

Former Wilmington Police Officer Faces Felony Charges Following Grand Jury Indictment

Attorney General Kathy Jennings and the DOJ's Division of Civil Rights & Public Trust announced Tuesday that a grand jury has [indicted](#) James MacColl, formerly a corporal of the Wilmington Police Department, on two felonies and one misdemeanor.

MacColl, 39, is charged with Providing a False Statement to Law Enforcement, Tampering with Physical Evidence, and Official Misconduct for his actions in the aftermath of a police-involved shooting on February 2, 2019.

"Police have a difficult job, but at a bare minimum we expect honesty," said Attorney General Jennings. "Police who break the law commit two injustices: the crime itself, and damage to the public trust that lingers long after a trial. These cases deserve the highest level of scrutiny and independence, and are precisely why we established and expanded the Division of Civil Rights and Public Trust. We cannot, do not, and will not tolerate this kind of conduct from anyone – let alone those we trust to enforce the law."

In February 2019, MacColl responded to a 911 call reporting an armed carjacking, pursuing, and ultimately shooting Yahim Harris, of Wilmington. During an ensuing use of force investigation by the Division of Civil Rights and Public Trust¹, DOJ investigators became aware of a ballistics analysis that revealed discrepancies between the bullets fired from MacColl's service weapon and the barrel of his gun. At the

time, MacColl – who had previously been the subject of a use of force investigation following the 2015 shooting of Jeremy McDole – denied changing the barrel on his weapon.

The ballistics discrepancy did not affect DCRPT's conclusion as to the legality of MacColl's use of force, since it was undisputed that MacColl had fired his weapon at Harris. However, DCRPT disclosed the discrepancy in a public report issued in November 2019.

DOJ later learned of an interview in which MacColl admitted that he had switched the standard issue five-twist barrel on his service weapon with an aftermarket six-twist barrel in 2017. MacColl claimed that he had not changed his barrel when he shot Yahim Harris, but did not explain how the barrel of his weapon would have changed prior to its analysis. It was the first time that the DOJ became aware of any such admission.

MacColl's total lack of candor during DOJ's investigation forced prosecutors to drop then-pending charges against Harris for the alleged carjacking, as the State detailed in a [memo](#) filed in Superior Court on March 3, 2020.

As DCRPT describes in a Rule 9 Warrant, the State alleges that MacColl – who would have known from his prior involvement in the McDole use of force investigation that his firearm would be seized and would be produced in an official proceeding – knowingly and unlawfully attempted to conceal the use of an aftermarket barrel by swapping out his weapon's barrel. MacColl's alleged conduct not only misled investigators in the DOJ and in Wilmington Police Department, but derailed and terminated the prosecution of an alleged violent crime.

If convicted, MacColl will face a maximum of five years in prison. The DOJ reminds the press and public that an indictment is a formal accusation and that MacColl is presumed innocent until he is convicted at a trial, at which the State

will bear the burden of proof.

¹ At the time of the use of force investigation, the Division of Civil Rights and Public Trust was still organized as the Office of Civil Rights and Public Trust.