

COMMONWEALTH OF PENNSYLVANIA

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

SUBCOMMITTEE ON CRIME AND CORRECTIONS

PUBLIC HEARINGS

HELD: FIRST UNITED METHODIST CHURCH
6023 GERMANTOWN AVENUE
PHILADELPHIA, PENNSYLVANIA

TUESDAY, AUGUST 1, 1978

I. Calling to Order

Calling to order and introduction by Chairman Joseph Rhodes, Jr.; statement by Representative Hardy Williams, page 451-456;

II. Helen Gagliardi

Swearing of witness; Mrs. Gagliardi's son, Joseph Craig Gagliardi was shot to death on June 2, 1972 by Robert Fling, a Philadelphia policeman; Mrs. Gagliardi's statement, page 456-466; questions from the members of the panel, page 466-487;

III. Honorable Joseph Coleman

Member of Philadelphia's City Council; witness sworn, presentation of statement on allegations of police brutality, police harassment, and unlawful use of force and use of excessive force, and outright brutality by a segment of the police force; discussion of bill 590, establishing an office of citizen's complaints within the police department, page 487-497; questions from members of the panel, inquiries relating to Philadelphia City Council bill 590, and other matters of police abuse, page 497-522;

IV. Earl Trent

Attorney N.A.A.C.P. and Robert Fox received subpoenas and sworn; Mr. Trent appearing before subcommittee hearings to represent 5 branches N.A.A.C.P. in Philadelphia, statement on problems of police abuse in the city of Philadelphia and violations of civil and human rights of citizens in the city, page 522-525; Robert Fox, allegations of police misconduct on April 23, 1977, incident at 6625 Rutland St., a victim of police brutality, page 525-534; questions from members of the panel to Mr. Trent & Mr. Fox, page 534-548;

V. Mrs. Beth Showell

Sworn and acknowledges receiving a subpoena, statement, victim of of police abuse incident on May 14, 1976, page 548-557; questions from the panel, page 557-576; announcement by Chairman of the Subcommittee of additional hearings and remarks, page 576-577;

VI. Mr. Irwin Wardlaw

Sworn and has received a subpoena, statement and testimony of police incidents he has witnessed of police brutality, page 577-585; questions from members of the panel, page 585-600;

VII. Irma Epps

1313 Victoria St., sworn, received subpoena, is present at these hearings to present testimony to represent her husband who is presently incarcerated at Graterford; on December 17, 1975 her husband was a victim of a police brutality; was beaten by two Philadelphia policemen; was convicted of a major violent felony, page 600-602; questions from the panel, page 602.

P U B L I C H E A R I N G S
- - - - -

BEFORE
SUBCOMMITTEE ON CRIME AND CORRECTIONS
OF THE
PENNSYLVANIA HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE

ON

ORGANIZED CRIME, PUBLIC CORRUPTION
AND
CIVIL RIGHTS VIOLATIONS

PRESIDING: CHAIRMAN JOSEPH RHODES, JR.
REPRESENTATIVE, ALLEGHENY COUNTY

AT
FIRST UNITED METHODIST CHURCH OF GERMANTOWN
6023 GERMANTOWN AVENUE
PHILADELPHIA, PENNSYLVANIA

TESTIMONY FROM
PHASE II: CITIZENS OF CITY OF PHILADELPHIA
REPRESENTATIVES OF ORGANIZATIONS

THIRD DAY
TUESDAY, AUGUST 1, 1978

COMPUTER TRANSCRIPT PREPARED BY:
RAPID REPORTING SERVICE, INC.
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PRESENT:

REP. JOSEPH RHODES, JR., CHAIRMAN

REP. JOHN F. WHITE, JR.

REP. EDWARD WIGGINS

REP. HARDY WILLIAMS

REP. ANTHONY SCIRICA

REP. DAVID RICHARDSON

MICHAEL REILLY, ESQ., CHIEF COUNSEL

VAN BRASWELL, ESQ., SPECIAL COUNSEL

ALSO PRESENT:

REP. JOEL JOHNSON

I N D E X
- - - - -

WITNESSES: -----	PAGE -----
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BETH SHOWELL	548
IRWIN WARDLAW	577
IRMA EPPS	600

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(5:35 O'CLOCK P. M.)

CHAIRMAN RHODES: THE HOUR OF 5:00 O'CLOCK
HAVING ARRIVED, THIS PUBLIC HEARING ON THE SUBCOMMITTEE OF
THE HOUSE OF REPRESENTATIVES WILL NOW COME TO ORDER.

THIS PUBLIC HEARING TONIGHT IS BEING
CONDUCTED PURSUANT TO RESOLUTION 109 WHICH AUTHORIZED THIS
SUBCOMMITTEE LAST JULY TO CONDUCT AN INVESTIGATION, SUBPOENA
POWERED, INTO ORGANIZED CRIME, OFFICIAL CORRUPTION AND CIVIL
RIGHTS VIOLATIONS BY AND ON POLICE.

THREE WEEKS AGO WE BEGAN A PHASE OF OUR
INVESTIGATION ON THE ISSUE OF CIVIL RIGHTS VIOLATIONS BY AND
ON POLICE WITH HEARINGS IN HARRISBURG, TAKING TESTIMONY FROM
NATIONAL. RECOGNIZED EXPERTS AND OFFICIALS WHO HAVE HAD
KNOWLEDGE AND EXPERIENCE IN THE AREA OF CIVIL RIGHTS
VIOLATIONS BY AND ON POLICE AND POLICE VIOLENCE AND
MISCONDUCT.

TWO WEEKS AGO WE HELD HEARINGS IN
PHILADELPHIA BEGINNING WITH THE DISTRICT ATTORNEY IN
PHILADELPHIA AND OTHER REPRESENTATIVES OF ORGANIZATIONS AND
INDIVIDUALS WHO HAVE BEEN INVOLVED IN THE ISSUE OF POLICE
VIOLENCE HERE IN THE CITY OF PHILADELPHIA.

AND TONIGHT WE BEGIN THE FIRST OF FOUR
HEARINGS ON THE SUBJECT OF POLICE VIOLENCE, ALLEGED POLICE

1 VIOLENCE AND CIVIL RIGHTS VIOLATIONS HERE IN THE CITY OF
2 PHILADELPHIA, IN THE COMMUNITIES OF THE CITY OF PHILADELPHIA,
3 DEALING WITH THE SUBCOMMITTEE? AND MEMBERS OF THE
4 SUBCOMMITTEE FEEL VERY STRONGLY THAT WE SHOULD TAKE THESE
5 HEARINGS INTO THE COMMUNITIES OF THE CITY TO GIVE COMMUNITY
6 INDIVIDUALS AN OPPORTUNITY TO COME FORWARD AND TESTIFY BEFORE
7 OUR SUBCOMMITTEE.

8 WE ARE GOING TO HEAR FROM FOUR INDIVIDUALS
9 FIRST WHO ARE ON OUR SCHEDULE THIS EVENING, THEN WE WILL TAKE
10 TESTIMONY FROM ANYONE WHO WOULD LIKE TO TESTIFY FROM THE
11 AUDIENCE. I WOULD CAUTION PEOPLE WHO WANT TO TESTIFY TONIGHT
12 TO UNDERSTAND THAT ALL TESTIMONY GIVEN BEFORE THIS
13 SUBCOMMITTEE IS UNDER SUBPOENA, PURSUANT TO RESOLUTION 109,
14 AND ANY TESTIMONY YOU GIVE, YOU GIVE UNDER JEOPARDY OF
15 PERJURY, BECAUSE YOU WILL BE SWORN. THAT IS IMPORTANT TO
16 KEEP IN MIND. I HOPE YOU REALIZE THAT A RECORD IS BEING KEPT
17 FOR FUTURE REFERENCE, AND YOU SHOULD BE ADVISED OF THAT
18 BEFORE WE BEGIN THE HEARINGS.

19 OUR FIRST WITNESS TODAY IS MRS. HELEN
20 GAGLIARDI. BUT BEFORE WE BEGIN, IS THERE ANYTHING ANY MEMBER
21 OF THE SUBCOMMITTEE WOULD LIKE TO SAY BEFORE WE START? I
22 WOULD LIKE TO GIVE THE REPRESENTATIVES AN OPPORTUNITY TO DO
23 THAT.

24 REPRESENTATIVE WILLIAMS: MR. CHAIRMAN, I WOULD
25 LIKE TO MAKE A STATEMENT.

1 CHAIRMAN RHODES: REPRESENTATIVE WILLIAMS -- I
2 AM SORRY, BEFORE WE GET TO THAT, I SHOULD ACKNOWLEDGE WHO IS
3 HERE.

4 I AM JOSEPH RHODES, CHAIRMAN OF THE
5 SUBCOMMITTEE FROM ALLEGHENY COUNTY.

6 MEMBERS OF THE SUBCOMMITTEE WHO ARE PRESENT
7 AT THIS TIME, TO MY LEFT, REPRESENTATIVE JOHN WHITE OF
8 PHILADELPHIA COUNTY; TO MY RIGHT, REPRESENTATIVE HARDY
9 WILLIAMS OF PHILADELPHIA COUNTY.

10 OTHER MEMBERS OF THE SUBCOMMITTEE WHO ARE
11 HERE: REPRESENTATIVE DAVID RICHARDSON, TO MY LEFT, FROM
12 PHILADELPHIA COUNTY. STAFF OF THE SUBCOMMITTEE WHO ARE
13 PRESENTLY HERE ARE THE CHIEF COUNSEL, TO MY IMMEDIATE RIGHT,
14 MICHEAL REILLY OF ALLEGHENY COUNTY AND VAN BRASWELL, TO HIS
15 RIGHT, SPECIAL COUNSEL FOR THIS INVESTIGATION, FROM DAUPHIN
16 COUNTY.

17 REPRESENTATIVE WILLIAMS, YOU MAY GO AHEAD.

18 REPRESENTATIVE WILLIAMS: THANK YOU, MR.
19 CHAIRMAN.

20 AT OUR LAST HEARING ON JULY 20TH I HAD A
21 THAT TIME MADE A STATEMENT TO THE COMMITTEE WHICH INDICATED
22 THAT THE HEARINGS SHOULD BE THOROUGH AND OPEN FOR FULL
23 PARTICIPATION FOR ALL OUR CITIZENS OF PHILADELPHIA. I ALSO
24 INDICATED THOSE HEARINGS WERE NOT SUFFICIENTLY PUBLICIZED TO
25 INVITE THAT FULL PARTICIPATION. SUBSEQUENT TO THOSE URGINGS,

1 WE DID MEET AND DISCUSS AND ATTEMPT TO CHANGE THAT SITUATION.

2 HOWEVER, I AM AGAIN DISAPPOINTED AND WANT TO
3 REGISTER MY DISAPPOINTMENT AT OUR FAILURE TO EFFECTIVELY
4 NOTIFY THE NEWS MEDIA WHO ESSENTIALLY NOTIFIES THE CITIZENS
5 IN THE COMMUNITY. IT IS MY UNDERSTANDING THAT MOST OF THE
6 ELECTRONIC MEDIA DID NOT GET OR GOT LATE WHAT WE ARE DOING
7 ALL THIS WEEK.

8 I MADE A SUGGESTION ABOUT A PUBLIC SERVICE
9 ANNOUNCEMENT INDICATING THAT CITIZENS COULD COME BEFORE US
10 THESE FOUR DAYS IN VARIOUS PARTS OF THE CITY. THAT DID NOT
11 HAPPEN. AND INDEED WHEN I FOUND IT OUT, I DID CALL A FEW
12 STATIONS TO REQUEST PUBLIC SERVICE ANNOUNCEMENTS SO THAT
13 PEOPLE WOULD KNOW THAT WE ARE HERE IN THE NEIGHBORHOOD.

14 I WOULD IMAGINE HAD THAT BEEN SUFFICIENTLY
15 HANDLED, THAT THE AUDIENCE IN THIS ROOM PROBABLY WOULD BE
16 THREE OR FOUR TIMES WHAT IT IS.

17 I WOULD THEREFORE URGE THAT WHATEVER THE
18 COMMITTEE CAN DO FOR THE REMAINDER OF THE WEEK TO CORRECT
19 THAT TO MAKE SURE THAT OUR CITIZENS THROUGH ALL OF THE MEDIA
20 KNOW WHEN AND WHAT IS GOING TO HAPPEN IN THEIR INVITATION TO
21 COME AND TESTIFY BEFORE US.

22 AS YOU KNOW, AT LEAST MY CONCERN AS ONE
23 MEMBER, THAT THE PROBLEM THAT WE ARE HANDLING IS ONE OF A
24 VERY FUNDAMENTAL NATURE TO ALL AMERICANS AND THEREFORE
25 CITIZENS SHOULD HAVE THE RIGHT INVITATION FOR THE OPPORTUNITY

1 AND THE KNOWLEDGE TO COME AND SAY WHAT THEIR EXPERIENCES AND
2 THEIR FEELINGS ARE ON THIS VERY IMPORTANT QUESTION.

3 I DO NOT WANT TO MAKE A MOTION, BUT I DO
4 WANT TO AGAIN RESTATE AND RE-URGE THE COMMITTEE IN ITS
5 MECHANICAL STEPS TO MAKE SURE THAT THE MEDIA IN THIS CITY IS
6 FULLY AWARE IN A DETAILED FASHION, AND REQUEST IT TO
7 DISSEMINATE THAT INFORMATION AND INVITATION.

8 CHAIRMAN RHODES: THANK YOU, REPRESENTATIVE
9 WILLIAMS. I HAPPEN TO TOTALLY DISAGREE WITH YOUR
10 CHARACTERIZATION OF THE STAFF WORK ON THIS HEARING; AND I AM
11 VERY GLAD THOSE WHO ARE HERE TODAY ARE HERE.

12 REPRESENTATIVE WILLIAMS: I AM NOT CRITIZING
13 THE STAFF WORK, I AM CRITIZING THIS COMMITTEE WORK.

14 (DISCUSSION OFF THE RECORD.)

15 CHAIRMAN RHODES: WE WILL NOW PROCEED WITH THE
16 HEARINGS.

17 BEFORE WE START WITH YOU, I WOULD LIKE TO
18 EXTEND FIRST OUR THANKS TO REVEREND THEODORE LODER OF THIS
19 CHURCH FOR MAKING THE FIRST UNITED METHODIST CHURCH OF
20 GERMANTOWN AVAILABLE TO THE HOUSE OF REPRESENTATIVES FOR
21 PURPOSES OF THIS HEARING, IT WAS VERY KIND ACTION BY THE
22 CHURCH AND WE THANK YOU FOR YOUR DEMONSTRATED CONCERN ABOUT
23 THIS PROBLEM.

24 WE WILL NOW TURN TO OUR WITNESS.

25 CHAIRMAN RHODES: HAVE YOU RECEIVED, MRS.

1 GAGLIARDI, A SUBPOENA TO APPEAR BEFORE THIS SUBCOMMITTEE?

2 MRS. GAGLIARDI: YES.

3 CHAIRMAN RHODES: DO YOU ACKNOWLEDGE
4 RECEIPT OF THAT SUBPOENA?

5 MRS. GAGLIARDI: YES.

6 ---

7 HELEN GAGLIARDI, SWORN.

8 CHAIRMAN RHODES:

9 Q. IT IS MY UNDERSTANDING THAT YOU WOULD LIKE
10 TO MAKE A STATEMENT TO THE SUBCOMMITTEE; IS THAT CORRECT?

11 A. YES.

12 Q. WHY DON'T YOU PROCEED.

13 A. ON JUNE 2, 1972, MY SON, JOSEPH CRAIG
14 GAGLIARDI, WAS SHOT TO DEATH BY A PHILADELPHIA POLICE OFFICER
15 BY THE NAME OF ROBERT FLINT.

16 ON THE MORNING OF JUNE 2ND, APPROXIMATELY A
17 LITTLE AFTER 8:00 O'CLOCK IN THE MORNING, MY SISTER CALLED ME
18 ON THE TELEPHONE AND SHE WAS CRYING AND HYSTERICAL. SHE TOLD
19 ME THAT MY SON CRAIG WAS HURT AND SHE WOULD BE RIGHT OVER.

20 WELL, IN NO TIME MY SISTER, MY WHOLE FAMILY,
21 FRIENDS, WERE IN MY APARTMENT. AND WHEN MY SISTER GOT TO MY
22 APARTMENT SHE TOLD ME THAT CRAIG WAS SHOT TO DEATH BY A
23 PHILADELPHIA POLICE OFFICER.

24 WELL, I DON'T HAVE TO TELL YOU I WENT TO
25 PIECES AND WAS TAKEN TO THE DOCTOR FOR MEDICATION.

1 ANYHOW, IT SEEMS THAT ALL THIS STARTED, A
2 MAN HAD CALLED ABOUT SOMEONE SLEEPING ON HIS PORCH AND THIS
3 WAS AT APPROXIMATELY 2:00 A. M., JUNE 2, 1972. AND FROM
4 WHAT I HEARD IN FEDERAL COURT IN 1975, OFFICER FLINT HEARD
5 THE CALL IN HIS POLICE CAR ABOUT THE PARTY SLEEPING ON THE
6 PORCH. HE WENT TO THAT AREA -- ALTHOUGH HE WENT OUT OF HIS
7 ZONE AREA, HE WAS IN THE 35TH DISTRICT, AND FROM WHAT I FOUND
8 OUT IN FEDERAL COURT, HE WENT OUT OF HIS ZONE AREA TO ANSWER
9 THE CALL.

10 HE SPOTTED MY SON WALKING ON THE PAVEMENT.
11 MY SON HAD JUST LEFT TWO FRIENDS, THEIR NAMES ARE CURT AND
12 SUE OLESZEWSKI; HE HAD JUST LEFT THEM. HE WAS ON HIS WAY TO
13 AN ALL-NIGHT RESTAURANT AT BROAD AND COURTLAND STREETS.

14 WHILE HE WAS ON HIS WAY, OFFICER FLINT WAS
15 GOING TOWARDS THAT SECTION TO ANSWER THE CALL. HE SPOTTED MY
16 SON, HE WENT AFTER MY BOY. MY BOY EVIDENTLY DIDN'T EVEN KNOW
17 WHAT IT WAS ABOUT; BUT OFFICER FLINT TRAPPED MY SON AGAINST
18 THE WALL AT THE CORNER OF WARNOCK AND COURTLAND STREETS,
19 TRAPPED HIM THAT HE COULDN'T GET OUT. AND MY SON DIDN'T KNOW
20 WHAT WAS GOING ON, AND NATURALLY HE RESISTED THE OFFICER,
21 AND OFFICER FLINT HIT MY SON NUMEROUS TIMES WITH HIS
22 BLACKJACK OVER THE HEAD.

23 SOMEHOW MY BOY GOT AWAY FROM HIM; AND AS MY
24 SON WENT TO RUN AWAY, OFFICER FLINT SHOT HIM TWICE, ONCE IN
25 THE BACK, ONCE UNDER THE LEFT ARMPIF.

1 THE PORCH.

2 AND I SAID, 'WAS IT MY SON?' AND HE SAID,
3 'NO, IT WASN'T.' THEN I SAID, 'WELL, WHO WAS IT?' HE SAID,
4 'WELL, THEY NEVER DID FIND OUT.' THEN I SAID, 'WELL, YOU
5 MEAN MY SON IS DEAD FOR NOTHING?'

6 AND HE WAS DECENT WITH ME, HE SAID HE WAS
7 VERY SORRY. HE SAID, 'I KNOW HOW I WOULD FEEL IF IT WOULD
8 HAPPEN TO ONE OF MINE.' HE SAID, 'I HAVE EIGHT CHILDREN.' I
9 SAID, 'THAT'S ALL, MY BOY IS DEAD, MY ONLY CHILD, HE WAS ALL
10 I HAD. MY HUSBAND WAS KILLED IN AN AUTOMOBILE ACCIDENT, MY
11 SON WAS MY WHOLE LIFE.' I SAID, 'THAT'S ALL? MY SON IS DEAD
12 AND ALL I GET IS, 'I'M VERY SORRY'?' AND THAT WAS ALL.

13 THERE WAS NO KIND OF INVESTIGATION, NOTHING.
14 ON HIS DEATH CERTIFICATE IT HAD JUSTIFIABLE
15 HOMICIDE.

16 SO ONE OF MY SON'S FRIENDS TOLD ME TO GO TO
17 THE PUBLIC INTEREST LAW CENTER WHICH AT THAT TIME WAS THE
18 LAWYERS' COMMITTEE FOR CIVIL RIGHTS.

19 FROM THERE A FEDERAL SUIT WAS FILED AND THAT
20 CAME UP IN 1975 IN FRONT OF FEDERAL JUDGE CLARENCE NEWCOMER.

21 THE JURY RULED THE OFFICER WRONG IN THE
22 SHOOTING DEATH OF MY SON. I WAS AWARDED AN AMOUNT OF MONFY.

23 THE CITY APPEALED TO THE JUDGE WHO HEARD THE
24 CASE; HE TURNED DOWN THEIR APPEAL. THEN THEY FILED AN APPEAL.
25 WITH THE THIRD CIRCUIT COURT OF APPEALS; THEY WERE TURNED

1 DOWN. THEY TOOK IT ALL THE WAY TO THE U. S. SUPREME COURT
2 JUNE 25TH OF THIS YEAR.

3 MY ATTORNEY RECEIVED WORD FROM THE U. S.
4 SUPREME COURT THAT THEIR PETITION WAS TURNED DOWN.

5 SO THAT'S THE WAY THINGS STAND AS OF NOW.
6 THEIR TIME IS UP, THE CITY, WITH THEIR
7 PETITION BUSINESS.

8 BUT THE POLICE OFFICER, I DON'T KNOW WHETHER
9 I TOLD YOU BEFORE, THE POLICE NEVER NOTIFIED ME EITHER. THE
10 ONLY WAY I KNEW MY SON WAS DEAD WAS MY SISTER HEARD IT COME
11 OVER THE RADIO.

12 AND THE VERY DAY, THE MORNING THAT HE WAS
13 KILLED AND MY SISTER FOUND OUT AT 8:00 O'CLOCK ON THE RADIO,
14 MEMBERS OF MY FAMILY WENT TO MY SON'S APARTMENT, THEY JUST
15 COULDN'T BELIEVE IT. AND WHEN THEY WENT THERE, THE LOCK WAS
16 BROKEN ON THE DOOR AND EVERYTHING WAS IN DISARRAY. AND MY
17 SON'S WALLET WAS LYING ON THE TABLE IN THERE AND ALL IT HAD
18 IN IT WAS MY PICTURE AND A CARD WITH HIS NAME AND ADDRESS AND
19 MY NAME AND ADDRESS AND TELEPHONE NUMBER IN CASE ANY INJURY
20 WOULD COME TO HIM OR IF HE GOT SICK.

21 NOW, EVIDENTLY THE POLICE WENT INTO HIS
22 APARTMENT, ALTHOUGH THEY DENIED THIS. BUT HIS TWO FRIENDS
23 THAT HE HAD BEEN WITH, THAT HE JUST LEFT, THEY HEARD THE SHOT
24 AND RAN AROUND THE CORNER, THEY SAW MY BOY LAYING THERE; THEY
25 KNEW WHERE I LIVED, FOR THEM TO TELL THE POLICE TO GET IN

1 TOUCH WITH ME.

2 BUT THEY WERE TAKEN TO THE ROUNDHOUSE; AND
3 FROM WHAT I HEARD, ONE OF THE POLICE OFFICERS IN THE POLICE
4 CAR WHO TOOK THE OTHER TWO DOWN TO THE ROUNDHOUSE SAID,
5 "OFFICER FLINT," HE SAID, "HE DIDN'T HAVE TO SHOOT THAT
6 KID."

7 AND SOME TIME AFTER MY BOY WAS KILLED,
8 BETWEEN '72 WHEN MY BOY WAS KILLED, AND '75 WHEN THE HEARING
9 CAME UP IN FEDERAL COURT, PATROLMAN FLINT WAS PROMOTED TO A
10 SERGEANT. AND AS FAR AS I KNOW, HE IS WORKING IN THE POLICE
11 GARAGE. NOTHING WAS EVER DONE ABOUT OFFICER FLINT.

12 AND AT THE TIME OF THE TRIAL IN FEDERAL
13 COURT THERE WERE AT LEAST, OH, TEN TO TWELVE, I WOULD SAY,
14 OTHER COMPLAINTS WHERE THEY HAD POLICE REBUTTAL WITNESSES,
15 BUT THERE WAS ONE WHERE THEY DIDN'T, I DON'T KNOW WHATEVER
16 HAPPENED THERE, THAT CONCERNED A BOY WHO HAD, WAS SLIGHTLY
17 RETARDED, HE WAS ON A SPECIAL WORK PROGRAM AT 30TH STREET
18 POST OFFICE, JUST SORTING BAGS OF MAIL.

19 IT SEEMS THAT OFFICER FLINT -- THIS BOY WAS
20 SITTING IN A CAR -- HE WAS SLIGHTLY RETARDED -- HE WAS
21 SITTING IN A CAR., HE HAD LIVED IN THE LOGAN SECTION, HE HAD
22 MOVED TO GLENSIDE AND HE DECIDED TO COME DOWN TO THE OLD
23 NEIGHBORHOOD AND SEE SOME OF HIS FRIENDS. AND WHEN HE GOT
24 DOWN THERE HE SAW SOME YOUNGER BOYS IN THE CAR AND THEY
25 CALLED HIM AND HE GOT IN THE CAR. AND I DON'T KNOW HOW LONG

1 HE WAS SITTING IN IT, BUT ALL OF A SUDDEN ALL HIS FRIENDS
2 JUMPED OUT AND THEY STARTED RUNNING AND HE DIDN'T KNOW WHAT
3 WAS WRONG -- I AM JUST QUOTING WHAT HE SAID ON THE WITNESS
4 STAND IN FEDERAL COURT.

5 HE SAID THAT ALL OF A SUDDEN THIS POLICE CAR
6 PULLED UP AND IT HAPPENED TO BE OFFICER FLINT, AND HE MADE
7 HIM GET OUT OF THE CAR AND --

8 Q. EXCUSE ME, FOR INTERRUPTING YOUR TESTIMONY,
9 MRS GAGLIARDI, WHAT WAS THE APPROXIMATE DATE OF THIS EPISODE
10 YOU ARE DESCRIBING?

11 A. OF THE RETARDED BOY?

12 Q. YES.

13 A. THIS WAS '75 WHEN HE TESTIFIED AND IT WAS
14 ABOUT THREE YEARS PREVIOUS, BECAUSE I REMEMBER HIS MOTHER ON
15 THE WITNESS STAND BROKE DOWN AND CRIED AND SHE SAID, 'I HAVE
16 WAITED THREE YEARS TO SEE THIS MAN.'

17 Q. SO ABOUT THE SAME TIME YOUR SON WAS KILLED?

18 A. WELL, YES, YES, I WOULD SAY.

19 Q. I JUST WANTED TO VERIFY WHEN THIS OCCURRED.
20 GO AHEAD, MRS. GAGLIARDI.

21 A. ANYHOW IT SEEMS THAT OFFICER FLINT, HE MADE
22 THIS FELLOW GET OUT OF THE CAR, PUT HIS HANDS ON TOP OF THE
23 POLICE CAR, AND THEN HE SEARCHED HIM AND HE PUT HIM IN HIS
24 POLICE CAR, TOOK HIM TO THE ROUNDHOUSE -- AND BY THE WAY,
25 THIS FELLOW'S FATHER WAS A RETIRED PHILADELPHIA POLICE

1 OFFICER, HE WAS IN THE COURTROOM WITH HIS WIFE; AND THEY BOTH
2 WERE SCARED TO DEATH THAT HIS TESTIMONY MIGHT STOP THE
3 FATHER'S POLICE PENSION.

4 ANYHOW IT SEEMS THAT OFFICER FLINT PUT THIS
5 FELLOW IN THE POLICE CAR, HE WAS HANDCUFFED IN BACK OF HIM,
6 AND THE FELLOW SAID THAT HE WAS SO SCARED HE DIDN'T KNOW WHAT
7 WAS HAPPENING TO HIM.

8 HE RESTED HIS HEAD ON HIS SEAT, WHICH WAS
9 OFFICER FLINT'S SEAT, HE WAS THE ONLY POLICEMAN IN THE CAR,
10 AND OFFICER FLINT, HE SAID -- THE FELLOW SAID, TURNED AROUND
11 AND WHACKED HIM ACROSS, SOMEWHERE ON HIS FACE, FOREHEAD OR
12 PART OF HIS FACE AND SAID, "SIT BACK THERE, YOU SIMPLE
13 S.O.B."

14 ANYHOW, I BELIEVE HE SAID HE NEEDED
15 STITCHES.

16 THEY KEPT THIS FELLOW AT THE ROUNDHOUSE ALL
17 NIGHT LONG. HE SAID HE WASN'T ALLOWED TO MAKE A TELEPHONE
18 CALL, AND HE KNEW HIS PARENTS WOULD BE WORRIED SICK ABOUT
19 HIS WHEREABOUTS. AND IF I REMEMBER CORRECTLY, HE SAID IT
20 WASN'T UNTIL MORNING THAT THEY FINALLY ALLOWED HIM TO MAKE A
21 PHONE CALL.

22 AND BEFORE HE PUT HIM IN THE POLICE CAR THE
23 FELLOW SAID HE PUT A GUN, OFFICER FLINT PUT A GUN TO HIS
24 HEAD, AND HE SAID, "YOU MAKE A MOVE, I'LL BLOW YOUR SO AND SO
25 BRAINS OUT." BUT IT WAS A FOUR-LETTER WORD THAT HE USED.

1 AND I DON'T KNOW WHATEVER BECAME OF THAT.

2 I KNOW THE MOTHER AND FATHER WERE SCARED TO
3 DEATH TO GIVE TESTIMONY ABOUT WHAT HAPPENED TO THEIR SON, FOR
4 FEAR THAT THE F.O.P. WOULD STOP THE FATHER'S POLICE PENSION.

5 CHAIRMAN RHODES: DO YOU HAVE ANY FURTHER
6 INFORMATION YOU WANT TO GIVE THE SUBCOMMITTEE AT THIS POINT,
7 MRS. GAGLIARDI, OR I WILL OPEN TO QUESTIONS FROM THE
8 COMMITTEE.

9 A. I WANTED TO SAY ONE THING: WHEN I WAS AT
10 HOMICIDE SPEAKING TO CAPTAIN MATTHEWS AND A DETECTIVE, I
11 WANTED TO KNOW WHY MY BOY WAS JUST LEFT TO LAY THERE.

12 Q. DID YOUR SON DIE INSTANTLY FROM THE SHOOTING
13 OR WAS HE ALIVE FOR AWHILE ON THE GROUND?

14 A. WELL, THEY HAD DOCTORS IN THE COURTROOM IN
15 FEDERAL COURT SAID HE WAS DEAD WITHIN A MATTER OF SECONDS.
16 BUT I DIDN'T KNOW THAT UNTIL THE HEARING CAME UP.

17 WHEN I WENT TO HOMICIDE, THAT WAS IN '72,
18 AND I ASKED CAPTAIN MATTHEWS WHY WASN'T MY BOY TAKEN TO
19 EINSTEIN HOSPITAL WHICH WAS LESS THAN FIVE MINUTES AWAY, HE
20 SAID, 'WELL, HE GAVE ALL APPEARANCES OF BEING DEAD.' AND I
21 SAID, 'WELL, WHO HAD THE RIGHT TO ASSUME THAT MY BOY WAS
22 DEAD?'

23 AND I SAID, 'HOW ABOUT WHEN A POLICE OFFICER
24 IS SHOT AND HE APPEARS TO BE DEAD, DO THEY LET HIM LAY THERE
25 LIKE AN ANIMAL OR DO THEY TAKE HIM TO A HOSPITAL?' AND HE

1 SAID THAT ONCE THEY APPEAR TO BE DEAD, IT'S OUT OF THEIR
2 HANDS COMPLETELY, IT'S IN THE HANDS OF THE MEDICAL EXAMINER,
3 WHICH I DON'T BELIEVE. I BELIEVE THEY TAKE THEM TO THE
4 HOSPITAL WHETHER THEY ARE ALIVE OR WHETHER THEY ARE DEAD.

5 AND TO ME, I DON'T THINK A POLICE OFFICER
6 HAD A RIGHT TO ASSUME OR EXAMINE MY BOY.

7 NOW A PATROL WAGON THAT SHOWED UP ON THE
8 SCENE THERE WAS AN OFFICER WESNOUSKY, I BELIEVE HIS NAME WAS,
9 HE WAS THE DRIVER OF THE PATROL WAGON NUMBER 3500. HE TOOK
10 IT UPON HIS OWN, HE WAS ON THE WITNESS STAND, AND HE SAID --
11 HE DIDN'T EVEN KNOW HOW TO SAY THE WORD -- HE SAID, "I FELT
12 HIS 'CLAVICLEER,' AND THERE WAS NO PULSE".

13 AND THE OTHER FELLOW, THE OTHER POLICE
14 OFFICER WHO WAS IN THE WAGON QUICKLY CUT OUT TO GET A
15 STRETCHER TO TO TAKE HIM TO THE HOSPITAL AND OFFICER
16 WESNOUSKY SAID, "FORGET IT, PUT IT BACK." HE SAID HE FELT
17 HIS "CLAVICLEER," THAT'S THE WAY HE SAID IT, "CLAVICLEER,"
18 AND HE TOOK IT UPON HIS OWN.

19 THEY SAID MY BOY WAS DEAD WITHIN SECONDS,
20 BUT I STILL DON'T THINK -- HE DIDN'T COMMIT A CRIME, HE WAS
21 UNARMED, HE WAS SHOT TWICE, HE WAS HIT OVER THE HEAD WITH A
22 BLACKJACK, AND HE SAID -- I NEVER KNEW ANY OF THE RULES ABOUT
23 POLICE, THAT THEIR NIGHTSTICK IS SUPPOSED TO BE IN THE FRONT
24 OF THE CAR. THE OFFICER HAD HIS NIGHTSTICK IN THE BACK OF
25 THE CAR, AND THE NEAREST THING WAS THE BLACKJACK, AND I

1 DON'T KNOW HOW MANY TIMES HE HIT MY SON OVER THE HEAD WITH
2 IT.

3 CHAIRMAN RHODES: DO YOU HAVE ANYTHING ELSE YOU
4 WANT TO TELL US BEFORE WE ASKED YOU QUESTIONS, MRS.
5 GAGLIARDI?

6 A. I THINK THAT'S ABOUT IT.

7 CHAIRMAN RHODES: THANK YOU VERY MUCH FOR
8 COMING TO TESTIFY BEFORE THE SUBCOMMITTEE.

9 I WILL START WITH THE RIGHT, REPRESENTATIVE
10 WILLIAMS.

11 REPRESENTATIVE WILLIAMS: THANK YOU, MR.
12 CHAIRMAN.

13 REPRESENTATIVE WILLIAMS:

14 Q. MA'AM, YOU INDICATED THAT THE DEATH
15 CERTIFICATE STATED JUSTIFIABLE HOMICIDE?

16 A. YES.

17 Q. ABOUT HOW LONG AFTER YOUR SON'S SHOOTING WAS
18 THE REPORT RENDERED, DO YOU REMEMBER, APPROXIMATELY?

19 A. NO, I DON'T REMEMBER. ALL I KNOW IS IN
20 FEDERAL COURT THE DEATH CERTIFICATE THAT WAS HANDED OVER TO
21 THE JURY HAD JUSTIFIABLE HOMICIDE WRITTEN ON IT.

