 (emphasis in original).

¹⁷⁰ NAME *Guide for Manner of Death Certification*, at 7 – 8.

¹⁷¹ NAME *Guide for Manner of Death Certification*, at 8.

¹⁷² NAME *Guide for Manner of Death Certification*, at 8.

¹⁷³ August 2, 2021 Interview of Dr. Gulino; August 9, 2021 Interview of Dr. Carter; October 13, 2021 Interview of Dr. Chu; November 4, 2021 Interview of Dr. Lucas.

¹⁷⁴ August 9, 2021 Interview of Dr. Carter; November 4, 2021 Interview of Dr. Lucas.

was legally justified or not. If the death was caused by someone else, it should be classified as a homicide.¹⁷⁵

Notably, these principles concerning manner of death were well-established in 1985, as demonstrated by Dr. Hameli's testimony before the Commission. Dr. Hameli testified at that time that the five options for manner of death included: (1) natural; (2) accident; (3) suicide; (4) homicide; or (5) undetermined.¹⁷⁶ He further testified that, for purposes of manner of death classification, "homicide" is defined as the "death of an individual caused by another one."¹⁷⁷

Despite these well-established principles, the MEO classified the manner of death of every victim of the Bombing as "accidental" or "accident" on their death certificates.¹⁷⁸ Notably, all eleven death certificates were signed while the investigation was still ongoing. This was contested at the time by Dr. Hameli, who testified that manner of death is best left unclassified until all inquiries are finalized.¹⁷⁹

Dr. Hameli also challenged the substantive accuracy of the MEO's manner of death classifications. He explained that he would not have classified any of the deaths as accidental given the circumstances.¹⁸⁰ Instead, he would have classified the deaths of all the children as homicides because their deaths "were the consequence of the measured and deliberate acts of, and interactions between, the adults responsible for the MOVE house and the officials of the City of Philadelphia."¹⁸¹ He further testified that "their deaths, being caused by the actions of others, cannot be classified as natural, [or] as accident..."¹⁸² As for the adult victims, Dr. Hameli similarly ruled out accident as a potential manner of death because "people inside and people

¹⁷⁵ August 9, 2021 Interview of Dr. Carter.

¹⁷⁶ *Dr. Hameli's Testimony*, at 124:17 – 126:16.

¹⁷⁷ *Dr. Hameli's Testimony*, at 126:22 – 128:8.

¹⁷⁸ Death Certificate of Raymond Nathaniel Foster, Jr., Signed June 3, 1985, MOVE_00615; Death Certificate of Phil Africa [Phillips], Signed July 19, 1985, MOVE_00196; Death Certificate of Zanetta Dotson, Signed July 19, 1985, MOVE_00383; Death Certificate of Unknown Case B-1 Identified As Katricia J. Dotson by Dr. Hameli Phila. Special Invest. Comm., Signed July 19, 1985, MOVE_00507; Death Certificate of Rhonda Cheryl Ward, Signed July 19, 1985, MOVE_00767; Death Certificate of Frank James Africa, Signed July 19, 1985, MOVE_00858; Death Certificate of Vincent Lopez Leaphart [John Africa], Signed July 19, 1985, MOVE_01013; Death Certificate of James Conrad Hampton, Signed July 19, 1985, MOVE_00672; Death Certificate of Tomaso ("Boo") Africa [Levino], Signed July 31, 1985, MOVE_00001; Death Certificate of Theresa Marie Brooks, Signed July 31, 1985, MOVE_00275; Death Certificate of Delisha Africa [Orr], Signed December 6, 1985, MOVE_00097.

¹⁷⁹ *Dr. Hameli's Testimony*, at 128:19 – 129:7.

¹⁸⁰ *Dr. Hameli's Testimony*, at 130:3 – 132:3.

¹⁸¹ Dr. Hameli's Undated Report on the Examination of the Remains, MOVE_TU_00942 (hereafter, "*Hameli Report*"), at 3.

¹⁸² *Dr. Hameli's Testimony*, at 132:10 – 133:4.

outside [knew] that ... something bad was going to happen and they were gearing to it.”¹⁸³ Dr. Hameli testified, however, that he could not conclusively determine whether the manner of death for the adults should be homicide or suicide.¹⁸⁴

In his final report, Dr. Segal acknowledged that “strong arguments can be made for Homicide or Undetermined.”¹⁸⁵ He explained that:

If one were to conclude that the adults['] deaths resulted from the actions of the police, the fire fighters and/or the city officials then they should be ruled homicides. If the investigation revealed that they caused the deaths but acted properly given the nature of the situation then the deaths should be ruled justifiable or excusable homicides. If their actions were found to be grossly negligent then the terms justifiable or excusable would not be applicable.¹⁸⁶

For the children, Dr. Segal similarly explained:

If one were to conclude that the children were innocent victims of circumstance and were not able to escape because of the actions of the police etc. then the manner of death would be homicide and the city would be responsible for their deaths. If at any time the children could have escaped and the escape was prevented by the adult MOVE members then the manner of death would be homicide and the MOVE members would be responsible.¹⁸⁷

Nevertheless, Dr. Segal concluded that “the manner of death in all cases is accidental.”¹⁸⁸ He explained his rationale as follows:

If one were to conclude that the police wished to drive the MOVE members from the house by using warnings, threats, gunfire, tear gas, explosives and fire and hoped to do so without loss of life on either side; and, if one were to further conclude that the MOVE members wished to provoke and antagonize the situation as much as possible but had no intention of being killed in the process; and, if one were to conclude that both sides horribly misjudged the other

¹⁸³ *Dr. Hameli's Testimony*, at 134:11 – 21.

¹⁸⁴ *Dr. Hameli's Testimony*, at 134:11 – 21; *see also Hameli Report*, at 3.

¹⁸⁵ *Segal Report*, at 18.

¹⁸⁶ *Segal Report*, at 17.

¹⁸⁷ *Segal Report*, at 17.

¹⁸⁸ *Segal Report*, at 18.

and let the situation get totally out of control; then, it would [be] reasonable to conclude (as I Did), that the manner of death was accidental.¹⁸⁹

More recently, Dr. Hameli confirmed that, to him, there was no question that the children's deaths should have been classified as homicides.¹⁹⁰ As for the adults, he stated that their deaths could have been ruled suicide if investigators concluded that the adult victims had a chance to come out of the house but stayed inside intentionally to prove a point or to die as martyrs.¹⁹¹ He stated, however, that, if he had to choose, he would have ruled the adults' deaths as homicides because it seems like the police could have let them out instead of dropping a bomb on the house.¹⁹² The decision to classify the deaths as accidents has also been criticized by many of the other interviewees we spoke with, including members of the Commission,¹⁹³ Mayor Goode,¹⁹⁴ Dr. Gulino,¹⁹⁵ Dr. Chu,¹⁹⁶ and Dr. Carter.¹⁹⁷

Given the opinions of many who we spoke with, including multiple chief medical examiners, and the fact that the City's agents caused the death of the people in the MOVE house on May 13, 1985 by dropping a bomb on the house and letting the fire burn, the MMWR Review Team concludes that the manner of death for all eleven victims should have been "homicide." Notably, like with the Russian Roulette example provided by NAME, all acts (loading the bomb on the helicopter, dropping it on the house, and letting the fire burn) were volitional, intentional, and aimed at the occupants of the MOVE house.

2. Recommendation 5: The MEO Should Amend the Death Certificates of All Eleven MOVE Victims to Reflect that their Manners of Death Were Homicides, Not Accidents.

Identifying the manner of death for decedents is one of the MEO's primary responsibilities and ensuring that manner of death classifications are accurate is important for multiple reasons.¹⁹⁸

¹⁸⁹ *Segal Report*, at 17.

¹⁹⁰ September 30, 2021 Interview of Dr. Hameli.

¹⁹¹ September 30, 2021 Interview of Dr. Hameli.

¹⁹² September 30, 2021 Interview of Dr. Hameli.

¹⁹³ September 15, 2021 Interview of Charisse Lillie.

¹⁹⁴ November 22, 2021 Interview of Mayor Goode.

¹⁹⁵ August 2, 2021 Interview of Dr. Gulino.

¹⁹⁶ March 24, 2022 Interview of Dr. Chu.

¹⁹⁷ September 10, 2021 Interview of Dr. Carter.

¹⁹⁸ October 13, 2021 Interview of Dr. Chu (explaining that a medical examiner's main goals are to determine cause of death and manner of death).

Death certificates provide information for mortality statistics that may be used to assess a jurisdiction's health, systematically catalogue causes of morbidity and mortality, and develop priorities for funding and programs that involve public health and safety options.¹⁹⁹ Moreover, for historical incidents like the Bombing, they serve as records of what happened that family members and future generations must be able to trust and rely on. Critically, "manner-of-death classification should not be formulated on the basis of trying to facilitate prosecution, avoiding challenging publicity, building a political base, or promoting a personal philosophy or agenda."²⁰⁰

The importance of the victims' death certificates was also emphasized by multiple family members of the victims we spoke with during our review. Lionell Dotson, the biological brother of Katricia Dotson and Zanetta Dotson, expressed great dismay that his sisters' death certificates say that their deaths were accidents.²⁰¹ And Michael Africa, Jr., who grew up with the children who died in the MOVE house, identified manner of death as an important issue that should be dealt with in this investigation.²⁰²

Given the significance of this issue and what it means to family members of the victims and the City as a whole, we recommend that the MEO re-examine the manner of death classifications that were issued for the victims of the Bombing. Specifically, the MMWR Review Team recommends that the MEO amend the death certificates to reflect that all eleven deaths were "homicides," not "accidents." Notably, it is not unusual for medical examiners to revisit and revise death certificates, so this should not entail any major procedural obstacles and should not cause any unintended collateral consequences.²⁰³ It will, however, correct the historical record and help re-establish some level of trust with the family of the victims and the City as a whole.

C. Cause of Death Determinations

1. Issues with the MEO's Determinations of the MOVE Victims' Cause of Death

Cause of death is also one of the items that must be reported on a death certificate. In this section of the death certificate, the attending physician, medical examiner, or coroner identifies the "underlying cause of death," which is defined as "the disease or injury that initiated the chain of events that led directly and inevitably to death," and the "immediate cause of death," which is defined as the "final disease, injury, or complication directly causing death."²⁰⁴ This section also

¹⁹⁹ *NAME Guide for Manner of Death Certification*, at 4.

²⁰⁰ *NAME Guide for Manner of Death Certification*, at 6.

²⁰¹ March 4, 2022 Interview of Lionell Dotson.

²⁰² August 25, 2021 Interview of Michael Africa, Jr.

²⁰³ August 2, 2021 Interview of Dr. Gulino; September 10, 2021 Interview of Dr. Carter; March 24, 2022 Interview of Dr. Chu.

²⁰⁴ Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, *Physicians' Handbook on Medical Certification of Death* (Apr. 2003), available at https://www.cdc.gov/nchs/data/misc/hb_cod.pdf#x2019;%20Handbook%20on%20Medical%20Certification%20of

typically includes a reporting of the “entire sequence of events leading to death as well as other conditions significantly contributing to death.”²⁰⁵

Unlike manner of death, where there are a limited set of choices for a certifier to select from, cause of death determinations can vary greatly depending on the nature of the death. Because the MOVE incident involved gun battles, the use of explosives, and a fire that caused the MOVE house to collapse, possible causes of death for the MOVE victims include, among others, smoke and soot inhalation, carbon monoxide poisoning, thermal injuries, traumatic injuries from explosions, traumatic injuries from falling debris, and traumatic injuries caused by firearms. Notably, like with manner of death, the Centers for Disease Control and Prevention (“CDC”) instructs that, “in cases where the certifier is unable to establish a cause of death based upon reasonable medical certainty, he or she should enter ‘Unknown’ in the cause-of-death section.”²⁰⁶

a. The MEO’s Findings

Between June and December 1985, before the MEO completed the MOVE investigation, the MEO identified the immediate cause of deaths for all eleven victims on their death certificates as smoke inhalation, thermal burns, acute carbon monoxide poisoning, or some combination of those three causes. Specifically, they certified that the cause of death for each victim was as follows:

Victim	Cause of Death²⁰⁷	Date of Certification
Raymond Foster	Acute Carbon Monoxide Poisoning	June 3, 1985
Phil Phillips	Inhalation of Fumes & Acute Carbon Monoxide Poisoning	July 19, 1985
Zanetta Dotson	Inhalation of Fumes and Acute Carbon Monoxide Poisoning	July 19, 1985

[%20Death%20%5BPDF%20-%201.4%20MB%5D%3C/a%3E](#) (hereafter, “Physicians’ Handbook on Medical Certification of Death”), at 12.

²⁰⁵ Physicians’ Handbook on Medical Certification of Death, at 10.

²⁰⁶ Physicians’ Handbook on Medical Certification of Death, at 15.

²⁰⁷ Death Certificate of Raymond Nathaniel Foster, Jr., Signed June 3, 1985, MOVE_00615; Death Certificate of Phil Africa [Phillips], Signed July 19, 1985, MOVE_00196; Death Certificate of Zanetta Dotson, Signed July 19, 1985, MOVE_00383; Death Certificate of Unknown Case B-1 Identified As Katricia J. Dotson by Dr. Hameli Phila. Special Invest. Comm., Signed July 19, 1985, MOVE_00507; Death Certificate of Rhonda Cheryl Ward, Signed July 19, 1985, MOVE_00767; Death Certificate of Frank James Africa, Signed July 19, 1985, MOVE_00858; Death Certificate of Vincent Lopez Leaphart [John Africa], Signed July 19, 1985, MOVE_01013; Death Certificate of James Conrad Hampton, Signed July 19, 1985, MOVE_00672; Death Certificate of Tomaso (“Boo”) Africa [Levino], Signed July 31, 1985, MOVE_00001; Death Certificate of Theresa Marie Brooks, Signed July 31, 1985, MOVE_00275; Death Certificate of Delisha Africa [Orr], Signed December 6, 1985, MOVE_00097.

Unknown Case B-1 Identified As Katricia J. Dotson by Dr. Hameli Phila. Special Invest. Comm.	Thermal Burns and Smoke Inhalation	July 19, 1985
Rhonda Ward	Thermal Burns & Smoke Inhalation	July 19, 1985
Frank James	Thermal Burns & Smoke Inhalation	July 19, 1985
Vincent Leaphart (aka John Africa)	Thermal Burns & Smoke Inhalation	July 19, 1985
James Conrad Hampton	Thermal Burns & Smoke Inhalation	July 19, 1985
Tomaso (“Boo”) Levino	Smoke Inhalation	July 31, 1985
Theresa Brooks	Smoke Inhalation	July 31, 1985
Delisha Orr	Thermal Burns & Smoke Inhalation	December 6, 1985

Dr. Segal later explained that the MEO initially concluded that all eleven victims had died as a result of the fire because “[t]hree of the bodies showed either gross or microscopic evidence of soot in the airway and none showed evidence of any injuries independent of fire and smoke or natural disease processes that would have caused death.”²⁰⁸

In April 1986, months after the death certificates for the MOVE victims were completed, Dr. Segal re-visited cause of death in his final report on the MOVE investigation. He explained that evidence that a person was alive during the fire (*i.e.*, was not killed by gunfire or other potential causes before the fire) includes “the presence of soot in the airway, the presence of products of combustion such as carbon monoxide and cyanide in the body[,] and the presence of vital reaction in the form of blister formation and marginal erythema at the junction of the burned and normal skin.”²⁰⁹ Dr. Segal also discussed literature concerning carbon monoxide deaths which reported that forty-two percent of people dying in fires had levels of carboxyhemoglobin below sixty percent (which was “generally accepted as the lethal level”), and that certain fire victims had levels as low as twenty percent.²¹⁰

Dr. Segal then conducted an individual-by-individual assessment of cause of death. He confirmed his belief that the cause of death for five victims—James Conrad Hampton, Theresa Brooks, Phil Phillips, Raymond Foster, and Rhonda Ward—were a direct result of the fire to a “reasonable degree of medical certainty.”²¹¹ Per Dr. Segal’s report, all of these victims were found in the back of the house in the basement. Although the carbon monoxide testing performed by the

²⁰⁸ *Segal Report*, at 4.