22 Q. SO IT WAS MADE JUSTIFIABLE HOMICIDE EITHER
23 SOMEWHERE SHORTLY AFTER OR SOMEWHERE A LONG TIME AFTER, AND
24 EVEN THEN I SUPPOSE AFTER SOME INVESTIGATION WAS MADE BY SOME
25 AGENCY?

1 A. WELL, THERE WAS NO INVESTIGATION MADE. AT
2 THAT TIME IT WAS EMMETT FITZPATRICK WHO WAS THE DISTRICT
3 ATTORNEY. AS FAR AS I KNOW, THERE WAS NO KIND OF AN
4 INVESTIGATION ABOUT MY SON.

5 NO ONE CALLED ME FROM THE POLICE DEPARTMENT
6 ABOUT HIM BEING DEAD OR NOTHING, NOTHING AT ALL.

7 Q. YOU ARE NOT AWARE OF ANY POLICE
8 INVESTIGATION OR DISTRICT ATTORNEY'S INVESTIGATION WITH
9 REGARD TO YOUR SON'S DEATH; IS THAT CORRECT?

10 A. NEVER, NO.

11 Q. NOT TO THIS DAY?

12 A. NO, SIR.

13 Q. AS FAR AS YOU KNOW, THE POLICEMAN WAS NEVER
14 INVESTIGATED AS TO WHETHER OR NOT HE MAY HAVE COMMITTED A
15 CRIME; IS THAT CORRECT?

16 A. THAT'S CORRECT.

17 Q. ARE YOU AWARE OF ANYBODY OR ANY AGENCY WHO
18 MIGHT HAVE SUGGESTED TO THE DISTRICT ATTORNEY'S OFFICE OR THE
19 POLICE DEPARTMENT THAT THEY SHOULD INVESTIGATE IT FROM THE
20 STANDPOINT OF CRIMINAL CONDUCT?

21 A. NO, SIR. I APPEARED AT A MEETING I BELIEVE
22 LAST YEAR, WAS IT IN MAY, AT THE HOLIDAY INN, AND I GAVE
23 TESTIMONY, IT WAS IN THE NEWSPAPERS, ABOUT WHAT HAPPENED TO
24 MY SON. I AM SURE THE DISTRICT ATTORNEY'S OFFICE AND --

25 Q. AS A CITIZEN, MISS GAGLIARDI, WHAT HAPPENED

1 TO YOU, IF THAT SAME SITUATION WERE TO HAPPEN TO YOU OR ANY
2 OTHER CITIZEN, HOW DO YOU -- DO YOU FEEL THAT ANY CORRECTIVE
3 MEASURES OR STEPS SHOULD BE MADE SO THAT DOESN'T HAPPEN, THE
4 EXPERIENCE YOU RELATED? I AM NOT ASKING YOU FOR SPECIFIC
5 SUGGESTIONS, BUT WHETHER YOU THINK THERE ARE THINGS THAT
6 SHOULD BE DONE SO THAT THAT CANNOT HAPPEN; AND IF IT DOES
7 HAPPEN, SOMETHING --

8 A. WELL, FROM MY HEART, I FEEL THAT AS LONG AS
9 MAYOR RIZZO IS IN OFFICE, NOTHING WILL EVER BE DONE.

10 I THINK MAYOR RIZZO RULES THE POLICE REVIEW
11 BOARD, COMMISSIONER O'NEILL, THE MEDICAL EXAMINER'S OFFICE AND
12 --

13 OH, AND BY THE WAY, I FORGOT TO MENTION
14 AFTER MY BOY WAS KILLED I REQUESTED, I CALLED THE MEDICAL
15 EXAMINER'S OFFICE, I WANTED AN AUTOPSY REPORT. THEY SAID
16 THEY WOULD HAVE TO HAVE MY DOCTOR REQUEST ONE, WHICH HE DID.
17 IT TOOK ME FOUR TO FIVE MONTHS TO GET THAT REPORT.

18 I KEPT, I WOULD SAY I CALLED THREE TIMES, I
19 WOULD LET LIKE FIVE OR SIX WEEKS GO BY, THEN ANOTHER CALL,
20 THEY SAID THEY COULDN'T UNDERSTAND IT, THEY SENT OUT THE
21 REPORT, THEY COULDN'T UNDERSTAND WHY I NEVER GOT IT. ANYHOW
22 THEY WOULD SEND OUT ANOTHER REPORT, I WOULD GO FOUR OR FIVE
23 WEEKS, THE DOCTOR NEVER GOT IT.

24 FINALLY AFTER THE THIRD TIME, AFTER THEY
25 TOLD ME THEY HAD SENT THE THIRD ONE OUT IT DAWNED ON ME THE

1 MEDICAL EXAMINER'S OFFICE, A POLICE SHOOTING, I SAID, "THEY
2 ARE GIVING ME THE RUN-A-ROUND."

3 AND I CALLED THEM UP AND I TOLD THEM, I
4 SAID, "I DON'T BELIEVE YOU EVER SENT ME AN AUTOPSY REPORT, I
5 BELIEVE YOU ARE GIVING ME THE RUN-A-ROUND AROUND BECAUSE THIS
6 INVOLVES A POLICE SHOOTING," AND I SAID, "IF I DON'T GET A
7 REPORT, I AM WRITING TO THE NEWSPAPERS."

8 WELL, WITHIN A FEW DAYS I HAD THE REPORT.
9 AND ON THE VERY FIRST PAGE OF THE AUTOPSY REPORT THERE WAS A
10 LETTER FROM THE MEDICAL EXAMINER WHO ARRIVED ON THE SCENE;
11 THEN I THOUGHT TO MYSELF THIS IS WHY THEY DIDN'T WANT ME TO
12 SEE THIS.

13 MY BOY WAS SHOT AT 2:20 A.M., AND THE
14 MEDICAL EXAMINER SHOWED UP AT 4:30 A.M. THIS IS WHAT I
15 THOUGHT THEY DIDN'T WANT ME TO KNOW, THAT MY BOY LAID
16 SPRAWLED OUT ON THE STEPS OF A HOUSE FOR TWO HOURS AND TEN
17 MINUTES.

18 Q. FROM WHAT YOU JUST SAID, IS IT YOUR OPINION
19 THAT IN A POLICE SHOOTING OF THIS KIND THAT FROM THE MAYOR ON
20 DOWN TO THE POLICE CHIEF, TO THE DISTRICT ATTORNEY, TO THE
21 MEDICAL EXAMINER'S OFFICE, ALL THE POINTS OF THE SYSTEM CAN
22 AND IN SOME INSTANCES DO COVER UP SO NO ONE WILL KNOW; IS
23 THAT CORRECT?

24 A. I CERTAINLY DO.

25 Q. COOPERATE?

1 QUESTIONS IS REPRESENTATIVE JOHN WHITE OF PHILADELPHIA
2 COUNTY.

3 REPRESENTATIVE WHITE:

4 Q. MRS. GAGLIARDI, YOU MAY HAVE ANSWERED THIS
5 IN RESPONSE TO REPRESENTATIVE WILLIAMS QUESTIONS, BUT I MAY
6 HAVE ALSO MISSED IT: DID YOU TRY TO FILE A CRIMINAL
7 COMPLAINT AGAINST OFFICER FLINT WITH THE PHILADELPHIA POLICE
8 DEPARTMENT OR THE DISTRICT ATTORNEY'S OFFICE?

9 A. I WAS SO BEWILDERED AT THE LOSS OF MY SON.
10 I WENT TO THE HOMICIDE DIVISION, I SPOKE TO
11 THE HEAD OF HOMICIDE.

12 Q. WHO DID YOU SPEAK WITH, THAT WAS --

13 A. CAPTAIN ARTHUR MATTHEWS WAS HIS NAME, AND HE
14 BROUGHT IN A DETECTIVE WHO HAD BEEN ON CALL ON THE SCENE WHEN
15 MY BOY WAS SHOT AND I SAID -- I MEAN THE DETECTIVE SAID HE
16 WAS SORRY ABOUT WHAT HAPPENED ABOUT MY SON AND I SAID, "MY
17 BOY IS DEAD, AND THAT'S ALL I GET, I'M SORRY?"

18 I DIDN'T KNOW WHAT TO DO BECAUSE ON THE
19 DEATH CERTIFICATE IT SAID JUSTIFIABLE HOMICIDE AND I THOUGHT
20 WELL, WHO WOULD WRITE THAT, IS IT THE CITY OR IS IT THE
21 DISTRICT ATTORNEY'S OFFICE?

22 SO THEN WHEN ONE OF MY SON'S FRIENDS TOLD ME
23 ABOUT THE LAW CENTER, I WENT DOWN THERE.

24 Q. WHEN YOU TALKED TO CAPTAIN MATTHEWS, AT NO
25 POINT DID HE NOR THE DETECTIVE THAT YOU ALSO SPOKE WITH,

1 ENCOURAGE YOU TO FILE ANY KIND OF A COMPLAINT AGAINST OFFICER
2 FLINT?

3 A. NO, SIR.

4 Q. HE DID NOT ADVISE YOU OF ANY REGULATION OR
5 SYSTEM BY WHICH SUCH A COMPLAINT COULD BE FILED?

6 A. NO.

7 Q. HOW SOON AFTER THE SHOOTING INCIDENT DID YOU
8 FIND OUT THAT IT WAS JUSTIFIABLE HOMICIDE?

9 A. YOU MEAN WHEN DID I GET THAT DEATH
10 CERTIFICATE?

11 Q. YES.

12 A. I DON'T REMEMBER, BECAUSE I WAS LIKE IN
13 ANOTHER WORLD WHEN I LOST MY BOY.

14 Q. I UNDERSTAND.

15 WHEN WAS THE FIRST TIME THAT YOU WERE EITHER
16 CONTACTED BY THE POLICE IN REGARD TO THE SHOOTING INCIDENT OF
17 YOUR SON --

18 A. I WAS NEVER CONTACTED BY THE POLICE.

19 Q. YOU WERE NEVER CONTACTED BY THE POLICE?

20 A. I WAS NEVER CONTACTED BY THE POLICE
21 DEPARTMENT.

22 Q. AND FINALLY ONE OTHER QUESTION IN REGARD TO
23 THE SUIT, CIVIL SUIT WHICH YOU FILED THROUGH THE LAWYERS
24 COMMITTEE FOR CIVIL RIGHTS, NOW P.I.L.C.O.P.:

25 WHAT WAS THE OUTCOME OF THE SUIT THAT YOU

1 FILED?

2 A. WELL, THE JURY FOUND THE OFFICER WRONG IN
3 THE SHOOTING DEATH OF MY SON AND THEN THE CITY APPEALED TO
4 THE JUDGE WHO HEARD THE CASE. THEY LOST THAT APPEAL. THEN
5 THEY FILED AN APPEAL TO THE THIRD CIRCUIT COURT OF APPEALS
6 AND THEY LOST THAT APPEAL. AND THEN THEY PETITIONED TO
7 APPEAL TO THE U. S. SUPREME COURT THIS PAST JUNE, AND THAT
8 WAS TURNED DOWN.

9 Q. DO YOU KNOW OR UNDERSTAND AT ANY POINT THE
10 BASIS FOR THE APPEALS THAT THE CITY MADE?

11 A. PARDON ME?

12 Q. DO YOU KNOW THE BASIS FOR THE CITY FILING
13 THE APPEALS WITH THE COURTS?

14 A. DO I KNOW THEIR REASONS?

15 Q. YES.

16 A. NO, SIR, I HAVE NO IDEA WHAT THEY PUT IN
17 THERE.

18 CHAIRMAN RHODES:

19 Q. DID ANY OFFICIAL OF THE CITY OR POLICE
20 DEPARTMENT AT ANY POINT IN YOUR CIVIL TRIAL OR THE APPEAL
21 PROCEDURE, ENCOURAGE YOU TO NOT PROCEED WITH THE CASE OR IN
22 ANY INSTANCE ATTEMPT TO NEGOTIATE WITH YOU IN TERMS OF THE
23 OUTCOME OF THE SETTLEMENT?

24 A. BEFORE MY CASE WENT BEFORE JUDGE NEWCOMER,
25 MY ATTORNEY HAD CALLED AND SAID THE CITY SOLICITOR'S OFFICE

1 WAS WILLING TO SETTLE FOR \$5,000 FOR MY SON'S LIFE OR, IF I
2 WAS GOING TO GO THROUGH WITH IT, THEY WERE GOING TO APPEAL.
3 AND I SAID TO MY ATTORNEY, "I'M GOING THROUGH WITH IT."

4 SO THEN AFTER I WAS AWARDED, I WAS AWARDED
5 \$116,570. WITHIN A WEEK AFTER THAT, AFTER THE JURY FOUND THE
6 OFFICER WRONG, MY ATTORNEY CALLED ME AND HE SAID THE CITY GOT
7 IN TOUCH WITH HIM AND SAID THEY WERE WILLING TO GIVE ME
8 \$65,000 OR THEY WOULD APPEAL. I SAID, "LET THEM APPEAL."
9 WHICH THEY DID. THEY LOST THE FIRST TWO APPEALS. THEY TOOK
10 IT ALL THE WAY TO THE U. S. SUPREME COURT.

11 TO MY KNOWLEDGE, THIS IS THE FIRST POLICE
12 BRUTALITY CASE THAT WAS EVER TAKEN ALL THE WAY TO THE U.S.
13 SUPREME COURT.

14 CHAIRMAN RHODES: AT LEAST THE INITIAL OFFER --
15 I DON'T KNOW ABOUT THE SUBSEQUENT ONE'S, WHICH MAY BE GOOD
16 LAWYERS' PRACTICES. I DON'T KNOW WHAT LAWYERS DO IN THOSE
17 KINDS OF CASES, BUT AT LEAST THE INITIAL ONE MUST HAVE
18 SUGGESTED THAT THE CITY THOUGHT YOU HAD SOMETHING OF A GOOD
19 CASE TO EVEN OFFER YOU THE \$5,000. I MEAN I WOULD CONCLUDE
20 THAT, NOT BEING AN ATTORNEY THAT THEIR OFFER OF \$5,000
21 INITIALLY MUST HAVE INDICATED AT LEAST THEY THOUGHT YOU HAD
22 SOMETHING IN YOUR CASE, THERE MUST HAVE BEEN SOME WEIGHT TO
23 YOUR CASE.

24 A. THAT'S WHAT I THOUGHT TOO.

25 CHAIRMAN RHODES: WHICH MIGHT HAVE ENCOURAGED

1 YOU TO GO AHEAD.

2 REPRESENTATIVE WILLIAMS: MR. CHAIRMAN, I DON'T
3 THINK THAT'S NECESSARILY SO. IT'S A NUISANCE VALUE, THAT IS
4 AN INSULT IN A CASE LIKE THIS.

5 CHAIRMAN RHODES: OH, I SEE. I AM NOT A
6 LAWYER, SO I DON'T REALLY --

7 REPRESENTATIVE WILLIAMS: I AM JUST SAYING THAT
8 \$5,000 OFFER WOULD BE WHAT THEY WOULD CALL A NUISANCE VALUE
9 REALLY, IN A CASE LIKE THIS; AND IN MY JUDGMENT IT IS AN
10 INSULT TO YOU.

11 CHAIRMAN RHODES: AGAIN, I AM NOT AN ATTORNEY.

12 REPRESENTATIVE RICHARDSON OF PHILADELPHIA
13 COUNTY.

14 REPRESENTATIVE RICHARDSON: THANK YOU, MR.
15 CHAIRMAN.

16 REPRESENTATIVE RICHARDSON:

17 Q. RECOGNIZING HOW HARD THIS IS FOR YOU TO
18 TESTIFY, MRS. GAGLIARDI, I WANTED TO EXPLORE A COUPLE
19 MATTERS.

20 THERE IS SOME CONCERN THAT ON THE DAY THIS
21 INCIDENT OCCURRED IN RELATIONSHIP TO YOUR SON, THAT THE
22 POLICE DEPARTMENT HAS NEVER CONTACTED YOU SINCE THEN.

23 HAS MAYOR RIZZO OR THE POLICE COMMISSIONER
24 CALLED OR VISITED YOU IN RELATIONSHIP TO THIS PARTICULAR
25 PROBLEM?

1 A. OH, NO, NEVER.

2 Q. SINCE WE KNOW THAT IN THE CITY THE MAYOR HAS
3 A TENDENCY TO VISIT A POLICE OFFICER WHEN THEY ARE SHOT, OR
4 THEIR FAMILIES; I JUST WANTED TO KNOW IF IT WAS THE SAME
5 SITUATION IN THIS CASE?

6 A. NO, SIR, I NEVER HEARD FROM MAYOR RIZZO OR
7 POLICE COMMISSIONER O'NEILL.

8 Q. IN YOUR ESTIMATION, AS A CITIZEN IN THIS
9 CITY AND SOLELY IN YOUR OPINION AND IN YOUR OWN WORDS, WHO DO
10 YOU FEEL RUNS THE POLICE DEPARTMENT IN THE CITY OF
11 PHILADELPHIA, MAYOR RIZZO OR POLICE COMMISSIONER O'NEILL?

12 A. MAYOR RIZZO.

13 Q. WHY DO YOU FEEL THAT WAY?

14 A. WELL, I JUST FEEL THAT HE DOES. I FEEL LIKE
15 COMMISSIONER O'NEILL IS A PUPPET ON A STRING. AND I THINK
16 THEY ARE ALL AFRAID OF MAYOR RIZZO.

17 I THINK HE RUNS EVERYTHING, THE POLICE
18 DEPARTMENT, POLICE REVIEW BOARD -- WHICH I AM AGAINST, I
19 THINK THERE SHOULD BE A CITIZENS REVIEW BOARD.

20 I THINK ANYTHING TO DO WITH THE CITY MAYOR
21 RIZZO RUNS.

22 Q. COULD YOU DESCRIBE IN YOUR OWN WORDS THE
23 ATTITUDE OF THE POLICE HERE IN THE CITY?

24 A. WELL, I WILL TELL YOU ONE THING: WHEN THE
25 TRIAL WAS ALL OVER IN FEDERAL COURT, WHEN I SUED THE CITY,

1 THAT LASTED A WHOLE MONTH.

2 THE VERY LAST DAY WHEN IT WAS ALL OVER,
3 OFFICER FLINT -- I AND OTHER MEMBERS OF MY FAMILY HEARD
4 OFFICER FLINT SAY, "WELL, I STILL GOT BIG BROTHER"

5 IN MY ESTIMATION, BIG BROTHER IS ONLY ONE
6 MAN.

7 Q. WHO IS THAT?

8 A. MAYOR RIZZO.

9 Q. DO YOU BELIEVE THAT --

10 CHAIRMAN RHODES: MAY I JUST INTERJECT FOR A
11 MOMENT, REPRESENTATIVE RICHARDSON?

12 REPRESENTATIVE RICHARDSON: YES, SIR, MR.
13 CHAIRMAN.

14 CHAIRMAN RHODES:

15 Q. ONE THING PERPLEXES ME WITH ALL THESE
16 STATEMENTS THAT YOU JUST MADE ABOUT WHAT THE OFFICER SAID.

17 WHAT DID THE OFFICER SAY AT THE CIVIL TRIAL
18 OR OTHER POLICE OFFICIALS SAY THAT JUSTIFIED THE SHOOTING IN
19 THEIR ATTEMPT -- I THINK I ASKED ONE OF REPRESENTATIVE
20 RICHARDSON'S QUESTIONS, BUT WHAT DID THEY SAY TO JUSTIFY IT,
21 WHAT DID THEY SAY?

22 A. YES, I AM GLAD YOU ASKED ME THAT.

23 Q. ACTUALLY REPRESENTATIVE RICHARDSON IS ASKING
24 YOU.

25 A. OFFICER FLINT TESTIFIED ON THE WITNESS STAND

1 THAT MY SON WHO WAS 140 POUNDS AND OFFICER FLINT WHO WAS 190
2 POUNDS, OFFICER FLINT TESTIFIED THAT DURING THE SCUFFLE THAT
3 MY SON WAS RESISTING ARREST, THAT MY SON GOT IN BACK OF HIM
4 AND LIKE PUT HIS ARMS AROUND HIM AND HE PULLED THE GUN OUT OF
5 HIS HOLSTER.

6 AND MY ATTORNEY ASKED OFFICER FLINT TO
7 DEMONSTRATE FOR THE JURY HOW THIS WAS DONE:

8 OFFICER FLINT TOOK OFF HIS GUN AND HOLSTER,
9 MY ATTORNEY PUT THE GUN AND HOLSTER ON HIM -- THE FEDERAL
10 JUDGE EMPTIED THE GUN FIRST -- MY ATTORNEY PUT THE GUN AND
11 HOLSTER ON; OFFICER FLINT PUT HIS ARMS AROUND MY ATTORNEY,
12 AND HE PULLED AND HE PULLED AND HE PULLED WITH ALL HIS MIGHT,
13 AND NO WAY DID THAT GUN COME OUT OF THAT HOLSTER.

14 Q. THEN WHAT DID HE SAY AFTER THAT?

15 A. I BROKE DOWN AND CRIED.

16 Q. NO, NO, WHAT DID OFFICER FLINT SAY AFTER THE
17 DEMONSTRATION TO JUSTIFY THE SHOOTING?

18 A. HE DIDN'T SAY, HE JUST SAID THAT ABOUT MY
19 SON HAD THE GUN; BUT THE FACT THAT HE DEMONSTRATED AND HE
20 PULLED FOR ALL HE WAS WORTH -- HE'S 190 POUNDS -- HE PULLED
21 TO SHOW THAT THAT'S HOW MY SON GOT HIS GUN AWAY FROM HIM.

22 Q. BUT I AM A LITTLE CONFUSED.

23 LET'S ASSUME OFFICER FLINT WAS GOING TO
24 FOLLOW THAT LINE OF TESTIMONY. HE SAID YOUR SON PULLED THE
25 GUN OUT OF HIS HOLSTER?

1 A. YES, HE SAID MY SON GOT IN BACK OF HIM LIKE
2 THIS AND --

3 Q. AND THEN OFFICER FLINT ENDED UP SHOOTING
4 YOUR SON, RIGHT?

5 A. YES. MY SON NEVER GOT THAT GUN.

6 Q. BUT THE POINT IS OFFICER FLINT ENDS UP
7 SHOOTING YOUR SON.

8 HOW DID OFFICER FLINT EXPLAIN HOW HE GOT
9 THE GUN BACK; AND SINCE THE ONLY GUN YOUR SON HAD WAS THE
10 OFFICER'S, USING THE OFFICER'S WORDS, WHAT THREAT DID YOUR
11 SON REPRESENT TO THE OFFICER SINCE THE ONLY GUN INVOLVED WAS
12 THE OFFICER'S GUN AND THE OFFICER USED THE GUN TO SHOOT YOUR
13 SON?

14 A. WELL, I WILL TELL YOU I WAS VERY NERVOUS
15 DURING THE TRIAL. ALL I CAN THINK OF IS THAT STORY WAS
16 CONCOCTED THAT MY SON GOT THE GUN. THEY MADE THAT UP.

17 I THINK MY SON RESISTED ARREST, AND HE GOT
18 AWAY FROM OFFICER FLINT AND WHEN HE RAN, OFFICER FLINT SHOT
19 HIM IN THE BACK AND AGAIN UNDER THE LEFT ARMPIT.

20 CHAIRMAN RHODES: OKAY, THANK YOU.

21 REPRESENTATIVE RICHARDSON.

22 REPRESENTATIVE RICHARDSON: THANK YOU VERY
23 MUCH, MR. CHAIRMAN.

24 REPRESENTATIVE RICHARDSON:

25 Q. MRS. GAGLIARDI, THE QUESTION IS NOT CLEAR IN

1 MY MIND SPECIFICALLY AS TO AFTER THE DEMONSTRATION OF THE
2 POLICE OFFICER AND THE ATTORNEY THERE IN THE COURTROOM.

3 WHAT WAS THE QUESTION THAT WAS ASKED OF THE
4 OFFICER AFTER THE DEMONSTRATION WAS OVER TO INDICATE THE GUN
5 COULDN'T HAVE BEEN PULLED OUT OF THE HOLSTER? WHAT WAS THEN
6 SAID, IF YOU REMEMBER?

7 A. I THINK I GOT HYSTERICAL CRYING, AND I DON'T
8 REMEMBER EXACTLY WHAT WAS SAID, I JUST GOT HYSTERICAL CRYING.

9 Q. IN OTHER WORDS YOU CANNOT SHARE WITH THIS
10 COMMITTEE WHETHER OR NOT, IN FACT THE OFFICER ADMITTED THAT
11 THAT WAS IMPOSSIBLE FOR THAT TO OCCUR AS A RESULT OF THE WAY
12 IT WAS SHOWN?

13 A. FROM WHAT I HEARD FROM MEMBERS OF MY FAMILY,
14 HIS FACE TURNED RED AS A BEET WHEN THIS HAPPENED, WHEN HE
15 COULDN'T PULL THE GUN OUT; BUT I MYSELF WAS TOO HYSTERICAL.

16 Q. DO YOU KNOW WHETHER OR NOT THERE WAS ANY
17 WRITTEN FINAL DECISION -- THIS IS THE QUESTION I WANTED TO
18 RAISE -- OF THE CIVIL CASE THAT WAS HELD IN COURT, IN FEDERAL
19 COURT?

20 A. DID I?

21 Q. DID YOU EVER RECEIVE A WRITTEN DECISION OF
22 WHAT HAPPENED AS A RESULT OF THE CASE? DID YOU EVER RECEIVE
23 ANYTHING IN WRITING?

24 A. FROM WHO, SIR?

25 Q. FROM THE COURT, FEDERAL COURT.

1 A. FEDERAL COURT, WELL MY ATTORNEY RECEIVED
2 EVERYTHING, YOU KNOW, ALL THE INFORMATION FROM FEDERAL COURT,
3 FROM THE APPEALS COURT, FROM THE U. S. SUPREME COURT.

4 Q. I AM JUST REFERRING -- AFTER EVERY CASE
5 THERE IS A WRITTEN DECISION AS TO WHAT THE OUTCOME OF THE
6 HEARING WAS.

7 TO HELP THE COMMITTEE, WHAT I AM TRYING TO
8 GET ON THE RECORD -- TO HELP THE COMMITTEE, WHAT WE WANT TO
9 ASCERTAIN IS WHETHER OR NOT THERE WAS A WRITTEN DECISION AND
10 DID YOU EVER SEE WHAT THE FINAL WRITTEN DECISION WAS THAT
11 MADE THEM RULE IN THE MANNER THAT THEY DID?

12 A. NO, I NEVER SAW THE WRITTEN DECISION. I
13 IMAGINE MY ATTORNEY HAS THAT AND HE KNOWS, SIR.

14 Q. WHO WAS YOUR ATTORNEY?

15 A. MR. BENJAMIN KUBY. HE'S IN THE PACKARD
16 BUILDING, 19TH AND CHESTNUT STREETS, I BELIEVE IT IS, 19TH
17 AND CHESTNUT OR 19TH AND WALNUT.

18 Q. PRIOR TO THIS INCIDENT WITH YOUR SON, MRS.
19 GAGLIARDI, DO YOU KNOW OF ANY OR DID YOU KNOW OF ANY OTHER
20 KIND OF CASES LIKE THIS IN THE CITY OF PHILADELPHIA? DO YOU
21 HAVE ANY FIRST-HAND INFORMATION OTHER THAN THAT WHICH YOU
22 HEARD IN COURT IN 1975 ABOUT THE KINDS OF POLICE ABUSE,
23 POLICE VIOLENCE HERE IN THE CITY PERPETUATED BY POLICE
24 OFFICERS ON CITIZENS HERE IN THE CITY?

25 A. I NEVER KNEW BEFORE, BUT I KNOW SINCE I

1 READ, I READ UP ON EVERYTHING IN THE PAPERS ABOUT POLICE
2 BRUTALITY.

3 Q. AND FINALLY, I WOULD LIKE TO ASK YOU WHETHER
4 OR NOT YOU KNOW PERSONALLY OF ANY OTHER WITNESSES WHO WOULD
5 BE WILLING TO TESTIFY BEFORE THIS COMMITTEE WHILE WE ARE IN
6 PHILADELPHIA?

7 A. YOU MEAN REGARDING MY SON'S CASE OR --
8 REFERRING TO --

9 Q. OTHER CASES.

10 A. OTHER CASES, NO, I DON'T KNOW ANYONE
11 PERSONALLY.

12 REPRESENTATIVE RICHARDSON: THANK YOU VERY
13 MUCH, MRS. GAGLIARDI.

14 CHAIRMAN RHODES: THANK YOU, REPRESENTATIVE
15 RICHARDSON,

16 WE ARE VERY PLEASED TO ACKNOWLEDGE AT THIS
17 POINT THE PRESENCE OF THE MINORITY CHAIRMAN OF THE
18 SUBCOMMITTEE, TO MY EXTREME LEFT, ANTHONY SCIRICA OF
19 MONTGOMERY COUNTY.

20 REPRESENTATIVE WIGGINS, DO YOU HAVE A
21 QUESTION?

22 REPRESENTATIVE WIGGINS: YES, I HAVE ONE.

23 REPRESENTATIVE WIGGINS:

24 Q. MRS. GAGLIARDI, AS A RESULT OF YOU PURSUING
25 THE ACT SURROUNDING YOUR SON'S DEATH, HAS ANY THREATS OR ACTS

1 OF INTIMIDATION BEEN TAKEN AGAINST YOU OR MEMBERS OF YOUR
2 FAMILY?

3 A. NO, JUST THE USUAL THING THAT HAPPENS TO A
4 LOT OF PEOPLE; THE PHONE WILL RING; WHEN YOU ANSWER, NO ONE
5 ELSE ANSWERS, YOU JUST HANG UP. OTHER THAN THAT, THERE HAS
6 BEEN NO HARASSMENT.

7 REPRESENTATIVE WIGGINS: THANK YOU, MRS.
8 GAGLIARDI.

9 CHAIRMAN RHODES: THANK YOU, REPRESENTATIVE
10 WIGGINS.

11 REPRESENTATIVE SCIRICA, DO YOU HAVE ANY
12 QUESTIONS?

13 REPRESENTATIVE SCIRICA: NO.

14 CHAIRMAN RHODES: WE HAVE A FOLLOW-UP QUESTION
15 FROM REPRESENTATIVE WILLIAMS WHO IS OUR RESIDENT LAWYER ON
16 THE COMMITTEE.

17 REPRESENTATIVE WILLIAMS.

18 REPRESENTATIVE WILLIAMS:

19 Q. MRS. GAGLIARDI, DO YOU KNOW WHETHER OR NOT
20 YOUR ATTORNEY SUBPOENAED THE MEDICAL RECORDS AND THE POLICE
21 RECORDS INVOLVING THE CIRCUMSTANCES IN YOUR SON'S DEATH?

22 A. I BELIEVE HE DID.

23 Q. I TAKE IT YOU WOULDN'T HAVE ANY PERSONAL
24 OBJECTION IF WE GOT ACCESS TO THE RECORDS INVOLVING THESE?

25 A. WOULD I HAVE ANY PERSONAL OBJECTION?

1 Q. YES.

2 A. NO.

3 REPRESENTATIVE WILLIAMS: THANK YOU.

4 CHAIRMAN RHODES: REPRESENTATIVE RICHARDSON,
5 JUST ONE BRIEF QUESTION.

6 REPRESENTATIVE RICHARDSON:

7 Q. I WANTED TO ASK ONE SPECIFIC QUESTION, THAT
8 WAS RELEVANT TO THE STATE THAT WE LIVE IN, OKAY, THE STATE OF
9 CONFUSION, THAT IS.

10 COULD YOU TELL US WHETHER OR NOT YOU BELIEVE
11 THAT IN THE CITY OF PHILADELPHIA THAT WE LIVE IN IS A POLICE
12 STATE, IN YOUR OWN WORDS, IN YOUR OPINION?

13 A. DEFINITELY SO.

14 REPRESENTATIVE RICHARDSON: THANK YOU VERY
15 MUCH.

16 CHAIRMAN RHODES: MRS. GAGLIARDI, WE ARE VERY
17 PLEASED AND WE THANK YOU FOR TAKING THE TIME OUT TO BE WITH
18 US AND DISCUSS WITH US THIS PAINFUL SUBJECT.

19 I JUST WANT TO ASK ONE QUESTION, THE
20 CHAIRMAN HAS THAT PREROGATIVE.

21 CHAIRMAN RHODES:

22 Q. THE THING THAT STRIKES ME SO ODD ABOUT THIS,
23 SINCE A JURY APPEARING IN A CIVIL CASE FOUND IN YOUR FAVOR
24 AND WAS UPHELD ALL THE WAY UP TO THE SUPREME COURT OF THE
25 UNITED STATES -- AND AS YOU WELL KNOW, THE SUPREME COURT OF

1 THE UNITED STATES THESE DAYS IS NOT THE MOST LIBERAL BODY IN
2 THE WORLD -- AND THIS OFFICER, OFFICER FLINT WAS PROMOTED,
3 YOU SAY, TO SERGEANT?

4 A. SOMEWHERE BETWEEN THE TIME THAT MY BOY WAS
5 KILLED IN '72 UNTIL THE TRIAL OF '75 HE WAS PROMOTED TO A
6 SERGEANT.

7 Q. AND HE IS STILL A SERGEANT?

8 A. HE WAS IN '75, IN FEDERAL COURT.

9 Q. HE IS STILL ON THE FORCE, I AM TOLD, BY MY
10 STAFF.

11 A. YES. AND IN '75 HE WAS AT THE POLICE
12 GARAGE; AND IS STILL A SERGEANT AS FAR AS I KNOW.

13 Q. HE HIT THIS OTHER PERSON ACROSS THE HEAD?

14 A. YES, HE WHACKED HIM ACROSS THE HEAD.

15 Q. AND HE WALKS AROUND IN PHILADELPHIA WITH THE
16 POLICE POWERS THAT WE IN THE LEGISLATURE -- THAT'S WHY WE ARE
17 HERE -- GAVE HIM, BECAUSE WE GIVE THE POLICEMEN THEIR POLICE
18 POWER, THAT'S WHERE IT COMES FROM, THE STATE LAW.

19 DO YOU THINK THAT OFFICER FLINT REPRESENTS A
20 DANGER TO THE CITIZENS IN THIS CITY WHEN HE WALKS AROUND WITH
21 HIS BADGE AND HIS GUN AND HIS NIGHTSTICK NOW?

22 DO YOU THINK HE REPRESENTS -- THAT ONE MAN,
23 BECAUSE WE ARE TRYING TO UNDERSTAND THE WHOLE SYSTEM, BUT
24 THEN WE ARE ASKING ABOUT ONE PERSON TOO -- DOES OFFICER OR
25 SERGEANT FLINT NOW, DOES HE REPRESENT IN YOUR OPINION A

1 DANGER TO PEOPLE?

2 A. IN MY HONEST OPINION, I DON'T THINK HE'S
3 QUALIFIED TO BE A POLICE OFFICER AT ALL.

4 Q. DO YOU THINK HE MIGHT HURT SOMEONE ELSE?

5 A. NOT WHILE HE IS WORKING AT THE POLICE
6 GARAGE.

7 Q. HE IS AN OFF-DUTY OFFICER, HE CARRIES A GUN.

8 A. HE CARRIES A GUN ALL THE TIME?

9 Q. YES.

10 A. IN MY OPINION, I THINK HE IS A HOT-TEMPERED
11 PERSON. HE IS TOO QUICK TO, YOU KNOW, TO THINK, TO THINK OUT
12 THINGS.

13 Q. DO YOU THINK HE MIGHT HURT SOMEBODY AGAIN?

14 A. GOD FORBID, I HOPE NOT.

15 Q. DO YOU THINK THE ACTION BY THE POLICE
16 DEPARTMENT OR THE LACK OF IT IN RELATION TO HIS KILLING OF
17 YOUR SON ENCOURAGES OTHER POLICE OFFICERS TO THINK THEY MIGHT
18 GET AWAY WITH DOING THAT SORT OF THING?

19 A. I THINK THE STATEMENTS THAT MAYOR RIZZO HAS
20 MADE ABOUT POLICE BRUTALITY GIVES SOME OFFICERS -- NOT ALL OF
21 THEM -- SOME OFFICERS THE FEELING, 'WELL, WE GOT FRANK,
22 NOTHING IS GOING TO HAPPEN TO US, WE GOT FRANK.'

23 Q. THEIR BIG BROTHER?

24 A. UH-HUM.

25 CHAIRMAN RHODES: THANK YOU VERY MUCH, MRS.

1 GAGLIARDI. WE ARE VERY PLEASED YOU COULD BE WITH US TODAY.

2 IS THERE ANYTHING ELSE YOU WOULD LIKE TO

3 TELL US, BASED ON UPDATES BY YOUR COUNSEL?

4 A. WELL, IF YOU WANT ANY RECORDS OF THE TRIAL

5 ITSELF, THEY ARE ACCESSIBLE TO YOU.

6 CHAIRMAN RHODES: YOU WILL MAKE THOSE RECORDS

7 AVAILABLE TO US, TO OUR STAFF?

8 A. YES.

9 CHAIRMAN RHODES: AND WE WILL TOTALLY SECURE
10 THEM.

11 THANK YOU VERY MUCH FOR YOUR TESTIMONY. WE
12 APPRECIATE YOU BEING WITH US.

13 (WITNESS EXCUSED.)

14 CHAIRMAN RHODES: OUR NEXT WITNESS IS THE
15 HONORABLE JOSEPH COLEMAN, A MEMBER OF CITY COUNCIL.

16 COUNCILMAN COLEMAN, THANK YOU FOR BEING WITH
17 US.

18 DO YOU ACKNOWLEDGE THAT YOU HAVE IN YOUR
19 POSSESSION A SUBPOENA TO APPEAR BEFORE US TODAY?

20 COUNCILMAN COLEMAN: I DO.

21 ---

22 COUNCILMAN JOSEPH COLEMAN, SWORN.

23 CHAIRMAN RHODES:

24 Q. DO YOU HAVE A SWORN STATEMENT?

25 A. I HAVE A COPY OF A STATEMENT WHICH I

1 PREPARED, WHICH WAS PREPARED SOME TIME AGO; BUT I THINK IT IS
2 RELEVANT, IT IS QUITE APPROPRIATE HERE THIS EVENING.

3 Q. YOU MAY PROCEED, COUNCILMAN.

4 A. I WOULD LIKE TO SAY INITIALLY, PERHAPS I
5 SHOULD SAY AT THE ENDING, THAT I DO NOT BELIEVE THAT COUNCIL
6 HAS THE WILL OR THE TENACITY AT THIS POINT TO ENACT ANY
7 LEGISLATION THAT WOULD ATTEMPT TO ADDRESS ITSELF TO POLICE
8 BRUTALITY. I DO NOT BELIEVE THAT THE MAYOR IS OF THE
9 TEMPERAMENT THAT HE IS WILLING TO DO ANYTHING IN TERMS OF
10 IMPLEMENTING ANY KIND OF PROCEDURES OR ANY KIND OF OFFICE OF
11 COMPLAINT, ALONG THAT LINE.

12 I DO BELIEVE THAT IF THIS COMMITTEE, THE
13 SUBCOMMITTEE AND PARENT COMMITTEE AND, GENERALLY, THE HOUSE
14 ITSELF AND THE LEGISLATURE ITSELF, THAT IF IT DOES NOT ACT IN
15 THIS MATTER, I DON'T BELIEVE THAT WE WILL IN PHILADELPHIA
16 HAVE ANY PEACE AND THAT WHAT PRESENTLY EXISTS IN PHILADELPHIA
17 WILL CONTINUE.

18 PERHAPS THAT STATEMENT OUGHT TO BE THE LAST
19 STATEMENT, BUT NEVERTHELESS, I WANT TO PREFACE WHAT I HAVE TO
20 SAY WITH THAT STATEMENT.

21 ALMOST EVERY OTHER DAY BRINGS ADDITIONAL
22 REVELATIONS OF NEW ALLEGATIONS OF POLICE BRUTALITY, POLICE
23 HARASSMENT, UNLAWFUL USE OF FORCE AND USE OF EXCESSIVE FORCE
24 AND OUTRIGHT BRUTALITY AGAINST CERTAIN SEGMENTS OF THE
25 CITIZENS OF PHILADELPHIA. SOME OF THESE ALLEGATIONS HAVE

1 BEEN DOCUMENTED AND THEY ARE ALSO SUPPORTED BY EYEWITNESSES,
2 WHILE OTHERS ARE UNSUBSTANTIATED ASSERTIONS BY VICTIMS THEMSELVES.

3 IT WOULD BE GROSSLY DISHONEST TO EVEN
4 FAINTLY SUGGEST OR IMPLY THAT LARGE NUMBERS OF PHILADELPHIA
5 POLICEMEN ARE INVOLVED IN THIS ABUSE AND THIS HARASSMENT OR
6 BRUTALITY AGAINST ANY OF OUR CITIZENS.

7 I WANT TO SAY AT THE VERY BEGINNING THAT
8 PHILADELPHIA DOES HAVE AN EXCELLENT POLICE FORCE OF WHICH THE
9 OVERWHELMING MAJORITY ARE TRYING TO DO A GOOD JOB AND TRYING
10 TO ENFORCE THE LAW CONSTITUTIONALLY AND EQUITARLY.

11 EACH DAY WE KNOW THESE MEN GO OUT AND THEY
12 PUT THEIR LIVES ON THE LINE IN ORDER TO PROTECT SOCIETY.

13 BUT ON THE OTHER HAND, LET IT BE CLEAR IT
14 WOULD BE SIMPLY LUDICROUS AND RIDICULOUS TO WRITE OFF ALL OF
15 THESE DOCUMENTED ALLEGATIONS AND EYEWITNESSED ACCOUNTS OF
16 POLICE ABUSE, HARASSMENT AND BRUTALITY AS MERE FIGMENTS OF
17 THE IMAGINATION, CONTRIVED BY PERSONS HAVING A BONE TO PICK
18 WITH THE POLICE. IT CERTAINLY WOULD BE LAUGHABLE TO EVEN
19 THINK OF THAT.

20 THE NET EFFECT OF THESE REVELATIONS HAS BEEN
21 TO ENGENDER WITHIN THE CITY AS A WHOLE THE SAME FEELINGS OF
22 FEAR AND MISTRUST FOR OUR POLICE THAT LARGE SEGMENTS OF THE
23 NON-WHITE COMMUNITY HAVE FELT AND SUFFERED FOR SO LONG A
24 TIME.

25 FROM ALL INDICATIONS, THESE FEELINGS OF FEAR

1 AND MISTRUST EMANATE FROM THE ACTIONS OF A VERY SMALL
2 MINORITY OF POLICE WHO, UNDER THE COLOR OF OFFICE, FREQUENTLY
3 STEP BEYOND THEIR CONSTITUTIONAL AUTHORITY IN THE NAME OF
4 FIGHTING CRIME AND PROTECTING SOCIETY.

5 AND FREQUENTLY, THESE ILLEGAL AND CRIMINAL
6 ACTIONS OF THIS SMALL MINORITY OF POLICE ARE DELIBERATE AND
7 SOMETIMES THEY ARE MALICIOUS. AT OTHER TIMES SUCH ACTIONS
8 STEM FROM THE OVERREACTION OF POLICE CAUGHT UP IN UNEXPECTED
9 AND DIFFICULT SITUATIONS. BUT IN BOTH CASES, MR. CHAIRMAN,
10 SUCH ACTIONS ARE BOTH ILLEGAL AND CRIMINAL. THESE ACTIONS BY
11 THIS SMALL MINORITY HAS CAST DARK CLOUDS OF SUSPICION AND
12 MISTRUST OVER THE ENTIRE POLICE DEPARTMENT, WHICH SPREAD WITH
13 EACH NEW REVELATION OF ADDITIONAL ALLEGATIONS AND ASSERTIONS.

14 IF THESE CLOUDS ARE NOT REMOVED, AND SOON,
15 THEY WILL INEVITABLY ENGULF OUR ENTIRE CITY, TURNING IT INTO
16 A CITY OF TOTAL FEAR; AND A CITY OF TOTAL FEAR IS A PARALYZED
17 CITY WHICH IS THE PRECURSOR OF A DYING CITY.

18 THERE IS AN URGENT NEED IN OUR CITY TO
19 ESTABLISH AN OFFICE WHOSE EXCLUSIVE RESPONSIBILITY WOULD BE
20 TO INVESTIGATE, TO DETERMINE THE FACTS AND MAKE
21 RECOMMENDATIONS FOR THE DISPOSITION AND ADJUDICATION OF ALL
22 CITIZENS' ALLEGATIONS AND COMPLAINTS OF POLICE ABUSE AND
23 BRUTALITY.

24 NOW SEVERAL LARGE CITIES IN THE COUNTRY HAVE
25 SUCH AGENCIES. THEY INCLUDE CHICAGO, ST. LOUIS, KANSAS CITY

1 AND OAKLAND, AND SUCH AN AGENCY HAS BEEN PROPOSED IN SAN
2 FRANCISCO IN 1976.

3 SUCH AN OFFICE WAS PROPOSED IN BILL NUMBER
4 590 WHICH WAS INTRODUCED INTO CITY COUNCIL ON FEBRUARY 24,
5 1977, A COPY OF WHICH YOU HAVE. THIS BILL STILL REMAINS IN
6 COMMITTEE, AND IT IS MY UNDERSTANDING THAT IT WILL CONTINUE
7 TO REMAIN IN COMMITTEE.

8 SIMPLY STATED, BILL 590 WOULD ESTABLISH AN
9 OFFICE OF CITIZENS COMPLAINTS WITHIN THE POLICE DEPARTMENT,
10 EMPOWERED TO EXERCISE EXCLUSIVE JURISDICTION OVER ALL
11 CITIZENS' COMPLAINTS INVOLVING CHARGES OF POLICE ABUSE,
12 HARASSMENT, UNLAWFUL USE OF FORCE AND USE OF EXCESSIVE FORCE.
13 THE OFFICE OF CITIZENS COMPLAINTS, WHICH WE CAN CALL O.C.C.,
14 WOULD CONSIST OF AN EXECUTIVE DIRECTOR, WHO WOULD BE A LAWYER
15 APPOINTED BY THE POLICE COMMISSIONER, AND THREE BASIC UNITS.

16 THE FIRST UNIT WOULD BE THE INVESTIGATIVE
17 UNIT. THIS UNIT WOULD INVESTIGATE ALL CHARGES AND
18 ALLEGATIONS OF POLICE ABUSE, HARASSMENT, UNLAWFUL USE OF
19 FORCE AND USE OF EXCESSIVE FORCE. MEMBERS OF THIS UNIT WOULD
20 BE SELECTED FROM A SPECIAL CIVIL SERVICE REGISTER ESTABLISHED
21 FOR THAT PURPOSE.

22 THE NEXT UNIT WOULD BE THE HEARING EXAMINERS
23 UNIT. IT WOULD CONDUCT HEARINGS ON ALL CHARGES AND
24 ALLEGATIONS THAT ARE FOUND TO HAVE PRIMA FACIE MERIT, AFTER A
25 THOROUGH INVESTIGATION BY THE INVESTIGATIVE UNIT. MEMBERS OF

1 THIS UNIT WOULD ALSO BE SELECTED FROM A SPECIAL CIVIL SERVICE
2 REGISTER ESTABLISHED FOR THIS PURPOSE.

3 AND THE LAST UNIT WOULD BE A BOARD OF
4 CITIZENS' COMPLAINTS REVIEW, AND THEY WOULD HEAR ALL APPEALS
5 FROM ADVERSE DECISIONS AGAINST COMPLAINANTS AND POLICE ALIKE.
6 MEMBERS OF THIS BOARD OF CITIZENS' COMPLAINTS REVIEW WOULD BE
7 APPOINTED BY THE POLICE COMMISSIONER FROM A LIST OF NAMES
8 SUBMITTED FROM A COMMITTEE CONSISTING OF THE DEANS OF THE
9 SCHOOLS OF LAW OF THE UNIVERSITY OF PENNSYLVANIA AND TEMPLE
10 UNIVERSITY, AND THE ACADEMIC DEAN OF ST. JOSEPH'S COLLEGE.

11 BILL 590 FURTHER PROVIDES THAT ALL MEMBERS
12 OF O.C.C. BE CITIZENS WITH NO PRIOR OR PRESENT AFFILIATION
13 WITH THE POLICE DEPARTMENT. O.C.C. WOULD BE A
14 CITIZENS-STAFFED ADJUNCT TO THE POLICE DEPARTMENT, NEITHER
15 ALIEN OR ALOOF NOR CONTROLLED OR SUBSERVIENT.

16 BUT BILL 590 WAS MET WITH QUITE A BIT OF
17 OPPOSITION, AND THE STRONGEST OPPOSITION CAME FROM THOSE WHO
18 PROFESS TO BELIEVE THAT THERE IS NO POLICE BRUTALITY OR
19 HARASSMENT OR UNLAWFUL USE OF FORCE OR USE OF EXCESSIVE FORCE
20 IN OUR CITY. THEY CONTEND THAT THE OFFICE OF CITIZENS
21 COMPLAINTS AS PROVIDED FOR IN BILL 590, A COPY OF WHICH YOU
22 HAVE, WOULD HAMPER AND DISCOURAGE THE POLICE IN THE
23 PERFORMANCE OF THEIR DUTIES. THEY ARE UNWILLING OR UNABLE TO
24 RECOGNIZE THE DIFFERENCE BETWEEN EFFECTIVE LAW ENFORCEMENT ON
25 THE ONE HAND AND POLICE ABUSE ON THE OTHER, AS WELL AS THEIR

1 MUTUAL EXCLUSIVENESS OF EACH OTHER.

2 OPPOSITION ALSO CAME FROM VICTIMS OF THIS
3 BILL WHOSE BODIES AND MINDS STILL BORE SCARS THAT BESPOKE AND
4 EVIDENCED POLICE BRUTALITY. THEY PROTESTED THAT BILL NUMBER
5 590 WAS NOT STRONG ENOUGH AND DOUBTED ITS EFFECTIVENESS.

6 NOW IT IS TRUE THAT BILL 590 SATISFIES
7 NEITHER THOSE WHO WANT TO SEE NO BILL AT ALL, NOR THOSE WHO
8 WOULD SHACKLE OR HANDCUFF THE POLICE TO THE EXTENT THAT WOULD
9 DESTROY THEIR EFFECTIVENESS IN THE PERFORMANCE OF THEIR LEGAL
10 DUTIES. BUT BILL 590 IS FAIR, BOTH TO THE COMPLAINANTS AND
11 THE POLICE ALIKE. IT DOES NOT SEEK TO METE OUT PUNISHMENT
12 FOR PAST MISDEEDS, BUT RATHER IT SEEKS TO PROMOTE FUTURE
13 POLICE ACCOUNTABILITY FOR THEIR ACTIONS AS WELL AS TO PROMOTE
14 TRUST AND MUTUAL RESPECT BETWEEN THE POLICE AND THE
15 CITIZENRY.

16 AND TO THOSE WHO SAY THAT THERE IS NO NEED
17 FOR BILL 590, I VIGOROUSLY DISAGREE. TO THOSE WHO SAY THAT
18 BILL 590 IS NOT STRONG ENOUGH, I UNDERSTAND THE DEPTHS OF
19 BITTERNESS AND FRUSTRATION FROM WHENCE THEIR WORDS ARE
20 UTTERED. BUT I COUNSEL THEM TO REMEMBER AN AGE OLD TRUTH,
21 AND THAT TRUTH IS THAT SOMETIMES IN FIGHTING SO HARD FOR THE
22 IDEAL THINGS THAT SHOULD BE, WE OFTEN PREVENT THE PRAGMATIC
23 THINGS THAT COULD BE.

24 THAT ENDS MY PREPARED STATEMENT.

25 CHAIRMAN RHODES: THANK YOU VERY MUCH,

1 COUNCILMAN COLEMAN.

2 QUESTIONS FROM THE SUBCOMMITTEE, STARTING
3 FROM THE LEFT, REPRESENTATIVE SCIRICA.

4 REPRESENTATIVE SCIRICA: NO QUESTIONS.

5 CHAIRMAN RHODES: REPRESENTATIVE WIGGINS.

6 REPRESENTATIVE WIGGINS: I DO HAVE A QUESTION.

7 REPRESENTATIVE WIGGINS:

8 Q. COUNCILMAN COLEMAN, IT SEEMS AS THOUGH YOU
9 MADE AN HONEST EFFORT TO COME UP WITH A BILL THAT MIGHT
10 POSSIBLY CURE SOME OF THE ILLS THAT EXIST TODAY; HOWEVER, IT
11 IS ALREADY STATED BY YOU THAT IT IS RUNNING INTO OPPOSITION
12 AND YOUR BILL HAS BEEN COMMITTED BACK TO COMMITTEE, AND GOD
13 ONLY KNOWS WHEN IT MIGHT POSSIBLY BE FORTHCOMING AND ENACTED
14 AS A LAW.

15 HOWEVER, AS A RESULT OF SOME OF THE
16 TESTIMONY THAT HAS BEEN STATED IN PREVIOUS HEARINGS, IT HAS
17 BEEN STATED THAT THERE IS A BILL THAT IS LAW THROUGHOUT THE
18 COMMONWEALTH, WITH THE EXCEPTION OF PHILADELPHIA, WHICH IS
19 KNOWN AS THE MUNICIPAL LAW ENFORCEMENT TRAINING MANUAL. FOR
20 SOME REASON, A CITY OF THE FIRST CLASS HAS BEEN EXCLUDED.
21 FROM WHAT I UNDERSTAND, THIS BILL DETAILS EXACTLY THE CONDUCT
22 OF THE POLICE, HOW THEY ARE TO COMPLY IN VARIOUS SITUATIONS
23 AND MORE OR LESS SETS UP AN S.O.P. FOR THEM.

24 MY QUESTION TO YOU IS, IN LIEU OF PASSAGE OF
25 BILL NUMBER 590, DO YOU THINK THAT THE INCLUSION OF THE BILL

1 THAT I JUST MENTIONED, RELATING TO MUNICIPAL LAW ENFORCEMENT
2 TRAINING ACT, WOULD BE HELPFUL IF IT INCLUDED THE CITY OF
3 PHILADELPHIA IN ORDER TO REDUCE OR POSSIBLY ELIMINATE SOME OF
4 THE ABUSES THAT HAVE TAKEN PLACE SO FAR?

5 A. REPRESENTATIVE WIGGINS, IF I WERE TO ASSUME
6 THAT THE LAW ABOUT WHICH YOU SPEAK SETS UP A PROCEDURE,
7 MANDATORY PROCEDURE WHEREBY REPORTS AND ACTIONS WITHIN THE
8 POLICE DEPARTMENT OR OTHERWISE WOULD HAVE TO BE --

9 CHAIRMAN RHODES: COUNCILMAN COLEMAN, BEFORE
10 YOU RESPOND TO REPRESENTATIVE WIGGINS' QUESTION, LET'S
11 CLARIFY THE SITUATION.

12 THE MUNICIPAL TRAINING ACT OF POLICE
13 OFFICERS ONLY HAS TO DO WITH REQUIRED LEVELS OF HOURS OF
14 TRAINING THAT LAW ENFORCEMENT, PEACE OFFICERS OF THE
15 COMMONWEALTH HAVE TO HAVE TO BECOME OFFICERS OF THE
16 COMMONWEALTH. AND IT IS MY UNDERSTANDING THAT PHILADELPHIA
17 WAS EXCLUDED BECAUSE PHILADELPHIA HAS MORE HOURS REQUIRED
18 THAN THE MUNICIPAL TRAINING ACT REQUIRES.

19 WE DON'T HAVE -- MAYBE WE SHOULD HAVE -- WE
20 DON'T HAVE A STATEWIDE STATUTE HAVING TO DO WITH COMPLAINTS
21 OR REVIEW OF SHOOTING INCIDENTS OR ANYTHING LIKE THAT, WE
22 DON'T HAVE THAT.

23 A. I WAS THINKING PERHAPS --

24 CHAIRMAN RHODES: MAYBE WE NEED SOMETHING LIKE
25 THAT, BUT WE DON'T HAVE IT NOW.

1 A. SINCE MY SUPPOSITION THEN AS TO WHAT IS IN
2 THE LAW ITSELF IS NOT THERE, THEN I WOULD SAY CERTAINLY NOT,
3 IT WOULD NOT CURE THE ILL WHICH IS AFFECTING PHILADELPHIA AT
4 ALL. AND I DO THINK THAT PERHAPS PHILADELPHIA HAS A BETTER
5 TRAINING SYSTEM WITH MORE HOURS AS FAR AS POLICE ARE
6 CONCERNED THAN THAT ACT PROVIDES FOR.

7 CHAIRMAN RHODES: THANK YOU.

8 REPRESENTATIVE WIGGINS, DO YOU HAVE ANY MORE
9 QUESTIONS?

10 REPRESENTATIVE WIGGINS: NO.

11 CHAIRMAN RHODES: REPRESENTATIVE RICHARDSON.

12 REPRESENTATIVE RICHARDSON: THANK YOU VERY
13 MUCH, MR. CHAIRMAN.

14 REPRESENTATIVE RICHARDSON:

15 Q. COUNCILMAN COLEMAN, IN YOUR TESTIMONY TODAY,
16 YOU BRIEFLY TOUCHED ON A PROBLEM THAT IS VERY DEAR TO MANY
17 PEOPLE IN THE CITY OF PHILADELPHIA.

18 THERE IS ONE QUESTION I HAVE RELEVANT TO THE
19 PART THAT DEALS WITH THE POLICE COMMISSIONER PICKING THE
20 LAWYER TO BE THE EXECUTIVE DIRECTOR. YOU AS WELL AS MYSELF
21 AND OTHERS, YOU KNOW HOW THE CITY IS RUN HERE IN THIS TOWN
22 AND AS A COUNCILMAN, ELECTED OFFICIAL IN THE CITY, COULD YOU
23 SHED SOME LIGHT ON WHY YOU CHOSE THAT THE LAWYERS SHOULD BE
24 APPOINTED BY THE POLICE COMMISSIONER TO HEAD UP THE O.C.C.?

25 A. I THINK IF WE HAD THE POLICE COMMISSIONER OR

1 ANY OTHER ENFORCEMENT OFFICERS WHO WERE GAMEDLY CONCERNED
2 ABOUT THE PROBLEM, I THINK WHO APPOINTED THIS INDIVIDUAL
3 WOULD NOT BE IMPORTANT IF WE HAD A PERSON COMMITTED TO DOING
4 WHAT IS RIGHT TO DO.

5 I THINK I THREW THAT IN THERE TO TRY TO MAKE
6 A BILL SOMEWHAT COMPATIBLE WHEREBY THE ADMINISTRATION AND MY
7 FELLOW COUNCILMEN WOULD AT LEAST SEE SOMETHING IN IT THAT
8 THEY COULD SUPPORT. AND I FELT THAT PERHAPS THAT THE
9 EXECUTIVE DIRECTOR HIMSELF WITH THESE OTHER AGENTS OR THESE
10 OTHER UNITS COULD NOT REALLY GO TOO FAR AND PARTICULARLY WHEN
11 THIS APPEAL UNIT IS SELECTED BY THE UNIVERSITY OF THE SCHOOLS
12 OF LAW. I THOUGHT THAT WAS A CHECK ON THE EXECUTIVE
13 DIRECTOR, AND I PUT IT IN THERE AS AN ENTICEMENT TO OTHER
14 COUNCILMEN TO GIVE A VOTE FOR THIS PARTICULAR BILL, THINKING
15 THAT THERE WERE OTHER SUFFICIENT SAFEGUARDS THAT WOULD
16 PERFORM FOR THE PURPOSE FOR WHICH THE BILL IS INTENDED.

17 Q. DO YOU THINK, MR. COUNCILMAN, THAT IN ALL
18 FAIRNESS AND SINCERITY IN RELATIONSHIP TO OUR PROBLEM HERE IN
19 THE CITY OF PHILADLPHIA, THAT WE COULD GET AN EQUITABLE AND
20 FAIR SOLUTION IF THE POLICE COMMISSIONER APPOINIS A LAWYER
21 WHO IS IN THE HANDS AND THE CONTROL OF THE POWERS TO BE IN
22 THIS TOWN THAT PRESENTLY CONTROL IT?

23 A. I THINK IF YOU READ THE BILL VERY CAREFULLY,
24 YOU WILL FIND THAT THE DUTIES OF THE EXECUTIVE DIRECTOR ARE
25 SPELLED OUT INDEPENDENTLY OF THE COMMISSION, THE COUNCIL

1 WOULD MAKE AVAILABLE A SEPARATE BUDGET FOR THIS UNIT, IT
2 WOULD BE A CIVILIAN UNIT WITHIN THE POLICE DEPARTMENT.

3 I AM NOT SO SURE, I AM CERTAINLY WILLING TO
4 RECONSIDER THAT PROVISION AGAIN, AS WELL AS SOME OTHERS.

5 Q. ALSO, COUNCILMAN COLEMAN, WHAT POWERS WOULD
6 THE O.C.C. HAVE IN RELATIONSHIP TO VARIOUS SERIOUS COMPLAINTS
7 THAT HAVE BEEN BROUGHT BY CITIZENS IN THIS TOWN, FOR INSTANCE
8 IN THE WINSTON HOOD CASE WHERE WE FIND THAT THE PHILADELPHIA
9 POLICE DEPARTMENT DECIDES ON ITS OWN THAT THE CASE IS ANOTHER
10 JUSTIFIABLE HOMICIDE IN THE CITY OF PHILADELPHIA WHILE THE
11 D.A.'S OFFICE AND THE UNITED STATES ATTORNEY GENERAL CONTINUE
12 TO INVESTIGATE THIS MATTER.

13 WHERE DO YOU SEE A BILL LIKE THIS FITTING
14 IN, GIVING POWERS TO THAT COMMITTEE TO HAVE ANY POWERS TO
15 ENFORCE, ANY KIND OF AUTHORITY THAT WOULD ALLOW THEM TO DEAL
16 WITH THE PROBLEM?

17 A. I THINK IT TAKES AWAY, I THINK THE BILL SAYS
18 THAT EXCLUSIVE JURISDICTION IN THESE AREAS WILL BE VESTED IN
19 THIS COMMITTEE OR IN THIS CITIZENS' BOARD. AND I THINK IT
20 TAKES AWAY FROM THE POLICE DEPARTMENT THAT FUNCTION
21 ALTOGETHER.

22 Q. DO YOU KNOW WHAT THE PROCEDURE IS NOW,
23 COUNCILMAN?

24 A. MR. REPRESENTATIVE, I AM ASHAMED TO SAY, BUT
25 PRIOR TO WRITING THIS BILL, I WROTE TO THE COMMISSIONER AND

1 ASKED HIM, AFTER WRITING TO CHICAGO AND OTHER CITIES AND
2 RECEIVING VARIOUS INFORMATION, I WROTE TO THE COMMISSIONER
3 AND ADVISED HIM AS TO WHAT -- AND THE MAYOR GOT A COPY OF THE
4 LETTER -- ADVISING HIM OF WHAT I PROPOSED TO DO, AND I WAS
5 GOING TO WRITE A BILL AND INTRODUCE IT TO COUNCIL; AND WOULD
6 HE PROVIDE ME WITH THE PRESENT PROCEDURES, POLICE PROCEDURES,
7 THAT PERTAIN TO CASES SUCH AS THIS. AND I AM RATHER
8 EMBARRASSED TO SAY WHAT THE ANSWER WAS THAT HE SENT BACK TO
9 ME.

10 Q. WOULD YOU TELL US ANYWAY.

11 A. IT IS NOT OFTEN THAT I TALK ABOUT THE POWER
12 OF A COUNCILMAN. HE TOLD ME -- OR THE NON-POWER.

13 HE TOLD ME THAT WHAT I SHOULD DO IS TO
14 CONSULT THE PRESIDENT OF CITY COUNCIL ON THIS MATTER; AND
15 THAT IF HE RECEIVED CORRESPONDENCE FROM THE THE PRESIDENT,
16 THAT HE WOULD AT THAT TIME CONSIDER IT.

17 THE POINT IS NOW -- AND IT INFURIATES THE
18 HELL OUT OF ME -- THAT I AM A COUNCILMAN TOO, ELECTED BY AS
19 MANY VOTES AND AS MANY PEOPLE IN MY DISTRICT AS IN THE
20 PRESIDENT'S DISTRICT; AND I WAS REFERRED TO THE PRESIDENT TO
21 WRITE A LETTER AS IF I WERE A LACKEY, AND THAT I WOULD HAVE
22 TO GO TO HIM AND TELL HIM TO PLEASE WRITE A LETTER ON MY
23 BEHALF.

24 SO IT HURTS ME TO MAKE THAT STATEMENT; BUT
25 THIS IS WHAT THE POLICE COMMISSIONER TOLD A PERSON WHO SITS

1 ON THE COUNCIL WHO APPROVES HIS BUDGET.

2 Q. THAT IS KIND OF TYPICAL OF THE MENTALITY,
3 THOUGH, IN THE CITY, OF THE ADMINISTRATION?

4 YOU DON'T HAVE TO ANSWER THAT.

5 COUNCILMAN, JUST FOR THE RECORD HOW LONG
6 HAVE YOU LIVED IN PHILADELPHIA?

7 A. SINCE 1949.

8 Q. AND SINCE YOU LIVED HERE SINCE 1949, WHEN
9 WERE YOU AWARE OF POLICE BRUTALITY?

10 A. WELL, AS A LAWYER I HAVE BEEN AWARE.
11 CLIENTS CAME IN CLAIMING BRUTALITY AND SHOWING SCARS AND
12 EVIDENCE TO THAT EXTENT. BUT ALMOST ALWAYS THE POLICE WOULD
13 BRING CHARGES OF ASSAULT THEMSELVES; AND THEY COULD ALWAYS
14 SAY IN EVIDENCE AS FAR AS THEY WERE CONCERNED THAT THEY ONLY
15 USED THE POWER NECESSARY TO OVERCOME THE OPPOSITION THAT THE
16 OTHER PERSONS, WHAT THE DEFENDANT HAD PUT UP.

17 SO I HAVE BEEN ACQUAINTED WITH POLICE ABUSES
18 FOR QUITE SOME TIME.

19 Q. IN THE CITY AS AN ELECTED REPRESENTATIVE AND
20 SERVANT OF THE PEOPLE, COULD YOU SHARE WITH THIS COMMITTEE
21 YOUR OWN PERSONAL FEELINGS ABOUT THE ATTITUDE, DESCRIBE THE
22 ATTITUDE OF THE POLICE DEPARTMENT HERE IN THE CITY, RELEVANT
23 TO ITS CITIZENRY AS YOU DESCRIBED IN THE PREPARED TEXT.

24 I WOULD LIKE YOU TO ELABORATE A LITTLE MORE
25 AND TRY TO EXPLORE FOR US, AS AN ELECTED REPRESENTATIVE,

1 EXACTLY HOW YOU SEE THAT ATTITUDE OVERALL OF THE POLICE IN
2 THIS TOWN.

3 A. IT IS VERY DIFFICULT FOR ME TO PINPOINT
4 BECAUSE THE ATTITUDE OF THE POLICE IN RESPECT TO ME AS A
5 COUNCILMAN IS SO DIFFERENT UNTIL ANYWHERE WHERE I AM PRESENT
6 THAT FORM OF BEHAVIOR OR EITHER CONDUCT IS THERE, AND SO IT
7 TAKES ONE TO GO OUT ALMOST INCOGNITO TO TRY TO FIND OUT WHAT
8 IS GOING ON INSOFAR AS BEHAVIOR PATTERN CHANGES, ACCORDING TO
9 WHO IS THERE. THEREFORE, I CAN ONLY GO ON WHAT I HAVE HEARD
10 AND WHAT I HAVE SEEN IN TERMS OF POLICE BRUJALITY.

11 I HAVE SEEN CLIENTS COME TO MY OFFICE,
12 BRUJALIZED. I HAVE BEEN TOLD BY VICTIMS AS WELL AS THEIR
13 WITNESSES THAT THEY HAVE BEEN BRUTALIZED; BUT AGAIN I MUST
14 SAY THAT MY PERSONAL OBSERVATION IS VERY LIMITED BECAUSE OF
15 THE FACT THE CONDUCT OF OFFICERS IN MY PRESENCE IS MUCH
16 DIFFERENT FROM WHAT IT WOULD BE ORDINARILY. OF WHICH I DO
17 NOT BELIEVE REPRESENTS THEIR REAL BEHAVIOR AT ALL TIMES.

18 Q. COUNCILMAN, HAVE YOU AT ANY TIME MET WITH
19 COMMISSIONER O'NEILL OR THE PRESENT MAYOR CONCERNING THESE
20 MATTERS OF POLICE BRUTALITY OTHER THAN THE LETTER THAT YOU
21 WROTE TRYING TO GET SOMEONE INFORMATION?

22 A. I HAVE NOT MET PERSONALLY WITH EITHER ONE OF
23 THEM ON THAT SUBJECT. I HAVE CERTAINLY WRITTEN AND OBJECTED
24 STRENUOUSLY TO BOTH AS WELL AS THE POLICE CAPTAINS THROUGHOUT
25 THE DISTRICTS. BUT A PERSONAL CONFERENCE WITH EITHER OF THE

1 TWO, EITHER WITH MAYOR RIZZO OR MR. O'NEILL, NO.

2 Q. JUST TWO OTHER QUESTIONS BECAUSE I JUST
3 RECEIVED A NOTE THAT WE HAVE TO SPEED IT UP:

4 COULD YOU TELL THIS COMMITTEE IN YOUR
5 OPINION WHO RUNS THE POLICE DEPARTMENT IN THIS CITY,
6 COUNCILMAN, IS IT MAYOR RIZZO OR COMMISSIONER O'NEILL?

7 A. I COULD GIVE YOU A DIRECT ANSWER BUT I WILL
8 NOT DO SO, NOT INITIALLY. BUT I WILL ANSWER IT.

9 I HAVE BEEN READING THE HOME RULE CHARTER
10 RECENTLY, AND FOR GOOD REASON. AND SECTION 400 SAYS THAT ALL
11 OF THE ADMINISTRATIVE -- SECTION 2-400 SAYS THAT ALL THE
12 ADMINISTRATIVE AND EXECUTIVE POWERS AS WELL AS CONTROL OF THE
13 POWERS OF THE POLICE, LAW ENFORCEMENT, ARE IN THE HANDS OF
14 THE MAYOR.