²⁰⁹ *Segal Report*, at 12.

²¹⁰ *Segal Report*, at 12.

²¹¹ *Segal Report*, at 13 – 15, 18.

three laboratories varied widely for each individual, all five of these individuals excluding Rhonda Ward tested positive for carbon monoxide. James Conrad Hampton ranged from a low of twelve percent to a high of forty-two percent, Theresa Brooks ranged from a low of eight percent to a high of twenty-four percent, Phil Phillips ranged from a low of twelve percent to a high of ninety-four percent, and Raymond Foster ranged from a low of twelve percent to a high of thirty-three percent.²¹² Rhonda Ward tested negative for carbon monoxide, but Dr. Segal reported that there was evidence of soot in her airways.²¹³ He also reported that there was “a trace of soot” found in Phil Phillip’s airways.²¹⁴

Although all of these victims had bone fractures, Dr. Segal reported that it could not be determined whether those fractures occurred antemortem or postmortem, and Dr. Segal speculated that they could have occurred when the building collapsed or during the recovery process.²¹⁵ Although metallic foreign bodies were found in James Conrad Hampton, Theresa Brooks, and Rhonda Ward, only some of the metallic objects removed from Rhonda Ward’s ankle were found to be consistent with buckshot or other ammunition.²¹⁶ And, for the reasons discussed below, Dr. Segal ruled out wounds from buckshot as the cause of death for all eleven victims, including Rhonda Ward.

Dr. Segal then concluded that the causes of death for three victims—Delisha Orr, Tomaso Levino, and Frank James—were due to the fire and its effects based on the “preponderance of the evidence,” suggesting he was less confident for these three individuals.²¹⁷ Dr. Segal noted that Delisha Orr and Tomaso Levino were both found in in the back of the basement (like the five victims discussed above).²¹⁸ Both had bone fractures, but, again, Dr. Segal concluded that it was not possible to determine whether they were antemortem or postmortem.²¹⁹ Chemical testing by two laboratories for Delisha showed carbon monoxide levels of about five percent, and one showed

²¹² *Segal Report*, at 13 – 16. **NOTE:** When relaying the carbon monoxide levels reported by the three laboratories for each victim, Dr. Segal provided slightly different numbers than Dr. Hameli did in his testimony before the Commission, and some of the individuals who Dr. Segal noted came back as “negative” for carbon monoxide from certain laboratories were reported as showing small percentages of carbon monoxide by Dr. Hameli. For example, Dr. Segal noted that chemical testing by two laboratories for Tomaso Levino came back negative and one came back at 62 percent, *Segal Report*, at 15, but Dr. Hameli reported that one test for Tomaso Levino came back at zero percent, one came back at 1.8 percent, and one came back at 62 percent. *Dr. Hameli’s Testimony*, at 154:5 – 7. It is unclear why these numbers differ slightly in some cases, but it is possible that Dr. Segal was using the term “negative” in a less scientific sense, simply meaning that there were low levels of carbon monoxide reported in those tests.

²¹³ *Segal Report*, at 15.

²¹⁴ *Segal Report*, at 13.

²¹⁵ *Segal Report*, at 13 – 15.

²¹⁶ *Segal Report*, at 13 – 15.

²¹⁷ *Segal Report*, at 14 – 15, 18.

²¹⁸ *Segal Report*, at 14 – 15.

²¹⁹ *Segal Report*, at 14 – 15.

carbon monoxide levels of thirteen percent.²²⁰ Microscopic examination of the lungs demonstrated some soot in her airway.²²¹ Some metallic foreign bodies were recovered from the muscles above one of her elbows.²²² The FBI reported that one specimen was not firearm material, and the other was the size of #8 shot, but had the metallurgy of 00 buckshot.²²³

Chemical testing by two laboratories for Tomaso Levino were negative for carbon monoxide, while chemical testing from one laboratory demonstrated a level of sixty-two percent.²²⁴ Dr. Segal noted that Tomaso’s body was relatively intact, and that no gunshot wounds were found on his body.²²⁵

Frank James was reportedly found in a location towards the front of the house separate from the other victims.²²⁶ Chemical testing was negative for carbon monoxide by two laboratories, while the third laboratory reported a level of seventeen percent.²²⁷ Dr. Segal noted that there was “definite marginal erythema present on the skin,” and no gunshot wounds were found that could have been the cause of death.²²⁸ Although two foreign bodies were found in the pelvic muscle, one was reported by the FBI as a portion of a brick, and the other was identified by the New York Police Laboratory to be a pressure valve from a pipe.²²⁹

With respect to the last three victims—Zanetta Dotson, Body B-1 (who was identified as Katricia Dotson by the Hameli Team), and John Africa—Dr. Segal concluded that there was “no scientific evidence upon which to base a determination of the cause of death.”²³⁰ For Zanetta Dotson, Dr. Segal noted that not enough blood was available for carbon monoxide testing by the two outside laboratories, and the MEO’s own toxicology lab found no evidence of carbon monoxide in the tissue.²³¹ Like with the other victims, Dr. Segal explained that, although the autopsy revealed multiple bone fractures, it was not possible to determine whether those fractures

²²⁰ *Segal Report*, at 14.

²²¹ *Segal Report*, at 15.

²²² *Segal Report*, at 14.

²²³ *Segal Report*, at 14 – 15.

²²⁴ *Segal Report*, at 15.

²²⁵ *Segal Report*, at 15.

²²⁶ *Segal Report*, at 15.

²²⁷ *Segal Report*, at 15.

²²⁸ *Segal Report*, at 15.

²²⁹ *Segal Report*, at 15.

²³⁰ *Segal Report*, at 14 – 16, 18.

²³¹ *Segal Report*, at 14.

were antemortem or postmortem.²³² Finally, he explained that the MEO did not find any evidence of natural disease or gunshot wounds.²³³ He concluded that, although there was no scientific evidence upon which to base a determination of the cause of death, “circumstantially, it is more likely than not, that [she] died as a result of the fire.”²³⁴

For John Africa, Dr. Segal noted that his body was found in the basement at the front of the house.²³⁵ The remains were headless, and there were multiple bone fractures, but, again, it was not possible to determine whether they were antemortem or postmortem fractures.²³⁶ No carbon monoxide was found by two laboratories, and one laboratory found a level of fifteen percent.²³⁷ Although a metallic foreign body was recovered by Dr. Hameli from John Africa’s left gluteal region, and the FBI reported that the metallic object was consistent with 00 buckshot, Dr. Segal concluded that he did not believe that John Africa had died from gunshot injuries (for the reasons discussed below).

Finally, for Body B-1, Dr. Segal noted only that she was found in the back of the basement with the majority of the other victims.²³⁸ Although he stated that there was “insufficient material available to make any reasonable determination of the cause of death,” he concluded that, “circumstantially, it is more likely than not, that [she] died as a result of the fire.”²³⁹

Dr. Segal concluded that none the victims had died from being shot with 00 buckshot or other ammunition because (i) in all of his years doing autopsies, he had never seen “anybody hit with only one buckshot and the rest miss[,]” because “nine [to fifteen] balls com[e] out [of] the muzzle of that [type of] gun” all at once in a group and spread out;²⁴⁰ and (ii) “at no time has Michael Ward aka Birdie Africa ever suggested or indicated that any of the people in the MOVE house had been shot, killed or otherwise injured by gunfire prior to his successful escape at 7 P.M....”²⁴¹ Instead, Dr. Segal thought it was more likely that the 00 buckshot, like the nails, screws, pipe fragments, and other pieces of debris that entered the bodies after the house collapsed,

²³² *Segal Report*, at 14.

²³³ *Segal Report*, at 14.

²³⁴ *Segal Report*, at 18.

²³⁵ *Segal Report*, at 14.

²³⁶ *Segal Report*, at 14.

²³⁷ *Segal Report*, at 14.

²³⁸ *Segal Report*, at 16.

²³⁹ *Segal Report*, at 16, 18.

²⁴⁰ *Grand Jury Report*, at 247.

²⁴¹ *Segal Report*, at 16.

entered the bodies after death.²⁴² He further noted that, even if the 00 buckshot entered the bodies by being fired at the victims from a gun, there was no evidence that the 00 buckshot penetrated through the muscle into any of the internal organs, and there was no evidence that the 00 buckshot caused any of the deaths.²⁴³

Moreover, although Dr. Segal later admitted to the Grand Jury that ruling out gunshot wounds as a cause of death was more problematic when certain body parts were missing,²⁴⁴ he argued against the notion that the victims could have been shot with high velocity ammunition which can pass completely through the body without leaving any evidence by x-ray because such bullets leave large holes in the body, such holes were searched for, and none were found.²⁴⁵ He emphasized that his determinations were made using the evidence he did have, not speculation about what evidence he did not have.²⁴⁶

Despite Dr. Segal's conclusion that the causes of death of at least three victims could not be scientifically determined, it does not appear that Dr. Segal or anyone else at the MEO officially amended the death certificates for any of the victims.

b. Dr. Hameli's Findings

Dr. Hameli critiqued the MEO's cause of death determinations in his own report and testimony. Unlike Dr. Segal, he concluded that "the exact cause of death in each case cannot be definitively established."²⁴⁷ Instead, he could only report generally that "all eleven persons present in the MOVE house died as a result of 'injuries sustained during the event of May 13, 1985.'"²⁴⁸ He further clarified that he was using the word "injury" in "its broadest term," and that it included the possibility of "chemical injuries such as those by carbon monoxide poisoning, thermal injuries such as fire, physical injuries such as explosion effects and falling objects and injuries sustained by metallic projectiles such as firearm ammunition."²⁴⁹

Dr. Hameli explained that he could not rely on the carbon monoxide testing that was performed by the MEO and other laboratories because of the issues discussed in Section IV.A above. He explained that the samples that were submitted to the three different laboratories were not "identically representative of a given body" (*i.e.*, they were not all taken from the same place

²⁴² *Segal Report*, at 16; *Grand Jury Report*, at 247 – 48.

²⁴³ *Grand Jury Report*, at 247 – 48.

²⁴⁴ *Grand Jury Report*, at 248.

²⁴⁵ *Segal Report*, at 16.

²⁴⁶ *Grand Jury Report*, at 248.

²⁴⁷ *Hameli Report*, at 2.

²⁴⁸ *Hameli Report*, at 2.

²⁴⁹ *Hameli Report*, at 2.

of each body), and the results from the three laboratories were “widely different.”²⁵⁰ He also explained that not all of the tissue samples were obtained in a timely matter, and that “post mortem change could tremendously change the results and also interpretation of the findings.”²⁵¹ Because of these issues, Dr. Hameli concluded that “the correct interpretation of the results of carbon monoxide concentration in various remains, is very difficult in these cases, very difficult at best, and unreliable, at worst.”²⁵²

Dr. Hameli also testified about other issues involving potential uncertainty surrounding the victims’ causes of death, including issues surrounding the types of x-rays taken by the MEO. He explained that x-rays taken from an anteroposterior (“AP”) view look at the body from front to back, while x-rays taken from a lateral view look at the body from the side.²⁵³ According to Dr. Hameli, the view matters because, if one looks at an x-ray from front to back, and there is a foreign object there, one cannot tell whether it is inside the body, on top of the body, or below the body.²⁵⁴ However, with a lateral x-ray, one can determine an object’s relationship to the front or the back portion of the body.²⁵⁵

In the MOVE case, the MEO did not take any lateral x-rays of the remains before the Hameli Team became involved in the investigation.²⁵⁶ Although this was not a significant issue for most of the bodies because the Hameli Team was able to take lateral x-rays when they arrived at the MEO, Theresa Brooks’ body had already been cremated before the Hameli Team started working on the investigation.²⁵⁷ Because of this, Dr. Hameli had difficulty determining whether an item that appeared in one of the AP x-rays of Ms. Brooks’ body (which he suspected was a foreign metallic object) was inside the body or outside the body or what the nature of that object was.²⁵⁸ And, although he examined Ms. Brooks’ cremated remains and determined that the few identifiable foreign bodies that were present were not consistent with buckshot or other ammunition, he testified that he was not able to conclusively reconcile what he observed on the AP x-ray from the MEO with what he had examined in the cremated remains because metallic objects can melt or change form at temperatures as high as those used in cremation.²⁵⁹

²⁵⁰ Dr. Hameli’s Undated Report on the Toxicology Results, MOVE_TU_01078 – MOVE_TU_01079; *see also* Dr. Hameli’s Testimony, at 68:1 – 69:20.

²⁵¹ Dr. Hameli’s Testimony, at 69:21 – 70:6.

²⁵² Dr. Hameli’s Testimony, at 70:18 – 71:2.

²⁵³ Dr. Hameli’s Testimony, at 75:20 – 76:13.

²⁵⁴ Dr. Hameli’s Testimony, at 76:4 – 23.

²⁵⁵ Dr. Hameli’s Testimony, at 76:4 – 13; 79:9 – 80:2.

²⁵⁶ Dr. Hameli’s Testimony, at 77:9 – 78:7.

²⁵⁷ Dr. Hameli’s Testimony, at 80:14 – 81:13.

²⁵⁸ Dr. Hameli’s Testimony, at 80:14 – 81:13.

²⁵⁹ Dr. Hameli’s Testimony, at 81:14 – 87:8.

Dr. Hameli also testified about the various metallic foreign objects that were found in the bodies, including how some of those foreign objects were consistent with buckshot or other types of ammunition, and stated that he could not foreclose injuries caused by gunshot wounds as a cause of death for some of the victims.²⁶⁰ Moreover, he testified that, because certain parts of many of the bodies were missing, he could not exclude the possibility of injury from firearms to those missing parts (such as the potential of a gunshot wound to the head for the victims whose heads were missing).²⁶¹ Finally, unlike what Dr. Segal said in his report, Dr. Hameli testified that, due to the condition of the bodies, it was also impossible to rule out whether any of the victims had been shot with high velocity bullets that may have went through the body. He explained that, “certain objects, projectiles coming from certain firearms having high velocities could enter the body and exit from the other point causing the injuries, the body is burned, the tissues are charred, and very little trace of it is available to determine whether or not it was there.”²⁶²

Therefore, although Dr. Hameli acknowledged that it was more likely than not that some of the victims died from the fire, he concluded that it was too difficult to make precise cause of death determinations.²⁶³ As he testified when he was discussing Delisha Orr’s cause of death, “so many unknowns are involved here it would be too dangerous to commit yourself for a very limited or narrow interpretation of the findings.”²⁶⁴ Dr. Hameli confirmed his position on cause of death in our interview with him in September 2021, stating that, for the reasons discussed in his report, it was very difficult, and, in some sense, impossible to determine the actual cause of death for the MOVE victims.²⁶⁵

2. Recommendation 6: The MEO Should Review The Case Files of the MOVE Victims and Amend the Causes of Death on their Death Certificates Where Appropriate to Reflect that At Least Some of the Victims’ Causes of Death Were Unknown.

The members of the MMWR Review Team are not forensic pathologists. As such, we are not qualified to determine the causes of death of the MOVE victims based on the records that are available to us. However, due to the great level of uncertainty surrounding the MEO’s certification of all eleven MOVE victims’ causes of death as thermal burns, smoke inhalation, carbon monoxide, or some variation of those three causes, we recommend that the MEO conduct a review

²⁶⁰ *Dr. Hameli’s Testimony*, at 109:13 – 117:2.

²⁶¹ *Dr. Hameli’s Testimony*, at 184:21 – 185:2.

²⁶² *Dr. Hameli’s Testimony*, at 185:3 – 9. **NOTE:** As discussed in Part One of the Report, approximately 500 police officers were present outside the MOVE house on May 13, 1985. Among other weapons, officers were armed with .50- and .60-caliber machine guns and an anti-tank machine gun. Officers fired more than 10,000 rounds of ammunition into the MOVE house that day.

²⁶³ *Dr. Hameli’s Testimony*, at 113:12 – 124:10.