15 AN ANNOTATION TO THIS SECTION SAYS, 'THIS IS
16 DONE IN ORDER TO MAKE PHILADELPHIA A CITY OF A GOVERNMENT, A
17 CITY OF A STRONG MAYOR.'

18 THEREFORE, GETTING BACK DIRECTLY TO YOUR
19 QUESTION THEN THIS CITY, THE POLICE DEPARTMENT, AND IN MY
20 JUDGMENT THEN, CERTAINLY ARE RUN BY THE MAYOR.

21 Q. FINALLY, COUNCILMAN COLEMAN, IN YOUR
22 OPINION, DOES RACISM AND CORRUPTION EXIST RAMPANTLY IN THE
23 PHILADELPHIA POLICE DEPARTMENT AS WE SIT IN THIS CITY AND
24 WATCH THE SO-CALLED CITY OF BROTHERLY LOVE DIE?

25 A. WELL, MR. REPRESENTATIVE, I COULD SAY

1 UNEQUIVOCALLY YES, BUT IT WOULD BE FAIR FOR ME TO SAY, I MUST
2 SAY THAT INSTITUTIONAL RACISM IS SPREADED AND IT STILL EXISTS
3 THROUGHOUT OUR SOCIETY; AND THIS IS NO EXCEPTION WITH THE
4 POLICE DEPARTMENT, THE FIRE DEPARTMENT AND ANY OTHER
5 DEPARTMENT, HOSPITALS AND ANY OTHER PLACE, SO YOU WILL FIND
6 A RACISM THERE TOO.

7 BUT IN ALL FAIRNESS I MUST ANSWER THE
8 QUESTION IN THE TRUE SENSE THAT INSTITUTIONAL RACISM IS
9 REALLY THROUGHOUT THE WHOLE SOCIETY.

10 Q. WELL, ON THE POLICE QUESTION BECAUSE THIS
11 HEARING IS INVESTIGATED SPECIFICALLY AROUND IT, AND
12 RECOGNIZING WHERE INSTITUTIONALIZED RACISM IS, WE ARE TRYING
13 TO FOCUS OUR ATTENTION ON A PROBLEM HERE IN THE CITY OF
14 PHILADELPHIA. EVERYBODY ELSE IN THE CITY IS ALL WRONG AND
15 THE CITY ADMINISTRATION IS ALL RIGHT. AND WHEN WE COME DOWN
16 TO ASK THESE QUESTIONS AS YOU HAVE ALREADY PUT IN YOUR
17 PREPARED TEXT, IT SEEMS AS THOUGH WE ARE THE INDIVIDUALS WHO
18 ARE JUST MAKING ALL OF THIS UP.

19 WHAT I AM SAYING IS THAT IF THIS IS RUNNING
20 RAMPANT, WE NEED TO KNOW SO WE CAN BEGIN TO DIRECT OURSELVES
21 IN SOME FOCUS IN THIS COMMITTEE AS TO WHAT WE SHOULD DO ABOUT
22 THIS.

23 A. WELL, MORE DIRECTLY SIR, I WOULD SAY THAT
24 WITHIN THE POLICE DEPARTMENT YOU WILL FIND RACISM, YOU WILL
25 FIND BIASNESS AND OTHER FORMS OF DISCRIMINATION.

1 REPRESENTATIVE RICHARDSON: THANK YOU VERY
2 MUCH, COUNCILMAN COLEMAN.

3 CHAIRMAN RHODES: THANK YOU, REPRESENTATIVE
4 RICHARDSON.

5 I CAUTION THE MEMBERS TO ACKNOWLEDGE THE
6 FACT WE DO HAVE A NUMBER OF OTHER WITNESSES WHO ARE WAITING
7 TO TESTIFY AND WE WILL HAVE TO SHOW SOME CONSIDERATION.

8 REPRESENTATIVE RICHARDSON: I AM SO SORRY, MR.
9 CHAIRMAN.

10 CHAIRMAN RHODES: REPRESENTATIVE WHITE.

11 REPRESENTATIVE WHITE:

12 Q. COUNCILMAN COLEMAN, YOU INDICATED IN YOUR
13 PREPARED TEXT THAT COUNCIL DID NOT HAVE THE ATTITUDE OR THE
14 WILL AT THIS POINT TO ENACT BILL 590.

15 A. OR ANY OTHER BILL.

16 Q. OR ANY OTHER BILL, OKAY.

17 WHY HAS CITY COUNCIL FAILED TO ACT? I MEAN,
18 WE HAVE TAKEN, WE TAKE A LOT OF HEAT AS ELECTED OFFICIALS
19 BOTH OF CITY COUNCIL AND MEMBERS OF THE LEGISLATURE. A LOT
20 OF THE HEAT THAT IS GENERATED WITH REGARD TO POLICE BRUTALITY
21 REALLY RESTS WITH US. PROBLEMS ARE LAID AT OUR FEET. YET
22 COUNCIL IS, I BELIEVE, AUTHORIZED THE JURISDICTION OF
23 MANAGING THIS CITY IN CONJUNCTION WITH THE MAYOR -- NOT THE
24 MAYOR BY HIMSELF, BUT IN CONJUNCTION WITH THE MAYOR. AND I
25 AM VERY, VERY CONCERNED ABOUT COUNCIL'S FAILURE TO ACT ON

1 THIS MATTER; AND I AM CURIOUS TO KNOW FROM YOU WHY THIS
2 ATTITUDE PERSISTS.

3 A. WELL, IT CERTAINLY PERSISTS BECAUSE THE
4 MAYOR HAS CONTROL OF COUNCIL AND THE MAYOR DOES NOT DESIRE
5 THE BILLS TO BE ENACTED INTO LAW.

6 BUT WHEN I SAY "CONTROL OF COUNCIL," I WANT
7 YOU TO KNOW THERE ARE 17 MEMBERS OF COUNCIL AND IT ONLY TAKES
8 NINE TO PASS A BILL. AND I DON'T SAY THAT THE MAYOR CONTROLS
9 17 MEMBERS OF COUNCIL, LET'S MAKE A DISTINCTION THERE, HE
10 DOES NOT. BUT HE CONTROLS THE MAJORITY.

11 Q. WHAT CONTROL OVER THE POLICE DEPARTMENT
12 DOES CITY COUNCIL ACTUALLY HAVE?

13 A. NONE.

14 Q. BUDGETARY?

15 A. ONLY BUDGETARY AND WE DO THAT IN LUMP SUM
16 BUDGET. ONCE THAT IS DONE, WE LOSE ALL CONTROL, EXCEPT FOR
17 ANY TRANSFERS THAT MIGHT WANT TO BE MADE; BUT WE LOSE ALL
18 CONTROL ONCE THE MONEY IS APPROPRIATED.

19 Q. ARE YOU SAYING THAT YOU CANNOT LINE ITEM?

20 A. NO, WE DON'T DO THAT. IN FACT, THE CHARTER
21 SPECIFICALLY FORBIDS THAT. IT IS A LUMP SUM BUDGET THAT WE
22 HAVE. WE GIVE SO MANY MILLION DOLLARS TO THE POLICE
23 DEPARTMENT, PERIOD.

24 Q. AND YOU CANNOT EXTRACT THAT MONEY OUT OF THE
25 CITY'S BUDGET UNTIL SUCH TIME --

1 A. WE CAN, WE HAVE THE POWER TO TRANSFER NOW,
2 WE HAVE THE POWER TO TRANSFER. BUT WE APPROPRIATE A SUM OF
3 MONEY, LET'S SAY 60 MILLION LET'S SAY, TO DO THAT. AND SO
4 MUCH WOULD BE FOR CLASS ONE, ONE HUNDRED, TWO HUNDRED, THAT'S
5 PERSONNEL; PURCHASE OF SERVICES, EQUIPMENT AND WHAT-HAVE-YOU.
6 AND THE POLICE DEPARTMENT OR ANY OTHER DEPARTMENT CANNOT
7 TRANSFER THIS MONEY FROM ONE CATEGORY TO ANOTHER WITHOUT
8 COUNCIL'S APPROVAL.

9 THAT'S ALL THE CONTROL WE HAVE.

10 Q. WHAT POLICE DISTRICT COMES IN WITHIN THE
11 EIGHTH COUNCILMATIC DISTRICT?

12 A. THE 14TH, THE 35TH AND THE 39TH.

13 Q. ARE YOU AWARE THAT THE 35TH POLICE DISTRICT
14 AND THE 14TH POLICE DISTRICTS ARE, I BELIEVE, IN THE TOP FIVE
15 OF THE LOCAL POLICE DISTRICTS WHICH HAVE HAD COMPLAINTS FILED
16 AGAINST THEM FOR POLICE BRUTALITY OR POLICE ABUSE?

17 A. YES, I AM.

18 Q. AS THE COUNCILMAN FROM THE EIGHTH
19 COUNCILMATIC DISTRICT, HAVE YOU TAKEN ANY STEPS WITH THE
20 VARIOUS CAPTAINS OF THOSE POLICE DISTRICTS TO SEE HOW WE CAN
21 HELP?

22 A. I HAVE INITIALLY; AND WHENEVER A POLICE
23 CAPTAIN COMES TO THE DISTRICT I MAKE IT MY BUSINESS TO MAKE
24 AN APPOINTMENT WITH HIM TO LET US UNDERSTAND EACH OTHER,
25 WHERE WE ARE.

1 I AM IN CONSTANT CONTACT WITH ALL THREE OF
2 THE GENTLEMEN BY MAIL. THERE ARE COMPLAINTS THAT COME IN TO
3 ME FROM CITIZENS, THAT I WRITE THEM CONCERNING INVESTIGATION
4 OF THIS, THAT AND THE OTHER; SO I AM IN VERY CLOSE AND
5 CONSTANT CONTACT WITH THE THREE CAPTAINS.

6 Q. HAVE YOU AT ANY TIME, AND THROUGH YOUR
7 LETTERS AND CORRESPONDENCE OR PHONE CONVERSATIONS OR IN
8 PERSON, DISCUSSED THE PROBLEM OF POLICE ABUSE WITH THEM?

9 A. YES, I HAVE DISCUSSED A ROUND OF PROBLEMS,
10 YES. I HAVE DISCUSSED POLICE OVERREACTION WITH THEM; I HAVE
11 DISCUSSED WITH THEM, IN PARTICULAR THE 14TH DISTRICT, THE
12 APPARENT HOSTILE ATTITUDE OF THE INTEGRATED COMMUNITY AND IT
13 SEEMS, IT APPEARS AS IF THE POLICEMEN ARE HARASSING PEOPLE IN
14 THIS PART OF THE CITY BECAUSE OF THE INTEGRATED
15 CHARACTERISTIC.

16 I HAVE SPOKEN TO THEM CONCERNING THE
17 AFFLUENCE OF BLACKS IN THE AREA, THAT IT SEEMS THAT THERE ARE
18 UNDUE HARASSMENTS, STOPPING AND ALL OF THIS KIND OF STUFF TO
19 BLACKS WHO ARE DRIVING VERY NICE CARS -- I HAVE GONE THROUGH
20 THE WHOLE GAMUT WITH THEM.

21 Q. AND THEIR RESPONSE?

22 A. THEIR RESPONSE IS, "THE CAPTAIN SAID HE WILL
23 HAVE TO LOOK INTO THE MATTER," NUMBER ONE. OFTEN, AS A
24 GENERAL RULE, THERE IS NO BASIS FOR IT.

25 THEY HAVE EVIDENCE THAT THE GUY DID GO

1 THROUGH A STOP LIGHT OR DIDN'T STOP OR SOMETHING, AND THEY
2 WERE JUSTIFIED IN STOPPING HIM IN THE FIRST INSTANCE.

3 NOW ALL THAT HAPPENS THAT FOLLOWS AFTER
4 STOPPING THE PERSON OF COURSE, IS SOMETHING ELSE, BUT THEY
5 HAVE APPARENT JUSTIFICATION FOR STOPPING THEM IN THE FIRST
6 INSTANCE.

7 Q. AND ONE FINAL QUESTION: IF COUNCIL AT THIS
8 POINT CAN CONSIDER A CHARTER CHANGE TO EXTEND THE TERMS OF
9 THE MAYOR, WHY CAN'T COUNCIL CONSIDER APPROPRIATE CHARTER
10 CHANGES THAT WOULD BRING ABOUT GREATER CONTROLS OF THE POLICE
11 CONDUCT IN THIS CITY?

12 A. FIRST OF ALL, IT CAN'T DO IT BECAUSE COUNCIL
13 IS ONLY --

14 Q. YOU HAVEN'T GOTTEN 20,000 SIGNATURES YET?

15 A. COUNCIL IS ONLY CONSIDERING THE CHARTER
16 CHANGE PERTAINING TO REMOVING THE LIMITATIONS TO TWO TERMS OF
17 THE MAYOR, BECAUSE THE MAYOR WANTS IT AND HE HAS THE CONTROL
18 OF COUNCIL.

19 THE MAYOR DOES NOT WANT THE CHARTER CHANGED
20 IN OTHER RESPECTS, OTHER ASPECTS.

21 AND EVEN THOUGH YOU HAVE 20,000 SIGNATURES,
22 YOU DON'T HAVE NINE VOTES OF COUNCIL TO PASS IT ALONG ON THE
23 BALLOT.

24 Q. HOW MANY DO WE HAVE?

25 A. IN COUNCIL?

1 Q. YES.

2 A. I WOULD HOPE THAT YOU WOULD ASK THE QUESTION
3 IN A NON-CAMOUFLAGED MANNER. IT SEEMS TO ME YOU ARE ASKING
4 HOW MANY DO WE HAVE AGAINST THE CHARTER.

5 IT SEEMS TO ME YOU COULD ADD THE TWO
6 TOGETHER TO KIND OF REACH THAT CONCLUSION; IS THAT WHAT YOU
7 --

8 Q. YES.

9 A. WELL, IF YOU ASK THAT QUESTION DIRECTLY, I
10 WILL ANSWER DIRECTLY.

11 Q. HOW MANY VOTES DO YOU HAVE AGAINST THE
12 CHARTER CHANGE?

13 A. I COULD EVADE THAT BY SAYING THAT THIS IS
14 BEYOND THE SCOPE OF THIS COMMITTEE; BUT I WON'T DO THAT.

15 I THINK AT BEST -- WE HAVE AT MOST WE HAVE
16 SIX, AT BEST WE HAVE FIVE.

17 AND MAY I SAY WHILE WE ARE AT IT, I AM ONE
18 OF THE FIVE.

19 CHAIRMAN RHODES: THANK YOU, REPRESENTATIVE
20 WHITE, COUNCILMAN COLEMAN.

21 REPRESENTATIVE WILLIAMS.

22 REPRESENTATIVE WILLIAMS:

23 Q. COUNCILMAN COLEMAN, JUST A DIFFERENT
24 APPROACH, TO MAKE AN ANALOGY WITH YOUR SUGGESTION THAT THE
25 MAYOR CONTROLS THE MAJORITY OF CITY COUNCIL, THEREFORE

1 BASICALLY NOTHING IN THOSE CHANGES CAN BE DONE. IT HAS BEEN
2 ESTABLISHED THROUGH WHAT YOU SAY AND THROUGH MOST ALL THE
3 WITNESSES THAT THE MAYOR'S ATTITUDE WITH REGARD TO POLICE
4 VIOLENCE IS TO STAY RIGHT ON TOP OF THE STATUS QUO. SO TO
5 FOLLOW YOUR LOGIC, THAT MEANS THAT NOTHING CAN BE DONE ABOUT
6 THE POLICE VIOLENCE AGAINST CITIZENS, YOU KNOW, FELLOW
7 AMERICANS IN PHILADELPHIA?

8 THAT WOULD BEEN A LOGICAL EXTENSION OF YOUR
9 STATEMENT; WOULD THAT TRUE?

10 A. I THINK I MADE THAT STATEMENT CLEAR IN THE
11 BEGINNING, THAT WITHIN THE FRAMEWORK OF THE LEGISLATIVE
12 BRANCH AND GOVERNMENT IN PHILADELPHIA THAT I CAN SEE NOTHING
13 BEING ENACTED AT ALL IN THAT LINE.

14 Q. INDEED WE OUGHT TO GO ON HOME, THIS
15 COMMITTEE?

16 A. NO, I AM SAYING WE WILL DO NOTHING. YOU ARE
17 THE COMMONWEALTH COMMITTEE. I AM SAYING AS FAR AS THE CITY,
18 THE LOCAL LEGISLATIVE BODY, CITY COUNCIL, NOTHING WILL BE
19 DONE. IT MUST BE DONE BEYOND THE CITY.

20 Q. I SEE. I JUST WANT TO MAKE A SMALL
21 PARENTHETIC EXCEPTION TO THAT.

22 YOU MAKE ANOTHER STATEMENT HERE ALSO, IT'S
23 AN INTRODUCTION, PHILOSOPHY AROUND YOUR LEGISLATION, AND YOU
24 TALK ABOUT AN OLD TRUTH THAT IN FIGHTING SO HARD FOR IDEAL
25 THINGS THAT WE OFTEN PREVENT THE PRAGMATIC THINGS THAT COULD

1 BE.

2 IN THIS AREA OF POLICE VIOLENCE AGAINST
3 CITIZENS, I HAPPEN TO BELIEVE, AND I THINK A LOT OF THE
4 MEMBERS OF THE COMMITTEE SHARE THAT, THAT AMERICAN CITIZENS
5 HAVE AN ABSOLUTE RIGHT TO BE FREE FROM ILLEGAL VIOLENCE AND
6 IMPROPRIETY BY THEIR POLICE OFFICERS.

7 DON'T YOU AGREE WITH THAT?

8 A. OH, I SHARE THAT COMPLETELY.

9 Q. AND THAT RIGHT AND EXPECTATION WAS FOUGHT
10 VERY HARD FOR, AGREED?

11 A. YOU ARE QUOTING THINGS THAT I HAVE ABSOLUTE
12 FAITH AND CONFIDENCE AND EXPRESSED MYSELF MANY TIMES.

13 Q. MY EXTENSION OF THAT IS, AND JUST A
14 PHILOSOPHICAL DIFFERENCE, I THINK IT IS MORE IMPORTANT THAT
15 WE FIGHT HARD TO MAINTAIN THOSE RIGHTS AND EXPECTATIONS.

16 DON'T YOU AGREE WITH THAT?

17 A. SURE, I DO.

18 Q. OKAY, THE APPROACH THAT YOU USED IN TERMS OF
19 THIS LEGISLATION SUGGESTED TO ME YOU ARE TRYING TO
20 COMPROMISE IT TO GET IT THROUGH.

21 A. NO, I AM SAYING THIS: EVERY AMERICAN SHOULD
22 HAVE A DECENT HOUSE RIGHT NOW TO LIVE IN. IT IS PRACTICALLY
23 IMPOSSIBLE OVERNIGHT TO HAVE A NEW HOUSE FOR EVERY PERSON, A
24 DECENT HOUSE FOR EVERY PERSON; BUT THEY MUST START. AND
25 STARTING IS LESS THAN THE FULFILLMENT.

1 THAT'S WHAT THE STATEMENT MEANS.

2 Q. OKAY. ON THE POLICE REVIEW BOARD IDEA,
3 HISTORICALLY I KNOW YOU ARE AWARE WE HAD ONE HERE, IT WAS
4 FEDERAL, THROUGHOUT THE COUNTRY AND MOST OF THE WITNESSES
5 HERE SAID IT WAS AN INEFFECTIVE TOOL UNLESS YOU HAVE OTHER
6 THINGS. SO THAT MOST OF THE EXPERTS AND OUR HISTORICAL
7 EXPERIENCE, EVEN IN THE CITY INDICATE THAT THIS MECHANISM IS
8 AN INEFFECTIVE TOOL, THAT IS THE BACKGROUND; CAN WE AGREE?

9 A. DID YOU SAY INEFFECTIVE?

10 Q. YES.

11 A. NO, I DON'T AGREE THAT IT'S INEFFECTIVE, NO.

12 Q. NO, NO; THAT THE OTHER BOARD, THE ONE WE
13 HAD, AND THE EXPERT OPINIONS ARE THAT THEY ARE INEFFECTIVE.

14 A. THEY ARE INEFFECTIVE BECAUSE THE MAYOR
15 APPOINTED AND THEY WERE SUBJECT TO THE MAYOR'S WHIMS AT ANY
16 TIME.

17 THIS BOARD WOULD BE A LEGISLATIVE CREATED
18 BOARD, NOT ONE THAT THE MAYOR DECIDES TO APPOINT.

19 Q. DO YOU KNOW IF ANY BOARDS LIKE THIS ARE
20 INEFFECTIVE?

21 A. YES, I MADE A NOTE OF WHERE THEY ARE, THE
22 CITIES IN WHICH THESE KIND OF BOARDS EXIST. CHICAGO, FOR
23 EXAMPLE, AND ST. LOUIS.

24 Q. THAT'S ONE OF THE CITIES THAT WROTE BACK TO
25 YOU, RIGHT?

1 A. YES, OAKLAND IS ONE ALSO.

2 Q. ALL RIGHT. JUST TO GO ONE STEP FORWARD, IT
3 JUST SEEMS TO ME, AND I JUST HAPPEN TO DISAGREE WITH YOU,
4 THAT IN AREAS WHERE YOU HAVE A RIGHT TO EXPECT SOMETHING
5 BASIC, IT SEEMS TO ME THE APPROACH IS TRYING TO PLEASE THE
6 POLICE AND TRYING TO PLEASE THE CITIZENS WHEN YOU ARE REALLY
7 TALKING ABOUT A RIGHT THAT ALL CITIZENS ARE GUARANTEED TO
8 HAVE. AND IT SEEMS TO ME THAT THE MOST EFFECTIVE MECHANISM,
9 WHATEVER THAT IS, SHOULD BE WHAT WE SHOULD HAVE.

10 IT IS MY FEELING THAT WE AS CITIZENS, AS
11 TAXPAYERS AND POLITICIANS, SHOULDN'T HAVE TO APOLOGY TO THE
12 POLICE, BUT DO WHATEVER IS NECESSARY TO GUARANTEE THE
13 CITIZENS THEIR RIGHTS OF WHAT THEY SHOULD BE. I GUESS THAT'S
14 WHY I KEPT READING YOUR STATEMENT.

15 A. LET ME SAY AGAIN THAT YOU MISREAD ME
16 COMPLETELY. WHAT I SAY, WHERE I MAKE THE STATEMENT IN THE
17 LATTER PART OF THE TEXT HERE WHICH SAYS SOMETIMES IN FIGHTING
18 SO HARD FOR THE IDEAL THINGS THAT OUGHT TO BE AND SHOULD BE,
19 WE ARE SO HARD AT UNCOMPROMISING UNTIL WE PREVENT SOME THINGS
20 THAT ACTUALLY COULD BE.

21 Q. MY OBSERVATION I GUESS, MR. COLEMAN, IS THAT
22 IN OFFERING SOMETHING DIFFERENT, THEY KEEP IT IN COMMITTEE
23 AND TELL YOU TO SHUT UP. SO IF YOU ARE GOING TO FIGHT, YOU
24 MIGHT AS WELL START FROM THE TOP, FROM THE BEGINNING, IS WHAT
25 YOU HAVE TO DO.

1 A. BECAUSE BILL 1063, WHICH IS ALSO LOCKED UP
2 IN COMMITTEE, IS THAT WAS PROPOSED BY COMMUNITY GROUPS IN
3 WHICH IT MERELY SETS UP A PROCEDURE WITHIN THE POLICE
4 DEPARTMENT FOR HANDLING COMPLAINTS. AND THAT'S MILD, IT HAD
5 GOTTEN NOWHERE EITHER, SO YOUR POINT IS VERY WELL TAKEN.

6 Q. THERE ARE I GUESS FOUR REFERENCES HERE IN
7 YOUR INTRODUCTION TO "A VERY SMALL MINORITY OF POLICE," THREE
8 TIMES REPEATED, FOUR TIMES ALTOGETHER; AND I WAS JUST
9 WONDERING ABOUT TWO THINGS: WHETHER OR NOT IT IS YOUR OPINION
10 THAT THERE IS WIDESPREAD PROBLEMS IN POLICE VIOLENCE, OR
11 WHETHER THERE IS A SUBSTANTIAL PROBLEM, OR HOW WOULD YOU
12 ESTABLISH THE DEGREE OF THE PROBLEM THAT WE HAVE, IN YOUR
13 OPINION, AS TO POLICE VIOLENCE AGAINST CITIZENS?

14 A. WELL, I HAVE TO GO BACK TO WHAT YOU ARE
15 SAYING, EVEN ONE ACT OF POLICE VIOLENCE IS ONE TOO MANY.

16 Q. I DIDN'T SAY THAT.

17 A. BUT IT IS COMPARABLE TO WHAT YOU ARE SAYING
18 ABOUT COMPROMISING. SO ONE IS TOO MANY.

19 BUT WHEN YOU HAVE 8,000 POLICEMEN, I SAY
20 THAT IT IS A MINORITY OF THIS 8,000, A SMALL MINORITY OF THIS
21 8,000 THAT IS CARRYING THIS ON.

22 Q. WHAT DO YOU BASE THAT ON?

23 A. I BASE IT ON ACTUALLY THE AMOUNT OF
24 BRUTALITY THAT IS REPORTED, NUMBER ONE, EITHER PUT IT ON THAT

25 --

1 Q. DO YOU KNOW HOW MUCH HAS BEEN REPORTED?

2 A. I THINK THAT IF 90 PERCENT OF THE POLICE
3 DEPARTMENT -- IF 8,000 POLICEMEN WERE OUT CARRYING ON IN THE
4 MANNER UNLAWFULLY LIKE SOME OF THEM DO, I THINK WE WOULD
5 HAVE NOTHING BUT RIOTS AND THE LIKE IN THE CITY, AND JUST
6 WHOLESALE ACTION LIKE THAT.

7 I AM LED TO BELIEVE THE MAJORITY OF
8 POLICEMEN ARE NOT INVOLVED IN THIS.

9 Q. I THINK YOU MISSED MY POINT.

10 WE HAVE HAD EXPERT TESTIMONY BY POLICEMEN IN
11 RESPONSIBLE POSITIONS WHO SUGGEST THAT THE BAD APPLE THEORY,
12 WHICH IS ESSENTIALLY I THINK WHAT YOU ARE REFERRING TO, WHICH
13 IS ALSO WHAT THE MAYOR AND A LOT OF THE POLICE CHIEFS SAY,
14 THE SPOILED APPLES --

15 A. I DON'T THINK THE MAYOR EVEN ADMITS THAT.

16 Q. NO, CONSISTENTLY POLICE FORCES AND F.O.P.
17 AND THE MAYOR HAVE SAID THAT WE HAVE SOME ROTTEN APPLES IN
18 THE BARREL. BUT WE HAVE HAD EXPERT TESTIMONY TO SUGGEST IN
19 THIS AREA THAT IS NOT TRUE, THAT WHEN YOU HAVE A PROBLEM IT
20 IS MORE SYSTEMIC.

21 AND WHAT CONCERNS ME IS THAT YOUR
22 DESCRIPTION OF A SMALL MINORITY SEEMS TO SUGGEST THAT YOU
23 SUPPORT THE ROTTEN APPLES IN THE BASKET. AND INDEED IF THAT
24 IS TRUE, THIS COMMITTEE WOULD LIKE TO KNOW THAT, IF IT IS SO
25 THAT IN THIS AREA WE ARE TALKING ABOUT A FEW ROTTEN APPLES IN

1 THE BARREL, WE WANT TO KNOW THAT AND OUR RESPONSES WOULD BE
2 DIFFERENT.

3 A. WELL, I MUST SAY THAT --

4 Q. EXCUSE ME, HAVING SAID THAT, MY QUESTION IS
5 HAVE YOU CHECKED ANY FIGURES, ANY OBJECTIVE BASES TO
6 DETERMINE WHAT YOUR OPINION WOULD BE BASED ON, THAT IT IS
7 SUBSTANTIAL, NOT TOO SIGNIFICANT, OR WIDESPREAD?

8 A. P.I.L.C.O.P. AND THE PHILADELPHIA POLICE
9 RECORDS ACCOUNT TO ME INDICATES THAT POLICE BRUTALITY, THAT A
10 MAJORITY OF POLICEMEN ARE NOT INVOLVED IN THE BRUTALITY,
11 PARTICULARLY AT ANY ONE TIME ANYWAY.

12 Q. WELL, 49 PERCENT WOULD NOT BE A MAJORITY?

13 A. I WOULD NOT EVEN SAY 49 PERCENT.

14 Q. I GUESS WHAT WE ARE TRYING TO FIND OUT IS:
15 IS THE PROBLEM SERIOUS, WIDESPREAD, PROBABLE OR NOT?

16 CHAIRMAN RHODES: THE QUESTION HAS BEEN ASKED
17 OF THE WITNESS A NUMBER OF TIMES.

18 CHAIRMAN RHODES:

19 Q. COUNCILMAN COLEMAN, DO YOU FEEL IT IS A
20 WIDESPREAD PROBLEM, A LIMITED PROBLEM OR A BAD APPLE PROBLEM?

21 A. I THINK IT IS A WIDESPREAD PROBLEM BY A
22 MINORITY. I DO NOT BELIEVE THAT THE MAJORITY OF POLICEMAN IN
23 THE CITY OF PHILADELPHIA ARE INVOLVED IN POLICE BRUTALITY.

24 REPRESENTATIVE WILLIAMS: THANK YOU,
25 COUNCILMAN.

1 CHAIRMAN RHODES: REPRESENTATIVE SCIRICA, OUR
2 MINORITY CHAIRMAN, HAS A QUESTION.

3 REPRESENTATIVE SCIRICA:

4 Q. MR. COLEMAN, I HAVE HAD AN OPPORTUNITY TO
5 LOOK AT YOUR BILL, AND I THINK I HAVE AN UNDERSTANDING OF
6 WHAT YOU ARE ATTEMPTING TO DO HERE.

7 IN SOME OF THE EARLIER DAYS OF OUR HEARINGS
8 WE HEARD TESTIMONY FROM A POLICE OFFICERS FROM NEW YORK AND
9 WASHINGTON AND OTHER PLACES WHO INDICATED THAT WHILE WE COULD
10 PROVIDE LEGISLATIVE REMEDIES AND WHILE CITY COUNCILS COULD
11 ALSO PASS STATUTES IN THE FORM OF REVIEW BOARDS WHERE WE
12 COULD WRITE GUIDELINES ON THE USE OF DEADLY FORCE UNDER WHICH
13 CIRCUMSTANCES WOULD BE PROPER AND USEFUL, WHERE WE COULD
14 PROVIDE ASSISTANCE FOR THOSE WHO WANTED TO FILE CIVIL SUITS
15 IN CASES OF POLICE ABUSE, AND EVEN WHERE WE HAD AN IMPARTIAL
16 AND VIGOROUS DISTRICT ATTORNEY WHO WAS WILLING TO PROSECUTE
17 THESE CASES; THAT DESPITE ALL OF THE EFFORTS THAT WE AS
18 LEGISLATORS AND YOU AS COUNCILMEN CAN MAKE IN THIS AREA,
19 THAT AT THE BOTTOM THE MAIN PROBLEM WAS ONE OF ATTITUDE --
20 AND NOT ATTITUDE AT THE BOTTOM, BUT ATTITUDE AT THE TOP.

21 AND THAT IF IT WAS CLEAR THAT BOTH CITY HALL
22 AND THE POLICE COMMISSIONER WOULD NOT TOLERATE POLICE
23 BRUTALITY, THAT ITS INCIDENTS WOULD SHARPLY DROP. AND THEY
24 PRESENTED STATISTICS, ESPECIALLY IN NEW YORK CITY, THAT
25 INDICATED THAT WAS THE CASE WHEN INTERNALLY THEIR POLICE

1 DEPARTMENT DECIDED TO DO SOMETHING ABOUT THIS PROBLEM.

2 COULD YOU COMMENT ON THAT AS IT APPLIES TO
3 PHILADELPHIA? DO YOU THINK THAT STATEMENT WOULD BE ACCURATE
4 HERE OR NOT?

5 A. I DON'T THINK THAT I DO, NOT IN WHOLE. AND
6 I BASE THAT ON THE FACT THAT FOR MANY YEARS WE DIDN'T HAVE
7 ENFORCEMENT OF CIVIL RIGHTS BILLS AND CIVIL RIGHTS
8 THEMSELVES. IT WAS SAID THAT YOU COULDN'T LEGISLATE THE
9 CONSCIENCE AND THE BEHAVIOR OF PEOPLE. THAT'S TRUE. BUT
10 WHEN THE LAWS WERE ENACTED IT ENCOURAGED THOSE IN POWER TO
11 HAVE A REASSESSMENT AND TO CHANGE THEIR WHOLE ATTITUDE
12 TOWARDS THE QUESTION.

13 THEREFORE, I BELIEVE THAT IF THE LEGISLATURE
14 OR IF COUNCIL WOULD ENACT THESE LAWS, IT WOULD CERTAINLY
15 ENCOURAGE THOSE AND PUT A MANDATE UPON THOSE WHO ARE IN
16 AUTHORITY TO CERTAINLY ATTEMPT TO HEW TO THE LINE, MUCH MORE
17 SO WHEN THEY HAVE NO LAWS AT ALL THAT WOULD COMPEL THEM TO DO
18 ANYTHING AT ALL.

19 AND TO THE EXTENT OF WHICH WHAT YOU SAY
20 VIOLATES WHAT I JUST SAID, I DISAGREE WITH YOU. AND TO THE
21 EXTENT TO WHICH THERE IS NO CONFLICT OF WHAT YOU SAY, I AGREE
22 WITH YOU.

23 Q. GOOD, THAT'S A GOOD ANSWER.

24 CHAIRMAN RHODES:

25 Q. COUNCILMAN COLEMAN, WE HAVE HAD TESTIMONY,

1 AS REPRESENTATIVE SCIRICA POINTED OUT, THAT THERE IS A NEED
2 FOR ADMINISTRATIVE POLICY DIRECTIVES IN A SENSE FROM THE TOP
3 DOWN, THAT THERE BE ENFORCEMENT OF ANY KIND OF INTERNAL DUE
4 PROCESS, FIREARMS-WISE OR CITIZENS COMPLAINT-WISE, FROM A
5 NUMBER OF NATIONAL EXPERTS TO REDUCE THE LIKELIHOOD OF
6 UNWARRANTED, UNLAWFUL USE OF FORCE BY POLICE OFFICERS, WHICH
7 IS WHAT WE ARE TALKING ABOUT HERE TONIGHT.

8 WE HAVE ALSO HAD TESTIMONY THAT THE DISTRICT
9 ATTORNEY HERE IN PHILADELPHIA VIGOROUSLY SEEKS TO PROSECUTE
10 THESE CASES OR MAKE AN ATTEMPT TO; BUT WE HAVE ALSO HAD
11 TESTIMONY FROM OTHER PARTS OF THE COUNTRY THAT CRIMINAL
12 PROSECUTION ISN'T THE BEST METHOD TO CONTROL THIS BECAUSE THE
13 TEST TO ACHIEVE THIS AS AN ATTORNEY OF A CRIMINAL PROSECUTION
14 IS SO SEVERE THAT IN MANY CASES ADMINISTRATIVE REMEDIES
15 INTERNAL TO THE POLICE DEPARTMENT TO CENSOR THESE ACTIVITIES
16 BY THE OFFICERS FALL SHORT OF THE CENSOR AVAILABLE UNDER THE
17 CRIMINAL LAW.