²⁶⁴ *Dr. Hameli’s Testimony*, at 115:22 – 116:1.

²⁶⁵ September 30, 2021 Interview of Dr. Hameli.

of the case files and amend the cause of death section on the victims' death certificates where appropriate.

As the CDC's Handbook on Medical Certification of Death instructs, "[i]n cases where the certifier is unable to establish a cause of death based upon reasonable medical certainty, he or she should enter 'Unknown' in the cause-of-death section."²⁶⁶ And the chief medical examiners we spoke with confirmed that there is nothing wrong with saying that the cause of death is unknown or undetermined if all measures have been taken to try to identify one.²⁶⁷

Notably, after the MEO filled out the death certificates, Dr. Segal himself admitted that there was "no scientific evidence upon which to base a determination of the cause of death" for three victims: Zanetta Dotson, B-1 (who was identified by the Hameli Team as Katricia Dotson), and John Africa (who the Grand Jury later concluded likely died prior to the fire).²⁶⁸ It seems obvious to the MMWR Review Team that the death certificates for these victims, at the very least, should be amended to reflect that their causes of death are "unknown," but we defer the final determination on this issue to the MEO. That said, the MEO should still review the case files for the other victims because Drs. Hameli identified several areas of uncertainty that related to all or most of the victims, including issues concerning specimen collection, evidence collection, and missing body parts.²⁶⁹

As an alternative to using the "unknown" designation, the MEO may also consider using a more general description, like the description proposed by Dr. Hameli, that identifies the causes of death as injuries sustained during the events on May 13, 1985 but does not so definitively isolate the cause as relating to the fire itself. Dr. Chu stated that the MEO sometimes uses the general term "homicidal violence" as the cause of death for a decedent when they know the manner of death is homicide but cannot specify an exact cause of death.²⁷⁰ Such a term may also be appropriate for the victims of the Bombing.

²⁶⁶ *Physicians' Handbook on Medical Certification of Death*, at 15.

²⁶⁷ November 3, 2021 Interview of Dr. Williams; November 4, 2021 Interview of Dr. Lucas.

²⁶⁸ *Segal Report*, at 14 – 16, 18; *Grand Jury Report*, at 110, 120, 230.

²⁶⁹ **NOTE:** The MMWR Review Team recognizes that the Commission and the Grand Jury disagreed on a key aspect of the MOVE incident relating to cause of death. The Commission concluded (with one dissenting opinion) that there was a gun battle in the back alley of the MOVE house, and that police gunfire prevented some occupants from escaping from the burning house. *Commission Report*, at 10. The Grand Jury, however, disputed that finding and the "suggestion previously offered by some individuals that, after allegedly shooting and/or killing some MOVE members, police threw the bodies of those members back into the house...." *Grand Jury Report*, at 206 – 07. Instead, based on testimony from various police officers, among others, the Grand Jury concluded that the back alley gun battle did not occur, and that police gunfire did not prevent occupants of the MOVE house from escaping or cause injury or death to them. *Grand Jury Report*, at 207. Whether the gun battle in the back alley took place or whether the police shot and killed any of the MOVE victims as they tried to escape the house, while questions of critical importance, are beyond the scope of this review. Rather, this recommendation is based solely on the information that was available to the MEO (and documented by the MEO), and whether it was sufficient to support the cause of death determinations on the victims' death certificates.

²⁷⁰ March 24, 2022 Interview of Dr. Chu.

Like with the manner of death determinations, a review of the cause of death determinations is necessary to demonstrate to family members of the victims and the City as a whole that the MEO will do what it can to right the wrongs it committed in the past and to ensure that the historical record of this terrible event is as accurate as possible.

D. Independence, Political Pressure, and Bias

It is possible to conclude that the MEO's grossly inadequate investigation of the Bombing in 1985, its decisions concerning the manner and cause of death of the victims, and its mishandling of the remains were caused by insufficient policies and training. Improvements independently adopted by the MEO in the last thirty-seven years and the recommendations discussed in the other sections of the Report should help address such insufficiencies. However, the magnitude of the errors committed by the MEO during the MOVE investigation raises the possibility that the mishandling of the MOVE investigation is also attributable to other issues, including a lack of independence, political pressure, bias (including bias in favor of the police and against MOVE members and people of color more generally), and a failure in leadership at the MEO. This section discusses how independence, political pressure, and bias impact death investigations in general, how they may have impacted the MOVE investigation and the mishandling of the MOVE victim remains, and sets out a series of recommendations to help prevent similar issues in the future.

1. Issues with Independence, Political Pressure, and Bias in Death Investigations in General

As discussed in Section III above, the MEO is charged with investigating sudden deaths, identifying decedents in such cases, and classifying their manner and cause of death. As such, they play a vital role in the justice system, which places them in close contact with law enforcement, the DA, and other potentially interested parties, both inside and outside City government. But the MEO's mandate is different from law enforcement and prosecutors, and it is critical that the MEO remain independent, neutral, and prioritize accuracy and truth above all else.

As NAME has stated, "science as applied in the justice system should be objective and neutral."²⁷¹ Death investigators "must investigate cooperatively with, but independent from, law enforcement and prosecutors. The parallel investigation promotes neutral and objective medical assessment of the cause and manner of death[,] and it is important that they operate "without any undue influence from law enforcement agencies and prosecutors."²⁷²

As poignantly put by one group of researchers, no forensic pathologist can be truly "independent" in an absolute sense, as they all (or at least the vast majority of them) work for pay

²⁷¹ Judy Melinek, *et. al.*, *National Association of Medical Examiners Position Paper: Medical Examiner, Coroner, and Forensic Pathologist Independence* (2013), available at <https://name.memberclicks.net/assets/docs/00df032d-ccab-48f8-9415-5c27f173cda6.pdf> (hereafter, "*NAME Position Paper on Independence*").

²⁷² *NAME Position Paper on Independence*.

and work within some cultural and social context.²⁷³ So, we adopt those researchers' definition of "independence" as "the ability freely and ethically to make medicolegal determinations that truly represent the conclusions of the practitioner without influence derived from considerations that are not part of the forensic examination."²⁷⁴ The need for this type of independence was echoed by many of the forensic pathologists we spoke with both inside and outside the MEO.²⁷⁵ Moreover, in a survey conducted by NAME in 2011, 97 percent of the 336 respondents stated that they believe the independence of forensic pathologists is an important issue deserving of attention.²⁷⁶

However, in practice, this independence is difficult to maintain. Many medical examiners, coroners, and other death investigators are exposed to significant outside pressure to modify their diagnoses.²⁷⁷ In fact, eighty-two percent of the forensic pathologists who responded to the 2011 NAME survey stated that they had experienced family or political pressure to change the reported cause or manner of death, approximately ten percent reported that they experienced such pressure on a monthly basis, and approximately ten percent reported that they had been asked to sign documents that were not consistent with the findings of an autopsy.²⁷⁸ Twenty-two percent of the respondents specifically reported that they had experienced political pressure to change death certificates from elected and or appointed political officials.²⁷⁹ This political pressure came in various forms, including verbal and/or written communications, threats, termination, intimidation, media exposure, and legal actions.²⁸⁰ And twenty-five percent of the pathologists who reported receiving political pressure and resisting that political pressure stated that they suffered consequences for their actions.²⁸¹

As Dr. Carter and Dr. Baden explained to us, even outside of direct political pressure, some medical examiners and coroners feel like they are part of the prosecution and want to protect law

²⁷³ Scott Luzi, *et. al.*, *Medical Examiners' Independence is Vital for the Health of the American Legal System*, *Academic Forensic Pathology* (2013 3(1): 84-92) (hereafter, "*Medical Examiners' Independence is Vital for the Health of the American Legal System*"), at 87 – 88.

²⁷⁴ *Medical Examiners' Independence is Vital for the Health of the American Legal System*, at 88.

²⁷⁵ August 9, 2021 Interview of Dr. Carter; October 27, 2021 Interview of Dr. Lucas; November 3, 2021 Interview of Dr. Williams; January 17, 2022 Interview of Dr. Gill; March 24, 2022 Interview of Dr. Chu.

²⁷⁶ *NAME Position Paper on Independence*; see also *Medical Examiners' Independence is Vital for the Health of the American Legal System*, at 85.

²⁷⁷ *NAME Position Paper on Independence*.

²⁷⁸ *NAME Position Paper on Independence*.

²⁷⁹ *NAME Position Paper on Independence*.

²⁸⁰ *NAME Position Paper on Independence*.

²⁸¹ *NAME Position Paper on Independence*.

enforcement officers (although both made clear that coroners and medical examiners *should not* fall into this mindset).²⁸² This leads into the related concept of bias.

In October 2021, a group of researchers from the University of Washington published a study reporting that, from 1980 to 2019, coroners and medical examiners across the United States undercounted killings by police officers by more than half.²⁸³ According to the researchers, officials misreported or covered up more than 17,000 police killings during that time.²⁸⁴ These numbers support the notion that, although many forensic pathologists carefully follow scientific principles, some are impacted by their close relationship with police and prosecutors. This is further demonstrated by the fact that coroners and medical examiners often speak freely to prosecutors, but only grudgingly, if at all, to defense lawyers.²⁸⁵

Bias in forensic science extends beyond a desire to protect law enforcement. The University of Washington study reported that officials underreported Black deaths at a higher rate than White deaths.²⁸⁶ And another recent study published in the *Journal of Forensic Sciences* conducted by a neuroscientist from University College London and a group of forensic pathologists from across the United States, including Dr. Carter, suggests that, like everyone else, coroners and medical examiners can be influenced by cognitive biases.²⁸⁷ Cognitive biases “are not intentional discriminatory biases, and they can emerge from various sources[,]” including from the specific case at hand and how it was examined, from the specific person conducting the examination, and from organizational factors.²⁸⁸

In previous studies, cognitive bias was shown to influence other forensic disciplines, including DNA mixture interpretations, fingerprint comparisons, and toxicology, but this was the

²⁸² August 9, 2021 Interview of Dr. Carter; December 21, 2021 Interview of Dr. Baden.

²⁸³ GBD 2019 Police Violence US Subnational Collaborators, *Fatal police violence by race and state in the USA, 1980-2019: a network meta-regression*, *Lancet* (2021), available at [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(21\)01609-3/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(21)01609-3/fulltext) (hereafter, “*Fatal police violence by race and state in the USA*”).

²⁸⁴ *Fatal police violence by race and state in the USA*; see also Peter Neufeld, et. al., *Opinion: Thousands of missed police killings prove we must address systemic bias in forensic science*, *Washington Post* (Oct. 15, 2021), available at <https://www.washingtonpost.com/opinions/2021/10/15/medical-examiners-forensics-bias-police-killings/> (hereafter, “*Thousands of missed police killings prove we must address systemic bias in forensic science*”).

²⁸⁵ *Thousands of missed police killings prove we must address systemic bias in forensic science*.

²⁸⁶ *Fatal police violence by race and state in the USA*. **NOTE:** Specifically, the researchers reported that, out of an estimated 9,540 total Black deaths at the hands of law enforcement during this time period, 5,670 (59.5 percent) were unreported. During the same time period, out of an estimated 15,200 White deaths at the hands of law enforcement, 8,540 deaths (56.1 percent) were unreported.

²⁸⁷ Itiel Dror, et. al., *Cognitive bias in forensic pathology decisions*, *Journal of Forensic Sciences* (Feb. 2021) (hereafter, “*Cognitive bias in forensic pathology decisions*”).

²⁸⁸ *Cognitive bias in forensic pathology decisions*, at 1752.

first study to explore cognitive bias in forensic pathology.²⁸⁹ For the study, the researchers reviewed ten years' worth of children's death certificates issued in Nevada (between 2009 and 2019), comparing the recorded manners of death of "accident" vs. "homicide" across White and Black children. The researchers concluded that, relative to White children, Black children were more often judged as victims of homicides rather than accidents.²⁹⁰

The researchers also surveyed a sample of forensic pathologists who they provided with one of two hypothetical death cases of a young child. The two cases were identical other than the fact that some pathologists were told that the child was Black and the mother's boyfriend was the caretaker at the time of the child's death, while others were told that the child was White and the grandmother was the caretaker at the time of the child's death.²⁹¹ The results of the survey showed that pathologists were about five times more likely to find the child's death to be homicide rather than accident if told that the child was Black and the caretaker was the mother's boyfriend than when told that the child was White and the caretaker was the child's grandmother.²⁹² The authors of the study concluded that the results show that forensic pathologists were biased in their decisions, although they acknowledged that the data did not allow them to ascertain whether they were biased by the race of the child and/or the characteristics of the caretaker specifically.²⁹³

The study was subjected to criticism from NAME and dozens of forensic pathologists on multiple grounds, including a challenge to the construction of the survey and the recipient list who it was sent out to, an argument that the researchers mischaracterized the nature of manner of death determinations (which, they said, are not scientific and require deaths to be put in the context of all the facts and circumstances), an argument that the caretaker relationship was not medically irrelevant, and an argument that the Nevada data did not allow the authors to draw any real conclusions because they only looked at the manner of death and the race of the victim, not the actual facts surrounding the deaths of the victims.²⁹⁴ However, whether the study had methodological flaws or not, it is difficult to believe that forensic pathologists, unlike everyone else, are somehow immune to cognitive bias, and the study highlights the need for forensic pathologists and others to recognize the role that cognitive bias may play in a coroner or medical examiner's decision-making process and take steps to mitigate that bias.

²⁸⁹ *Cognitive bias in forensic pathology decisions*, at 1752 (citing Glinda S. Cooper and Vanessa Meterko, *Cognitive bias research in forensic science: A systematic review*, Forensic Science International (2019)).

²⁹⁰ *Cognitive bias in forensic pathology decisions*, at 1752. **NOTE:** Specifically, the researchers reported that the data revealed that forensic pathologists ruled a White child's unnatural death as "homicide" twenty-four percent of the time vs. as "accident" seventy-six percent of the time, yielding an approximate ratio of one to three. In contrast, forensic pathologists ruled a Black child's unnatural death as "homicide" thirty-six percent of the time vs. as "accident" sixty-four percent of the time, resulting in a ratio of about one to two.

²⁹¹ *Cognitive bias in forensic pathology decisions*, at 1753.

²⁹² *Cognitive bias in forensic pathology decisions*, at 1753.

²⁹³ *Cognitive bias in forensic pathology decisions*, at 1753 – 54.

²⁹⁴ See the various responses to *Cognitive bias in forensic pathology decisions*, available at <https://onlinelibrary.wiley.com/doi/10.1111/1556-4029.14697>.

2. Political Pressure and Bias Likely Contributed to the Mishandling of the MOVE Victim Remains

The Bombing was the culmination of a violent confrontation between the police and an infamous group of predominantly Black people who lived outside the norms of society and had previously been involved in another confrontation with police that resulted in the death of an officer. The Bombing, which resulted in the deaths of eleven people (including multiple innocent children) and the destruction of a City block, was national news and created the obvious potential of lawsuits against the City. In the aftermath, as discussed in great detail above, the MEO initially refused to respond, allowed other City officials to use a crane with a clam shell bucket to irreversibly corrupt the scene, failed to independently and sufficiently document the initial location and condition of the bodies and other evidence, failed to sufficiently document the initial examinations of the bodies at the MEO, failed to take timely tissue specimens for carbon monoxide testing, and stored the remains at an improper temperature. After months of investigation, including a separate investigation conducted by the experts hired by the Commission, the MEO, in contrast to the Hameli Team, ruled that all of the victims' deaths were caused by the fire and that all of the deaths were accidental (at least for purposes of their death certificates).

Were the relevant acts and omissions of the MEO motivated by a desire to obscure the truth and protect the police and the City as a whole? Were they under political pressure from other City agencies or officials to do so? Were they influenced by an overt or cognitive bias in favor of the police? Were they influenced by an overt or cognitive bias against MOVE members and their values? Were they influenced by an overt or cognitive bias against people of color in general?

In short, we will never know for sure. Many of the witnesses we spoke with generally agreed that it is very unlikely that events would have unfolded the way they did if eleven White citizens died in a fire caused by the police, as opposed to eleven Black MOVE members.²⁹⁵ And Dr. Lowell Levine, the forensic odontologist working with Dr. Hameli for the Commission, remembers generally that, when he was at the MEO, people who were investigating the case told him that MOVE members were bad people who were wrecking the neighborhood.²⁹⁶ Although there is no definitive evidence to cite to, and we by no means are accusing Dr. Aronson, Dr. Segal, or the other pathologists at the MEO at the time of being racist, the MMWR Review Team believes it is very likely that political pressure and bias played some role in what happened here, as it is difficult to believe that all of the omissions and commissions discussed above were made simply through negligence.

3. Recommendations

Dr. Chu believes that, today, the MEO is able to operate freely and independently from the police and politics.²⁹⁷ Dr. Chu's sentiment was shared by Dr. Gulino, who told the MMWR

²⁹⁵ See, e.g., September 15, 2021 Interview of Charisse Lillie; October 14, 2021 Interview of William Brown.

²⁹⁶ December 16, 2021 Interview of Dr. Levine.

²⁹⁷ March 24, 2022 Interview of Dr. Chu.

Review Team that he always felt independent from the DA and the police.²⁹⁸ Nevertheless, because of the importance of maintaining an independent and impartial MEO and the potential for political influence and cognitive bias to impact decisions made by the MEO, the MMWR Review Team makes a series of recommendations we believe will mitigate against those risks in the future.

Before getting into our specific recommendations, it is important to remind readers that the MEO is housed within the Department of Public Health. This structure is not unique, and, at least as of 2009, fourteen percent of the U.S. population was served by a medical examiner or coroner housed within a health department.²⁹⁹ In contrast, forty-three percent of the population was served by a medical examiner or coroner operating as an independent agency, thirty-three percent by offices residing administratively within public safety or law enforcement organizations, and ten percent by offices within a forensic laboratory.³⁰⁰ Although experts generally agree that incorporation of the medical examiner or coroner within the health department is better than incorporation within law enforcement agencies, government reports over the years have recommended that a medical examiner system should be an independent agency or should report to a commission so that it avoids any conflicts of interest and so that it reports directly to the jurisdictional governing body.³⁰¹

Although the current structure of the MEO can still provide a level of independence and insulate the MEO from outside pressures, we provide examples of structures that provide an even greater level of independence for consideration. For instance, in Connecticut, the medical examiner reports to an independent commission created by statute to oversee the medical examiner.³⁰² The commission is made up of nine members representing various groups and stakeholders, including the Commissioner of the Department of Public Health, a professor of law and a professor of pathology from the University of Connecticut, a professor of law and a professor of pathology from Yale University, a representative of the American Bar Association, a representative from the American Medical Association, and two members of the general public.³⁰³ The commission elects its own officers, appoints the chief medical examiner, and promulgates regulations by which the office runs.³⁰⁴ Dr. Gill, the Chief Medical Examiner in Connecticut, praised this structure, explaining that it insulates him from political pressure from the Governor's

²⁹⁸ August 2, 2021 Interview of Dr. Gulino.

²⁹⁹ *Strengthening Forensic Science in the United States*, at 249.

³⁰⁰ *Strengthening Forensic Science in the United States*, at 249.

³⁰¹ *Strengthening Forensic Science in the United States*, at 249.

³⁰² Connecticut's Official State Website Office of the Chief Medical Examiner, About Us, <https://portal.ct.gov/OCME/About-OCME> (last visited May 24, 2022).

³⁰³ Connecticut's Official State Website Office of the Chief Medical Examiner, About Us, <https://portal.ct.gov/OCME/About-OCME> (last visited May 24, 2022).

³⁰⁴ Connecticut's Official State Website Office of the Chief Medical Examiner, About Us, <https://portal.ct.gov/OCME/About-OCME> (last visited May 24, 2022).

Office.³⁰⁵ Dr. Gill also likes that multiple members of the Commission are experts in pathology and law, so they understand the nuances of what his office does.³⁰⁶ Dr. Gill meets with the Commission every two months to keep them apprised on what is happening at the office, and the Commission sometimes serves as his voice if he needs a bigger budget or has other issues he needs to address.³⁰⁷

Other chief medical examiners who the MMWR Review Team spoke with stated that their offices operate as completely independent agencies, and within their county governments, they are considered on par with the health commissioner, the chief of police, the district attorney, and other heads of agencies. For example, in Los Angeles County, the chief medical examiner reports directly to the five elected county supervisors who oversee the entire county or to the county's CEO, who has administrative oversight over all county departments.³⁰⁸ And, in Allegheny County, the chief medical examiner reports to the county executive.³⁰⁹

The MMWR Review reiterates that that the current MEO structure provides a greater ability for the MEO to maintain its independence than structures in other jurisdictions in which medical examiners and coroners are housed in law enforcement agencies, and neither Dr. Chu nor Dr. Gulino feel that the Philadelphia reporting structure creates conflicts of interest or that they have faced political pressure from the Health Commissioner or any other government officials. Nevertheless, the MMWR Review Team believes that the current structure of the MEO makes the recommendations discussed below even more important.

Moreover, as discussed in Part One above, when MOVE victim remains were re-discovered at the MEO in 2017, Dr. Gulino was the Chief Medical Examiner at the time and had the responsibility and expertise to make an informed decision about what to do with them. Nevertheless, Dr. Gulino ultimately deferred the decision to Dr. Farley, the Health Commissioner, because he believed the decision would have political ramifications and thought it should be elevated up the chain of command.³¹⁰ Dr. Gulino advised Dr. Farley, who is not a forensic pathologist, that, although the MEO does not usually retain skeletal remains anymore, they often retain tissue and sometimes retain full organs as specimens for further analysis. He further advised Dr. Farley that, when they do retain organs, they usually destroy the organs after the investigation

³⁰⁵ January 17, 2022 Interview of Dr. Gill.

³⁰⁶ January 17, 2022 Interview of Dr. Gill.

³⁰⁷ January 17, 2022 Interview of Dr. Gill.

³⁰⁸ October 27, 2021 Interview of Dr. Lucas.

³⁰⁹ November 3, 2021 Interview of Dr. Williams.

³¹⁰ August 2, 2021 Interview of Dr. Gulino; August 26, 2021 Interview of Dr. Johnson; September 23, 2021 Interview of Dr. Farley. **NOTE:** Dr. Gulino stated that it was not his usual practice to ask the Health Commissioner for direction regarding MEO matters. Instead, he usually only went to the Health Commissioner concerning budgetary issues or when there were problems he had with other City agencies. However, in this instance, he thought it was important to defer to Dr. Farley given the political import of MOVE. August 2, 2021 Interview of Dr. Gulino.

is complete without contacting family members.³¹¹ Based on this information, and his belief that informing family members of the victims that the remains had been re-discovered would cause more harm than good, it was Dr. Farley, not Dr. Gulino, who decided that the remains should be cremated.³¹²

Although Dr. Gulino may have ultimately made the same decision—as he has consistently described the skeletal materials in the box re-discovered at the MEO in 2017 (and again in 2021) (the “MEO Box”) as specimens, not remains, which is discussed in more detail below—the MMWR Review Team believes it is problematic that the Chief Medical Examiner, who has the responsibility of returning human remains to their next of kin and has the expertise to make an informed decision on matters such as these, deferred to the Health Commissioner, who has no expertise in this area, because of the potential political ramifications of the decision. As Dr. Carter explained to us, although there is nothing wrong with a chief medical examiner informing other government officials of events that may impact them, collaborating with other government officials about the best way to proceed, or asking for their advice, this was ultimately a decision that should have been made by the chief medical examiner.³¹³ In fact, Dr. Carter stated that, in her view, the fact that the decision was made by the Health Commissioner and not the Chief Medical Examiner tells her that Philadelphia does not have an independent medical examiner.³¹⁴ This further supports the need to take steps to ensure the MEO’s independence.

a. Recommendation 7: The MEO Should Have Access to Independent Legal Counsel When Legal Conflicts Arise.

Currently, when the MEO needs legal counsel, it is represented by the City’s Legal Department. In other jurisdictions, whether the medical examiner’s office has access to its own independent counsel or whether it is served by the jurisdiction’s legal department varies. Dr. Carter, however, stated that she believes it is best practice for medical examiner’s to have their own independent legal counsel.³¹⁵ The reasoning is twofold. First, it is important for a medical examiner to have access to counsel who is versed in the details of death investigations so that they can properly advise the medical examiner.³¹⁶ Second, because what the medical examiner should do in any given situation may be at odds with the interests of other City departments, Dr. Carter believes it is important to have legal counsel who is independent.³¹⁷ Therefore, we recommend that the MEO should have access to its own independent legal counsel when legal conflicts arise that may pit the MEO against the interests of the governing administration.

³¹¹ September 23, 2021 Interview of Dr. Farley.

³¹² September 23, 2021 Interview of Dr. Farley.

³¹³ August 9, 2021 Interview of Dr. Carter.

³¹⁴ August 9, 2021 Interview of Dr. Carter.

³¹⁵ September 10, 2021 Interview of Dr. Carter.

³¹⁶ September 10, 2021 Interview of Dr. Carter.

³¹⁷ September 10, 2021 Interview of Dr. Carter.

b. Recommendation 8: The MEO Should Adopt a Formal Policy Statement on Independence and Impartiality.

Although Dr. Gulino did send out a memorandum to all MEO staff in July 2014 that discussed how everyone has personal biases and preferences and stated that employees should not allow those biases or preferences to affect how they treat their coworkers or clients,³¹⁸ the MEO does not have a formal policy statement on independence and impartiality. Other jurisdictions do. For example, on its website, NAME posted a policy from the Spokane County Medical Examiner's Office as a model policy on bias and impartiality.³¹⁹ The policy states generally that, "The Medical Examiner's office is responsible for insuring that investigations and autopsies are performed impartially."³²⁰ It then describes multiple forms of bias, including financial bias, commercial bias, and political bias. For political bias, it states:

The Spokane Medical Examiner's Office must make independent decisions free of pressures from other Spokane County Political entities including the Board of County Commissioners, Spokane County Sheriff, Spokane County Prosecutor's Office, Spokane Police Department, Spokane Mayor, and the state Attorney General's Office. The Spokane Medical Examiner's Office was created by the Spokane County Board of County Commissioners by Resolution 98 0665 and is an independent entity. The office can obtain legal advice from the civil division of the prosecutor's office regarding any issues of political bias.

The office has an advisory board consisting of stakeholders and community members, separate from the Board of County Commissioners.³²¹

The policy then identifies potential risks to impartiality and identifies plans to mitigate or eliminate those risks. For example, it states that:

If a potential county liability is recognized, concerning the results of autopsy or how the Medical Examiner's Office determines cause and manner of death, it will be noted in the narrative. Oftentimes

³¹⁸ July 22, 2014 Memorandum from Dr. Gulino to All MEO Staff re: Expectations for providing service with compassion, MOVE_06176.

³¹⁹ National Association of Medical Examiners, Inspection and Accreditation, <https://www.thename.org/inspection-accreditation> (last visited May 24, 2022).

³²⁰ Spokane County Medical Examiner Quality Management Manual, available at <https://www.thename.org/assets/docs/4.1-4.2%20Bias%20and%20Confidentiality.pdf>.

³²¹ Spokane County Medical Examiner Quality Management Manual, available at <https://www.thename.org/assets/docs/4.1-4.2%20Bias%20and%20Confidentiality.pdf>.

such liability is not known at investigation or autopsy, and isn't apparent until later. The office investigations and autopsy are independent, and Spokane County is only entitled to results and information about specific cases as prescribed by Washington State law. Either Medical Examiner or any other staff member can request legal counsel from the Spokane County assigned civil attorney, when it is their opinion that any county authority is attempting to influence an investigation or outcome, or makes a records request that doesn't meet the requirements of the law.³²²

Similarly, it states:

Though the Medical Examiner Investigators may be performing investigations where law enforcement or forensic unit personnel are also performing investigative work, the Medical Examiner's investigations are independent. Sources of information must be listed in each investigative report. While law enforcement personnel, forensic unit, and occasionally prosecutors may observe autopsy and body evidence collection, they are allowed no input into the inspection/examination process. These individuals witness, but don't participate.³²³

Although policy statements such as these cannot ensure independence and impartiality alone, they are important to show MEO staff and the City at large that the MEO takes these issues seriously and will strive to maintain independence and impartiality in everything it does. Therefore, we recommend that the MEO adopt a formal policy statement on independence and impartiality similar to the one used by Spokane County.

c. Recommendation 9: The MEO Should Provide All Employees Training on Cultural Diversity and Sensitivity that Is Specifically Tailored to the MEO.

Medical examiners, particularly in large multi-cultural cities like Philadelphia, encounter people of all colors, races, and religions and must be culturally aware in order to effectively fulfill their duties. For example, different cultures and religions have different burial practices, and it is important for medical examiners to understand those differences and respect them as much as possible when performing autopsies. Moreover, biological differences between races, such as differences in skin and hair, may impact an autopsy. Dr. Carter explained to us, for example, how some medical examiners have said that it is difficult or impossible to identify bruising on Black people, but that there is in fact an easy procedure that medical examiners can perform to identify

³²² Spokane County Medical Examiner Quality Management Manual, available at <https://www.thename.org/assets/docs/4.1-4.2%20Bias%20and%20Confidentiality.pdf>.

³²³ Spokane County Medical Examiner Quality Management Manual, available at <https://www.thename.org/assets/docs/4.1-4.2%20Bias%20and%20Confidentiality.pdf>.

bruising on Black people.³²⁴ She also explained that, in one case she worked on as an independent consultant, the original medical examiner who worked on the case misclassified the death as a homicide when, in reality, it was an accidental drowning. Dr. Carter explained that the medical examiner erred because they did not understand that Black people's hair dries more quickly than other races.³²⁵ Medical examiners who do not understand these differences may ultimately make mistakes that lead to the prosecution and incarceration of innocent people.

Although MEO personnel must complete whatever training is required by the City, they do not currently have any cultural diversity and sensitivity training that is specifically tailored to the MEO.³²⁶ Given the unique role of the MEO, however, and the importance of having MEO personnel who are as impartial as possible and understand and respect differences between cultures and races, we recommend that the MEO develop cognitive bias and cultural diversity and sensitivity training that is specifically tailored to what the MEO does every day. The training should highlight that all persons should be treated with dignity and respect in death and educate MEO personnel on cultural differences that may impact their work.

d. Recommendation 10: MEO Leadership Should Reflect a Reform-Minded Approach that Will Ensure the Independence and Neutrality of the MEO.

Policies and trainings are important. However, without a leader who is reform-minded and sets the proper tone for the MEO, no meaningful change will occur. The City is currently in the process of hiring a new Chief Medical Examiner. It is critical that the City hire someone with the character and courage to carry out the duties of the MEO, remain impartial and neutral, call things as they are, stand up to political pressure, communicate effectively with all communities about issues of public interest, and hold all MEO personnel to the same high standard. The Chief Medical Examiner should also be visible and accessible, not only to the community, but also to other City officials who should be informed of important information with respect to the work of the MEO. During the course of our investigation, the MMWR Review Team connected the Health Commissioner with Dr. Carter, who consulted with the Health Commissioner on important qualities for a new Chief Medical Examiner. Although not all of these qualities will be discussed here, we recommend that the Health Commissioner follow Dr. Carter's advice and carefully select the next Chief Medical Examiner to ensure that the MEO effectively serves all members of the community and regains its trust.

³²⁴ September 10, 2021 Interview of Dr. Carter.

³²⁵ September 10, 2021 Interview of Dr. Carter.

³²⁶ August 2, 2021 Interview of Dr. Gulino; March 24, 2022 Interview of Dr. Chu.