18 HOWEVER, YOU HAVE INDICATED THERE IS NO
19 WILLINGNESS ON THE PART OF THE CITY OF PHILADELPHIA AND THE
20 CITY ADMINISTRATION TO CARRY OUT ADMINISTRATIVE SANCTIONS,
21 AND THERE IS NO ABILITY ON THE PART OF THE CITY COUNCIL OF
22 PHILADELPHIA TO ENACT THROUGH COUNCILMATIC ACTION LEGISLATION
23 THAT WOULD CREATE SUCH INTERNAL SANCTIONS ON THE POLICE
24 DEPARTMENT.

25 THAT WOULD LEAD ME TO THE CONCLUSION GIVEN

1 THAT THE D.A. CAN ONLY BRING CRIMINAL CHARGES, AND FEDERAL
2 INVOLVEMENT HAS ALREADY BEEN FRUSTRATED BECAUSE AGAIN THEY
3 HAVE TO CONVINCЕ A JURY THAT THERE IS CRIMINAL WRONGDOING OR
4 THE CIVIL CONDITION THAT WE HAVE ALREADY DISCUSSED WITH MRS.
5 GAGLIARDI. THAT LEADS ME TO THE CONCLUSION THAT ALL THAT IS
6 LEFT IS FOR THE LEGISLATURE TO ACT.

7 IS THAT THE CONCLUSION THAT YOU COME TO?

8 A. THAT IS THE CONCLUSION I REACHED. I THINK I
9 STATED THAT INITIALLY IN MY STATEMENT.

10 Q. I WANTED TO GET THAT CLEAR ON THE RECORD.
11 WHAT SHOULD WE DO?

12 A. I THINK YOU SHOULD FORCE WITHIN THE POLICE
13 DEPARTMENT -- OR IT DOESN'T HAVE TO BE WITHIN THE POLICE
14 DEPARTMENT, YOU SHOULD FORCE OR EITHER MANDATE THE CREATION
15 OF SOME KIND OF CITIZENS COMPLAINT REVIEW BOARD.

16 THE REASON I SAY "WITHIN THE POLICE
17 DEPARTMENT," I WOULD LIKE TO SEE IT WORKING ENMESHED THERE IN
18 TERMS OF WORKING TOGETHER RATHER THAN WORKING AT ODDS. BUT
19 IF THE PEOPLE WILL NOT WORK TOGETHER, THE COMMISSIONER WILL
20 NOT WORK TOGETHER WITH THE COMPLAINT UNIT ITSELF, THEN IT
21 WOULD CERTAINLY HAVE TO BE A FREE FORM. BUT I WOULD LIKE TO
22 SEE A QUASI-INDEPENDENT AGENCY, A QUASI INDEPENDENT OF THE
23 POLICE DEPARTMENT AGENCY WITH THIS RESPONSIBILITY.

24 Q. THANK YOU VERY MUCH, COUNCILMAN COLEMAN.

25 I ASSUME IN YOUR TESTIMONY, CORRECT ME IF I

1 AM WRONG, THAT SUCH A REVIEW BOARD WOULD HAVE THE POWER TO
2 DISCIPLINE POLICE OFFICERS?

3 A. NO, THEY WOULD NOT. THERE IS A CHARTER
4 PROVISION THAT IS AGAINST THAT.

5 Q. OR TO RECOMMEND DISCIPLINE TO --

6 A. TO THE POLICE COMMISSIONER, THAT IS CORRECT,
7 RECOMMEND TO HIM, WHO MUST -- AND IF YOU READ THE BILL, IT
8 STATES THAT HE MUST AND IF HE GIVES TOO LIGHT A SENTENCE, THE
9 REVIEW BOARD WILL ACTUALLY GET BACK TO HIM ON REVERSAL OF IT.

10 BUT THE CITY CHARTER SAYS THAT NO ONE SHOULD
11 DISCIPLINE THE POLICE BUT THE COMMISSIONER, SO WE HAVE THAT
12 BINDING.

13 Q. IS THAT THE ULTIMATE IMPEDIMENT?

14 A. THAT IS THE BIND THAT WE HAVE IN OUR
15 CHARTER. WHETHER WE LIKE IT OR NOT, IT'S THERE. IT WOULD BE
16 WELL FOR US TO BE REMOVING THAT RATHER THAN REMOVING OTHER
17 POLICE.

18 CHAIRMAN RHODES: THANK YOU, COUNCILMAN
19 COLEMAN. WE APPRECIATE YOUR TESTIMONY TODAY.

20 A. LET ME THANK YOU AGAIN FOR HAVING COME AND
21 HELD SESSIONS IN THIS CITY AND IN THE NEIGHBORHOODS WHERE
22 PEOPLE HAVE A CHANCE TO EXPRESS THEMSELVES.

23 AND LET ME SAY AGAIN TO REPRESENTATIVE WHITE
24 AND REPRESENTATIVE RICHARDSON BOTH WHO ARE MY
25 REPRESENTATIVES, THAT I AM GLAD THEY PLAYED A ROLE IN

1 BRINGING IT TO THIS SECTION OF THE CITY.

2 THANK YOU VERY MUCH, MR. CHAIRMAN.

3 CHAIRMAN RHODES: THANK YOU VERY MUCH,
4 COUNCILMAN. YOUR KIND WORDS ARE MUCH APPRECIATED.

5 (WITNESS EXCUSED.)

6 CHAIRMAN RHODES: THE NEXT WITNESSES BEFORE THE
7 SUBCOMMITTEE ARE EARL TRENT AND A WITNESS WITH HIM, EARL
8 TRENT, THE ATTORNEY FROM THE N.A.A.C.P., AND ROBERT FOX IS
9 THE WITNESS SPEAKING WITH MR. TRENT.

10 CHAIRMAN RHODES: MR. TRENT AND MR. FOX, DO YOU
11 BOTH ACKNOWLEDGE THAT YOU HAVE SUBPOENAS TO APPEAR BEFORE
12 THIS SUBCOMMITTEE?

13 MR. FOX: YES.

14 MR. TRENT: YES, I DO.

15 ---

16 EARL TRENT, ESQ., SWORN.

17 ---

18 ROBERT FOX, SWORN.

19

20 CHAIRMAN RHODES: MR. TRENT, DO YOU HAVE A
21 STATEMENT?

22 MR. TRENT: I HAD INTENDED TO KEEP MY REMARKS
23 BRIEF BECAUSE I WANT TO LEAVE TIME FOR MR. FOX.

24 CHAIRMAN RHODES: FINE.

25 MR. TRENT: IN VIEW OF THE HOUR, I WILL KEEP

1 THEM EVEN BRIEFER.

2 LET ME SAY THAT I AM HERE REPRESENTING THE
3 FIVE BRANCHES OF THE N.A.A.C.P. IN PHILADELPHIA.

4 POLICE ABUSE OF CITIZENS HAS BEEN A CONCERN
5 OF THE N.A.A.C.P. SINCE ITS FOUNDING 68 YEARS AGO. THE
6 N.A.A.C.P.'S CONCERN ARISES IN PART FROM THE FACT THAT A
7 DISPROPORTIONATE NUMBER OF INCIDENTS INVOLVING POLICE ABUSE
8 ARE COMMITTED AGAINST THE POOR, BLACKS, AND OTHER MINORITIES,
9 AND GENERALLY THOSE WHO ARE POWERLESS IN OUR POLITICAL AND
10 ECONOMIC SYSTEM.

11 IN PHILADELPHIA, THE N.A.A.C.P. BRANCHES
12 HAVE EXPRESSED THEIR CONCERN ABOUT THIS PROBLEM TO THE
13 PRESIDENTS BY CALLING UPON ELECTED GOVERNMENT OFFICIALS TO
14 TAKE ACTION TO MAKE THE PHILADELPHIA POLICE DEPARTMENT MORE
15 RESPONSIVE TO THE COMPLAINTS OF THE CITIZENS ALLEGING POLICE
16 ABUSE.

17 PREVIOUS CITY ADMINISTRATIONS HAVE TAKEN
18 STEPS IN THIS DIRECTION. THE PRESENT CITY ADMINISTRATION,
19 HOWEVER, HAS SHOWN A CALLOUS INDIFFERENCE TO THE COMPLAINTS
20 OF CITIZENS REGARDING THE PHILADELPHIA POLICE DEPARTMENT. IN
21 FACT, THE PRESENT ADMINISTRATION HAS FOSTERED AN ATMOSPHERE
22 WHERE POLICE OFFICERS FEEL THEY CAN ABUSE CITIZENS AT WILL.

23 WE BELIEVE THAT THE PERMISSIVE ATTITUDES
24 DISPLAYED BY THE CITY OFFICIALS WHEN CONFRONTED WITH
25 INSTANCES OF POLICE ABUSE HAVE CONTRIBUTED TO THE RISING

1 NUMBER OF SUCH INSTANCES REPORTED RECENTLY. BY REWARDING
2 THOSE OFFICERS WHO ARE CHRONICALLY NAMED IN ALLEGATIONS OF
3 POLICE BRUTALITY WITH PROMOTIONS AND DESIRED ASSIGNMENTS, AND
4 BY REDUCING THE DEPARTMENTAL PENALTIES METED OUT TO THOSE FEW
5 OFFICERS FOUND GUILTY OF POLICE ABUSE BY THE DEPARTMENT'S OWN
6 BOARD OF INQUIRY, THE PRESENT COMMISSIONER AND HIS
7 PREDECESSOR HAVE ENCOURAGED POLICE OFFICERS TO RESORT TO
8 VIOLENCE IN DEALING WITH CITIZENS.

9 THE FIVE N.A.A.C.P. BRANCHES, THROUGH THEIR
10 PRESIDENTS, HAVE WRITTEN TO THE COMMISSIONER OF POLICE ON
11 COUNTLESS OCCASIONS WHEN CONFRONTED WITH CITIZENS ALLEGING
12 POLICE ABUSE, MOST OF THEM BEARING VISIBLE SCARS AND
13 DISFIGUREMENTS. YET THE COMMISSIONER HAS FAILED TO EVEN
14 ACKNOWLEDGE RECEIPT OF THESE COMMUNICATIONS.

15 OUR ONLY RECOURSE TO DATE HAS BEEN TO
16 ENCOURAGE COMPLAINANTS TO PURSUE LEGAL ACTION AGAINST THE
17 CITY. MANY OF THESE CASES HAVE RESULTED IN SUBSTANTIAL
18 JUDGMENTS, TO THE CITY'S DETRIMENT.

19 THE PHILADELPHIA BRANCHES RECEIVED SO MANY
20 COMPLAINTS LAST YEAR THAT THE FIVE PRESIDENTS DECIDED TO HOLD
21 PUBLIC HEARINGS AND INVITE THOSE WHO HAD COMPLAINTS TO
22 TESTIFY. MANY PEOPLE CAME FORWARD, MOST OF WHOM WE COULD NOT
23 HEAR FOR LACK OF TIME. HOWEVER, THEIR STATEMENTS AS WELL AS
24 A TRANSCRIPT OF THE HEARINGS WERE FORWARDED TO THE PROPER
25 PROSECUTORIAL AUTHORITIES FOR INVESTIGATION AND FURTHER

1 ACTION WHERE WARRANTED. WE WOULD BE HAPPY TO SUBMIT A COPY
2 TO THIS SUBCOMMITTEE FOR YOUR PURPOSES.

3 IN CONCLUDING, I MIGHT OBSERVE THAT WE FOUND
4 VIOLATIONS OF THE CIVIL AND HUMAN RIGHTS OF CITIZENS IN
5 PHILADELPHIA.

6 WE BELIEVE THAT ALL PEOPLE ARE ENTITLED TO
7 EQUAL PROTECTION UNDER THE LAW, WHICH IS BEING SYSTEMATICALLY
8 DENIED TO THOSE WHO LACK POLITICAL AND ECONOMIC POWER. WE
9 BELIEVE THAT OUR STATE LEGISLATURE HAS AN OBLIGATION TO
10 INTERVENE AND ENACT LEGISLATION TO CORRECT THIS SITUATION,
11 ESPECIALLY WHEN A SIGNIFICANT NUMBER OF PEOPLE IN THIS CITY
12 FEAR THE POLICE MORE THAN CRIME.

13 NOW I WOULD LIKE TO HAVE MR. FOX, WHO IS ONE
14 OF THE PEOPLE WHO CAME TO US LAST YEAR WITH AN ALLEGATION OF
15 POLICE MISCONDUCT AND ONE OF THE PEOPLE WHO DID NOT HAVE A
16 CHANCE TO TESTIFY AT OUR HEARINGS, BUT WHO HAS A VERY
17 INTERESTING CASE THAT I THINK YOU SHOULD HEAR.

18 CHAIRMAN RHODES: BY THE WAY, MR. TRENT, JUST
19 FOR YOUR INFORMATION, WE DO HAVE A COPY OF THAT REPORT, YOU
20 HAD FORWARDED ONE TO US ALREADY.

21 THANK YOU VERY MUCH FOR GIVING IT TO US.

22 CHAIRMAN RHODES:

23 Q. MR. FOX, BEFORE YOU BEGIN TO TESTIFY, YOU DO
24 REALIZE THAT YOU ARE UNDER OATH?

25 A. YES.

1 Q. VERY WELL, GO AHEAD.

2 A. ON APRIL 23RD OF LAST YEAR, I WAS AT HOME.
3 I RENTED AN UPSTAIRS APARTMENT FROM A FRIEND OF MINE WHO
4 OWNED A DUPLEX; AND WE WENT OUT TO THE BACK OF OUR HOUSE.

5 Q. WHERE DID YOU LIVE?

6 A. IN NORTHEAST PHILADELPHIA. 6625 RUTLAND
7 STREET.

8 AND I WENT OUT BACK TO PLAY SOME BASKETBALL
9 AND --

10 Q. RUTLAND?

11 A. RUTLAND, R-U-T-L-A-N-D. I NO LONGER LIVE
12 THERE.

13 WE WENT OUT BACK JUST TO PLAY A LITTLE
14 BASKETBALL, WE HAD A BASKET OUT THERE.

15 THERE WAS A NEIGHBOR'S CAR IN THE ROAD; AND
16 MY FRIEND AND LANDLORD GOT INTO AN ARGUMENT WITH THE NEXT
17 DOOR NEIGHBOR, A CHILDISH ARGUMENT, IN WHICH THE NEIGHBORS
18 THREATENED THE SON WHOSE CAR IT WAS WOULD BE BACK AND THERE
19 WOULD BE TROUBLE. THAT WAS EARLY IN THE AFTERNOON.

20 LATER THAT NIGHT, I WAS UPSTAIRS IN MY ROOM
21 WATCHING THE BASKETBALL GAME WITH ONE OF MY FRIENDS. I HAD A
22 FEW FRIENDS DOWNSTAIRS WATCHING THE GAME ALSO. AND AT
23 HALFTIME IN THAT GAME, A FRIEND OF MINE CAME RUNNING INTO MY
24 ROOM SCREAMING, "LOOK WHAT THEY DID TO ME," AND HIS WHOLE
25 CHEST WAS GASHED. AND I DIDN'T EVEN KNOW WHAT ALL HAD

1 HAPPENED.

2 AND I RAN DOWN THE STEPS OUT TO THE BACK OF
3 MY HOUSE -- WE HAD A PORCH THERE AND A STAIRWAY LEADING DOWN.
4 AND THERE WERE ABOUT FOUR CARLOADS OF GUYS STANDING THERE,
5 THEY WERE LINED UP THE STEPS.

6 AND I WENT OUT ON THE PORCH AND I GOT INTO
7 AN ARGUMENT WITH ONE OF THESE GUYS, JUST TRYING TO FIND OUT
8 WHAT WAS GOING ON. AND ABOUT A MINUTE PASSED AND I NOTICED
9 TO MY RIGHT A POLICE OFFICER JUST STANDING THERE. HE HAD NO
10 HAT ON AND NO BADGE ON. AND I TURNED TO HIM --

11 Q. HOW DID YOU KNOW HE WAS A POLICE OFFICER?

12 A. BECAUSE HE HAD THE BLUE SHIRT, THE DARK BLUE
13 AND THE PANTS; BUT I WOULD HAVE NOTICED HIM RIGHT AWAY IF MY
14 EYES HAD STRAYED ON.

15 Q. DID HE HAVE A GUN ON?

16 A. YES, HE DID.

17 I TURNED TO HIM AND I RAISED MY VOICE AND I
18 SAID, "WHY CAN'T YOU DO SOMETHING, WHY CAN'T YOU STOP THIS?"
19 AND I MUST HAVE SHOUTED A LITTLE TOO LOUD BECAUSE I DID
20 SOMETHING WRONG BY SHOUTING.

21 AT THAT POINT MY FRIEND GRABBED ME BY MY
22 SHOULDERS AND PULLED ME INTO THE HOUSE AND SHUT THE DOOR.
23 WHEN HE PULLED ME IN, I FELL ON THE KITCHEN FLOOR. AS SOON
24 AS I HIT THE FLOOR, THE DOOR WAS BUSTED IN BY THE POLICE WHO
25 IMMEDIATELY STARTED HITTING ME WITH THEIR BLACKJACKS.

1 Q. YOU SAY "POLICE," IMPLYING MORE THAN ONE?

2 A. YES. THERE WAS ONLY ONE AT THE TIME I WAS
3 ON THE PORCH. WHEN THE DOOR WAS BUSTED IN, THERE WERE QUITE
4 A FEW.

5 THEY DRAGGED ME OUT THE DOOR AND I JUST LAID
6 ON THE PORCH.

7 Q. HOW MUCH WAS QUITE A FEW?

8 A. WELL, TWO ON EACH SIDE WERE HITTING ME WHEN
9 I LAID OUT ON THE PORCH, AND THEY JUST KEPT HITTING ME WHILE
10 I WAS SCREAMING AND CRYING AND WHATEVER I WAS -- JUST LAYING
11 THERE.

12 Q. HITTING YOU WITH THEIR FISTS, WITH THEIR
13 BLACKJACKS?

14 A. YES, WITH THEIR BLACKJACKS.

15 THEY THEN THREW ME DOWN A FLIGHT OF STEPS,
16 AND THE POLICE WAGON WAS THERE TO TAKE ME --

17 Q. DID THEY TELL YOU THAT YOU WERE UNDER ARREST
18 --

19 A. NO, THEY DID NOT.

20 Q. -- WHEN THEY STARTED HITTING YOU?

21 A. NO, THEY SAID NOTHING. THEY JUST KEPT
22 HITTING ME.

23 Q. THEY DIDN'T READ YOU YOUR RIGHTS OR TELL YOU
24 THAT YOU WERE UNDER ARREST?

25 A. NO. AND THE POLICE WAGON WAS DOWN THE

1 BLOCK. THE WHOLE DRIVEWAY WAS LINED WITH CARS AND POLICE
2 CARS, BUT THE WAGON HAPPENED TO BE --

3 Q. DID YOU HIT ANY OF THE POLICE OFFICERS?

4 A. NO, SIR.

5 -- BUT THE WAGON HAPPENED TO BE AT THE
6 CORNER, SO I WAS BEATEN ALL THE WAY TO THE WAGON AND I HAD TO
7 JUST GET UP AND KEEP WALKING TO JUST -- YOU KNOW, IF I LAID
8 THERE, I GOT HIT. I JUST HAD TO KEEP STUMBLING UNIL I WAS
9 HIT IN THE HEAD AND COULDN'T SEE ANY MORE FROM THE BLOOD.

10 I GOT TO THE BACK OF THE WAGON AND THEY PUT
11 THE HANDCUFFS ON ME AND THREW ME IN THE WAGON. AND I SAID TO
12 MYSELF, "THANK GOD, IT'S OVER."

13 AND I LAID THERE FOR ABOUT A MINUTE; AND
14 THEN THE WAGON DOOR OPENED UP AND A POLICE OFFICER GOT IN AND
15 SAT ON THE BENCH ON THE SIDE THERE. I HAD BEEN LAYING ON MY
16 BACK. AND HE JUST HIT ME ONCE AROUND THE KNEES AND THE
17 THIGHS AND ON MY SHINS.

18 Q. HIT YOU WITH HIS BILLY CLUB?

19 A. YES. AND THEN AS AN INSTINCT, I JUST SORT
20 OF CROSSED MY LEGS TO PROTECT MYSELF; AND HE JUST SAID, "YOU
21 ARE TRYING TO KICK ME," AND HE JUST KEPT HITTING ME AND
22 HITTING ME.

23 THEN HE FINALLY STOPPED THAT AND HE GOT UP
24 AND HE PUT HIS FOOT ON MY THROAT, AND HE KEPT IT THERE AND HE
25 KEPT IT THERE UNTIL I THOUGHT HE WAS JUST GOING TO DO ME IN.

1 AND THEN HE FINALLY STOPPED THAT, AND I CAUGHT MY BREATH.

2 AND HE TOOK HIS STICK AND SHOVED IT IN MY
3 STOMACH AND JUST PUT PRESSURE ON THAT FOR A MINUTE OR SO.
4 AND HE THEN GOT OUT.

5 AND A FRIEND OF MINE ASKED ME IF I WAS ALL
6 RIGHT -- THERE WERE WITNESSES TO THIS -- A FRIEND OF MINE
7 ASKED ME IF I WAS ALL RIGHT, BUT I WAS TOO SCARED TO ANSWER.

8 THEN THE WAGON DROVE ME TO THE POLICE
9 STATION AND THEY PULLED UP IN THE ALLEY NEXT TO THE ENTRANCE,
10 IT'S NOT ON THE STREET. AND AS THE TWO POLICE OFFICERS
11 OPENED THE DOORS, I SAW THE OFFICER WHO HAD ORIGINALLY BEEN
12 ON THE PORCH PULL UP BEHIND THE ARRESTING OFFICER OR
13 WHATEVER; AND HE JUST RAN OUT OF HIS CAR AND THEY PULLED ME
14 OUT BY MY PANTS. I HAD NOTHING ON BUT PANTS, I WAS IN MY
15 ROOM. THEY PULLED ME OUT BY MY PANTS AND RIPPED THEM OFF OF
16 ME AND JUST STARTED BEATING ME RIGHT IN THE ALLEY OUTSIDE OF
17 THE POLICE STATION.

18 Q. WHICH DISTRICT WAS THIS?

19 A. SECOND DIVISION, HARRISON AND LEVICK.

20 Q. YOU SAY THEY PULLED YOUR PANTS UP, WHAT DO
21 YOU MEAN BY THAT?

22 A. WELL, I HAD NOTHING ON BUT A PAIR OF PANTS,
23 I WAS IN MY BEDROOM. SO WHEN THEY OPENED THE DOORS THEY
24 PULLED ME BY MY PANTS LEGS AND THEY JUST RIPPED AWAY SO --

25 Q. SO WHAT WERE YOU LEFT WITH?

1 A. I WAS LEFT WITH RIPPED PANTS UP TO HERE AND
2 THAT WAS IT.

3 THEN THEY FINALLY STOPPED THAT, I THINK,
4 WHEN THEY SAW SOMEONE WALK OUT OF THE POLICE STATION.

5 THEY TOOK ME INTO THE STATION AND THE
6 DETECTIVE SERGEANT OR WHOEVER WAS SITTING THERE, SAID TAKE
7 ME TO THE HOSPITAL.

8 I STILL HADN'T BEEN TOLD WHY I WAS THERE OR
9 ANYTHING.

10 AND I BEGGED THE GUY TO LET OTHER POLICE
11 TAKE ME. AND I DON'T KNOW IF HE DID OR DIDN'T, BUT THEY TOOK
12 ME TO THE HOSPITAL, AND WHEN I FIRST GOT THERE, I JUST
13 BEGGED THE DOCTOR TO ADMIT ME, BUT AFTER BEING THERE FOR
14 ABOUT FIVE OR SIX HOURS --

15 Q. WHICH HOSPITAL DID THEY TAKE YOU TO?

16 A. FRANKFORD HOSPITAL. THEY KEPT ME THERE FOR
17 ABOUT FIVE OR SIX HOURS.

18 THE POLICE HAD TOLD ME NO MATTER HOW LONG I
19 WAS TO STAY IN THE HOSPITAL, THEY WOULD BE OUTSIDE MY ROOM
20 AND I WOULD GO TO JAIL WHEN I WAS RELEASED.

21 Q. DID THEY TELL YOU THEN WHAT YOU WERE
22 ARRESTED FOR?

23 A. NO.

24 SO FINALLY AFTER QUITE A FEW X-RAYS AND
25 TREATMENTS, THE DOCTOR TOLD ME I HAD TO BE ADMITTED, I HAD

1 INTERNAL BLEEDING. AND I TOLD THEM, 'NO. IF I AM GOING TO
2 GO TO JAIL, I AM GOING TO GO.' I HAD NEVER -- SO I HAD TO GO
3 BACK TO THE POLICE STATION.

4 I GAVE A STATEMENT WHICH THEY TRIED TO TWIST
5 EVERYTHING I SAID AROUND, AND THEN I STAYED THERE FOR AN HOUR
6 OR SO. I WAS THROWN IN THE WAGON TO GO DOWN TO THE
7 ROUNDHOUSE AND I HAD NEVER BEEN ARRESTED OR BEEN IN THE
8 ROUNDHOUSE BEFORE IN MY LIFE. SO I WENT DOWN TO THE
9 ROUNDHOUSE. I HAD A SHEATH, A NECK BRACE, MY ARM IN A
10 SLING, AND BRUISES ALL OVER MY BODY.

11 I LAID IN THE ROUNDHOUSE FROM 15 TO 17
12 HOURS. WHEN I WAS FINALLY CALLED BEFORE THE JUDGE, I STILL
13 DIDN'T KNOW WHAT FOR;

14 AND THEY SAID THERE WAS NO BAIL INVOLVED
15 BECAUSE IT SEEMED THAT DURING THE NIGHT WHEN CERTAIN PEOPLE
16 TALK TO YOU IN THE ROUNDHOUSE TO SET BAIL, THEY SEEMED AWARE
17 OF THE POLICE PROBLEM AND THEY JUST, THEY JUST SORT OF
18 SHRUGGED THEIR SHOULDERS WHEN I TOLD THEM WHAT HAPPENED AND
19 SAID 'NO BAIL,' THEY RECOMMENDED NO BAIL TO THE JUDGE.
20 THAT'S HOW THE SYSTEM WORKS.

21 SO THEN I WAS CALLED IN FRONT OF THE JUDGE
22 AND THE JUDGE READ OFF TWO COUNTS OF AGGRAVATED ASSAULT AND
23 BATTERY, SIMPLE ASSAULT AND BATTERY, RESISTING ARREST AND
24 DISORDERLY CONDUCT. AND WHEN I TRIED TO OPEN MY MOUTH, SHE
25 JUST SAID, 'TELL IT TO THE JUDGE.'

1 THEN I WENT BACK TO THE HOSPITAL --

2 Q. WHO, THE MAGISTRATE?

3 A. WHAT DO THEY CALL THEM NOW, THE ARRAIGNMENT
4 JUDGE.

5 AND I WENT BACK TO FRANKFORD HOSPITAL TO SEE
6 THE DOCTOR AGAIN AND RECEIVE MEDICATION AND --

7 Q. WHAT WERE ALL THE CHARGES YOU WERE CHARGED
8 WITH, AGGRAVATED ASSAULT, SIMPLE ASSAULT --

9 A. DISORDERLY CONDUCT AND RESISTING ARREST,
10 BUT TWO POLICE OFFICERS CHARGED ME WITH THIS, NOT ONE. I
11 STRUCK THEM WITH MY HANDS AND FEET, THEY SAID.

12 SO ONCE I GOT OVER IT, IT WAS A FEW DAYS,
13 ALL I COULD THINK ABOUT WAS A LAWSUIT. AND WHEN I TOLD THIS
14 TO MY FATHER, HE BROKE DOWN AND CRIED AND HE IS OVER 70 YEARS
15 OLD. AND HE WAS JUST SCARED TO DEATH THAT I WOULD BE KILLED
16 OR SOMETHING. AND NOT THAT I AGREED WITH HIM; BUT TO GO
17 ALONG WITH HIS WISHES, I SAID, 'OKAY, I'LL JUST LEAVE WELL
18 ENOUGH ALONE.'

19 AND HE GOT A LAWYER, LOUIS JOHANSON, I THINK
20 HE IS ALSO A CITY COUNCILMAN; AND ALL I GOT OUT OF IT WAS --
21 WHEN MY HEARING DATE CAME, I JUST WALKED IN, DIDN'T SAY A
22 WORD. THEY SAID, 'SIX MONTHS PROBATION. YOU DON'T HAVE TO
23 CALL ANYBODY, NOBODY WILL CALL YOU.'

24 AND THEN ABOUT A MONTH WENT BY AND I JUST
25 KEPT READING ACCOUNTS IN THE PAPER AND THAT WAS ALL THAT WAS

1 ON MY MIND.

2 AND ON THE BLOCK WHERE I WORKED WAS THE
3 N.A.A.C.P. OFFICE, SO I WALKED IN AND TALKED TO MR. ALPHONSO
4 DEAL. AND I WROTE OUT A STATEMENT AND GAVE IT TO HIM. AND
5 HIS REPLY WAS, 'DO YOU WANT TO SUE THE POLICE?' TO WHICH I
6 SAID, 'YES.'

7 AND THE NEXT DAY THE F.B.I. WAS AT MY HOUSE.
8 SO I TOLD THE F.B.I. WHAT HAD HAPPENED, TOLD THEM EVERYTHING.
9 ALTHOUGH THIS WAS A MONTH LATER, I STILL HAD PHYSICAL SCARS
10 AND WELTS ALL OVER MY BODY. AND I SIGNED RELEASES FOR MY
11 MEDICAL PAPERS AND EVERYTHING.

12 AND THEY INTERVIEWED ABOUT -- THERE WERE
13 FIVE TO TEN WITNESSES, I WOULD SAY, AND THEY TALKED TO ALL OF
14 THEM. AND I WAS THERE MANY TIMES AND THAT WAS THE END OF IT
15 -- I DON'T KNOW IF THAT WAS THE END OF IT, BUT IT JUST SEEMED
16 TO DIE, JUST SEEMED TO END.

17 THAT IS ALL I HAVE TO SAY.

18 Q. HAVE YOU TAKEN ANY ACTION SUBSEQUENT TO THE
19 F.B.I. INTERVIEWS?

20 A. NO, I HAVE NOT.

21 CHAIRMAN RHODES: QUESTIONS FROM THE COMMITTEE,
22 REPRESENTATIVE SCIRICA.

23 REPRESENTATIVE SCIRICA: NO.

24 CHAIRMAN RHODES: REPRESENTATIVE WIGGINS.

25 REPRESENTATIVE WIGGINS: YES.

1 REPRESENTATIVE WIGGINS:

2 Q. YOU SAID YOU INITIALLY PUT IN A COMPLAINT BY
3 WAY OF AN ATTORNEY FROM THE N.A.A.C.P.?

4 A. RIGHT.

5 Q. AM I CORRECT?

6 A. YES.

7 Q. HAS YOUR ATTORNEY FROM THE N.A.A.C.P. BEEN
8 ABLE TO ASCERTAIN THE DISPOSITION OF YOUR CASE AS OF THIS
9 POINT?

10 A. NO, SIR.

11 CHAIRMAN RHODES: REPRESENTATIVE RICHARDSON.

12 REPRESENTATIVE RICHARDSON:

13 Q. YOUR ATTORNEY WAS LOUIS JOHANSON; IS THAT
14 CORRECT?

15 A. YES.

16 Q. SO IT WAS NOT THE N.A.A.C.P., YOU WERE NOT A
17 MEMBER OF THE N.A.A.C.P.?

18 A. NO, SIR, NOT AT THE TIME.

19 Q. I MEAN AT THIS TIME?

20 A. NO.

21 Q. WHAT I AM TRYING TO GET AT, JUST TO CLARIFY
22 THE RECORD, LOUIS JOHANSON IS NOT A LAWYER FROM THE
23 N.A.A.C.P.?

24 A. NO, SIR, HE WAS JUST MY FATHER'S WAY OF
25 GETTING ME OUT OF TROUBLE.

1 Q. FIRST MR. TRENT, IN THE INVESTIGATIONS THAT
2 YOU HAD AS AN N.A.A.C.P. LAWYER, THE NUMBER OF PEOPLE THAT
3 HAVE COME TO YOU IN TERMS OF POLICE BRUTALITY CASES OVER THE
4 LAST TWO-YEAR SPAN, WHAT WOULD YOU SAY THAT NUMBER IS? AND IF
5 YOU DO KNOW THAT NUMBER, COULD YOU GIVE US A BREAKDOWN OF THE
6 RACIAL BACKGROUND OF THE NUMBER OF PERSONS THAT HAVE COME
7 DIRECTLY TO YOU CONCERNING THE POLICE VIOLENCE CASES IN THE
8 CITY OF PHILADELPHIA?

9 A. (MR. TRENT) I COULDN'T BEGIN TO GIVE YOU A
10 NUMBER.

11 Q. APPROXIMATELY, WE WOULD HAVE TO HAVE
12 SOMETHING FOR THE RECORD.

13 A. WELL, IT WOULD HAVE TO BE IN THE HUNDREDS.
14 YOU SEE, THE BRANCHES ARE LOCATED IN VARIOUS NEIGHBORHOODS
15 AND THEY TAKE COMPLAINTS ALL THE TIME. SOME OF THEM THEY
16 ACT ON, SOME OF THEM THEY DON'T ACT ON. SOME OF THEM THEY
17 REFER TO ORGANIZATIONS LIKE P.I.L.C.O.P., OR TO THE LAWYERS
18 COMMITTEE OR TO PRIVATE LAWYERS; AND THERE IS A WHOLE RANGE
19 OF DIFFERENT KINDS OF DISPOSITIONS. WE HAVE NOT TRIED TO
20 ASCERTAIN THE EXACT NUMBER OR EVEN THE APPROXIMATE NUMBER AT
21 THIS POINT IN TIME.

22 BUT LET ME IN ANSWER TO THE SECOND PART OF
23 YOUR QUESTION, THERE IS NO DOUBT THAT THE OVERWHELMING
24 NUMBER OF COMPLAINTS COME FROM BLACKS AND PRIMARILY BLACK
25 MALES.

1 Q. WOULD YOU SAY IN THE CITY OF PHILADELPHIA,
2 MR. TRENT, THAT THE PROBLEM -- IT SEEMS THAT PEOPLE WANT TO
3 UNDERSTATE THE PROBLEM. WOULD YOU SAY THE PROBLEM IS GROSS
4 IN THE CITY OF PHILADELPHIA WHEN YOU TALK ABOUT POLICE
5 VIOLENCE, POLICE BRUTALITY, POLICE ABUSE, POLICE HARASSMENT
6 IN THIS TOWN?