E. Collaboration with Outside Experts

1. Issues with the MEO's Collaboration with Outside Experts During the MOVE Investigation

Another issue that contributed to the mishandling of the MOVE victim remains was that the MEO did not have formalized agreements with the experts whom it consulted with throughout the course of the MOVE investigation, and the roles of these experts and the rules governing their work were never established. As discussed in Part One of the Report, in addition to the experts retained by the MOVE Commission, the MEO consulted with many experts, including at least four anthropologists: Dr. Alan Mann, Dr. Janet Monge, Dr. Judy Suchey, and Dr. Stephanie Damadio. From our discussions with Dr. Monge and a review of MEO records from the City Archives and Temple University's Special Collections Research Center, it appears that these experts were engaged informally through a series of discussions and letters.³²⁷ These communications did not sufficiently define the roles and responsibilities of the experts, the nature or duration of their work, what remains were being examined, or instructions for returning the remains to the MEO.

For example, in a December 23, 1985 letter to Dr. Suchey, Dr. Segal simply stated:

Enclosed please find the portions of the body we discussed a few days ago. I would appreciate it if you would examine them and determine the age of this black female recovered from a fire in Philadelphia. Any help you can give will be appreciated. Please send your report to me with a copy to Dr. Hameli. If you have any questions please do not hesitate to call me at 215-823-7478.³²⁸

With this letter, Dr. Segal sent remains from one of the MOVE victims to Dr. Suchey. He did not, however, specify who the victim was (although we know from other records that Dr. Suchey examined the remains of Body B-1), provide an inventory of exactly how many and what remains he was sending, provide any instructions or guidelines on what Dr. Suchey could or could not do with the remains, or provide any instructions for returning the remains to the MEO.

Similarly, Dr. Segal sent a March 6, 1986 letter to Dr. Damadio stating:

I have included the skeletal material on "MOVE" case B-1 and G. Please re-examine them to whatever extent you require and submit a written report as to their ages and return the material to me.

³²⁷ See November 1, 2021 Interview of Dr. Monge; December 23, 1985 Letter from Dr. Segal to Dr. Suchey, MOVE_08053; March 6, 1986 Letter from Dr. Segal to Dr. Damadio, MOVE_07992.

³²⁸ December 23, 1985 Letter from Dr. Segal to Dr. Suchey, MOVE_08053.

If you can, please advise me if mild to moderate chronic malnutrition would make skeletal material appear older or younger than its chronologic age.³²⁹

Although this letter identified the victims who Dr. Damadio was tasked with examining and specified that the remains should be returned to the MEO after her examination was completed, it also failed to provide an inventory of exactly how many and what remains Dr. Segal was sending or provide any instructions or guidelines on what Dr. Damadio could or could not do with the remains.

Finally, when the MEO transferred MOVE victim remains to the custody of Drs. Mann and Monge in September 1986, it did not even send a letter like those sent to Drs. Suchey and Damadio (let alone a contract). Instead, as discussed in Part Two above, to the MMWR Review Team's knowledge, the only record of the transfer that still exists today is Dr. Segal's handwritten "Memo to File" titled "MOVE" and dated September 23, 1986. The memorandum reads:

Bones arrived by mail from the Smithsonian and will be turned over to Allan [sic] Mann for his continued evaluation under an attached receipt.³³⁰

The attached "receipt" with the same date states:

Case No. MOVE
Received from [signature of Dr. Segal]
the following material in the case of "MOVE"
Various bones for anthropologic examination.
[signature of Dr. Monge].³³¹

This lack of instruction and documentation is problematic for many reasons. First, had the MEO created a detailed inventory of exactly what remains were being provided to Drs. Mann and Monge (rather than stating generically that "various bones" were being turned over for anthropological examination), there would be fewer questions concerning which remains the professors took to the Penn Museum in the first place and whether they ever took possession of remains that belonged to Body G or any MOVE victims other than B-1. Second, because the MEO did not create any contractual obligations to return the remains or instructions on when or how to do so in the event of staff turnover at the MEO, Drs. Mann and Monge felt that their duty to determine the identity of the MOVE victim remains continued indefinitely, even after Dr. Segal left the MEO in the late 1980s. Finally, the MEO did not set any requirements for the handling of the remains or any restrictions on how the MOVE victim remains could be used by Drs. Mann or Monge. For example, the MEO did not specify that the remains should not be used for academic

³²⁹ March 6, 1986 Letter from Dr. Segal to Dr. Damadio, MOVE_07992.

³³⁰ Memo and Receipt by Segal for Remains from Smithsonian, dated September 23, 1986, MOVE_08152.

³³¹ Memo and Receipt by Segal for Remains from Smithsonian, dated September 23, 1986, MOVE_08152.

or research purposes outside of efforts to identify the remains. Had the MEO done so, it is likely that Dr. Monge would not have used the remains as teaching subjects in her Princeton course in 2015 or the Coursera lecture series.

2. Recommendation 11: When Consulting With Outside Experts, the MEO Should Use Contracts that Sufficiently Define the Experts' Scope of Work and Provide Guidelines Setting Out What the Experts Can and Cannot Do With the Remains or Specimens at Issue.

Today, the MEO continues to engage expert consultants as needed, including forensic anthropologists and forensic odontologists, to aid it in making identifications in death investigations. Now, when it does so, the MEO provides these experts with written contracts (or professional services agreements), which include a written scope of services.³³² Moreover, instead of sending remains to anthropologists or other experts for examination, the MEO requires the experts to come to the MEO's facilities to examine the remains at issue.³³³

Although the MMWR Review Team believes that these practices—particularly the on-site examination requirement—will likely prevent another incident like this from happening again in the future, the MMWR Review Team recommends that the MEO review and refine the contracts/professional services agreements it uses with expert consultants in consultation with the Law Department. Among other things, in every case, anthropologists, odontologists, and other expert consultants should be provided with a written document that identifies the exact number and type of bones, organs, or tissue that the expert consultant will be examining (so that the chain of custody is clearly set out), spells out the scope of work, prohibits the expert consultant from performing any tests on the remains or specimens that would permanently alter them without express permission from the MEO, and prohibits the expert consultant from using the remains or specimens for any purpose outside of the explicit work they are doing for the MEO (unless those remains or specimens have been identified, and next of kin have given informed consent).

Moreover, if for any reason a particular case necessitates that remains or specimens be sent to an expert consultant (rather than the expert consultant coming to the MEO), the contract/professional services agreement should clearly state that the MEO retains jurisdiction over the remains or specimens, and that the remains or specimens must be promptly returned after they are examined. It should also provide detailed instructions on when and how to return the remains or specimens to the MEO. Finally, the contract/professional services agreement should make clear that, although the MEO is consulting with the expert, only the MEO has the legal authority to make official identifications and distribute remains or specimens to next of kin, and that the MEO can request the return of the remains or specimens at any time. In such cases, the MEO should also create and maintain a database to track all remains or specimens sent to any consultant for

³³² October 27, 2021 Interview of Dr. Chu.

³³³ October 27, 2021 Interview of Dr. Chu.

examination, and it should create a chain of custody record to be kept in the specific decedent's case file.³³⁴

F. Communication With Next of Kin and Other Family Members

1. Issues Concerning Communication With Next of Kin and Other Family Members

The MEO performs a public service, and conveying information in a clear, sensitive, and effective manner to surviving family members is a critical aspect of what the office does.³³⁵ Forensic investigators responding to a scene where a death has occurred may interact with the next of kin, other family members of the decedent, or other witnesses. And members of the public may call or walk into the MEO to inquire about investigations into the death of a family member, perform identifications, pick up personal effects, request copies of reports, or express their wishes concerning their loved ones' remains.

Notably, families of individuals who die in situations requiring an investigation by the MEO often experience additional challenges and emotions not faced by families following "normal or anticipated" deaths, and they may have questions and concerns as they accept information about the death of their loved one.³³⁶ As explained by the Scientific Working Group for Medicolegal Death Investigation, sudden deaths exacerbate feelings of grief and loss—regardless of the manner of death—and investigations generally delay and affect mourning rituals, create uncertainty, and add frustration and psychological stress.³³⁷ Therefore, how medicolegal professionals communicate with next of kin and other family members during and after an investigation has a direct impact on their ability to cope, their view of the medicolegal system, and their willingness to cooperate with the investigation and future proceedings.³³⁸

Several issues surrounding the MOVE case highlight the impact that inadequate communication from the MEO can have on family members. Some of these issues stem from historical decisions made by MEO personnel and other government actors in the 1980s. For example, all of the victims' remains were purportedly released for burial in 1985 and 1986. But,

³³⁴ See ISO/IEC 17020 Exemplar Policy on Subcontracting, available at <https://www.thename.org/inspection-accreditation>.

³³⁵ National Commission on Forensic Science, *Views of the Commission: Communication with Next of Kin and Other Family Members* (Sept. 13, 2016), available at <https://www.justice.gov/archives/ncfs/page/file/1004661/download> (hereafter, "*Views of the Commission: Communication with Next of Kin and Other Family Members*").

³³⁶ Scientific Working Group for Medicolegal Death Investigation, *Principles for Communicating with Next of Kin During Medicolegal Death Investigations* (June 2012), available at https://www.nist.gov/system/files/documents/2018/04/25/swgmdi_principles_for_communicating_with_next_of_kin_during_medicolegal_death_investigations.pdf (hereafter, "*Principles for Communicating with Next of Kin During Medicolegal Death Investigations*"), at 1.

³³⁷ *Principles for Communicating with Next of Kin During Medicolegal Death Investigations*, at 1.

³³⁸ *Principles for Communicating with Next of Kin During Medicolegal Death Investigations*, at 1.

from what the MMWR Review Team can tell, none of the next of kin who received those remains were informed that the MEO was retaining bones and other specimens from some of the bodies for purposes of continued analysis at the MEO or otherwise. Therefore, when family members of the victims learned in 2021 that the MEO re-discovered portions of some of the victims' remains in a storage room, and that at least one victim's remains were being held by an anthropologist at the Penn Museum, they were justifiably confused and outraged.

However, some of these issues stem from more recent decisions made by City officials. For instance, in 2017, when the box of MOVE remains at the MEO was first re-discovered by MEO personnel and brought to Dr. Farley's attention, Dr. Farley, after consulting with Dr. Gulino, decided not to inform the surviving next of kin of the victims or the MOVE organization as a group because he felt that doing so would open up old wounds.³³⁹ Instead, as discussed in detail in Part One of the Report, he ordered Dr. Gulino to have the MOVE remains cremated. Although Dr. Farley may have had what he believed was the best interests of the family in mind, his decision not to involve the families of the victims as soon as the remains were initially discovered created more mistrust and an even greater divide between the family members (MOVE members and non-MOVE members alike) and the City.

2. Recommendations

a. **Recommendation 12: The MEO Should Develop Formal Policies and Procedures Concerning Communications and Interactions With Next of Kin and Other Family Members During Death Investigations And Develop Resources to Provide Pertinent Information to Family Members.**

Before discussing recommendations directly relating to the issues discussed above, the MMWR Review Team recommends more generally that the MEO should develop formal policies and procedures concerning communications and interactions with next of kin and other family members and develop updated resources to provide next of kin with basic information concerning the MEO and the death investigation process.

Despite the communications shortcomings demonstrated by the MOVE case, it is clear from internal emails and memoranda and our discussions with MEO personnel that the MEO does consider communications with family members as one of its most important roles. For example, in July 2014, Dr. Gulino issued a memorandum to all MEO staff to reinforce his expectations for how the friends and families of decedents are to be treated, including, among other topics, how to treat family members and friends of decedents with empathy.³⁴⁰ In that memorandum, although he acknowledged that some bereaved families have expressed to him that they were treated less than compassionately by MEO personnel, Dr. Gulino stated that:

³³⁹ September 23, 2021 Interview of Dr. Farley.

³⁴⁰ July 22, 2014 Memorandum from Dr. Gulino to All MEO Staff re: Expectations for Providing Service with Compassion, MOVE_06176.

From time to time, I have received compliments from families about the excellent treatment they received from our staff. I am rarely prouder of the work we do than when I receive these compliments.³⁴¹

Similarly, one MEO employee told the MMWR Review Team that they consider the MEO's main goal to be to provide an accurate accounting of what happened to a decedent and relay that information to the decedent's family as compassionately and sensitively as possible.³⁴²

Although these individual memoranda and statements show that the MEO tries to ensure that families of decedents are communicated with effectively and compassionately, MEO personnel informed the MMWR Review Team that they do not have any formal policies or procedures concerning communications with next of kin and other family members. Therefore, as the National Commission on Forensic Science has recommended more generally for all coroners and medical examiners,³⁴³ the MEO should develop policies to support effective and sensitive interactions with family members.

Of course, every case is different, and these policies do not need to set out word-for-word what pathologists and investigators must say to family members and how they must interact with them. However, the policies should generally set out what information should be shared with family members, when it should be shared, and general principles that should govern the interactions. In developing such policies, the MEO should also consult the Scientific Working Group for Medicolegal Death Investigation's "Principles for Communicating with Next of Kin During Medicolegal Death Investigations," which sets out thirteen principles it believes should be followed by every medical examiner or coroner when interacting with next of kin. These principles include, among others, that sensitivity and respect for cultural, religious, and individual preferences should be pursued and accommodated to the extent that the investigation allows and that next of kin should be provided with reasonable expectations.³⁴⁴ Although many of these principles may already be followed by MEO social workers, investigators, and pathologists in practice, it is important to memorialize them in a policy to highlight the importance of such interactions to all MEO personnel, ensure uniformity between staff, and aid in knowledge transfer in the event of staff turnover.

The MEO should also develop updated resources so that basic information on death investigations—including what such investigations generally entail, why they are necessary, what to expect as far as a timeline, and more—can be communicated to next of kin and other interested members of the public in multiple formats. Many jurisdictions, for example, have developed

³⁴¹ July 22, 2014 Memorandum from Dr. Gulino to All MEO Staff re: Expectations for Providing Service with Compassion, MOVE_06176.

³⁴² March 30, 2022 Interview of David Quain.

³⁴³ *Views of the Commission: Communication with Next of Kin and Other Family Members*, at 2.

³⁴⁴ *Principles for Communicating with Next of Kin During Medicolegal Death Investigations*.

brochures that are handed out to family members who visit the MEO.³⁴⁵ Others have developed FAQ pages or similar information pages on their websites that provide this information to anyone who may be interested.³⁴⁶ And some offices even publish their policies and procedures online.

The MEO does have a “Visitor’s Guide” handout and an “MEO Practical Support Guide” that provide important information to members of the public who visit the MEO, including information on grief counseling, funeral planning, the City cremation process, how to recover personal belongings, and how to access an interpreter.³⁴⁷ However, unlike the brochures and information sheets used by other jurisdictions, the MEO’s handouts do not include background information on the MEO, what it does, and the importance of its work, including what an autopsy is and why autopsies are performed.³⁴⁸ Similarly, although the MEO’s website briefly explains that the MEO “determines the cause and manner of death for sudden, unexpected, and unnatural deaths in Philadelphia,” provides a link for those interested in requesting MEO records, provides a link to bereavement support resources for family members, provides a link to apply for an internship, and lists contact information,³⁴⁹ it does not have any information or FAQ pages that describe what the MEO does and why its work is important. The MMWR Review Team recommends that the MEO review and revise its webpage and informational handouts to include more information and to bring its resources more in line with the resources used by other medical examiner offices serving major cities. This will make the MEO more accessible to the community that it serves and ensure that next of kin who are interested in learning more about what happens at the MEO can access that information when desired.

b. Recommendation 13: The MEO Should Be Transparent with Family Members When Bones, Tissue, and/or Organs Are Retained for Extended Examination As Part of an Investigation.

Several of the specific issues concerning inadequate communication discussed above are connected by the repeating theme that the MEO withheld information about what was going on with the victims’ remains from family members, the information was later revealed, and the fallout

³⁴⁵ *Principles for Communicating with Next of Kin During Medicolegal Death Investigations*, at 2 – 3, Appendix D.