7 A. I WOULD DESCRIBE IT AS GROSS, AS HORRENDOUS,
8 AS OUTRAGEOUS, AND IT SEEMS TO BE GETTING WORSE.

9 Q. HOW MANY CASES HAVE THE N.A.A.C.P. LAWYERS
10 TRIED ON POLICE VIOLENCE IN THE CITY?

11 A. WELL, WHEN YOU SAY THE N.A.A.C.P. LAWYERS
12 TRIED, --

13 Q. HAVE THEY TRIED ANY CASES, TO YOUR
14 KNOWLEDGE?

15 CHAIRMAN RHODES: NOT TRIED, BUT --

16 A. IN TERMS OF DEFENSE, CRIMINAL ACTION?
17 REPRESENTATIVE RICHARDSON:

18 Q. YES.

19 A. WELL, FIRST OF ALL NORMALLY WE DON'T GET
20 INVOLVED IN CRIMINAL ACTIONS. THESE ARE NORMALLY HANDLED BY
21 PRIVATE ATTORNEYS OR THE PUBLIC DEFENDER OR SOME OTHER LEGAL
22 ORGANIZATION.

23 THE SUITS THAT WE GET INTO ARE USUALLY THE
24 CIVIL SUITS AND NOT PARTICULARLY WITH RESPECT TO ANY
25 PARTICULAR CASE BUT WITH RESPECT TO A CLASS OR A PATTERN OR

1 PRACTICE OF THAT KIND OF THING.

2 Q. I WANTED TO ESTABLISH THAT AS MY NEXT
3 QUESTION. NOW THAT YOU DON'T DO THAT, DO YOU AS AN ATTORNEY
4 AND AS A GROUP, N.A.A.C.P., DO THEY FILE ANY CLASS ACTION
5 SUITS AGAINST THE POLICE DEPARTMENT HERE IN THE CITY OF
6 PHILADELPHIA CONCERNING THE POLICE DEPARTMENT?

7 A. WE HAVE BEEN INVOLVED IN MOST OF THE CLASS
8 ACTION SUITS THAT HAVE BEEN FILED IN THE CITY OF PHILADELPHIA
9 INVOLVING POLICE ABUSE.

10 Q. AND AS A RESULT OF THAT, MR. TRENT, HAVE
11 THERE BEEN ANY CASES THAT HAVE BEEN WON? AND IF THERE HAVE
12 NOT BEEN ANY CASES THAT WERE WON, HOW MANY CASES HAVE BEEN
13 LOST?

14 A. THERE HAVE BEEN SOME CASES THAT HAVE BEEN
15 WON, BUT MOST OF THE CASES HAVE BEEN LOST, I WOULD IMAGINE,
16 YES.

17 THERE HAVE BEEN A FEW THAT HAVE BEEN WON,
18 YES.

19 Q. IN THE CASES THAT WERE WON, WHAT WERE THE
20 EXTENUATING CIRCUMSTANCES SURROUNDING THAT PARTICULAR CASE
21 THAT BROUGHT A VICTORY IN THAT CASE?

22 A. THAT PARTICULAR CASE INVOLVED THE POLICE
23 ACTIONS IN TERMS OF STOPPING LARGE NUMBERS OF MALES, BLACK
24 MALES ON THE STREETS AFTER POLICE SHOOTINGS, AND --

25 Q. MASS ROUNDUP, THEY USED TO CALL IT?

1 A. YES. AND THAT HAS BEEN ENJOINED, YES. THAT
2 WAS A SUCCESSFUL SUIT.

3 Q. ALL RIGHT, AS TO MR. FOX, AS A RESULT OF THE
4 TESTIMONY WHICH WAS SHARED BY MR. FOX RELEVANT TO THE
5 SITUATION IN THE NORTHEAST SECTION OF PHILADELPHIA, COULD YOU
6 SHARE WITH US WHETHER OR NOT THE N.A.A.C.P. DID, IN FACT,
7 FILE A CIVIL COMPLAINT OR CIVIL ACTION WITH THE COURTS
8 PERTAINING TO THIS CASE?

9 A. THE N.A.A.C.P. HAS NOT.

10 Q. IS THERE ANY REASON WHY THEY DID NOT?

11 A. WE HAVE NOT REACHED THAT POINT IN TIME.

12 Q. IN OTHER WORDS, IT IS STILL IN THE PROCESS
13 OF GOING THROUGH THE PROCEDURES AT THIS POINT?

14 A. THAT MAY OR MAY NOT OCCUR.

15 Q. COULD YOU TELL US WHY?

16 A. THERE ARE A LOT OF OTHER THINGS FROM A LEGAL
17 POINT OF VIEW THAT WE THINK TAKE PRECEDENCE OVER A CIVIL
18 ACTION AT THIS POINT IN TIME, SUCH AS THE F.B.I. AND THE U.
19 S. ATTORNEY'S OFFICE, TO OUR KNOWLEDGE IS INVESTIGATING AND
20 MAY VERY WELL BRING CRIMINAL CHARGES WITH RESPECT TO THIS
21 PARTICULAR INCIDENT AS WELL AS OTHERS. AND FOR LEGAL REASONS
22 WE WOULD PREFER THAT THAT OCCURRED FIRST; AND WE WOULD HOPE
23 THAT IT WILL BE A SUCCESSFUL PROSECUTION.

24 CHAIRMAN RHODES: MR. TRENT, YOU OR MR. FOX, I
25 AM TOLD THERE IS A PROCEDURE, LIMITED AS IT MAY BE, FOR

1 CITIZENS COMPLAINTS IN THE POLICE DEPARTMENT. HAVE YOU FILED
2 A CITIZEN'S COMPLAINT?

3 MR. FOX: NO, I HAVE NOT.

4 MR. TRENT: BY WAY OF A LETTER TO THE
5 COMMISSIONER, A COMPLAINT HAS BEEN FILED RELATIVE TO THIS
6 CASE.

7 THERE HAS BEEN NO RESPONSE FROM THE
8 COMMISSIONER OR ANYONE ELSE FROM THE CITY AS A RESULT OF THAT
9 COMPLAINT.

10 REPRESENTATIVE RICHARDSON:

11 Q. MR. FOX, THIS INCIDENT THAT YOU BROUGHT TO
12 THIS COMMITTEE'S ATTENTION TODAY INDICATED THAT YOU HAD TWO
13 COUNTS OF ASSAULT AND BATTERY, SIMPLE ASSAULT, RESISTING
14 ARREST AND DISORDERLY CONDUCT BY TWO DIFFERENT POLICE
15 OFFICERS?

16 A. (MR. FOX) UH-HUH.

17 Q. YOU INDICATED EVIDENTLY IN SOME TYPE OF
18 DESCRIPTION ON THE COMPLAINT FORM THAT YOU WERE KICKING ET
19 CETERA.

20 ARE YOU A BLACK BELT IN KARATE?

21 A. NO, SIR.

22 Q. THE MARTIAL ARTS OF SELF-DEFENSE?

23 A. NO.

24 Q. THE REASON I AM FOCUSING ON THIS, IT ALWAYS
25 SURPRISES ME WHEN WITNESSES TESTIFY THAT ALL OF THOSE KINDS

1 OF ALLEGATIONS ARE MADE, BUT FOR SOME REASON NO ONE EVER
2 PURSUES THAT; AND I JUST WANTED TO PUT THAT ON THE RECORD.

3 THE OTHER THING IS THAT YOU INDICATED WHEN
4 YOU WERE IN THE HOSPITAL YOU HAD INTERNAL BLEEDING. AGAIN,
5 COULD YOU TELL US WHY YOU DID NOT STAY IN THE HOSPITAL TO
6 ALLOW THEM TO DEAL WITH THE INTERNAL BLEEDING?

7 A. I CAN'T REALLY PINPOINT IT, I JUST LAID
8 THERE ALL NIGHT IN THE HOSPITAL, AND THE POLICE KEPT TELLING
9 ME HOW THEY WOULD SIT OUTSIDE OF MY ROOM; AND MY FATHER
10 SITTING IN THE WAITING ROOM WORRYING ABOUT ME. I --

11 Q. WERE YOU AFRAID, MR. FOX?

12 A. NO, I WASN'T AFRAID AT THAT POINT. I MEAN,
13 I ALMOST DIED, I COULDN'T BE AFRAID ANY MORE.

14 MR. TRENT: WELL, AFRAID OF WHOM?

15 REPRESENTATIVE RICHARDSON: WAS HE AFRAID OF
16 THE POLICE, WAS HE AFRAID THAT HIS TIME THERE IN THE
17 HOSPITAL AS A RESULT OF HIM NOT BEING PHYSICALLY TAKEN CARE
18 OF, WAS HE AFRAID THE POLICE WOULD DO SOMETHING ELSE TO HIM
19 THERE IN THE HOSPITAL AND HE WANTED TO GO ON TO THE
20 ROUNDHOUSE?

21 MR. FOX: NO, NOT IN THE HOSPITAL I WASN'T
22 AFRAID.

23 REPRESENTATIVE RICHARDSON:

24 Q. FINALLY, MR. FOX, BECAUSE OF MY DEEP CONCERN
25 AND FEELINGS MANY OF THE MEMBERS OF THE SUBCOMMITTEE HAVE

1 CONCERNING THIS PROBLEM, THE ORDEAL THAT YOU WENT THROUGH --
2 HAVE YOU BEFORE EVER WITNESSED, EVER HAD ENCOUNTERS WITH OR
3 HAVE FRIENDS WHO HAD ENCOUNTERS WITH THE TYPE OF PROBLEMS
4 CONCERNING POLICE BRUTALITY AND VIOLENCE IN THIS TOWN THAT
5 YOU HAVE GONE THROUGH, OR ANYTHING LIKE THAT BEFORE?

6 A. NO, I HADN'T. IT'S SOMETHING I JUST READ
7 ABOUT IN THE PAPER, SOMETHING -- ONCE IT HAPPENED TO ME, I
8 JUST SAID YOU DON'T BELIEVE IT UNTIL IT HAPPENS TO YOU.

9 Q. AND AS A RESULT, IT NOW MAKES YOU MORE AWARE
10 OF THE SITUATION IN THE CITY?

11 A. DEFINITELY.

12 CHAIRMAN RHODES: ARE YOU STILL UNDER THOSE
13 CHARGES, MR. FOX?

14 REPRESENTATIVE WILLIAMS: APPARENTLY A.R.D.

15 A. RIGHT, APRIL, 1977.

16 REPRESENTATIVE WILLIAMS: IT'S OVER?

17 REPRESENTATIVE RICHARDSON: IT'S OVER, HE'S
18 FINISHED.

19 REPRESENTATIVE WILLIAMS: A.R.D., RIGHT?

20 A. YES.

21 REPRESENTATIVE RICHARDSON: NON-REPORTING
22 PROBATION; AFTER THAT SIX MONTHS IF YOU ARE NOT REARRESTED,
23 THEY DON'T BRING THE CHARGES UP AGAIN, IT IS AUTOMATICALLY
24 THROWN OUT.

25 CHAIRMAN RHODES: SO YOU ARE CLEARED OF THOSE

1 CHARGES TODAY?

2 A. WELL, I HAVE A CRIMINAL RECORD, I --
3 REPRESENTATIVE WILLIAMS:

4 Q. WERE YOU TOLD A.R.D.?

5 A. I MOVED TO CALIFORNIA AND I HAD TO BE BONDED
6 FOR A JOB. I WROTE A LETTER TO MY LAWYER ASKING HIM IF I
7 WAS GOING TO CARRY THIS RECORD ALL MY LIFE. I JUST DIDN'T
8 KNOW WHAT WAS GOING ON, I JUST WENT ALONG WITH MY FATHER AND
9 MY LAWYER.

10 AND HE TOLD ME I WOULD CARRY THIS ON MY
11 RECORD.

12 Q. YOUR LAWYER?

13 A. YES.

14 Q. THEN YOU DIDN'T HAVE A.R.D. THE INDUCEMENT
15 FOR A.R.D. IS YOU DON'T DEFEND YOURSELF, THEY DON'T
16 PROSECUTE; AND IN EXCHANGE, AFTER A PERIOD OF TIME, THE WHOLE
17 RECORD IS THROWN OUT. THAT IS THE PURPOSE OF IT.

18 NOW IF YOU GOT A.R.D., AND DIDN'T GET THAT,
19 YOU HAD BETTER GET YOURSELF ANOTHER LAWYER. BUT YOU ARE NOT
20 SUPPOSED TO HAVE A CRIMINAL RECORD IF THAT'S WHAT YOU HAD.

21 REPRESENTATIVE RICHARDSON: OFF THE RECORD.

22 (DISCUSSION OFF THE RECORD.)

23 REPRESENTATIVE RICHARDSON:

24 Q. FINALLY MR. FOX, YOU EVIDENTLY OVER THE YEAR
25 -- ARE YOU BACK NOW IN THE CITY?

1 QUESTIONS?

2 REPRESENTATIVE WHITE: NO.

3 CHAIRMAN RHODES: REPRESENTATIVE WILLIAMS.

4 REPRESENTATIVE WILLIAMS:

5 Q. MR. FOX, HOW OLD ARE YOU?

6 A. TWENTY-FOUR.

7 Q. AND YOU WERE APPROXIMATELY 23 WHEN THIS
8 HAPPENED?

9 A. YES.

10 Q. YOU ARE NON-BLACK, RIGHT?

11 A. YES.

12 Q. THAT MEANS YOU ARE NOT NON-WHITE RIGHT, YOU
13 ARE CAUCASIAN?

14 A. YES.

15 Q. SOME OF THE ASPECTS OF THE SITUATION AS
16 EXPRESSED BY PEOPLE ARE THAT BLACKS PERCEIVE THAT IT HAPPENS
17 ONLY TO BLACKS. I HAVE ALWAYS SAID THAT WAS INCORRECT. BUT
18 YOU ARE SAYING BEFORE IT HAPPENED TO YOU, YOU JUST NEVER
19 THOUGHT IT WOULD HAPPEN, RIGHT, YOU HEARD ABOUT IT AND
20 BASICALLY NEVER BELIEVED IT; IS THAT CORRECT?

21 A. JUST IGNORED IT, MAYBE, WOULD BE A BETTER
22 WORD.

23 Q. AND OF COURSE YOU EXPRESSED YOUR EXPERIENCE
24 AS ONE OF AMAZEMENT AND SHOCK; AND YOU REALLY FELT BAD AS AN
25 AMERICAN THAT THAT COULD HAPPEN?

1 A. DEFINITELY.

2 Q. DO YOU BELIEVE YOUR OWN EXPERIENCE HAS
3 OPENED YOUR EYES TO THE FACT THAT IT HAPPENS A LOT MORE AND
4 TO A LOT OF PEOPLE WHO ARE POWERLESS ALSO OR OTHERWISE
5 SITUATED?

6 A. YES.

7 Q. DO YOU BELIEVE IT IS IMPORTANT INFORMATION
8 FOR OUR TOTAL COMMUNITY TO HAVE SO THEY CAN UNDERSTAND THE
9 DANGER?

10 A. YES.

11 Q. YOU DON'T BELIEVE THAT OUR COMMUNITY FROM A
12 BROAD BASE YET UNDERSTANDS THE PROBLEM; IS THAT RIGHT?

13 A. NOT AT ALL, NOT AT ALL. IT'S ON THE COVER
14 OF THE PAPER, IT'S ON THE FRONT PAGE OF THE PAPER THREE TIMES
15 A WEEK, YET NOTHING IS DONE.

16 Q. DO YOU THINK THAT AT ONE TIME YOUR JUDGMENT
17 MAY HAVE BEEN THAT IT EITHER HAPPENED TO BLACKS OR OTHER
18 MINORITIES OR IT WAS ALLEGED AND IT WASN'T AS MUCH TO IT AS
19 CLAIMED?

20 DO YOU THINK YOUR PERCEPTION MIGHT HAVE BEEN
21 THAT AT ONE TIME?

22 A. YES.

23 Q. OKAY. THEN WE COLLECTIVELY, BLACKS, WHITES,
24 HISPANICS, SO ON, FOR IMPORTANT AMERICAN REASONS, WE WOULD
25 HAVE TO CORRECT THAT CREDIBILITY PROBLEM; DON'T YOU AGREE?

1 A. YES.

2 Q. MR. TRENT SPOKE IN TERMS OF IT HAPPENING TO
3 PEOPLE WHO ARE POWERLESS.

4 IT HAS ALWAYS BEEN MY OPINION THAT WE ARE
5 TALKING ABOUT RAW ABILITY TO USE POLICE POWER, THAT IT IS
6 IRRESPECTIVE WHEN IT IS GOING TO BE USED, WHO YOU ARE, YOUR
7 COLOR, YOUR STATION IN LIFE, WHATEVER; THAT FACING THAT RAW
8 POWER IS ALMOST A DIFFERENT KIND OF A STATUS OR POSITION WHEN
9 THAT POLICE OFFICER IS IN FRONT OF YOU.

10 WOULD YOU AGREE THAT IS SO? YOU WERE
11 SHOCKED THAT IT HAPPENED, THAT IT COULD HAPPEN THAT WAY?

12 A. DEFINITELY.

13 Q. AND YOU WERE DOING NOTHING?

14 A. RAISED MY VOICE.

15 Q. AND YOU HAVE CRIMINAL CHARGES AGAINST YOU?

16 A. YES.

17 REPRESENTATIVE WILLIAMS: MR. CHAIRMAN, YOU
18 MADE THAT OBSERVATION OF SIMILAR CHARGES OF THE CASES WE HAD
19 HEARD SEVERAL TIMES. I WOULD SUGGEST THAT WE THINK ABOUT
20 SOME SUBPOENAING OR SECURING OF RECORDS OF THE COURTS TO
21 DETERMINE HOW EXTENSIVE THAT PATTERN HAS BEEN OVER THE PERIOD
22 OF YEARS. AND I WOULD THINK THAT OUR FELLOW CITIZENRY MIGHT
23 --

24 CHAIRMAN RHODES: A POINT WELL TAKEN, WHICH YOU
25 DESCRIBED -- I THOUGHT AS AN OBSERVER, IT DOESN'T SOUND VERY

1 MUCH LIKE RESISTING ARREST.

2 THANK YOU VERY MUCH FOR COMING BEFORE US.
3 WE APPRECIATE YOU COMING. WE UNDERSTAND YOU HAVE BEEN
4 THROUGH A TRAUMATIC EXPERIENCE, AND THIS SUBCOMMITTEE OF THE
5 HOUSE OF REPRESENTATIVES IS VERY APPRECIATIVE OF YOU TAKING
6 TIME OUT.

7 YOU ALSO, MR. TRENT, THANK YOU VERY MUCH.

8 (WITNESSES EXCUSED.)

9 CHAIRMAN RHODES: AT THIS POINT I WOULD LIKE TO
10 ACKNOWLEDGE REPRESENTATIVE JOEL JOHNSON FROM PHILADELPHIA
11 COUNTY, AND WE APPRECIATE HIS ATTENDANCE AT THE HEARING. HE
12 DID NOT WANT TO BE ACKNOWLEDGED, BUT I DIDN'T HONOR THAT.

13 THE NEXT WITNESS BEFORE THE SUBCOMMITTEE IS
14 MRS. BETH SHOWELL.

15 CHAIRMAN RHODES: MRS. SHOWELL, DID YOU RECEIVE
16 A SUBPOENA TO APPEAR BEFORE THIS SUBCOMMITTEE OF THE HOUSE OF
17 REPRESENTATIVES?

18 MS. SHOWELL: YES, I HAVE.

19 ---

20 BETH SHOWELL, SWORN.

21 ---

22 CHAIRMAN RHODES:

23 Q. DO YOU HAVE A STATEMENT YOU WANT TO MAKE TO
24 US OR HOW WOULD YOU LIKE TO PROCEED?

25 A. WELL, I WOULD LIKE TO PREFACE WHAT I AM

1 GETTING READY TO SAY WITH, IN RECENT MONTHS I HAVE BEEN
2 ACTIVE IN THE COMMUNITY AND HAVE HAD MANY MEETINGS WITH THE
3 POLICE AND HAVE FOUND THEM GENERALLY TO BE COOPERATIVE TO THE
4 NEEDS OF THE COMMUNITY. AND I THOUGHT PRIOR TO THE INCIDENT
5 THAT HAPPENED TO ME THAT A LOT OF WHAT I HAD READ IN THE
6 NEWSPAPER WAS SOMETHING THAT WAS BROUGHT ON BY THE VICTIMS
7 THEMSELVES; BUT AFTER MY INCIDENT I REALIZED THERE ARE
8 MEMBERS OF THE POLICE FORCE WHO TAKE THEIR AUTHORITY IN THEIR
9 HANDS AND ABUSE IT.

10 WHAT HAPPENED WAS ON MAY 14, 1976, I HAD
11 RETURNED FROM NEW YORK WHERE I HAD TO TAKE CARE OF SOME
12 BUSINESS. I PICKED MY DAUGHTER UP FROM SCHOOL, RAN A FEW
13 ERRANDS AND BECAUSE I WAS TIRED AND TIME WAS GETTING LATE WE
14 STOPPED AT MCDONALD'S, 40TH AND WALNUT.

15 WALNUT STREET, AT THAT TIME OF DAY ON THE
16 NORTH SIDE OF THE STREET THERE IS NO STOPPING. I STOPPED THE
17 CAR LONG ENOUGH TO LET HER OUT TO GO INTO MCDONALD'S AND
18 CIRCLED THE BLOCK. AS I CAME BACK AROUND THE BLOCK I WAS
19 DRIVING ALL THE WAY IN THE RIGHT-HAND LANE ON THE NORTH SIDE
20 OF THE STREET, DRIVING VERY SLOWLY, LOOKING INTO MCDONALD'S
21 TO SEE IF SHE WAS READY TO COME OUT OR IF SHE WAS STILL IN
22 LINE, WITH THE IDEA THAT I WOULD CONTINUE AROUND THE BLOCK IF
23 SHE WAS NOT READY TO COME OUT.

24 Q. HOW OLD IS YOUR DAUGHTER?

25 A. SHE IS 15 NOW. AT THE TIME SHE WAS 13.

1 I LOOKED IN MY SIDE-VIEW MIRROR TO SEE IF
2 TRAFFIC WAS CLEAR SO I COULD PULL OUT TO GO AROUND THE BLOCK
3 AGAIN. AS I LOOKED IN THE MIRROR I SAW A POLICE OFFICER
4 APPROACHING THE CAR WITH A TICKET IN HIS HAND; AND I STOPPED
5 THE CAR, PUT THE BRAKES ON, AND HE PUT THE TICKET ON THE
6 WINDSHIELD.

7 I PUT THE CAR IN PARK, PUT THE PARKING BRAKE
8 ON, OPENED THE DOOR TO GET TO REACH FOR THE TICKET, AND THE
9 TICKET TORE IN HALF. AT WHICH TIME HE PULLED THE DOOR ALL
10 THE WAY OPEN AND HE ORDERED ME OUT OF THE CAR. I WAS DRIVING
11 A RENTED CAR AT THE TIME.

12 HE TOLD ME TO COME OVER ON THE SIDEWALK. HE
13 ASKED ME TO GET THE RENTAL AGREEMENT OUT OF THE CAR, WHICH I
14 DID. I REACHED IN THE GLOVE COMPARTMENT GOT IT OUT AND
15 HANDED IT TO HIM. AND I SAID I WOULD LIKE TO LOOK IN
16 MCDONALD'S TO SEE WHERE MY DAUGHTER WAS, WHETHER SHE WAS ON
17 HER WAY OUT, OR WHAT.

18 HE GRABBED ME BY MY LEFT ARM AND TOLD ME I
19 WASN'T GOING ANYWHERE, AND CALLED ME A NAME, A PRONOUN FOR A
20 FEMALE DOG, AND HE TOLD ME I WASN'T GOING ANYWHERE, HE SAID I
21 WAS UNDER ARREST. HE TOLD HIS PARTNER TO CALL FOR A WAGON;
22 AND I STOOD THERE.

23 THERE WERE PEOPLE WAITING FOR THE BUS. THE
24 BUS CAME, BUT THEY DIDN'T GET ON BECAUSE THEY WANTED TO STOP
25 TO SEE WHAT WOULD HAPPEN.

1 THE POLICEMAN GRABBED ME BY MY HAND AGAIN
2 AND TURNED ME AROUND. AND WHEN THE WAGON CAME, THE OFFICERS
3 THAT WERE IN THE WAGON TOLD HIM THAT HE REALLY HAD NO GROUNDS
4 TO ARREST ME.

5 I GOT MY DAUGHTER; BUT INSTEAD OF GOING HOME
6 I PROCEEDED TO THE POLICE STATION, 18TH DISTRICT, 55TH AND
7 PINE. WHEN I WENT IN, THE OFFICER THERE ASKED ME WHAT DID I
8 WANT, AND I TOLD HIM I WOULD LIKE TO REGISTER A COMPLAINT
9 AGAINST THE OFFICERS, AND I HAD HIS NAME, THIS ONE OFFICER IN
10 PARTICULAR, I HAD HIS NAME AND HIS BADGE NUMBER.

11 HE SAID, "JUST A MINUTE," HE SAID, "DO YOU
12 HAVE YOUR DRIVER'S LICENSE?" I SAID, "YES." HE SAID, "MAY I
13 SEE IT?" I ASKED HIM, "FOR WHAT REASON? I HAD COME TO
14 REGISTER A COMPLAINT." HE SAID, "THAT'S ALL RIGHT, THE
15 POLICE OFFICER IS HERE NOW AND WE HAVE HIS REPORT, HAVE A
16 SEAT."

17 SO I SAT DOWN. HE CAME BACK TO THE WINDOW
18 AND SAID, "OUR COMPUTER IS BROKEN, IT'S OUT. WE WILL TAKE
19 THE COMPLAINT." SO I TOLD HIM WHAT HAPPENED. HE WROTE DOWN
20 THE INFORMATION AND TOLD ME I COULD GO HOME.

21 AS SOON AS I GOT HOME THE TELEPHONE WAS
22 RINGING AND THE OFFICER TOLD ME THAT CAPTAIN CAMPBELL, WHO
23 WAS THE CAPTAIN OF THE 18TH DISTRICT, WOULD LIKE TO SEE ME,
24 THAT HE WOULD TAKE MY COMPLAINT.

25 A NEIGHBOR'S SON AND I -- I WAS PRETTY BADLY

1 SHAKEN UP. A NEIGHBOR'S SON AND I WENT BACK TO THE POLICE
2 STATION. THEY TOLD ME TO COME INSIDE THE CAPTAIN'S OFFICE
3 -- AT THE TIME I DIDN'T KNOW WHERE THEY HAD ASKED ME TO COME
4 WAS NOT THE THE CAPTAIN'S OFFICE -- TOLD MY NEIGHBOR'S SON TO
5 WAIT OUTSIDE.

6 THE POLICEMAN SNATCHED MY POCKETBOOK,
7 LITERALLY THROUGH ME IN A CELL AND WENT THROUGH MY POCKETBOOK
8 TO SEE WHETHER I HAD ANY WEAPONS. I HAD A PAIR OF SCISSORS
9 IN MY POCKETBOOK, I HAD A PERSONAL PAIR OF DISSECTING
10 SCISSORS, I TEACH BIOLOGY; AND TOOK MY SCISSORS FROM ME, AND
11 TAGGED ME AND PUT ME IN A CELL, AND TOLD ME I WAS UNDER
12 ARREST. I ASKED THEM, "ON WHAT GROUNDS?" AND NO ONE WOULD
13 TALK TO ME.

14 Q. WHO WAS THE OFFICER WHO DID THIS?

15 A. I DON'T HAVE THE OFFICER'S NAME.

16 Q. WHAT FUNCTION DID HE HAVE AT THE STATION?

17 A. HE WAS THE OFFICER AT THE DESK.

18 Q. IN OTHER WORDS, THE OFFICER YOU WENT TO MAKE
19 THE COMPLAINT TO?

20 A. YES. HE LITERALLY THROUGH ME INTO A CELL,
21 AND CLOSED THE DOOR, TOOK MY POCKETBOOK FROM ME. I ASKED HIM
22 COULD I HAVE MY POCKETBOOK BACK, I HAD MEDICATION IN MY
23 POCKET ALSO, BECAUSE I HAD AN INJURED BACK, I HAD AN
24 AUTOMOBILE ACCIDENT IN FEBRUARY AND THIS WAS MAY. THEY WOULD
25 NOT GIVE ME BACK MY MEDICINE.

1 I WAS TAKEN TO THE ROUNDHOUSE AT 8TH AND
2 RACE, DOWNTOWN.

3 WHEN I GOT DOWN THERE, I WAS PUT IN A CELL
4 WITH THREE OTHER WOMEN, ON A BED, IT WAS A METAL BED WITH A
5 LIP ON IT, IT HAD NO MATTRESS ON IT. I TOLD THE GIRL ON DUTY
6 THAT I HAD A BAD BACK AND THAT THE OFFICERS AT THE 18TH
7 DISTRICT HAD TAKEN MY MEDICINE FROM ME AND COULD I GET A
8 DRINK OF WATER. SHE TOLD ME NO, I WOULD HAVE TO SIT IN THERE

9 I ASKED THEM ON WHAT GROUNDS WAS I BEING
10 ARRESTED, AND AT THAT TIME, THE POLICEMAN THAT WAS ON DUTY
11 DOWN THERE TOLD ME THAT I WAS SCOFFLAW, THAT I HAD
12 OUTSTANDING TICKETS AGAINST ME.

13 WHEN IT CAME BEFORE THE JUDGE, THE JUDGE
14 SAID THAT HE COULD NOT FIND ANYTHING ON THE COMPUTER THAT
15 SAID I HAD ANY OUTSTANDING TICKETS, WHICH IN FACT I DID NOT
16 HAVE, BECAUSE ANY TIME THAT I HAD RECEIVED A PARKING TICKET,
17 I HAD EITHER PAID IT BECAUSE I WAS WRONG OR I WENT TO TRAFFIC
18 COURT TO PROTEST IT.

19 I WAS LET GO ABOUT 5:00 O'CLOCK IN THE
20 MORNING. THE ORIGINAL INCIDENT HAPPENED ABOUT 4:30 IN THE
21 AFTERNOON. I HAD BEEN SITTING THERE ALL THIS TIME WITHOUT MY
22 MEDICATION. WHEN I GOT TO WORK MONDAY MORNING, THE OFFICER
23 ON DUTY IN OUR SCHOOL GAVE ME BACK MY SCISSORS AND MY
24 MEDICINE; BUT I HAD BEEN WITHOUT MY MEDICINE THE ENTIRE
25 WEEKEND. THIS HAD HAPPENED ON A FRIDAY AFTERNOON.

1 A MONTH LATER A POLICE OFFICER CAME TO MY
2 HOUSE AND TOLD ME HE HAD A WARRANT FOR MY ARREST, THAT I HAD
3 \$133 IN OUTSTANDING TICKETS.

4 I WENT TO TRAFFIC COURT THE NEXT MORNING IN
5 FRONT OF JUDGE DIMAIO, AND HE TOLD ME I HAD \$133 IN
6 OUTSTANDING TICKETS. I ASKED HIM COULD I SEE THE TICKETS,
7 DID HE HAVE A RECORD OF THE TICKETS, WHAT WAS I BEING CHARGED
8 FOR. I WAS TOLD I HAD TO PAY \$35 THEN AND SO MUCH A MONTH.
9 I TOLD HIM I WASN'T GOING TO PAY ANYTHING UNTIL THEY PRODUCED
10 SOME TICKETS, WHICH TO THIS DATE THEY HAVE NOT DONE AND I
11 HAVE NOT PAID A PENNY.

12 NOW UP UNTIL THIS TIME, AS I SAID EARLIER, I
13 HAD THOUGHT THAT MANY TIMES WHEN A PERSON WAS MISTREATED THAT
14 IT WAS THE PERSON'S FAULT. BUT SEVERAL YEARS BEFORE THEN WE
15 HAD A PARKING LOT THAT WAS FOR THE FACULTY AND STAFF DIRECTLY
16 ACROSS STREET FROM F.O.P. HEADQUARTERS ON SPRING GARDEN
17 STREET.

18 I WAS ON THE EARLY SHIFT, I GOT OUT OF
19 SCHOOL AT 1:30 AND I CAME OUT TO GET MY CAR TO GO HOME TO
20 PICK MY DAUGHTER UP. SHE WAS 9 YEARS OLD AT THE TIME. I
21 COULD NOT MOVE THE CAR BECAUSE THE CAR WAS BLOCKED IN BY
22 OFFICERS' CARS WHO WERE AT F.O.P. THERE WAS AN ELECTION THAT
23 DAY.

24 I WALKED ACROSS THE STREET TO THEIR
25 HEADQUARTERS AND ASKED THEM VERY POLITELY IF THEY COULD

1 PLEASE MOVE THEIR CAR BECAUSE I HAD TO GET OUT, AND THEY
2 TOLD ME THEY WOULD MOVE THEIR CAR WHEN THEY GOT GOOD AND
3 READY.

4 I WENT BACK INTO THE BUILDING, AND ONE OF THE
5 COUNSELORS AND I CALLED THE MAYOR'S OFFICE. THE GIRL WHO
6 ANSWERED THE PHONE, A SECRETARY, SHE SAID, "THERE IS NOTHING
7 WE CAN DO ABOUT IT," BECAUSE THE POLICE RAN THE CITY OF
8 PHILADELPHIA. WE GOT NO COOPERATION FROM THEM.

9 WE WENT BACK TO THE F.O.P. HEADQUARTERS AND
10 WE WERE TOLD AGAIN IN VERY UNGENTLEMANLY-LIKE TERMS THAT THEY
11 WOULD MOVE THEIR CARS WHEN THEY GOT GOOD AND READY.

12 I WAITED AN HOUR AND 45 MINUTES; NO ONE MOVED
13 THEIR CAR. I WENT BACK OVER TO THE F.O.P. HEADQUARTERS AND
14 TOLD THEM -- I WAS VERY ANGRY AND VERY UPSET AT THE TIME --
15 THAT UNLESS SOMEONE MOVED THEIR CAR SO I COULD GET OUT, THAT
16 I WAS GOING TO MOVE IT WITH MY CAR. AND WITHIN FIVE MINUTES,
17 THE CAR WAS MOVED.

18 Q. THANK YOU, MRS. SHOWELL IS THERE ANY MORE
19 YOU WOULD LIKE TO TELL US, OR CAN WE OPEN THE QUESTIONS?

20 A. WELL, I WAS VERY UPSET AFTER THE INCIDENT, I
21 FOUND THAT I HAD NO RECOURSE. SO I WENT TO COUNCILMAN
22 BLACKWELL WHO WAS VERY HELPFUL, AND HE TOLD ME THAT HE WOULD
23 GET IN TOUCH WITH COMMISSIONER O'NEILL'S OFFICE.

24 I RECEIVED A LETTER FROM THEM TELLING ME
25 THAT THEY WOULD GET IN TOUCH WITH ME. I HAVE NOT HEARD

1 ANYTHING FROM THEM SINCE.

2 Q. FROM COMMISSIONER O'NEILL'S OFFICE OR
3 COMMISSIONER O'NEILL?

4 A. FROM HIS OFFICE. I HAVE NOT HEARD ANYTHING
5 FROM HIS OFFICE OR FROM HIM.

6 COUNCILMAN BLACKWELL TOLD ME TO GO OVER TO
7 THE 18TH DISTRICT AND TALK TO CAPTAIN CAMPBELL. BUT UNDER
8 THE CIRCUMSTANCES I WAS NOT ABOUT TO GO BACK NEAR THE POLICE
9 STATION FOR ANY REASON.