³⁴⁶ *See, e.g.*, Armed Forces Medical Examiner System, Medical-Legal Examinations Frequently Asked Questions, <https://health.mil/Military-Health-Topics/Combat-Support/Armed-Forces-Medical-Examiner-System/Office-of-the-Armed-Forces-Medical-Examiner/Medical-Legal-Examinations> (last visited May 24, 2022); Los Angeles County Medical Examiner-Coroner, FAQ’s, <https://mec.lacounty.gov/faqs/> (last visited May 24, 2022); Washington, D.C. Office of the Chief Medical Examiner, COME – FAQs, available at <https://ocme.dc.gov/page/ocme-faqs> (last visited May 24, 2022).

³⁴⁷ March 30, 2022 Interview of David Quain; The Philadelphia Medical Examiner’s Office: A Visitor’s Guide; MEO Practical Support Guide.

³⁴⁸ *See Principles for Communicating with Next of Kin During Medicolegal Death Investigations*, at 2 – 3, Appendix D.

³⁴⁹ City of Philadelphia/ Medical Examiner’s Office, <https://www.phila.gov/departments/medical-examiners-office/> (last visited May 24, 2022).

was much worse than it would have been had the MEO kept the family members fully informed of what was going on from the beginning. This brings us to a routine practice that is carried out by medical examiner offices across the country: the retention of specimens—whether it be bone fragments, tissue, organs, or other biological material—for analysis during death investigations.

As discussed above, medical examiners are tasked with identifying decedents in sudden death cases and determining the cause and manner of their deaths. Oftentimes, this requires the collection and retention of tissue and fluid specimens.³⁵⁰ Usually, only fluids for toxicology and other laboratory analysis and small portions of tissue for microscopic analysis are retained.³⁵¹ Unlike in 1985, it is rare for medical examiners today to retain large fragments of bone from decedents. However, in some cases, small, two-inch bone fragments are retained for DNA analysis.³⁵² In other cases, full organs—like hearts or brains—must be retained for continued analysis. And brains—which must be set in a chemical solution and sit for an extended period of time before a medical examiner can conduct their analysis—may sometimes be held by the medical examiner even after a decedent’s remains are released for burial.³⁵³

It is largely undisputed that medical examiners in most jurisdictions have the legal authority to take and retain these types of specimens (including full organs) without authorization from next of kin when doing so is necessary to determine the cause and/or manner of death of a decedent.³⁵⁴ And, although it may sound harsh to many readers, pursuant to most states’ laws, including Pennsylvania’s, medical examiners have the authority to dispose of such specimens as medical waste after they are finished with their analysis.³⁵⁵ However, although the MEO does not have a legal requirement to notify next of kin or other family members when such specimens are retained, we believe that, from an equity standpoint, the MEO should consider the next of kin, keep them informed, and be transparent with their continued efforts to provide answers about the death of their loved one.

NAME has recognized that medical examiner offices across the country have different approaches to this issue.³⁵⁶ Some offices—like the Philadelphia MEO—treat all specimens the

³⁵⁰ National Association of Medical Examiners, *Position Statement on the Collection, Retention, and Disposition of Biologic Specimens by Medicolegal Investigative Agencies* (Nov. 18, 2008), available at <https://name.memberclicks.net/assets/docs/e77b65f8-a9f6-4ff6-952a-684865068669.pdf> (hereafter, “NAME Position Statement on the Collection, Retention, and Disposition of Biologic Specimens”).

³⁵¹ NAME Position Statement on the Collection, Retention, and Disposition of Biologic Specimens, at 1.

³⁵² October 27, 2021 Interview of Dr. Chu.

³⁵³ October 27, 2021 Interview of Dr. Chu.

³⁵⁴ NAME Position Statement on the Collection, Retention, and Disposition of Biologic Specimens, at 1.

³⁵⁵ See, e.g., 16 P.S. § 1219-B(d)(2) (“Retained tissue, organs, blood, other bodily fluid, gas or another specimen from an autopsy are medical waste and shall be disposed of in accordance with applicable Federal and State Laws.”).

³⁵⁶ NAME Position Statement on the Collection, Retention, and Disposition of Biologic Specimens, at 1 – 2.

same and do not notify families about their retention or disposition.³⁵⁷ Other offices approach next of kin, either before or after an autopsy, verbally or in writing, to inform them when whole organs or other large specimens have been retained and to request their preferences for disposition after the medical examiners' analysis is complete.³⁵⁸ And others notify families about their general specimen collection and retention practices through pamphlets or other materials and inform families that they may request a specific type of disposition for organs and other large specimens if they so desire, thereby placing an affirmative duty on the families to do so.³⁵⁹

NAME has not taken an official position on this issue and has stated that it “recognizes and supports that varying policy considerations cause medicolegal death investigation offices to vary in their policies and practices.”³⁶⁰ The rationale offered by the MEO and other medical examiner offices that choose not to provide this information to families is that, while some next of kin may wish to know what is happening with their loved one's organs, bones, and tissue, many would be traumatized to learn the details of what happens in an autopsy and that their loved one's brain will be or has been dissected and examined.³⁶¹ In other words, some “grieving [next of kin] find the question of retention to be offensive and callous and find discussion or later contact of disposition of retained specimens to be emotionally distressing.”³⁶² Critics of a notification policy also fear that such notifications may imply a right to stop the medical examiner from retaining specimens that families do not have, create an expectation that may result in disappointment, and deter medical examiners from retaining brains and hearts for a more careful examination even when such examination is needed.³⁶³

Offices that do notify the family when full organs or other large specimens are retained for additional analysis, however, argue that transparency is the best policy because the emotional harm is worse for families who find out after a burial or cremation that organs or other specimens were retained.³⁶⁴ The trauma that such discoveries can cause is highlighted by the MOVE case and the

³⁵⁷ NAME Position Statement on the Collection, Retention, and Disposition of Biologic Specimens, at 1. **NOTE:** In late May 2021, Dr. Cheryl Bettigole, who is now the Health Commissioner but was serving as the Acting Health Commissioner at that time, instructed the MEO to stop disposing retained organs and to defer the creation of new policies until the completion of this Report.

³⁵⁸ NAME Position Statement on the Collection, Retention, and Disposition of Biologic Specimens, at 1 – 2.

³⁵⁹ NAME Position Statement on the Collection, Retention, and Disposition of Biologic Specimens, at 2.

³⁶⁰ NAME Position Statement on the Collection, Retention, and Disposition of Biologic Specimens, at 1.

³⁶¹ October 27, 2021 Interview of Dr. Chu.

³⁶² Victor W. Weedn, *Organ Retention Litigation*, Academic Forensic Pathology: The Publication of the National Association of Medical Examiners Foundation (June 3, 2021) (hereafter, “*Organ Retention Litigation*”), at 167.

³⁶³ *Organ Retention Litigation*, at 167.

³⁶⁴ Clarissa S. Krinsky, et. al., *A Policy for the Retention and Extended Examination of Organs at Autopsy*, J. Forensic Sci., Vol. 55, No. 2 (Mar. 2010) (hereafter, “*A Policy for the Retention and Extended Examination of Organs at Autopsy*”); September 10, 2021 Interview of Dr. Carter; November 3, 2021 Interview of Dr. Williams.

other incidents involving the MEO that took place in the 1990s, but these cases are not the only examples of what happens when a family discovers after burial that remains or specimens from their loved ones had been retained by a medical examiner without their knowledge.

For instance, in 2005, a seventeen-year-old boy died after a motor vehicle accident, and the case was investigated by the New York City Office of the Chief Medical Examiner.³⁶⁵ Without informing the decedent's parents, a pathologist removed and retained his brain for further analysis that is consistent with those types of cases. Four days after the accident, the decedent's remains were returned to the victim's family and buried. Approximately three months later, the decedent's parents learned that, during a field trip to the medical examiner's office, classmates of the decedent had seen a jar in a cabinet holding his brain. This discovery outraged the decedent's parents and resulted in prolonged litigation.³⁶⁶

In response to the claim that family members will be more traumatized if they are notified that specimens are being retained or will not understand the purpose of such retention, medical examiners that have adopted policies in favor of notification point out that it is the medical examiner's job to make such notifications as respectfully and compassionately as possible and to help the families understand why certain specimens need to be retained.³⁶⁷ For example, in 2002, the New Mexico Office of the Medical Examiner developed a protocol for the verbal notification of next of kin via telephone on the day of an autopsy exam when a full brain is retained.³⁶⁸ They developed this policy after two incidents where families suffered significant stress after they learned that complete organs had been kept for an extended examination after the release of their loved ones' bodies.³⁶⁹ The New Mexico Office of the Medical Examiner has reported that, rather than contributing to the stress of the grieving, many family members appreciated being involved in the decision making process and having their wishes considered.³⁷⁰ That office also found that the policy helped facilitate rapport and trust with families, provided an element of legal protection for the office, and did not seem to deter pathologists from retaining organs for further analysis, as some critics have expected.³⁷¹ Notably, in cases where the pathologist deems retention necessary for a full investigation, such as in homicides or child abuse cases, the next of kin are not asked for permission to perform an extended examination, but are merely notified that the brain is being retained for further examination and consulted on their preferred disposition of the brain after the examination.³⁷²

³⁶⁵ *Organ Retention Litigation*, at 165.

³⁶⁶ *Organ Retention Litigation*, at 165.

³⁶⁷ September 10, 2021 Interview of Dr. Carter.

³⁶⁸ *A Policy for the Retention and Extended Examination of Organs at Autopsy*, at 418.

³⁶⁹ *A Policy for the Retention and Extended Examination of Organs at Autopsy*, at 418.

³⁷⁰ *A Policy for the Retention and Extended Examination of Organs at Autopsy*, at 421.

³⁷¹ *A Policy for the Retention and Extended Examination of Organs at Autopsy*, at 421.

³⁷² *A Policy for the Retention and Extended Examination of Organs at Autopsy*, at 419.

NAME has conducted multiple surveys on this issue, with the latest (to the MMWR Review Team’s knowledge) taking place in 2014.³⁷³ At that time, seventy-five percent of medical examiner offices that responded reported that they do not notify next of kin when full organs are retained for an extended examination.³⁷⁴ Although it may not be the majority position, several of the chief medical examiners we spoke with agreed that transparency is the best policy when it comes to specimen retention,³⁷⁵ and one of the chiefs whose office currently does not notify family members when full organs are retained has recently been considering whether to start doing these types of notifications and recognized this practice as a growing trend.³⁷⁶

With this context in mind, the MMWR Review Team recommends that the MEO develop a practice of notifying next of kin when it retains full organs, pieces of bone, or other large specimens for extended analysis and give next of kin options for how they would like the burial of their loved one and the disposition of those specimens handled.³⁷⁷ Potential options can include, among others, the (1) immediate release of the body and extended examination of the specimen with standard disposal of the specimen after the examination is complete; (2) immediate release of the body and extended examination of the specimen with cremation of the specimen after the examination is complete and return of the cremains to the family; or (3) delay of body release until the extended examination of the specimen is complete and release of the fully body with the specimen to a funeral home at that time.³⁷⁸

Although the MMWR Review Team notes that the MEO already has a practice of considering objections to autopsies from families based on religious and other reasons and weighing the family’s interests against the public’s interest in conducting a full autopsy in deciding whether a full autopsy needs to be conducted in a given case,³⁷⁹ the MMWR Review Team is not suggesting that the MEO needs to ask next of kin for permission to retain specimens and conduct extended examinations. The decision whether to retain specimens for extended examination should continue to be made by the individual pathologist based on the specifics of the case and the

³⁷³ *Organ Retention Litigation*, at 167.

³⁷⁴ *Organ Retention Litigation*, at 167.

³⁷⁵ September 10, 2021 Interview of Dr. Carter; January 17, 2022 Interview of Dr. Gill; November 3, 2021 Interview of Dr. Williams.

³⁷⁶ November 4, 2021 Interview of Dr. Lucas.

³⁷⁷ **NOTE:** As NAME has noted, the practical distinction between small and large specimens is “imprecise, artificial, and illusory and no true distinction exists.” *NAME Position Statement on the Collection, Retention, and Disposition of Biologic Specimens*, at 2. The MMWR Review Team suggests that, whenever there may be doubt as to whether family should be notified, the MEO should air on the side of more transparency.

³⁷⁸ *A Policy for the Retention and Extended Examination of Organs at Autopsy*, at 419.

³⁷⁹ December 18, 2014 Email from Dr. Gulino Concerning Objections to Autopsy / Organ and Tissue Donation, MOVE_01963.

MEO's policies, but, should such specimens be retained, the MEO should inform the family of that fact.

As for the method of notifying next of kin, the MMWR Review Team defers to the MEO. As discussed above, some offices provide such notification verbally over the phone,³⁸⁰ some send next of kin forms that say what specimens have been retained, why, and give options for how such specimens should be handled after examination,³⁸¹ and one chief medical examiner we spoke with suggested an alternative approach may be for the MEO to communicate information about specimen retention and available options to family members through the family member's funeral home of choice, as funeral home directors may be able to share this information with family members in a more delicate manner.³⁸² The MMWR Review Team notes, however, that the MEO should not rely solely on the autopsy report as a means of informing family members that specimens have been retained, as a few lines about retention in an autopsy report can be easily overlooked. To help develop a policy in this area, the MEO should reach out to other medical examiners who provide such notifications to discuss how their policies work in practice, including the New Mexico Office of the Medical Examiner, Dr. Carter, and others.

The MMWR Review Team recognizes that some family members may become upset and have questions for the MEO after they learn that their loved one's bones, brain, or other specimens have been retained for extended analysis. However, the paternalistic arguments against notification—that notifications will simply cause more grief—are based on the same rationale that was used by Dr. Farley in reaching his decision not to notify family members when the remains of the MOVE victims were re-discovered in 2017. Although such rationale may come from a desire to prevent harm, we have seen firsthand what hiding the truth from families can do. Instead, the MEO should adopt a policy in favor of transparency, and it should inform next of kin when whole organs, pieces of bone, or other large specimens are kept for extended analysis and give them an opportunity to be involved in the decision making process if they wish to be.

There is one other related issue that requires discussion. As has been publicly discussed in media reports, Dr. Farley believed that the MOVE remains that were re-discovered at the MEO in 2017 were autopsy "specimens" that, according to Pennsylvania law and MEO policy, could be disposed of without notifying next of kin, as opposed to "remains," which should be returned to next of kin for burial or cremation.³⁸³ He gained this understanding from Dr. Gulino.³⁸⁴

In discussions with the MMWR Review Team, Dr. Gulino consistently confirmed his position that the skeletal materials in the box re-discovered at the MEO in 2017 (and again in 2021)

³⁸⁰ *A Policy for the Retention and Extended Examination of Organs at Autopsy*, at 419.

³⁸¹ September 10, 2021 Interview of Dr. Carter.

³⁸² January 17, 2022 Interview of Dr. Gill.

³⁸³ September 23, 2021 Interview of Dr. Farley.

³⁸⁴ September 23, 2021 Interview of Dr. Farley.

are specimens, not remains.³⁸⁵ He stated that a specimen is something, like blood or a piece of tissue, that a medical examiner keeps as a routine practice or for a particular purpose such as toxicology testing or DNA testing, and that remains are the rest of the body that the MEO releases to the next of kin at the conclusion of an investigation.³⁸⁶ Dr. Gulino reasoned that, because the bodies of all of the MOVE victims had been released to next of kin in 1985 and 1986, he assumed that everything in the box, including the larger bone fragments such as the clavicles, femur bone, and pelvic bone, were originally kept by the MEO for a specific purpose (such as additional examination or testing for identification purposes).³⁸⁷ Therefore, even though these types of larger bone fragments are not typically saved as specimens by the MEO or other medical examiners today, he concluded that they were all specimens and could be disposed of without notifying next of kin.³⁸⁸

Dr. Chu agreed with Dr. Gulino’s definition of “remains” vs. “specimens,” reinforcing the notion that the distinction between what is a specimen and what is not a specimen is based on whether one is dealing with something that was retained by the MEO for a specific purpose (not what type of biological material is being retained).³⁸⁹ However, Dr. Chu acknowledged that the skeletal materials in the MEO Box are more of a “gray area” because they are not the types of things that are usually kept as an autopsy specimen.³⁹⁰

Dr. Carter, in contrast, stated that she only considers tissue and bodily fluids that can be kept in small jars as “specimens.”³⁹¹ She stated that larger bones like some of those found in the MEO Box are not “specimens,” and that, if a box of bones like this was found in her jurisdiction, she would have treated them like remains and reached out to the next of kin, if identifiable, to inform them what had happened and invite them to have a discussion about next steps.³⁹²

The MMWR Review Team is not aware of any special recognized definition of the terms “specimens” and “remains” as used in forensic pathology. In NAME’s position statement on the retention of organs, they state that:

³⁸⁵ August 2, 2021 Interview of Dr. Gulino; February 17, 2022 Interview of Dr. Gulino.