10 AND I FELT THAT AS A CITIZEN I HAD NO
11 RECOURSE. AND WHAT I HAVE DONE, HOPEFULLY, TO TRY TO HELP
12 OTHERS IS BECOME ACTIVE WITH THE COMMUNITY SAFETY COMMITTEE
13 OF THE PHILADELPHIA COUNSEL'S NEIGHBORHOOD ORGANIZATIONS AND
14 WAS ELECTED CHAIRPERSON FOR COMMUNITY SAFETY IN MY COMMUNITY.
15 AND I ALSO COORDINATE JOBS FOR A YOUTH PROGRAM AND I GET A
16 LOT OF FEEDBACK FROM THE TEENAGERS IN THE COMMUNITY ABOUT
17 POLICE BRUTALITY.

18 Q. IS IT YOUR PERSONAL KNOWLEDGE FROM
19 CONVERSATIONS WITH THESE INDIVIDUALS THAT THE KIND OF
20 EXPERIENCE YOU HAD IS ONE THAT OTHERS IN PHILADELPHIA SUFFER
21 FROM, ROUTINELY?

22 A. YES. I HAD ONE YOUNG MAN WHO TOLD ME JUST
23 YESTERDAY, THAT HIS COUSIN WAS STOPPED DRIVING HIS CAR. THE
24 POLICE ASKED HIM TO GET OUT AND HE ASKED WHY HE WAS BEING
25 STOPPED; AND SUBSEQUENTLY WAS BEAT ON THE HEAD WITH A

1 BLACKJACK AND REQUIRED 12 STITCHES. I DON'T KNOW THE YOUNG
2 MAN. THIS IS ONE OF THE YOUNG PEOPLE WHO WORKS WITH ME TOLD
3 ME THIS IS WHAT HAPPENED TO HIS COUSIN JUST OVER THE WEEKEND.

4 Q. KNOWING YOU ARE TESTIFYING HERE UNDER OATH,
5 WOULD YOU SAY IN YOUR WORK THAT YOU GET THE IMPRESSION THIS
6 IS A COMMON PRACTICE IN THE CITY?

7 A. YES, I WOULD.

8 NOW I LIVE ON A STREET THAT IS THE DIVIDING
9 LINE BETWEEN THE 12TH AND 18TH DISTRICTS AND I MUST SAY ALL
10 OF THE INCIDENTS. THAT HAVE COME TO MY ATTENTION HAVE
11 HAPPENED IN THE 18TH DISTRICT.

12 I HAVE VERY LITTLE KNOWLEDGE OF THIS TYPE OF
13 PRACTICE IN THE 12TH DISTRICT.

14 Q. EVEN THOUGH YOU LIVE ON THE DIVIDING LINE?

15 A. YES, I LIVE ON THE WEST SIDE OF 49TH STREET,
16 WHICH IS THE 12TH DISTRICT; AND THE EAST SIDE IS THE 18TH
17 DISTRICT. BUT ANYTHING THAT HAPPENS ACROSS THE STREET
18 HAPPENS IN THE 18TH DISTRICT.

19 CHAIRMAN RHODES: QUESTIONS FROM THE
20 SUBCOMMITTEE.

21 REPRESENTATIVE WILLIAMS, DO YOU HAVE
22 QUESTIONS?

23 REPRESENTATIVE WILLIAMS: YES.

24 REPRESENTATIVE WILLIAMS:

25 Q. MISS SHOWELL, THIS INCIDENT HAPPENED IN MAY

1 OF '76?

2 A. YES, IT DID.

3 Q. DID YOU SEEK ANY LEGAL ACTION OR REDRESS OR
4 ANYTHING OF THAT NATURE?

5 A. NO. I WENT TO COUNCILMAN BLACKWELL TO ASK
6 HIS ADVICE. HE SUGGESTED THAT HE WOULD CALL COMMISSIONER
7 O'NEILL'S OFFICE, WHICH HE DID. AND HE SUGGESTED THAT I GO
8 AND TALK TO CAPTAIN CAMPBELL. BUT AT THAT TIME, AS I STATED,
9 I WAS NOT ABOUT TO GO ANYWHERE NEAR 55TH AND PINE.

10 Q. WHEN I SAY LEGAL ACTION, I MEAN PRIVATE
11 LEGAL ACTION.

12 A. NO, I DID NOT NOT AT THE TIME.

13 Q. AND YOU MADE THE POINT THAT YOU JUST FELT
14 THERE WAS NOWHERE THAT YOU COULD GO FOR ANY RELIEF AT THE
15 TIME?

16 A. RIGHT.

17 Q. AND I TAKE IT BY THAT YOU FEEL THAT CITIZENS
18 WHO HAVE THIS KIND OF SITUATION UNDER THE CIRCUMSTANCES, THE
19 WAY THEY ARE, SHOULD HAVE SOMEWHERE THEY CAN GO AND GET FAIR
20 AND PROMPT TREATMENT?

21 A. YES, I DO. AND IT'S ONE OF THE REASONS I
22 HAVE BEEN LOBBYING VERY HARD FOR BILL 1063 TO COME OUT OF
23 COMMITTEE.

24 Q. IF THERE WERE A NEIGHBORHOOD ORGANIZATION
25 WHICH HAD SOME AUTHORITY TO DIRECT PEOPLE WHO HAD THIS

1 SITUATION WITH SOME POWER TO EITHER SANCTION OR AT LEAST
2 PREVENT ANY CAPRICIOUS ACTION LIKE YOU HAD, DO YOU THINK
3 THAT MIGHT BE HELPFUL?

4 A. YES, I DO. I BELIEVE DEFINITELY THERE IS
5 POWER IN THE PEOPLE, ESPECIALLY IF PEOPLE ARE IN NUMBERS

6 Q. AND IF BY LEGISLATION PEOPLE OR CITIZENS HAD
7 A GROUP OR ORGANIZATION WITH THE AUTHORITY TO AT LEAST
8 PREVENT AT SOME STEP OF THE WAY A SITUATION AND GUARANTEE
9 WHAT HAPPENED TO YOU DIDN'T HAPPEN, DO YOU THINK THAT WOULD
10 BE HELPFUL UNDER THESE CIRCUMSTANCES?

11 A. YES, I DO.

12 Q. YOU HAVE INDICATED THAT YOU HAVE SINCE
13 GOTTEN INVOLVED IN SOME THINGS THAT DON'T RELATE TO THIS BUT
14 ARE MORE POSITIVE, AND AS A RESULT OF THAT, HAVE SEEN EVEN
15 MORE HAPPEN TO PEOPLE OR KNOW ABOUT MORE THAT HAPPENS TO
16 PEOPLE?

17 A. YES, I DO.

18 Q. I THINK IN A WAY YOU SORT OF STATED WHAT THE
19 LAST WITNESS SAID AND THAT IS THAT MANY OF OUR CITIZENS ARE
20 NOT AWARE THESE HAPPEN ON A LARGE SCALE BECAUSE IT HASN'T
21 HAPPENED TO THEM.

22 WOULD YOU AGREE THAT THAT'S BECAUSE THE
23 INFORMATION YOU RECEIVE FROM THE NEWS OR OTHERWISE, OF POLICE
24 GENERALLY SORT OF NEUTRALIZE THE CREDIBILITY OF PEOPLE WHO
25 COMPLAIN?

1 A. I THINK SO.

2 Q. SO IN MANY CASES THE REST OF US DON'T
3 BELIEVE IT'S HAPPENING TO THE OTHER PEOPLE?

4 A. YES.

5 Q. AND YET IT MIGHT BE A WIDESPREAD PROBLEM
6 THAT HAPPENS TO A LOT OF US?

7 A. THIS IS ONE OF THE REASONS WE HAVE ORGANIZED
8 AROUND THE ISSUE OF CRIME AND SAFETY TO TRY TO GATHER SOME
9 INFORMATION AND MAKE THESE REPORTS MORE CREDIBLE.

10 Q. YOU HAVE SAID THAT YOU BELIEVE THAT THE
11 POWER IS IN THE PEOPLE, AND OF COURSE THAT IS THE PHILOSOPHY
12 OF THIS COUNTRY. BUT IF THE PEOPLE DON'T HAVE A CHANNEL
13 THROUGH WHICH THE REST OF THE PEOPLE CAN GET ACCURATE
14 INFORMATION, THINGS CAN BE COUNTER-PRODUCTIVE IN SUCH A WAY
15 THAT OFFICERS WHO ARE SUPPOSED TO PROTECT YOU ARE ACTUALLY
16 BECOME OFFENDERS?

17 A. AND HOPEFULLY WE ARE OPENING UP A CHANNEL --
18 AND I THINK ONE OF THE POWERS THAT PEOPLE HAVE IS IN THE
19 VOTING BOOTH; AND WE ARE WORKING VERY HARD IN OUR COMMUNITY
20 TO MAKE SURE THAT EVERYONE HAS A VOICE AND THAT EVERYONE
21 EXERCISES THAT RIGHT.

22 Q. DO YOU BELIEVE THAT THOSE WHO WOULD ADVOCATE
23 SOME PROCEDURES TO GUARANTEE FAIRNESS AND PROTECT AGAINST
24 POLICE ABUSE ARE PEOPLE WHO NECESSARILY WANT TO SHACKLE THE
25 HANDS OF THE POLICE?

1 A. NO, I THINK THAT PEOPLE ARE JUST LOOKING FOR
2 A WAY TO HAVE SOME TYPE OF PROTECTION AND HAVE SOMEONE THEY
3 CAN COMPLAIN TO AND THAT SOMETHING WILL BE DONE ABOUT THEIR
4 COMPLAINT, THAT THEIR COMPLAINT WON'T BE BRUSHED UNDER THE
5 RUG OR WHITENASHED.

6 Q. DO YOU BELIEVE PEOPLE IN PUBLIC OR POLITICAL
7 OFFICES ARE DOING AS MUCH AS THEY CAN DO ON A PROBLEM SUCH AS
8 THIS, FROM YOUR PERCEPTION?

9 A. NO, I DON'T.

10 REPRESENTATIVE WILLIAMS: THANK YOU.

11 CHAIRMAN RHODES: JUST FOR THE RECORD --

12 REPRESENTATIVE WILLIAMS:

13 Q. EXCUSE ME, WHAT DO YOU THINK THE REASON IS
14 THAT THOSE OF US IN PUBLIC OFFICE DON'T DO AS MUCH ON AN
15 ISSUE AS FUNDAMENTAL AS THIS? DO YOU HAVE ANY PERCEPTION ON
16 THAT?

17 A. WITH PRESENT COMPANY EXCEPTED, I DON'T THINK
18 THE RIGHT PEOPLE ARE IN OFFICE.

19 CHAIRMAN RHODES:

20 Q. MRS. SHOWELL, JUST FOR MY RECORD, WHAT WAS
21 THE DATE AGAIN WHEN YOU SAID YOU WERE ARRESTED AT THE POLICE
22 STATION?

23 A. MAY 14, 1976.

24 Q. AND WHAT TIME OF DAY WAS THIS?

25 A. APPROXIMATELY 4:30 P. M.

1 Q. AND ARE YOU SAYING THE OFFICER WHO WAS ON
2 THE DESK AT 4:30 P. M. ARRESTED YOU?

3 A. YES.

4 Q. DID HE SHOW YOU A WARRANT FOR YOUR ARREST?

5 A. NO, HE DID NOT, HE DID NOT SHOW ME ANYTHING.
6 I ASKED HIM WAS HE ALLOWED TO TAKE MY
7 POCKETBOOK AND HE TOLD ME TO SHUT UP AND SNATCHED MY
8 POCKETBOOK AND SEARCHED IT.

9 Q. DID HE USE ABUSIVE LANGUAGE TO YOU?

10 A. YES, HE DID.

11 Q. WHAT KIND OF ABUSIVE LANGUAGE?

12 A. I DON'T RECALL ALL THE WORDS HE USED, BUT HE
13 SPOKE TO ME IN A VERY DEROGATORY MANNER AND TOLD ME TO SHUT
14 MY GODDAM MOUTH, AND THIS TYPE OF THING.

15 Q. AND YOU WERE TRYING TO FILE A COMPLAINT?

16 A. YES.

17 Q. YOU TESTIFIED THAT YOU NOW -- YOU ALMOST
18 SAID IT HUMOROUSLY, BUT DIDN'T THINK IT WAS HUMOROUS -- THAT
19 YOU WERE AFRAID TO GO BACK TO THAT POLICE STATION, OR THAT
20 YOU HAD SOME APPREHENSION?

21 A. YES, I DO.

22 Q. DO YOU FEEL CONSIDERING THIS ALL STARTED
23 BECAUSE YOU WERE GOING AROUND A RESTAURANT, YOU WERE TRYING
24 TO PICK UP YOUR DAUGHTER, WHAT DO YOU FEEL RIGHT NOW, AFTER
25 HOURS OR MAYBE EVEN NOT AFTER LIGHT AND A POLICE CAR PULLS UP

1 BEHIND YOU OR A POLICEMAN WALKS UP TO YOU? DO YOU FEEL THE
2 APPREHENSION?

3 A. YES, THERE IS A CERTAIN AMOUNT OF
4 APPREHENSION.

5 CHAIRMAN RHODES: THANK YOU.

6 REPRESENTATIVE WHITE:

7 Q. MRS. SHOWELL, YOU CHAIRED THE COMMUNITY
8 SAFETY COMMITTEE OF THE CITY-WIDE ORGANIZATION, CITY-WIDE
9 COUNCIL COMMUNICATION?

10 A. NO, I CHAIRED THE COMMUNITY SAFETY COMMITTEE
11 FOR CEDAR PARK NEIGHBORS; BUT I SERVED ON THIS COMMITTEE OF
12 THE PHILADELPHIA COUNCIL OF NEIGHBORHOOD ORGANIZATIONS.

13 Q. ABOUT HOW MANY COMMUNITY ORGANIZATIONS ARE
14 MEMBERS OF THAT?

15 A. IT'S OVER A HUNDRED, I DON'T REMEMBER THE
16 EXACT NUMBER.

17 Q. ALL OF THEM ARE INVOLVED IN SOME TYPE OF
18 COMMUNITY ACTIVITIES, COMMUNITY PRESERVATION OR --

19 A. YES, P.C.N.O. IS THE UMBRELLA GROUP FOR ALL
20 OF THE NEIGHBORHOOD ORGANIZATIONS.

21 Q. IN YOUR EXPERIENCE, BOTH WITH CEDAR PARK
22 NEIGHBORS AND AS A MEMBER OF THE COMMUNITY SAFETY COMMITTEE,
23 HOW ESSENTIAL DO YOU THINK GOOD POLICE COMMUNITY RELATIONS
24 ARE IN MAINTAINING A VIABLE NEIGHBORHOOD AND VIABLE
25 COMMUNITY?

1 A. EXTREMELY IMPORTANT. WE HAVE HAD PUBLIC
2 RELATIONS OFFICERS FROM THE PHILADELPHIA POLICE DEPARTMENT
3 OUT TO OUR COMMUNITY MEETINGS; AND ONE OF THE THINGS THAT
4 CAME OUT OF THE MEETING, I THINK, THAT WAS VERY IMPORTANT WAS
5 THAT THE COMMUNITY FEELS THAT EVERY POLICE OFFICER SHOULD BE
6 A COMMUNITY RELATIONS PERSON. BUT THE PHILADELPHIA POLICE
7 DEPARTMENT DOES NOT FEEL THAT.

8 AND THIS IS ONE OF THE REASONS THEY TOLD US
9 THEY HAVE TAKEN THE FOOT PATROLS OFF THE STREET, THAT THE
10 POLICE OFFICER HAS MORE MOBILITY IN A CAR. BUT BY HIM BEING
11 IN A CAR AND BEING QUOTE "MORE MOBILE," UNQUOTE, HE IS ALSO A
12 STRANGER TO THE PEOPLE IN THE NEIGHBORHOOD.

13 I THINK ONE OF THE THINGS THE PHILADELPHIA
14 POLICE HAVE TO REALIZE IS THAT WITH COOPERATION THEY DO HAVE
15 EYES AND EARS IN THE COMMUNITY. AND IF WE COULD GET TO KNOW
16 OUR OFFICERS IN OUR COMMUNITY BY NAME I THINK PEOPLE WOULD
17 FIND THERE WOULD BE MORE COOPERATION AND MORE OF A RAPPORT
18 WITH THE POLICE DEPARTMENT. BUT IT SEEMS THE POLICE
19 DEPARTMENT DOES NOT WANT THIS.

20 Q. DO YOU THINK POSSIBLY ONE OF THE REASONS --
21 FIRST OF ALL, FOOT PATROLS USED TO BE VERY COMMON IN THE
22 RESIDENTIAL COMMUNITIES AND BUSINESS COMMUNITIES HERE IN
23 PHILADELPHIA. AND I AM NOT TALKING ABOUT CENTER CITY KIND OF
24 BUSINESS COMMUNITY, BUT LIKE 60TH STREET, 52ND STREET,
25 GERMANTOWN AVENUE, SO ON.

1 DO YOU THINK PART OF THE REASON THE POLICE
2 DEPARTMENT HAS SEEN FIT TO PUT THOSE OFFICERS IN PATROL CARS
3 AND HAVE THEM RIDING AROUND NEIGHBORHOODS COULD BE FEAR?

4 A. I AM SURE IT IS. AND ONE OF THE REASONS I
5 SAY THAT IN ALL SINCERITY IS BECAUSE WHEN THE POLICE
6 DEPARTMENT ASKS COMMUNITY ORGANIZATIONS THROUGH THE CRIME AND
7 SAFETY HEARING P.C.N.O. HAS IF THE CITIZENS SAW A POLICE
8 OFFICER IN TROUBLE WOULD THEY HELP HIM, THE CITIZENS SAID NO.

9 CHAIRMAN RHODES: AREN'T THE POLICE OFFICERS
10 ASSASINATED IN PHILADELPHIA?

11 A. I DON'T KNOW.

12 REPRESENTATIVE WHITE:

13 Q. WHY DO YOU THINK THE RESPONSE TO THAT
14 QUESTION HAS BEEN NO?

15 A. BECAUSE THE POLICE OFFICER ON DUTY IN THAT
16 SECTOR IS A STRANGER. IF THEY KNEW HIM BY HIS NAME AND KNEW
17 HIM AS A PERSON, AS A HUMAN BEING, THEY WOULD COME TO HIS
18 AID.

19 PEOPLE ARE APPREHENSIVE, PEOPLE ARE AFRAID
20 TO COME TO THE AID OF A STRANGER. I MEAN THIS HAS BEEN
21 DEMONSTRATED IN MANY CASES, I CITE THE KITTY GENOVESE CASE IN
22 NEW YORK WHERE PEOPLE JUST WOULD NOT COME TO HER AID BECAUSE
23 THEY DID NOT KNOW HER. AN ASIDE, WHICH WAS NO EXCUSE, THEY
24 THOUGHT THE MAN BEATING HER WAS HER HUSBAND. THAT'S ANOTHER
25 STORY.

1 BUT IF -- YOU KNOW, YEARS AGO WHEN WE WERE
2 KIDS WE KNEW THE OFFICER ON DUTY, WE COULD TALK TO HIM. IF
3 WE SAW HIM IN TROUBLE, WE EVEN AS LITTLE KIDS WE WOULD TO HIM
4 AND SEE IF THERE WAS ANYTHING THAT WE COULD DO TO HELP.

5 BUT THERE IS A GREAT DEAL OF TENSION BETWEEN
6 THE COMMUNITY AND THE POLICE DEPARTMENT AND PEOPLE ARE VERY
7 RELUCTANT TO GO TO THE AID OF POLICEMEN. AND ONE OF THE
8 REASONS THAT PEOPLE IN THE COMMUNITY FEEL THAT WAY, THEY
9 DON'T FEEL THE POLICE OFFICER -- AS THE GENTLEMAN TESTIFIED
10 JUST BEFORE ME -- THAT THE POLICE OFFICER IS THERE TO HELP
11 THEM IF THEY ARE IN TROUBLE.

12 Q. I RAISED THAT QUESTION BECAUSE YOU STATED
13 THAT YOU WERE VERY MUCH AFRAID OF GOING ANYWHERE NEAR 55TH
14 AND PINE.

15 I WOULD CONSIDER YOU MORE OF AN EXCEPTION
16 THAN, YOU KNOW, A MEMBER OF THE STATUS QUO. AND MY FEELING
17 IS THAT IF SOMEONE WITH YOUR INTELLIGENCE, WITH YOUR AMOUNT
18 OF ACTIVITY, COMMUNITY INVOLVEMENT, WOULD BE FEARFUL OF
19 FOLLOWING THROUGH ON A COMPLAINT WITH A POLICE OFFICER, THAT
20 SOMEONE WHO IS REMOVED FROM ANY ORGANIZED EFFORT IN THE
21 NEIGHBORHOOD WOULD SHARE THAT SAME OPINION EVEN TO A MORE
22 HEIGHTENED DEGREE.

23 DO YOU AGREE WITH THAT?

24 A. YES, I AGREE WITH THAT.

25 Q. YOU SPOKE OF THE POLICE COMMUNITY RELATIONS

1 OFFICER. HOW IMPORTANT IS THAT INDIVIDUAL?

2 A. I BELIEVE THE PHILADELPHIA POLICE DEPARTMENT
3 HAS THREE SUCH PEOPLE FOR THE ENTIRE CITY. AND AS I SAID
4 BEFORE, HIS JOB CAN'T POSSIBLY BE IMPORTANT.

5 WHAT IS IMPORTANT AND WHAT SHOULD BE
6 IMPORTANT IS THAT EVERY POLICE OFFICER BEHIND A BADGE BECOMES
7 A COMMUNITY RELATIONS PERSON; THAT IT WOULD BE MORE EFFECTIVE
8 -- AND I AM SPEAKING THROUGH THE EYES OF THE COMMUNITY --
9 THAT IT WOULD BE MUCH MORE EFFECTIVE IF EACH AND EVERY
10 OFFICER WERE TO BECOME A COMMUNITY RELATIONS PERSON.

11 I HAVE MANY FRIENDS WHO ARE ON THE POLICE
12 FORCE, AND I HAVE BEEN TOLD BY THEM THAT THEY ARE INSTRUCTED
13 WHEN THEY GO EVERYDAY AND LINE UP FOR INSPECTION, THAT THEY
14 ARE NOT TO STOP ANYWHERE AND CHAT WITH ANYBODY, THAT THEY
15 ARE TO CONTINUE RIDING IN THEIR CARS.

16 CHAIRMAN RHODES: THAT IS BEING MORE LIKE AN
17 OCCUPATION ARMY THAN A POLICE DEPARTMENT.

18 A. THAT'S TRUE. AND WHAT WE SAID TO THE
19 COMMUNITY RELATIONS OFFICER AT THE TIME, IF SOMEONE IS IN
20 TROUBLE, IF SOMEONE IS DRAGGED INTO AN ALLEY AND YELLS FOR
21 HELP, THE POLICE OFFICER CANNOT HEAR IT, ESPECIALLY IN THE
22 SUMMERTIME, HE HAS HIS WINDOWS ROLLED UP AND HIS
23 AIR-CONDITIONER ON.

24 REPRESENTATIVE WHITE:

25 Q. MY FINAL QUESTION, MRS SHOWELL: ONE, IN YOUR

1 OPINION, IF SOMETHING IS NOT DONE TO STEM THE TIDE OF POLICE
2 ABUSE AND POLICE VIOLENCE -- I CHOOSE THE TERM POLICE
3 VIOLENCE, I SHARE WITH REPRESENTATIVE WILLIAMS THAT WE COME
4 UP WITH ALL DIFFERENT KINDS OF DEFINITIONS FOR WRONGDOING.
5 IF SOMEONE HITS YOU IN THE HEAD, HE WOULD HAVE COMMITTED A
6 VIOLENT ACT. IF A POLICE OFFICER HITS YOU IN THE HEAD, IT'S
7 POLICE BRUTALITY, IT'S POLICE VIOLENCE; AND I THINK WE OUGHT
8 TO CALL IT EXACTLY WHAT IT IS.

9 IF WE DON'T DO SOMETHING TO STEM THE TIDE OF
10 POLICE VIOLENCE IN PHILADELPHIA, WHAT DO YOU THINK THE
11 REACTION IS GOING TO BE WITHIN COMMUNITIES THAT MAKE UP THIS
12 CITY?

13 DO YOU THINK THE REACTION IS GOING TO BE A
14 VIOLENT REACTION, OR DO YOU THINK WE WILL BECOME MORE
15 PASSIVE?

16 A. PEOPLE ARE VERY ANGRY NOW. AND UNLESS
17 SOMETHING IS DONE IMMEDIATELY, LIKE YESTERDAY, TO ESTABLISH A
18 GREATER RAPPORT BETWEEN THE COMMUNITY AND THE POLICE, I
19 SHUDDER TO THINK WHAT MIGHT HAPPEN. THE THING THAT GOES
20 THROUGH THE BACK OF MY MIND WOULD BE GERMANY ALL OVER IN THE
21 1930'S.

22 REPRESENTATIVE WHITE: THANK YOU.

23 CHAIRMAN RHODES: THANK YOU, REPRESENTATIVE
24 WHITE.

25 REPRESENTATIVE RICHARDSON.

1 REPRESENTATIVE RICHARDSON:

2 Q. ALONG THAT SAME TREND, DO YOU THINK IT IS
3 OPEN WARFARE ON THE CITIZENRY HERE IN THE CITY BY THE POLICE
4 DEPARTMENT IN RELATIONSHIP TO THE PROBLEMS THAT SEEM TO
5 BECOME MORE INSURMOUNTABLE EVERYDAY?

6 A. YES. AND I SAY THAT BECAUSE I THINK THAT
7 THE DIRECTION THE POLICE DEPARTMENT IS TAKING IS VERY
8 DIRECTLY RELATED TO THE ATTITUDE OF THE MAYOR OF THE CITY OF
9 PHILADELPHIA, WHO WAS OUR FORMER POLICE COMMISSIONER.

10 Q. DO YOU THINK -- AND I ASK THIS OF EVERY
11 WITNESS -- DO YOU THINK THE MAYOR OF THIS TOWN HAS SUCH A
12 TREMENDOUS STRONGHOLD ON THE POLICE DEPARTMENT IN HIS
13 INFLUENCE THAT, IN FACT, HE ACTUALLY RUNS THE POLICE
14 DEPARTMENT AND POLICE COMMISSIONER O'NEILL IS JUST A
15 FIGUREHEAD HERE IN THE CITY OF PHILADELPHIA?

16 A. YES, I DO.

17 Q. YOU TALKED A LITTLE BIT ABOUT GERMANY
18 RELEVANT TO THE KINDS OF ACTION HAPPENING IN OUR STREETS HERE
19 IN THE CITY OF PHILADELPHIA.

20 WOULD YOU SAY THE POLICE DEPARTMENT IS LIKE
21 A GESTAPO SQUAD HERE IN THE CITY?

22 A. I CAN'T CONDEMN THE ENTIRE POLICE DEPARTMENT

23 Q. NOT THE ENTIRE DEPARTMENT.

24 A. BUT THERE ARE THOSE ON THE FORCE WHO WOULD
25 LIKE IT TO BE THAT WAY; AND THAT IS MY PERSONAL OPINION.

1 Q. WHAT ABOUT THE ORGANIZATION ITSELF, DO YOU
2 THINK IF WE WERE TO REMOVE THE CHARACTERS, THE MAYOR, THE
3 POLICE COMMISSIONER TOMORROW, DO YOU THINK THAT THAT WOULD
4 END THE PROBLEM WE HAVE HERE IN THE CITY?

5 A. NO, IT WOULDN'T END IT; BUT IT WOULD BE A
6 STEP IN THE RIGHT DIRECTION.

7 Q. DO YOU THINK TRAINING -- BECAUSE YOU TALKED
8 A LOT ABOUT POLICE COMMUNITY RELATIONS, AND THE PEOPLE WHO
9 WORK IN THAT AREA -- DO YOU THINK THE TRAINING HAS A LOT TO
10 DO WITH THE FUNCTIONS OF THE INDIVIDUALS WHO NOW PRESENTLY
11 SERVE ON THE PHILADELPHIA POLICE DEPARTMENT IN THIS TOWN THAT
12 IF THE TRAINING WERE DIFFERENT, MAYBE THE BEHAVIOR PATTERN
13 WOULD BE DIFFERENT?

14 A. YES. WHEN YOU SAID THE TRAINING, MY ANSWER
15 WOULD BE THE LACK OF TRAINING. THEY ARE NOT SENSITIZED TO
16 THE NEEDS OF THE COMMUNITY.

17 CHAIRMAN RHODES: THANK YOU.

18 REPRESENTATIVE RICHARDSON:

19 Q. ONE FINAL QUESTION, MRS. SHOWELL: IF YOU
20 COULD ENVISION AN ANSWER FOR THIS COMMITTEE AS TO A SOLUTION
21 TOMORROW FOR THE PROBLEM, TO PREVENT THE CONTINUOUS POWDER
22 KEG THAT PRESENTLY EXISTS, IN MY OPINION AS A MEMBER OF THIS
23 COMMITTEE, A CONSPIRACY IF YOU WILL AGAINST BLACK AND POOR
24 PEOPLE IN THIS TOWN PERPETUATED BY THE POLICE DEPARTMENT,
25 WHAT WOULD BE YOUR ANSWER TO A MODEL KIND OF SITUATION IN

1 THIS CITY TO RESOLVE THAT PROBLEM?

2 I KNOW THAT IS A TOUGH QUESTION, BUT I WANT
3 TO SEE HOW A CITIZEN ANSWERS THAT QUESTION.

4 A. REPRESENTATIVE RICHARDSON, IF I COULD ANSWER
5 THAT QUESTION, I WOULDN'T BE SITTING HERE.

6 CHAIRMAN RHODES: YOU WOULD BE SITTING UP HERE.

7 A. HOPEFULLY, OR IN CITY COUNCIL OR IN SOME
8 OTHER POSITION OF POWER.

9 CHAIRMAN RHODES:

10 Q. JUST BRIEFLY, REPRESENTATIVE WHITE ASKED
11 YOU A QUESTION AND I THINK REPRESENTATIVE RICHARDSON FOLLOWED
12 IT UP, ABOUT THE DANGERS THAT ARE INVOLVED BECAUSE OF THESE
13 CONDITIONS AS YOU DESCRIBED IT, THAT EXIST IN PHILADELPHIA,
14 THE EXPLOSIVE DANGERS OF THE CITY.

15 THE ONE PERTINENT WAS THIS PROBLEM OF POLICE
16 OFFICERS BEING MURDERED, BECAUSE THIS COMMITTEE HAS VISITED
17 PRISONS AND I RECALL RUNNING INTO A NUMBER OF INMATES AROUND
18 THE STATE WHO WERE CONVICTED OF MURDERING PHILADELPHIA
19 POLICE OFFICERS. BUT I AM NOT THINKING OF THAT NECESSARILY,
20 THAT POSSIBILITY.

21 THE THING YOU POINTED OUT ABOUT POLICE
22 OFFICERS BEING IN JEOPARDY OR IN TROUBLE AND PEOPLE NOT
23 COMING TO THEIR ASSISTANCE, THAT REALLY HIT ME IN A WAY.

24 DO YOU THINK IF THIS CONDITION CONTINUES,
25 THAT POLICE OFFICERS WHO ARE IN NEED OF ASSISTANCE FROM

1 CITIZENS WHEN THEY ARE IN JEOPARDY MAY NOT GET THAT
2 ASSISTANCE FROM CITIZENS?

3 A. THAT'S TRUE, BUT WE HAVE TO WORK TO CHANGE
4 THAT, WE HAVE TO CHANGE THAT, AND ONE OF THE THINGS I WANTED
5 TO SAY, TO PUT A FEELER OUT ALSO, BECAUSE WE HAD FEELERS OUT
6 IN OUR COMMUNITY, ONE OF THE REASONS PEOPLE IN OUR COMMUNITY
7 ARE VERY NEGATIVE TOWARDS THE POLICE DEPARTMENT IS BECAUSE
8 ALL OF US -- I MEAN A LARGE MAJORITY -- HAVE CHILDREN AND WE
9 HAVE SEEN WHAT HAS HAPPENED TO OUR TAXES IN THE CITY OF
10 PHILADELPHIA.

11 THE POLICE DEPARTMENT AND FIRE DEPARTMENT
12 ARE REWARDED DAILY, THE SCHOOLS GET ABSOLUTELY NOTHING; AND
13 OUR CHILDREN ARE THE CITIZENS OF TOMORROW.

14 CHAIRMAN RHODES: SOME OF OUR MEMBERS ARE ON
15 THE EDUCATION COMMITTEE AND WE ARE FULLY AWARE OF SOME OF
16 THESE SCHOOL PROBLEMS IN THE CITY OF PHILADELPHIA, AND VERY
17 CONCERNED.

18 CHAIRMAN RHODES: REPRESENTATIVE WIGGINS, DO
19 YOU HAVE ANY QUESTIONS?

20 REPRESENTATIVE WIGGINS: YES.

21 REPRESENTATIVE WIGGINS:

22 Q. MISS SHOWELL, YOU STATED EARLIER THAT YOU
23 LIVE ON A STREET THAT IS THE DIVIDING LINE BETWEEN THE 18TH
24 AND THE 12TH DISTRICTS WITH MOST INCIDENTS TAKING PLACE IN
25 THE 18TH DISTRICT.

1 A. THAT'S CORRECT.

2 MY QUESTION TO YOU IS, RATHER THAN THE
3 STREET YOU LIVE ON BEING THE DIVIDING LINE BETWEEN THE 18TH
4 THE 12TH DISTRICTS, ARE THERE ANY OTHER SIGNIFICANT FACTORS
5 THAT MIGHT DIFFER RELATIVE TO THE RESIDENTS OF THOSE TWO
6 AREAS THAT MIGHT BE ETHNIC OR SOCIOECONOMIC OR SOCIOLOGICAL,
7 THAT MIGHT PROMPT --

8 A. YES, THERE ARE. I DON'T KNOW HOW MUCH YOU
9 KNOW OF THE CITY OF PHILADELPHIA, BUT THE NORTHERN BOUNDARY
10 BEING BALTIMORE AVENUE AND THE EASTERN BOUNDARY BEING 49TH
11 STREET, THE 12TH DISTRICT EXTENDS ALL THE WAY TO PHILADELPHIA
12 INTERNATIONAL AIRPORT. AND YOU HAVE A MORE COSMOPOLITAN
13 COMMUNITY IN THE 12TH DISTRICT THAN YOU HAVE IN THE 18TH
14 DISTRICT WHICH IS HEAVILY BLACK AND WHICH ALSO HAS ONE OF THE
15 HIGHEST CRIME RATES IN THE CITY OF PHILADELPHIA.

16 Q. ONE MORE QUESTION: IN PREVIOUS TESTIMONY I
17 RAISED THIS SAME QUESTION TO TWO DISTINGUISHED GENTLEMEN,
18 BOTH OF WHOM HAD DIFFERENT OPINIONS.