³⁸⁶ August 2, 2021 Interview of Dr. Gulino; February 17, 2022 Interview of Dr. Gulino.

³⁸⁷ August 2, 2021 Interview of Dr. Gulino; February 17, 2022 Interview of Dr. Gulino.

³⁸⁸ August 2, 2021 Interview of Dr. Gulino; February 17, 2022 Interview of Dr. Gulino. **NOTE:** It is worth noting that Dr. Gulino stated that, whether you characterize the skeletal materials as remains or specimens, it was completely improper for the MEO to retain them without documenting that it was doing so and why and then keep them in a storage room for personal effects for over thirty years.

³⁸⁹ October 13, 2021 Interview of Dr. Chu.

³⁹⁰ October 13, 2021 Interview of Dr. Chu.

³⁹¹ August 9, 2021 Interview of Dr. Carter.

³⁹² August 9, 2021 Interview of Dr. Carter.

“The next-of-kin have sepulchral custodial interests in the corporeal remains of their loved ones and may choose the disposition of such remains. However, it is the view of NAME that these interests do not extend to the biological (including organs, tissues and fluids) and non-biological specimens that are specifically collected and retained for forensic examination, testing, potential future diagnostic use, or evidentiary purposes.³⁹³

NAME does not, however, define these terms. Nor is the MMWR Review Team aware of any definition of these terms under Pennsylvania law.

Although it is open to scientific debate, the MMWR Review Team believes that the skeletal material in the box should have been treated as remains, not specimens, and believes that the families of the victims should have been contacted right away. Regardless of whether the materials were remains or specimens, the MMWR Review Team believes that the MEO can avoid issues like this in the future if it adopts a practice of notifying next of kin when it retains organs or other large specimens during an autopsy.

G. Documentation Practices

1. Issues Concerning Inadequate Documentation

As discussed above in various sections of the Report, the MEO’s investigation of the remains of the victims of the Bombing was plagued by inadequate documentation at almost every stage. MEO personnel did not sufficiently document the collection of remains and other evidence at the scene or the initial examinations of the bodies back at the MEO. Nor did they sufficiently document the chain of custody of the remains, including what was sent to various experts for review, what was being retained by the MEO for additional analysis after the remains were released to the families, or why they were being retained.

Although MEO personnel have ensured the MMWR Review Team that its documentation practices have improved since the 1980s and that they constantly emphasize to personnel that “if something is not documented, it did not happen,”³⁹⁴ it is important to note that issues involving inadequate documentation continued in 2017 when the box of MOVE victim remains was re-discovered at the MEO. Although other chief medical examiners we spoke with said that the discovery of the box should have been thoroughly documented—including a description of where and when the box was found, a description of all the remains in the box (their condition, measurements, etc.), and photographs of all the remains³⁹⁵—the discovery of the MOVE victim remains in 2017 was not well documented. In fact, the only record concerning the MOVE victim remains that was created in 2017 was a typed out list of “ITEMS FOUND IN MOVE BOX” that appears to have been created by Harlan Christopher Rogers (as indicated by the fact that his initials

³⁹³ NAME Position Statement on the Collection, Retention, and Disposition of Biologic Specimens, at 1.

³⁹⁴ March 30, 2022 Interview of David Quain.

³⁹⁵ September 10, 2021 Interview of Dr. Carter.

are on the lower left hand corner of the document) on November 21, 2017 (approximately ten months after the meeting when Dr. Farley gave the direction to cremate the remains).³⁹⁶ However, Mr. Rogers was the investigator supervisor, not a pathologist, and he only listed out the number of separate remains that were found in the box and what the accompanying labels said. He did not describe the condition of the remains or provide any other detail.

Moreover, following the discovery of the remains, Dr. Gulino met with Dr. Farley to discuss what should be done with the box, and Dr. Farley ordered that the remains should be cremated and disposed of. No record was made documenting Dr. Farley's decision. Then, Dr. Gulino instructed Mr. Quain to cremate the box, and Mr. Quain delegated the assignment to Mr. Rogers. But again, none of these orders were formally documented. The only written record of the cremation order was made by Mr. Quain, who kept a copy of the 2017 Inventory List created by Mr. Rogers and handwrote "cremated?" on the paper, later crossing out the question mark when he came to believe that the remains had been cremated.³⁹⁷

2. Recommendation 14: The MEO Should Develop Formal Policies and Procedures Concerning Documentation and Record-Keeping.

To ensure that better documentation is created in the future, the MMWR Review Team recommends that the MEO review its documentation practices and develop formal policies and procedures concerning documentation and record-keeping. Such policies and procedures should set stringent documentation requirements for every stage of a death investigation, including, among other things, initial notification of death, scene investigation, autopsy, retention of specimens, and release of remains to next of kin. Documentation practices must be sufficiently detailed so that similar questions about the chain of custody of remains investigated by the MEO will not arise again in the future.

H. Accreditation

1. Issues Concerning Accreditation

For years, commentators have recommended that medical examiner offices across the country pursue accreditation with a recognized accrediting organization, including the National Association of Medical Examiners ("NAME"), the International Association of Coroners and Medical Examiners ("IACME"), and/or the American National Standards Institute National Accreditation Board ("ANAB").³⁹⁸ The benefits of accreditation are straightforward. Because

³⁹⁶ MOVE 2017 Inventory, MOVE_07473.

³⁹⁷ August 23, 2021 Interview of Mr. Quain.

³⁹⁸ *Strengthening Forensic Science in the United States*, at 267 ("All medical examiner offices should be accredited pursuant to NIFS [National Institute of Forensic Science]-endorsed standards within a timeframe to be established by NIFS."); *Achieving Justice: Freeing the Innocent, Convicting the Guilty – Report of the ABA Criminal Justice Section's Ad Hoc Innocence Committee to Ensure the Integrity of the Criminal Process*, 37 Sw. U. L. Rev. 763, 839 (2008) ("The Committee does not recommend any particular type of accreditation program or endorse any particular organization. It does believe, however, that rigorous accreditation standards should be mandated, and that regulation of crime laboratories is the best way to accomplish this goal."); National Commission on Forensic Science, Medicolegal Death Investigation Subcommittee, *Recommendation to the Attorney General: Accreditation of*

there is no nationally required set of performance standards for medical examiners, and because state law provides little guidance or checks on medical examiners, there is great variability in the practice of death investigation across jurisdictions, and, unless individual offices independently seek it out, there is little peer review or third-party quality assurance of medical examiners' work. Accreditation demonstrates compliance with industry and professional standards and performance criteria—including that an office has functional standard operating procedures, adequate staff, equipment, and training, and a suitable physical facility—and provides an independent measure of assurance to citizens of the community being served.³⁹⁹

For example, NAME and IACME both provide accreditation through scheduled independent reviews and inspection processes to ensure that a medical examiner's office meets their requirements, which are developed by committee and made available online.⁴⁰⁰ The accreditation requirements cover a wide range of issues (many of which have been discussed above), including staffing, general facilities, security, safety, mass disaster planning, quality assurance, investigation techniques, morgue operations, evidence and specimen collection and retention, record-keeping, the maintenance of standard policies and procedures, and more. Verification of office adherence to each standard is performed by trained inspectors, and inspections typically involve on-site evaluations that include the review of submitted documentation, the observation of office practices, and interviews with appropriate personnel.⁴⁰¹ Full on-site inspections are required every five years, with annual reporting and committee reviews

Medicolegal Death Investigation Offices (Dec. 2015), available at <https://www.justice.gov/archives/ncfs/page/file/787236/download>, at 1 (“The National Commission on Forensic Science requests that the Attorney General of the United States approve a policy that recommends that all offices, facilities, or institutions performing government-funded official medicolegal death investigation activities for medical examiner/coroner system, be accredited by the end of the year 2020.”) (hereafter, “*Recommendation to the Attorney General: Accreditation of Medicolegal Death Investigation Offices*”); United States Department of Justice, Office of Justice Programs, National Institute of Justice, *Report to Congress: Needs Assessment of Forensic Laboratories and Medical Examiner/Coroner Offices* (Dec. 2019), available at <https://www.justice.gov/olp/page/file/1228306/download>, at 76 (“[A]dditional resources are needed to encourage further ME/C office accreditation, advance the quality of MDI [medicolegal death investigation] services, and increase public trust in these services.”) (hereafter, “*Report to Congress: Needs Assessment of Forensic Laboratories and Medical Examiner/Coroner Offices*”).

³⁹⁹ See *Strengthening Forensic Science in the United States*, at 258; *Recommendation to the Attorney General: Accreditation of Medicolegal Death Investigation Offices*, at 2; *Report to Congress: Needs Assessment of Forensic Laboratories and Medical Examiner/Coroner Offices*, at 76.

⁴⁰⁰ See *NAME Inspection and Accreditation Checklist Adopted 2018*, available at <https://www.thename.org/assets/docs/NAME%20Accreditation%20Checklist%202019%20-%202024%203%2018-2021.pdf>; *IACME Accreditation Requirements*, available at https://cdn.ymaws.com/theiacme.com/resource/resmgr/files/standards_-_site_version.pdf.

⁴⁰¹ Scientific Working Group for Medicolegal Death Investigation, Training Committee, *Report of the Comparison of the NAME and the IAC&ME Accreditation Standards* (Nov. 2012), available at https://www.nist.gov/system/files/documents/2018/04/24/swgmdi_comparison_of_name_and_the_iacme_accreditation_standards.pdf (hereafter, “*Report of the Comparison of the NAME and the IAC&ME Accreditation Standards*”), at 2.

to ensure continued compliance.⁴⁰² Although accredited medical examiner offices can still make mistakes, accreditation can increase the quality of work, ensure that an office is up to date with best practices, advance professional accountability and transparency, and increase public trust.⁴⁰³

Despite these benefits, the MEO is not currently accredited by NAME, IACME, or ANAB.⁴⁰⁴ Notably, because medical examiner and coroner offices across the country are constrained by budgets, lack of staff, lack of equipment, and insufficient facilities, the MEO is not alone in its unaccredited status. In 2016, out of an estimated 2,400 medical examiner and coroner offices nationwide, only 82 medical examiner and coroner offices were accredited by NAME, and 21 medical examiner and coroner offices were accredited by IACME.⁴⁰⁵ However, this number has grown in recent years. As of May 2022, 101 death investigation offices have some form of accreditation status with NAME (either full or provisional),⁴⁰⁶ 34 medical examiner and coroner offices are accredited by IACME,⁴⁰⁷ and 3 medical examiner offices are accredited by ANAB (which, according to the chief medical examiners we consulted with, has the highest standards of all three accrediting bodies).⁴⁰⁸ Moreover, although a minority of medical examiner and coroner offices nationwide are accredited, the majority of medical examiner offices serving the largest cities in the United States are accredited. In fact, among the ten most populated cities in the country, Philadelphia is one of only three that are not served by a medical examiner's office that is accredited by NAME, IACME, and/or ANAB.⁴⁰⁹ And every chief medical examiner we spoke with from other jurisdictions agreed that some form of accreditation or peer review is important to

⁴⁰² *Report of the Comparison of the NAME and the IAC&ME Accreditation Standards*, at 2.

⁴⁰³ *See Report to Congress: Needs Assessment of Forensic Laboratories and Medical Examiner/Coroner Offices*, at 65.

⁴⁰⁴ **NOTE:** The MEO was accredited by NAME but lost its accreditation status in 2003. *See* Aubrey Whelan, *Questions persist on MOVE remains – Africa family members have not been allowed to see the box found weeks ago at the medical examiner's office*, Philadelphia Inquirer (June 20, 2021), available at <https://www.inquirer.com/news/move-bombing-remains-philadelphia-questions-20210620.html>.

⁴⁰⁵ *Report to Congress: Needs Assessment of Forensic Laboratories and Medical Examiner/Coroner Offices*, at 76.

⁴⁰⁶ National Association of Medical Examiners, Listing of Accredited Facilities, https://www.thename.org/index.php?option=com_mcdirectorysearch&view=search&id=12295#/ (last visited May 24, 2022).

⁴⁰⁷ International Association of Coroners & Medical Examiners, Currently Accredited Offices, <https://theiacme.com/page/CurrentlyAccredited> (last visited May 24, 2022).

⁴⁰⁸ ANSI National Accreditation Board, Directory of Accredited Organizations, <https://search.anab.org/> (last visited May 24, 2022).

⁴⁰⁹ *Compare* World Population Review The 200 Largest Cities in the United States by Population 2022, <https://worldpopulationreview.com/us-cities> (last visited May 24, 2022) (listing New York City, Los Angeles, Chicago, Houston, Phoenix, Philadelphia, San Antonio, San Diego, Dallas, and San Jose as the ten most populated cities in the United States), with NAME's, IACME's, and ANAB's list of currently accredited medical examiner and coroner offices.

ensure that a medical examiner's office has oversight and is meeting minimal requirements for forensic investigations.⁴¹⁰

2. Recommendation 15: The MEO Should Pursue Accreditation.

For these reasons, the MMWR Review Team recommends that the MEO—with full support from the City—pursue accreditation with one of the accrediting bodies discussed above, and we have been assured that this will be a priority for the next Chief Medical Examiner that is appointed. The MMWR Review Team discussed accreditation with multiple current and former employees of the MEO and the DPH. Like other medical examiner and coroner offices across the country, we learned that, in recent years, the primary obstacle that has stood in the MEO's path to accreditation has been understaffing of forensic pathologists.⁴¹¹ Other major obstacles included issues with the MEO's old facility, but these issues have been resolved since the MEO moved to a new facility earlier this year.⁴¹²

As for the staffing issue, both NAME and IACME recommend an autopsy caseload of no more than 250 autopsies per year for each forensic pathologist.⁴¹³ For NAME accreditation purposes, it is considered a Phase I violation if a pathologist performs over 250 autopsies per year, and it is considered a Phase II violation if a pathologist performs over 325 autopsies per year.⁴¹⁴ An inspection finding of no more than fifteen Phase I deficiencies and no Phase II deficiencies is required for full accreditation with NAME.⁴¹⁵ An inspection finding of no more than twenty-five Phase I and no more than five Phase II deficiencies is required for provisional accreditation.⁴¹⁶ Provisional accreditation may be extended for up to three subsequent and sequential twelve-month

⁴¹⁰ August 9, 2021 Interview of Dr. Carter; October 27, 2021 Interview of Dr. Lucas; November 3, 2021 Interview of Dr. Williams; January 17, 2022 Interview of Dr. Gill.

⁴¹¹ See August 2, 2021 Interview of Dr. Gulino; August 24, 2021 Interview of Dr. Johnson; September 23, 2021 Interview of Dr. Farley.

⁴¹² March 24, 2022 Interview of Dr. Chu.

⁴¹³ *NAME Inspection and Accreditation Checklist Adopted 2018*, available at <https://www.thename.org/assets/docs/NAME%20Accreditation%20Checklist%202019%20-%202024%203%2018-2021.pdf>; *IACME Accreditation Requirements*, available at https://cdn.ymaws.com/theiacme.com/resource/resmgr/files/standards_-_site_version.pdf.

⁴¹⁴ *NAME Inspection and Accreditation Checklist Adopted 2018*, available at <https://www.thename.org/assets/docs/NAME%20Accreditation%20Checklist%202019%20-%202024%203%2018-2021.pdf>.

⁴¹⁵ NAME Policies and Procedures Manual (Amended Apr. 1, 2021), available at <https://www.thename.org/assets/docs/2021%20NAME%20Policy%20Manual%20%204%201%202021%20Final.pdf>, at 38.

⁴¹⁶ NAME Policies and Procedures Manual (Amended Apr. 1, 2021), available at <https://www.thename.org/assets/docs/2021%20NAME%20Policy%20Manual%20%204%201%202021%20Final.pdf>, at 38.

periods if NAME is satisfied that there have been and are ongoing efforts to address deficiencies that continue to foreclose full accreditation.⁴¹⁷

In 2021, the MEO conducted 1,721 autopsies.⁴¹⁸ Although the number of pathologists in the office fluctuated throughout the year (the MEO was able to hire two new forensic pathologists last year, but Dr. Gulino left the office mid-year), the MEO ended the year with seven pathologists on staff.⁴¹⁹ Based on the number of pathologists at year-end, the average caseload at the MEO was about 246 autopsies per pathologist, which is meeting the goal for accreditation. However, when you consider that Dr. Chu, who is the Acting Chief Medical Examiner, is counted as one of the seven pathologists, and that the Chief Medical Examiner, who is responsible for carrying out many administrative duties, cannot dedicate as much time to autopsies as the other pathologists, the average caseload per pathologist at the MEO in 2021 was likely much higher. Moreover, because of the opioid crisis, various consequences of the COVID-19 pandemic, and an increase in homicides, among other reasons, case counts continue to rise in Philadelphia.⁴²⁰

Fortunately, the MEO has already retained a new forensic pathologist this year (increasing its total to eight), and it has the budget to hire two additional forensic pathologists this year (including a new permanent Chief Medical Examiner).⁴²¹ The MEO is currently working to fill those positions, and high level personnel believe that these new pathologists will allow them to meet NAME's case ratio requirement.⁴²² However, the MMWR Review Team recognizes that, since there are only an estimated 400 to 500 physicians who practice forensic pathology full time, which is less than half of the total estimated need of 1,100 to 1,200 forensic pathologists for the United States,⁴²³ hiring and retaining forensic pathologists is not a simple matter of budget. Therefore, the MMWR Review Team recommends that the City should work with the MEO and give them the support that is needed to fill its open positions. The City and the MEO should also monitor the caseloads of the forensic pathologists and open up additional positions for forensic pathologists if the ratio of cases to pathologists falls below the minimum standard set by NAME and IACME in the future. As recommended by Councilwoman Cindy Bass, the MEO should also consider working with local students in Philadelphia's public schools who are interested in careers

⁴¹⁷ NAME Policies and Procedures Manual (Amended Apr. 1, 2021), available at <https://www.thename.org/assets/docs/2021%20NAME%20Policy%20Manual%20%204%201%202021%20Final.pdf>, at 49.

⁴¹⁸ Data provided by Dr. Chu on March 25, 2022.

⁴¹⁹ Data provided by Dr. Chu on March 25, 2022.

⁴²⁰ March 24, 2022 Interview of Dr. Chu.

⁴²¹ Data provided by Dr. Chu on March 25, 2022.

⁴²² March 24, 2022 Interview of Dr. Chu.

⁴²³ *See Report to Congress: Needs Assessment of Forensic Laboratories and Medical Examiner/Coroner Offices*, at 72 – 73.

in science to educate them about careers in forensic pathology, create interest in the field, and develop a pipeline of potential recruits for the future.⁴²⁴

In addition to filling staffing shortages, accreditation will require the MEO to develop standard operating procedures (“SOPs”) or an official policy manual that covers the wide range of issues listed on NAME’s and/or IACME’s checklists. Currently, the toxicology department is the only department within the MEO that has a comprehensive set of SOPs. The other departments—including the forensic pathologists, technicians, and investigators—have policies covering a variety of issues, but these policies are passed down in informal emails and memoranda and are not compiled in one formal, overarching policy manual. And even the toxicology department’s policies will need to be updated to meet NAME and/or IACME standards.⁴²⁵ Therefore, to become eligible for accreditation—and for ease of reference, to facilitate transfer of knowledge in the event of staff turnover, and to ensure uniformity in the operations of the MEO—the MEO should develop official SOPs that cover all aspects of its operations. In doing so, the MEO should borrow from model policies posted on NAME’s website or policies used by other jurisdictions.⁴²⁶ As recommended by Dr. Carter, the MEO can also form a commission of chief medical examiners from other jurisdictions to help guide it in creating SOPs.⁴²⁷

There are additional obstacles to achieving accreditation, including considerable work from staff and the administrative costs of the accreditation process itself. However, to ensure that the MEO follows industry and professional standards and stays up to date with best practices, and to help build back the public’s trust in the MEO, the MMWR Review Team recommends that the MEO pursue accreditation with NAME, IACME, and/or ANAB.

I. Maintenance of Storage Rooms

1. Issues Concerning Maintenance of Storage Rooms

As discussed in Part One of the Report, the box containing MOVE victim remains was re-discovered in 2017 in a basement room at the MEO used for overflow storage of unclaimed personal effects of decedents (including things like clothing, jewelry, and wallets). According to some MEO personnel, that room contained unclaimed personal effects dating back to the 1970s,⁴²⁸ while others believed that personal effects in the room only went back as far as 2007.⁴²⁹ The box of MOVE victim remains was one of many other boxes in the room. Some were stacked in shelves along the walls of the room, and others were piled on top of each other in the center of the room.

⁴²⁴ April 28, 2022 Interview of Councilwoman Cindy Bass.

⁴²⁵ March 24, 2022 Interview of Dr. Chu.

⁴²⁶ See National Association of Medical Examiners, Inspection and Accreditation, <https://www.thename.org/inspection-accreditation> (last visited May 24, 2022).

⁴²⁷ August 9, 2021 Interview of Dr. Carter.

⁴²⁸ February 17, 2022 Interview of Dr. Gulino; August 23, 2021 Interview of David Quain.

⁴²⁹ September 9, 2021 Interview of Gary Sullivan; December 7, 2021 Interview of Gary Sullivan.

The box of MOVE victim remains was discovered because the MEO's Administrative Officer was tasked with conducting an audit of the personal effects in the basement storage room.⁴³⁰ As part of this audit, he was going through the personal effects in the storage room with members from the City's Procurement Department to determine which items had value and should be auctioned off, and which items should be discarded. The MEO's Administrative Officer informed the MMWR Review Team that he was not aware of any other audits or reviews of the basement storage room since he joined the MEO in 2013 or 2014.⁴³¹ Similarly, the MEO's Forensic Services Director (who joined the MEO as a Forensic Investigator Trainee in 1989 and took on his current role of supervising both the forensic investigators and the forensic technicians in 2005) could not recall any other occasion where he asked someone to audit the items in the basement storage area.⁴³²

2. Recommendation 16: The MEO Should Develop Formal Policies and Procedures Concerning the Retention of Specimens and Personal Effects. The MEO Should Also Regularly Audit All Storage Rooms.

Had the overflow personal effects room in the basement been periodically audited, it is likely that the box of MOVE victim remains would have been re-discovered by MEO personnel much sooner. As discussed above, the MEO has recently moved to a new facility. In preparation for this move, the MEO had to organize and transport all of the personal effects, evidence, remains, and specimens in its possession, and Mr. Quain has ensured the MMWR Review Team that the MEO will be more consistent in ensuring that everything is kept where it should be.⁴³³ Nevertheless, going forward, the MEO should create formal policies and procedures to ensure that all of its storage areas remain organized and that all items are labeled by case number, date, and other identifiable information where appropriate. The MEO should also develop formal policies concerning where and for how long specimens and personal effects should be retained. Finally, the MEO should periodically audit its storage rooms to ensure that they do not fall into disarray, and so that nothing—let alone human remains—gets misplaced in the future.

V. Disposition of the MOVE Victim Remains from the MEO Box

In Part One, Appendix B, the Dechert Review Team provided general conclusions about the remains that were re-discovered in the MEO box based on their review of key reports and interviews of witnesses who have relevant information regarding the contents of the MEO box, including Drs. Monge, Hameli, Levine, Baden, Chu, and Gulino. However, because of several limiting factors set out in Part One, they did not offer any formal or scientifically reliable identifications that a pathologist, anthropologist, or odontologist could make. Nor did they make recommendations to the MEO as to how or to whom the remains should be disseminated.

⁴³⁰ September 9, 2021 Interview of Gary Sullivan.

⁴³¹ September 9, 2021 Interview of Gary Sullivan.

⁴³² December 7, 2021 Interview of David Quain.

⁴³³ March 30, 2022 Interview of David Quain.

The MMWR Review Team believes the decision as to how to disseminate the remains should be made by the MEO and those who have the legal authority to make such decisions. Therefore, the MMWR Review Team similarly does not offer any formal or scientifically reliable identifications for the MOVE victim remains in the MEO box and does not make any specific recommendations to the MEO as to how or to whom the remains should be disseminated. However, the MMWR Review Team spoke with other chief medical examiners about how they proceed in instances where they have commingled remains from a closed-population disaster scene that are difficult or impossible to identify, such as a plane crash. In lieu of offering specific recommendations for how to proceed, the MMWR Review Team summarizes what we learned from these discussions. Whatever the MEO chooses to do, the MMWR Review Team recommends that they involve the legal next of kin of the universe of likely victims in a collaborative process and consider the wishes of the legal next of kin in accordance with the hierarchy set out in 20 Pa.C.S.A. § 305.

Our discussions with chief medical examiners from other jurisdictions about how they proceed when they recover remains from a closed-population disaster scene (*i.e.*, where they know the universe of potential victims and who those victims were but cannot specifically identify every bone fragment or piece of tissue on an individual by individual basis) reveal potential options for handling the remains. Dr. Lucas explained that the military has a lot of experience handling cases like this because it must often bring back commingled remains from war zones.⁴³⁴ He stated that, in those types of cases, the military contacts the families of the universe of potential victims and gives them several options for how they would like to proceed.⁴³⁵ One option is to cremate the remains together and share a portion of the commingled cremains with each family.⁴³⁶ Alternatively, if allowed by local law, the families may choose to bury the remains jointly at a memorial site.⁴³⁷ Dr. Lucas emphasized that, in his opinion, whatever the MEO does, they should follow the next of kin statute to determine who has (or may have) rights to the remains, and they should communicate effectively with the next of kin throughout the process.⁴³⁸

Similarly, Dr. Gill explained that, in mass disaster cases he has worked on that involved commingled fragmentary remains that could not be individually identified, including his work on the investigation of remains from the September 11 attack on the World Trade Center and the TWA flight crash in Long Island, the remains that could not be identified were buried as a group in one place, such as a memorial site.⁴³⁹

⁴³⁴ January 5, 2022 Interview of Dr. Lucas.

⁴³⁵ January 5, 2022 Interview of Dr. Lucas.

⁴³⁶ January 5, 2022 Interview of Dr. Lucas. *See also* NAME Mass Fatality Plan, at 42.

⁴³⁷ January 5, 2022 Interview of Dr. Lucas. *See also* NAME Mass Fatality Plan, at 42.

⁴³⁸ January 5, 2022 Interview of Dr. Lucas.

⁴³⁹ January 17, .2022 Interview of Dr. Gill.

The MMWR Review Team offers the information above only as options that the MEO and the City may wish to explore. The MMWR Review Team reiterates that we are not offering any specific recommendations to the MEO as to how or to whom the remains should be disseminated. We recommend only that, whatever path the MEO choose, it follow the next of kin hierarchy set out in 20 Pa.C.S.A. § 305 and communicate openly and honestly with the next of kin of all potential victims who the remains from the MEO box may belong to when determining how to distribute the remains.

VI. Requests from Family Members of the Victims

The MMWR Review Team’s investigation was focused on issues pertaining to the MEO, so we are not making any recommendations that go beyond the scope of our mandate. However, we were retained to ensure that the voices of the family members (including those inside and outside the MOVE organization) are contained herein. We have informed the families that we cannot make recommendations concerning their requests that do not relate to the MEO or its mishandling of the MOVE victim remains. Nevertheless, we list out their requests below. We also note that the City has formed a committee headed by Kelly Lee to work with the families to establish goals for commemorating the victims. We expect that the families and the committee will meet to discuss their requests.

A. Request from the MOVE Mothers

The MMWR Review Team spoke with Sue Africa (mother of Tomaso Levino), Janine Africa (mother of Phil Phillips), and Janet Africa (mother of Delisha Orr) (collectively, the “MOVE Mothers”).⁴⁴⁰ The MOVE Mothers informed the MMWR Review Team that the only thing they want is their children back. However, because that is impossible, their one request is for the release of Mumia Abu-Jamal from prison.⁴⁴¹

B. Requests from Lionell Dotson

The MMWR Review Team spoke with Lionell Dotson (brother of Katricia Dotson and Zanetta Dotson) and his attorney Daniel Hartstein. In addition to the return of any of his sisters’ remains that are currently in the custody of the MEO, Mr. Dotson requests:

- A public apology from Mayor Jim Kenney;
- A public apology from Police Commissioner Danielle Outlaw;
- A public apology from Larry Krasner;

⁴⁴⁰ **NOTE:** As discussed above, the MMWR Review Team did not have an opportunity to speak with Consuewella Dotson Africa (mother of Katricia, Zanetta, and Lionell Dotson), as she sadly passed away in June 2021.

⁴⁴¹ August 27, 2021 Interview of Janine Africa and Janet Africa.

- A public apology from Mayor Wilson Goode;
- A public apology from Governor Tom Wolf on behalf of the Commonwealth of Pennsylvania;
- A commemorative plaque from the City honoring Katricia and Zanetta Dotson; and
- For his sisters only to be addressed by the last name, “Dotson,” not “Africa,” going forward.⁴⁴²

C. Requests from Debbie Davis, Michael Africa, Jr., and Michael Davis, Sr.

Finally, the MMWR Review Team spoke with Debbie Davis (niece of John Africa, cousin of Frank James, and mother of Michael Africa, Jr.), Michael Africa, Jr. (son of Debbie Davis, great nephew of John Africa, and first cousin once removed of Frank James), Michael Davis, Sr. (husband of Debbie Davis and father of Mike Africa, Jr.), and their attorneys Brett Grote and Rupalee Rashatwar from the Abolitionist Law Center. In addition to being involved in the distribution of any of the MOVE victim remains that are currently in the custody of the MEO whose legal next of kin do not wish to be a part of the process, Debbie Davis, Michael Africa, Jr., and Michael Davis, Sr. request that the City:

- Formally apologize to MOVE members;
- Establish a Reparations and Investigation Committee to investigate the harms committed against MOVE, including the lasting effects of intergenerational trauma, and recommend a formal reparations package like the reparations package given by the City of Chicago to the victims of Jon Burge, a former Chicago Police Commander;
- Recommend that the reparations package include the creation of a public memorial and archive that allows access to all official records on the May 13, 1985 assault against MOVE, as well as community contributions to the public archive;
- Advocate for the School District of Philadelphia to include curricula regarding May 13, 1985;
- Establish a monetary reparations fund to benefit survivors of the 1978 standoff and 1985 bombing, their children, and grandchildren;
- Provide counseling services to survivors and their children and grandchildren; and

⁴⁴² October 5, 2021 Email from D. Hartstein to Keir Bradford-Grey.

- Establish a fund to provide scholarships to the children and grandchildren of survivors.⁴⁴³

They also request that individuals responsible for and involved in the mishandling of the victims' remains be held accountable.

VII. Conclusion

As discussed throughout the Report, the MEO's role in the aftermath of the Bombing and its mishandling of the MOVE victim remains, although just one part in the overall injustice that occurred to the MOVE victims, continues to impact the families of the victims and prevents them from getting the closure they deserve. Moreover, as a result of the MEO's actions and inactions, despite the best efforts of the MMWR and Dechert Review Teams, we are still left with unanswered questions concerning the MOVE victim remains. Although we cannot undo what has already been done, we hope that the recommendations set out in this Part of the Report will address the lingering problems of the past and prevent recurrence in the present and future.

⁴⁴³ November 2, 2021 Letter from Abolitionist Law Center to Keir Bradford-Grey.