19 HOWEVER, AS A RESULT OF YOUR WORK WITH THE
20 COMMUNITY RELATIONS ASPECT OF THE NEIGHBORHOOD, SINCE IT HAS
21 ALREADY BEEN STATED THAT THE POLICE ARE A PARAMILITARY UNIT
22 AND BECAUSE THEY DO SOMETIMES USE METHODS SIMILAR TO THE
23 GESTAPO, THAT POSSIBLY WHAT'S NEEDED -- AND THIS IS THE
24 QUESTION I RAISE TO YOU -- POSSIBLY WHAT'S NEEDED IS THE
25 FORMULATION OF RULES, REGULATIONS SUCH AS THE MILITARY USE,

1 WHICH IS THE UNIFORM CODE OF MILITARY JUSTICE THAT WILL STATE
2 SPECIFICALLY WHAT THE DUTIES, THE BOUNDARIES AND THE
3 LIMITATIONS OF THIS MILITARY UNIT WILL BE, IF WE WILL CALL IT
4 THAT.

5 MY QUESTION TO YOU IS WHAT IS YOUR REACTION
6 TO SUCH A PROPOSAL?

7 A. I DON'T THINK THAT A HUMAN BEING CAN BE
8 BOUND BY A SET OF RULES. THERE HAS TO BE SOME FLEXIBILITY,
9 FROM WHAT I KNOW OF THE MILITARY, WHICH IS NOT VERY MUCH, I
10 THINK THEY ARE A LITTLE TOO RIGID, IT DOES NOT ALLOW ENOUGH
11 FLEXIBILITY TO MEET THE NEEDS OF THE PEOPLE WITH WHOM THEY
12 COME IN CONTACT.

13 I THINK THIS IS WHAT HAS TO BE DONE, THERE
14 HAS TO BE SOME TYPE OF PROGRAM IMPLEMENTED WHEREAS POLICE
15 OFFICERS WOULD GET A LITTLE MORE TRAINING IN PSYCHOLOGY, BE
16 SENSITIZED TO THE NEEDS OF THE COMMUNITY -- ALL IN ALL, JUST
17 TO BE HUMAN BEINGS AND NOT LET THE POWER OF THE BLUE GO TO
18 THEIR HEADS AND ABUSE WHAT POWER THEY HAVE.

19 CHAIRMAN RHODES: REPRESENTATIVE RICHARDSON.

20 REPRESENTATIVE RICHARDSON: THANK YOU.

21 REPRESENTATIVE RICHARDSON:

22 Q. MRS. SHOWELL, RECOGNIZING THE SERIOUS
23 PROBLEM IN THE CITY, AND I SAY THAT BECAUSE OF EVERYTHING
24 THAT HAS BEEN TESTIFIED TO ALREADY, THERE HAVE BEEN A NUMBER
25 OF CASES THAT HAVE COME OUT AND A NUMBER OF THINGS BROUGHT

1 OUT TO THIS COMMITTEE IN TESTIMONY.

2 DO YOU AS AN INDIVIDUAL BELIEVE THAT THE
3 PHILADELPHIA POLICE DEPARTMENT SHOULD BE INVESTIGATED BY
4 HIGHER AUTHORITIES IN THIS COMMONWEALTH?

5 A. MOST EMPHATICALLY, YES.

6 REPRESENTATIVE RICHARDSON: THANK YOU.

7 CHAIRMAN RHODES: THANK YOU VERY MUCH,

8 REPRESENTATIVE RICHARDSON AND MRS. SHOWELL.

9 REPRESENTATIVE SCIRICA.

10 REPRESENTATIVE SCIRICA: I HAVE NO QUESTIONS,
11 MR. CHAIRMAN. I WOULD JUST LIKE TO THANK MRS. SHOWELL FOR
12 BEING HERE TODAY WITH US. HER TESTIMONY WAS VERY
13 INFORMATIVE.

14 CHAIRMAN RHODES: I WOULD LIKE TO RESOUND WITH
15 THAT THANKS BY MINORITY CHAIRMAN. AND THE WHOLE COMMITTEE
16 THANKS YOU FOR TAKING THE TIME AND RISK TO BE WITH US.

17 AND ANY FURTHER INFORMATION YOUR COMMITTEE
18 CAN MAKE AVAILABLE TO OUR COMMITTEE BY INDIVIDUAL INPUT SO WE
19 CAN FURTHER ESTABLISH THE RECORD IN THIS AREA IN
20 PHILADELPHIA, WE WOULD VERY MUCH APPRECIATE IT FROM THIS
21 COMMITTEE AND THIS STAFF.

22 REPRESENTATIVE WILLIAMS:

23 Q. JUST FOR THE RECORD, THE 12TH DISTRICT IS
24 NOT KNOWN TO BE PROGRESSIVE IN THIS REGARD?

25 A. NO, I DIDN'T SAY THAT IT WAS. I JUST SAID

1 ITS RECORD OR ITS SLATE AT THIS POINT IS JUST A LITTLE BIT
2 CLEANER THAN THE 18TH DISTRICT'S SLATE.

3 REPRESENTATIVE WILLIAMS: THANK YOU.

4 (WITNESS EXCUSED.)

5 CHAIRMAN RHODES: I WOULD LIKE TO STATE FOR THE
6 RECORD OUR FINAL COMMUNITY HEARING THIS WEEK WILL BE IN
7 NORTHEAST PHILADELPHIA, KENSINGTON, AT THE HARROWGATE
8 COMMUNITY CENTER AT 2085 TIOGA STREET IN KENSINGTON, EAST
9 TIOGA. 2058 EAST TIOGA STREET.

10 TOMORROW THE SUBCOMMITTEE WILL BE,
11 WEDNESDAY, AUGUST 2ND, AT 2:00 O'CLOCK, WE ARE CONVENING THE
12 HEARING AT PEOPLE'S BAPTIST CHURCH, 5039 BALTIMORE AVENUE,
13 BETWEEN 50TH AND 51ST STREETS.

14 ON THURSDAY WE ARE CONVENING THE HEARING AT
15 5:00 O'CLOCK AT THE WAYLAND TEMPLE BAPTIST CHURCH, 2500 WEST
16 COLUMBIA AVENUE, THAT IS AT 5:00 O'CLOCK ON THURSDAY. WE
17 ARE, OF COURSE, INVITING ALL THOSE WHO ATTENDED TODAY AND
18 ANYONE ELSE WHO WOULD LIKE TO ATTEND THOSE SUBCOMMITTEE
19 HEARINGS.

20 CHAIRMAN RHODES: THE NEXT WITNESS BEFORE THE
21 SUBCOMMITTEE IS --

22 REPRESENTATIVE WILLIAMS: MR. CHAIRMAN, MAY I
23 INTERRUPT ON SOME PROCEDURAL MATTER. I THINK IT IS ALSO
24 NOTEWORTHY THAT THE PEOPLE UNDERSTAND OUR COMMITTEE IS
25 COMPOSED OF A LOT MORE MEMBERS. SOMETIMES WE GET A

1 REFLECTION IT IS OUT OF ORDER WITH THAT. AND INDEED SOME OF
2 THEM ARE RESIDENTS OF THIS COMMUNITY AND OTHER COMMUNITIES
3 TOO, AND I REALLY THINK THAT OUGHT TO BE KNOWN.

4 CHAIRMAN RHODES: THAT IS A VERY GOOD POINT TO
5 MAKE, REPRESENTATIVE WILLIAMS.

6 WE DO HAVE A NUMBER OF REPRESENTATIVES.
7 THIS IS SUMMER VACATION TIME, THEY WILL BE COMING IN AND OUT
8 THROUGHOUT THE WEEK. I AM APPRECIATIVE OF THOSE MEMBERS WHO
9 COULD BE HERE TONIGHT. AND THERE WILL BE OTHER MEMBERS --
10 SOME OF THE MEMBERS WHO ARE HERE TONIGHT WILL BE HERE
11 TOMORROW AND THE NEXT NIGHT, AND SOME WILL NOT BE HERE, THEY
12 WILL BE GOING BACK AND FORTH; BUT BE ASSURED WE HAVE A PUBLIC
13 RECORD BEING TAKEN RIGHT NOW AND EVERY MEMBER OF THE
14 SUBCOMMITTEE WILL READ THE RECORD AND THEN HAVE AN
15 OPPORTUNITY TO EVALUATE WHAT WAS SAID HERE TONIGHT.

16 THE NEXT WITNESS BEFORE THE SUBCOMMITTEE IS
17 MR. IRWIN WARDLAW.

18 DO YOU HAVE A SUBPOENA IN YOUR POSSESSION TO
19 TESTIFY BEFORE THE SUBCOMMITTEE?

20 MR. WARDLAW: YES, I DO.

21 ---

22 IRWIN WARDLAW, SWORN.

23 CHAIRMAN RHODES:

24 Q. YOU MAY PROCEED, MR. WARDLAW.

25 A. I AM A NATIVE PHILADELPHIAN BORN AND RAISED

1 HERE AND I LIVED HERE ALL OF MY LIFE EXCEPT FOR THE LAST FOUR
2 YEARS. THE LAST FOUR YEARS MY WIFE STARTED TEACHING AT
3 COLUMBIA UNIVERSITY IN NEW YORK, AND WE MOVED THERE ON THE
4 CAMPUS OF COLUMBIA. HOWEVER I GOT A JOB BACK HERE IN
5 PHILADELPHIA ABOUT THE THIRD WEEK IN JUNE.

6 AND THE FIRST NIGHT I WAS IN PHILADELPHIA MY
7 CAR WAS STOPPED BEHIND A POLICE CAR, HE HAD HIS DOOR OPENED
8 AND AND I COULDN'T SWING AROUND HIM TO GET BY. I NOTICED A
9 YOUNG WHITE POLICE OFFICER OBSERVING TWO YOUNG BLACK MEN
10 FIGHTING AND THIS OFFICER WAS JUST STANDING THERE, AND I
11 COULDN'T GO AROUND HIM. I HAD TWO DAUGHTERS, TWO OF MY
12 DAUGHTERS WERE IN THE CAR --

13 Q. WHAT WAS THE APPROXIMATE LOCATION OF THIS
14 INCIDENT?

15 A. THIS WAS IN THE 2500 BLOCK OF WEST
16 CLEARFIELD STREET AT ABOUT 10:00 O'CLOCK AT NIGHT.

17 Q. IN WHAT SECTION OF TOWN?

18 A. THAT'S NORTH PHILADELPHIA, IT'S ONLY A FEW
19 BLOCKS FROM WHERE WINSTON HOOD WAS KILLED, IN THAT SAME
20 DISTRICT.

21 Q. YOU MAY PROCEED, SIR.

22 A. THESE TWO YOUNG MEN WERE FIGHTING, NO
23 WEAPONS WERE VISIBLE, JUST A FIST FIGHT.

24 THE OFFICER LOOKED LIKE HE WAS ABOUT THE
25 SAME AGE AS THE TWO COMBATANTS. HE WAS JUST STANDING THERE.

1 THEN I HEARD ALL THESE SIRENS AND LIGHTS FLASHING IN BACK OF
2 US AND MY TWO DAUGHTERS WHO WERE IN THE BACK OF THE CAR SAID,
3 "OH BOY, WHAT'S GOING TO HAPPEN NOW?"

4 JUST AS ONE CAR HAD TURNED THE CORNER THIS
5 OFFICER GRABBED ONE OF THE YOUTHS THAT WAS FIGHTING, STARTED
6 BEATING HIM IN THE TOP OF HIS HEAD WITH HIS BLACKJACK. HE
7 BEAT HIM SO SEVERELY THAT THE FELLOW WAS ALMOST UNCONSCIOUS
8 ABOUT THE THIRD TAP BECAUSE HE WAS ON THE GROUND, HE WASN'T
9 MOVING.

10 AND THE FELLOW THAT HE WAS FIGHTING, HE
11 SAID, "HEY, THAT'S MY MAN, WE JUST HAD A LITTLE MANLY
12 ARGUMENT AND WE WAS TRYING TO GET TO GET IT OFF. TOMORROW WE
13 WILL BE ALL RIGHT." THEN THE OTHER COP WHO PULLED UP, HE
14 SAID, "GET HIM, HE'S GOT A LOT OF MOUTH." AND HE PROCEEDED TO
15 BEAT THE OTHER YOUNG FELLOW.

16 Q. WHO SAID "GET HIM, HE'S GOT A LOT OF MOUTH,"
17 TO HIM?

18 A. THE ONE WHO HAD BEATEN THE OTHER FELLOW
19 UNCONSCIOUS TO THE GROUND, WHEN THE OTHER TWO FELLOWS JUMPED
20 OUT.

21 ALTOGETHER THIS WHOLE INCIDENT HAD ABOUT 15
22 POLICE VEHICLES ON THE SCENE. THERE WERE SO MANY POLICE, IT
23 IS ALMOST INCONCEIVABLE THAT THAT MANY POLICE WORK IN THAT
24 DISTRICT, OR EITHER THEY ALL WORK RIGHT AROUND THAT CORNER,
25 THEY ALL WERE OUT TO GET SOMEBODY.

1 ONE OF MY DAUGHTERS GOT SO HYSTERICAL, AND
2 LIKE SHE WAS LIKE HYSTERICAL FOR ALMOST AN HOUR.

3 Q. LET'S GET THE RECORD STRAIGHT: THE POLICE
4 CARS PULLED UP, THE POLICE OFFICER WHO WAS BEATING THE ONE
5 COMBATANT OF THE TWO FELLOWS WHO WERE FIGHTING SAID TO THE
6 TWO POLICE OFFICERS GETTING OUT OF THE CAR, "GET THE OTHER
7 GUY, HE'S GOT A LOT OF MOUTH"?

8 A. RIGHT.

9 Q. THEN WHAT HAPPENED?

10 A. THEY PROCEEDED TO BEAT HIM.

11 Q. WITH THEIR BLACKJACKS?

12 A. YES.

13 AND BEFORE THE WHOLE THING HAD FINISHED, IT
14 WAS LIKE MAYBE 15 COPS BEATING THESE TWO FELLOWS.

15 Q. ALL THE OTHER COPS HAD ALSO JUMPED OUT OF
16 THEIR CARS AND STARTED BEATING ON THEM?

17 A. YES, THEY HAD THE FELLOW AGAINST THE CAR
18 BEATING HIM AND THEY WERE STILL KICKING THE FELLOW WHO WAS
19 LAYING MOTIONLESS ON THE GROUND.

20 THEY EVEN SCREAMED AT THE FELLOW ON THE
21 GROUND, "GET UP AND GET ACROSS THERE, OVER TO THE CAR."

22 Q. DID ANY OF THE POLICE OFFICERS ATTEMPT TO
23 EFFECT AN ARREST BY PUTTING HANDCUFFS ON THESE INDIVIDUALS AT
24 THAT POINT?

25 A. WELL, THE ONE WHO SLID DOWN THE CAR AFTER HE

1 WAS BEATEN FOR ABOUT FIVE OR SIX MINUTES, THEY HANDCUFFED HIM
2 AND THREW HIM INTO A WAGON.

3 Q. THIS WAS AFTER FIVE MINUTES OF BEATING?

4 A. YES.

5 Q. YOU ARE SURE YOU ARE NOT EXAGGERATING THE
6 TIME?

7 A. NO, SIR.

8 Q. THAT'S A LONG TIME TO BE BEATEN.

9 A. THAT'S WHAT I AM SAYING.

10 MY DAUGHTER WAS HYSTERICAL IN THE CAR, WE
11 WERE TRYING TO CALM HER DOWN; THEREFORE WE WERE TIED UP THERE
12 FOR QUITE A LITTLE WHILE. AT THE TIME I WAS SO BUSY TRYING
13 TO GET MY DAUGHTER SORT OF CALMED DOWN THAT I WITNESSED JUST
14 ABOUT THE ENTIRE INCIDENT.

15 THE ONE WHO WAS ON THE GROUND WE REALLY HAD
16 A LOT OF CONCERN FOR BECAUSE THERE WAS A LOT OF BLOOD AND
17 THERE WAS A LOT OF FOREIGN THINGS, PROBABLY CAME OUT OF HIS
18 HEAD, COULD HAVE BEEN HIS BRAINS, COULD HAVE BEEN -- YOU KNOW
19 -- I MEAN, THE FELLOW WAS REALLY BEATEN SEVERELY, AND THESE
20 COPS WERE KICKING HIM AND TELLING HIM TO GET UP.

21 Q. THAT'S UNBELIEVABLE.

22 A. IN FACT, I MET THIS LADY HERE THE VERY NEXT
23 DAY AT A PRESS CONFERENCE AND I WAS TELLING HER ABOUT IT. I
24 WENT THROUGH A REENACTMENT OF WHAT HAPPENED THAT NIGHT.

25 CHAIRMAN RHODES: LET THE RECORD INDICATE THE

1 WITNESS INDICATED KAREN WARRINGTON.

2 CHAIRMAN RHODES:

3 Q. GO AHEAD.

4 A. AND I MEAN THE WHOLE THING WAS JUST
5 UNBELIEVABLE, I MEAN IT WAS RIGHT OUT OF A MILITARY
6 OPERATION.

7 BUT SINCE THEN HOWEVER, WHAT REALLY PROMPTED
8 ME TO COME OUT HERE IS THAT I HAVE BEEN SEEING INCIDENTS LIKE
9 THAT ON A DAILY BASIS AROUND PHILADELPHIA SINCE I HAVE BEEN
10 BACK. JUST LAST NIGHT I SAW A FELLOW GET BEATEN IN A WAGON
11 OUT AT 60TH AND COBBS CREEK PARKWAY. THERE WERE TWO WAGONS
12 ON THE SCENE BUT THE MAN INSIDE, ONE WAGON AND POLICE FROM
13 BOTH VEHICLES WERE INSIDE THE BACK, BEATING THIS MAN.

14 Q. HOW COULD YOU SEE THAT?

15 A. WE WERE STOPPED FOR A LIGHT THERE BECAUSE WE
16 WERE GOING TO TURN AND GO UP 59TH STREET AND THE PARKWAY.

17 Q. WAS THE DOOR OPEN, IS WHAT I AM ASKING?

18 A. YES. WHAT HAPPENED IS WE SAW THE DOOR, WE
19 HEARD THE YELLING AND SCREAMING INSIDE THE WAGON. THEN THEY
20 ALSO MENTIONED, "WELL, YOU KNOW WE ARE JUST GOING TO LET HIM
21 GO AND KEEP THE SHIT THAT HE HAS." THOSE WERE THE WORDS HE
22 USED.

23 AND I SAW HIM TRANSPORTING SOME PACKAGES
24 INTO ONE OF THE OTHER VEHICLES; AND THEY LET THIS MAN GO
25 AFTER THEY BEAT HIM. AND THAT'S ONLY ANOTHER ONE.

1 I ALSO SAW THEM BEAT A WOMAN ON THE THE
2 SCHUYLKILL EXPRESSWAY --

3 Q. BEFORE YOU GO INTO THAT, MR. WARDLAW, ARE
4 YOU SUGGESTING OR ALLEGING TO THIS SUBCOMMITTEE THAT THE
5 POLICE OFFICERS CONFISCATED SOME PROPERTY, PERSONAL OR
6 OTHERWISE, OF THIS INDIVIDUAL WHO WAS BEING BEATEN IN THE
7 BACK OF THE WAGON AND THEN LET HIM GO?

8 A. THAT'S RIGHT.

9 Q. DO YOU KNOW WHETHER THEY WERE CONFISCATING
10 IT?

11 A. NO, I DON'T.

12 Q. WHAT DID IT LOOK LIKE?

13 A. WELL, THEY WERE IN LINE SUPERMARKET BAGS AND
14 IT WAS LIKE THREE BAGS.

15 Q. YOU SAW HIM LEAVE THE SCENE?

16 A. I SAW HIM COME OUT OF THE WAGON, BLOODY AND
17 BEATEN.

18 Q. PLEASE GO ON, DO YOU HAVE MORE?

19 A. SINCE I HAVE BEEN BACK IN PHILADELPHIA, I
20 HAVE NOTICED THESE KIND OF THINGS, AND I THINK IT HAS AN
21 EFFECT ON THE COMMUNITY. IT HAS MADE THE COMMUNITY QUITE
22 PASSIVE AND DOCILE, SO TO SPEAK; BECAUSE I KNOW A LOT OF
23 PEOPLE THAT SAID THEY WOULDN'T COME NEAR THESE HEARINGS FOR
24 FEAR SOMETHING MIGHT HAPPEN TO THEIR FAMILIES OR THEM.

25 BUT I CAME DOWN BECAUSE I HOPE THAT MY

1 FRIENDS KNOW THAT I CAME DOWN HERE, SO THEY WOULD COME DOWN.

2 I DID THINK ABOUT SOME ALTERNATIVES TO THESE
3 KINDS OF THINGS BECAUSE I KNOW THAT PEOPLE WHO ARE GETTING
4 BEAT ARE POWERLESS PEOPLE, AND I KNOW THEY ARE UNARMED
5 PEOPLE. MOST OF THESE PEOPLE ARE JUST WILLINGLY OBEDIENT
6 CITIZENS WHO ARE BEING BEATEN.

7 I CAN'T THINK OF ANYBODY IN MY NEIGHBORHOOD
8 THAT BRUTALITY HASN'T TOUCHED THEIR FAMILIES. I CAN GO OUT
9 OF HERE AND GO INTO A BAR AND ALMOST EVERYONE IN THAT BAR HAS
10 HAD SOME MEMBER OF THEIR FAMILY OR A NEIGHBOR WHO HAD SOME
11 ENCOUNTER WITH THE POLICE WHERE THEY WERE BRUTALIZED.

12 Q. WE APPRECIATE YOUR TESTIMONY, SIR. IS THERE
13 ANYTHING ELSE YOU WOULD LIKE TO TELL THIS SUBCOMMITTEE?

14 A. YES. I DID THINK OF SOME WAYS THAT THE
15 COMMUNITY CAN GET LOOSE FROM BEING DOCILE AND PASSIVE, AND I
16 THINK WE SHOULD HAVE SOME KIND OF COMMUNITY ADVOCATES WHO
17 ARE AT PRECINCTS AND HOSPITAL WARDS. BECAUSE MY WIFE SHE
18 WORKED FOR A LONG TIME AS AN R.N., IN RECEIVING WARDS,
19 EMERGENCY WARDS, AND SHE USED TO TALK ABOUT HOW NEUROSURGEONS
20 WOULD SAY, "HOW CAN PEOPLE STAND FOR THIS?" ALL THE BEATINGS
21 THAT WOULD BE BROUGHT INTO THE EMERGENCY WARD, POLICE
22 BEATINGS.

23 AND I THOUGHT IF WE HAD COMMUNITY ADVOCATES
24 AT BOTH OF THESE PLACES, LIKE IN THE POLICE PRECINCT WHEN
25 THEY SEE THE BOOKINGS, AT THE HOSPITAL WHEN THEY SEE THEM

1 BROUGHT IN; THIS WOULD BE SOME HELP, SOME KIND OF WAY OF
2 GETTING THE PEOPLE CLOSER TO WHAT'S HAPPENING AT THE POLICE
3 DEPARTMENT.

4 AND IF YOU CAN'T DO THAT, I THINK YOU SHOULD
5 ARM THE CITIZENS AGAINST THE POLICE.

6 (APPLAUSE.)

7 Q. I KNOW THE GREAT DEAL OF HARM THAT WOULD DO.
8 I ADVISE YOU TO ABANDON YOUR TESTIMONY BY BRINGING THAT UP AS
9 --

10 A. IF THEY HAVE MACHINE GUNS, GIVE US MACHINE
11 GUNS. I THINK THAT IS THE ONLY ALTERNATIVE, BECAUSE I AM
12 SURE AT THE RATE THE POLICE ARE BEATING UP WILLINGLY OBEDIENT
13 CITIZENS, THAT THEY THINK OF SOME REDRESS OR SOME KIND OF
14 WAY.

15 CHAIRMAN RHODES: THANK YOU, MR. WARDLAW FOR
16 COMING FORWARD AND TAKING YOUR TIME.

17 ARE THERE QUESTIONS FROM THE SUBCOMMITTEE
18 MEMBERS, REPRESENTATIVE SCIRICA?

19 REPRESENTATIVE SCIRICA: NO QUESTIONS.

20 CHAIRMAN RHODES: REPRESENTATIVE WIGGINS.

21 REPRESENTATIVE WIGGINS: NO QUESTIONS.

22 CHAIRMAN RHODES: REPRESENTATIVE RICHARDSON.

23 REPRESENTATIVE RICHARDSON:

24 Q. MR. WARDLAW, IN YOUR TESTIMONY, FIRST OF
25 ALL, TO ESTABLISH FOR THE RECORD HOW LONG YOU HAVE LIVED IN

1 THE CITY OF PHILADELPHIA IN THE ABSENCE OF THE FOUR YEARS YOU
2 LIVED IN YORK, BECAUSE YOU WERE IN PHILADELPHIA BEFORE YOU
3 WENT TO NEW YORK?

4 A. 42 YEARS.

5 Q. SO IN THE LAST FOUR YEARS YOU HAVE BEEN
6 AWAY AND YOU HAVE COME BACK, THE SITUATION OF POLICE
7 BRUTALITY IS NOT SOMETHING NEW AND DIFFERENT TO YOU, IS IT?

8 A. YES, IT IS.

9 Q. WHY?

10 A. BECAUSE I REALLY BELIEVE THAT I CAN GO RIGHT
11 OUTSIDE OF THIS BUILDING NOW AND MAYBE GO TEN OR 15 MINUTES
12 FROM HERE AND FIND SOMEBODY BEING BRUTALIZED BY THE POLICE.

13 CHAIRMAN RHODES: WHILE THIS HEARING IS GOING
14 ON?

15 A. THAT'S RIGHT.

16 REPRESENTATIVE RICHARDSON:

17 Q. SO YOU WOULD INDICATE TO THIS COMMITTEE THAT
18 THE PROBLEM AS YOU DESCRIBED IS THAT SEVERE IN THE CITY OF
19 PHILADELPHIA AND DOES REQUIRE SOME IMMEDIATE ATTENTION TO
20 DEAL WITH THIS PARTICULAR PROBLEM?

21 A. WELL, AS YOU KNOW, IN MY ALTERNATIVES TO
22 THIS I WAS RATHER EXTREME, BECAUSE I THINK IT IS A RATHER
23 EXTREME SITUATION.

24 CHAIRMAN RHODES: I FULLY NOTICED THE EXTREME.

25 REPRESENTATIVE RICHARDSON:

1 Q. IF YOU WERE TO POINT OUT ONE SPECIFIC KIND
2 OF REMEDY, AND I KNOW THE EXTREME THAT YOU POINTED TO, BUT I
3 AM SAYING THAT AS A MEMBER OF THIS COMMITTEE I AM OFTEN ON
4 THE STREET LISTENING TO, OR HEARING OR WITNESSING MYSELF
5 THESE KINDS OF CASES.

6 WHAT DO YOU THINK THAT THE SUBCOMMITTEE HERE
7 ON CRIME AND CORRECTION CAN DO TO REMEDY IMMEDIATELY THE
8 PROBLEM THAT WE ARE FACED WITH HERE IN THE CITY OF
9 PHILADELPHIA?

10 A. I THINK THE WAY THE EMPLOYMENT PICTURE IS,
11 YOU KNOW LIKE ALL THE UNEMPLOYMENT, I THINK IT WOULD BE VERY
12 EASY TO START TRAINING COMMUNITY ADVOCATES, THE PEOPLE I WAS
13 SPEAKING ABOUT, WHO WOULD BE IN PRECINCT HOUSES, ACCIDENT
14 WARDS OF HOSPITALS, AND TRAIN THEM TO A DEGREE THAT THERE
15 WILL ALWAYS BE PEOPLE BACK IN THE COMMUNITY TO STEP IN IF
16 THESE PEOPLE ARE ABSENT OR UNAVAILABLE FROM DUTY AT THE TIME.
17 THIS WILL ALSO BRING ABOUT PEOPLE IN THE COMMUNITY WHO WILL
18 BE AROUND WHEN THE POLICE MAKE STOPS IN THE COMMUNITY OF
19 CARS, AND STOP YOUTHS ON THE HIGHWAYS, SIDEWALKS, WALKING
20 ALONG, AND MAKE MORE PEOPLE CONSCIOUS OF POLICE ACTIONS IN
21 THEIR COMMUNITY.

22 I THINK A LOT OF PEOPLE ARE BEATEN JUST
23 BECAUSE THERE ARE NO OTHER CITIZENS AROUND. I THINK WE HAVE
24 TO GET SOMEBODY TO TRAIN PEOPLE TO BE AWARE OF THE FACT THAT
25 POLICE ARE THERE TO SERVE THEM, THEY ARE PUBLIC SERVANTS.

1 AND SURE DON'T BE AFRAID OF THEM, GO SEE WHAT IT'S ABOUT,
2 STAND AROUND AND SEE THAT A PERSON IS TREATED FAIRLY,
3 WHATEVER THERE IS, I THINK THERE IS SOME KIND OF EDUCATIONAL
4 PROCESS THERE TO TAKE COMMUNITY PEOPLE THROUGH.

5 Q. SO YOU THINK THIS COMMITTEE SHOULD INDULGE
6 IN SOME CAPACITY SOME EDUCATIONAL PROCEDURE FOR THE PEOPLE;
7 IN OTHER WORDS, A RECOURSE FOR THEM, PROCEDURE FOR THEM TO
8 FOLLOW ON THESE KIND OF COMPLAINTS WHEN THEY DO OCCUR?

9 A. YES, TO PREVENT THEM, MOSTLY.

10 Q. SOME HAVE POINTED TO SOME CORRUPTION, SOME
11 HAVE POINTED TO THE OVERT RACISM HERE BY THE POLICE
12 DEPARTMENT, SOME HAVE POINTED TO THE FACT THERE ARE SOME
13 REAL SEVERE PROBLEM.

14 IF YOU WERE TO COMPARE THIS CITY WITH OTHER
15 CITIES ACROSS THIS COUNTRY FOR THE KINDS OF POLICE BRUTALITY,
16 ABUSE, VIOLENCE, ET CETERA, ON A SCALE OF ZERO TO TEN, WHERE
17 WOULD THE PHILADELPHIA POLICE DEPARTMENT SIT?

18 A. PRESENTLY THAT'S PRETTY HARD. BACK A FEW
19 YEARS AGO, I COULD HAVE SAID LIKE MAYBE A FOUR OR A FIVE, YOU
20 KNOW, CLOSE TO THE MIDDLE. BUT LIKE IT IS NOW, I DON'T
21 REALLY SEE THE PHILADELPHIA POLICE DEPARTMENT AS A CITY
22 ENTITY. I THINK THEY ARE JUST OUT THERE TO BRUTALIZE PEOPLE
23 AND THEY ARE PART OF SOME LARGE CONSPIRACY.

24 FOR EXAMPLE WHAT I MEAN BY THAT, BEFORE I
25 LEFT PHILADELPHIA I LIVED ON A NICE BLOCK ON UGONTZ AVENUE

1 WHERE 19 KIDS HOOKEYED SCHOOL, AT A CORNER HOUSE, NEAR THE
2 TROLLEY STOP. DURING THE TIME I LIVLD THERE, THLY HAD SEVEN
3 RAPES IN THAT HOUSE. A COUPLE OF GIRLS WERE ON THEIR WAY TO
4 SCHOOL, AND GOT SNATCHED OUT OF THE TROLLEY CAR STOP. ALL
5 OF THIS HAD BEEN REPORTED TO THE 35TH DISTRICT OVER ON
6 CHAMPLOST, AND NOTHING EVER HAPPENED.

7 THE PEOPLE THAT LIVED IN THAT HOUSE STUCK UP
8 THE PENN FRUIT ON BROAD STREET; AND BEFORE THEY COULD GET
9 BACK HOME, THE POLICE WERE THERE WITH MACHINE GUN AND
10 BULLETPROOF VESTS AND CAUGHT THEM JUST AS THEY CROSSED OGONTZ
11 AVENUE. SO THAT WAS THE END OF THE HOUSE.

12 WE FOUGHT THAT HOUSE FOR FIVE YEARS.

13 AND I STILL GIVE THEM FOUR.

14 Q. MY FINAL QUESTION IS THAT WE ARE NOW
15 SYSTEMATICALLY, AS A RACE OF PEOPLE AND AS A PEOPLE HERE IN
16 THE CITY, GOING THROUGH SOMETHING THAT I FEEL IS
17 UNPRECEDENTED; AND WITH THAT IN MIND, BEING AN ELECTED
18 REPRESENTATIVE OF THE PEOPLE AND STRUGGLING AS ALL THE OTHER
19 MEMBERS OF THE SUBCOMMITTEE ARE TO GRAB QUESTIONS, GRAB
20 RESPONSES, DO YOU FEEL THAT IT IS A CONSPIRACY, THAT IS A
21 NATIONAL CONSPIKACY --

22 A. YES.

23 Q. -- OR DO YOU FEEL THAT THE CONSPIRACY IS ONE
24 THAT IS LED BY AN ADMINISTRATION THAT JUST DOES NOT GIVE A
25 DAMN ABOUT THE PEOPLE HERE?

1 CHAIRMAN RHODES: MAY I CLARIFY THE QUESTION
2 BECAUSE I DIDN'T UNDERSTAND EXACTLY WHAT THE WORDS WERE, DID
3 YOU MEAN NATIONAL OR NATURAL?

4 REPRESENTATIVE RICHARDSON: NATIONAL.

5 A. WELL, I SAID YES TO NATIONAL BECAUSE I KNOW
6 THAT, I HAVE SEVERAL FRIENDS AROUND THE COUNTRY IN URBAN
7 CENTERS AND THERE SEEMS TO BE BUYING UP OF INNER CITY LAND
8 AND BRINGING BACK THE PEOPLE WHO LEFT WHO WOULD HAVE TO BE
9 PAYING THOSE HIGH FUEL BILLS AND BE SUBJECT TO SUBSTANDARD
10 TRANSPORTATION. AND THAT INNER CITY PROPERTY WILL BE THE
11 NEXT BOOM IN AMERICA. AND LIKE IF WE CAN ESTABLISH A FEAR IN
12 THE CITIES, WE CAN GET THE WELFARE RECIPIENTS AND THE
13 DOWNTRODDEN OUT OF THE URBAN CENTERS AND BUILD NICE
14 TOWNHOUSES ON THEIR HOMES THAT WE GOT FOR \$400.

15 SO WHEN MR. BUNTING SAID HE DOESN'T SEE
16 ANYTHING WRONG WITH THE CHARTER CHANGE, I CAN UNDERSTAND THAT
17 BECAUSE I KNOW THAT MR. BUNTING IS A BANKER AND HE WILL BE
18 IN THE FOREFRONT OF BUILDING THE NEW HOMES.

19 I ALSO KNOW THAT WHEN YOU TALK ABOUT PEOPLE
20 IN SUPPORT OF THE CHARTER CHANGE TO KEEP THIS ADMINISTRATION
21 IN SO THEY CAN BUILD UP THIS FEAR TO KEEP OTHER BLACKS OR
22 MINORITIES FROM COMING TO THE CITY AND TO FURTHER RUN A
23 POLITICAL MACHINE THAT IS DONE ON A BUDDY-BUDDY SYSTEM.

24 IF YOU DON'T LIKE -- I MEAN, SINCE I HAVE
25 BEEN BACK TO PHILADELPHIA I HAVE BEEN RIDING AROUND THIS

1 CITY. AND ANY AREA THAT IS UNFAVORABLE TO THIS
2 ADMINISTRATION MAY HAVE TROUBLE GETTING THEIR TRASH PICKED
3 UP.

4 I HAVE NOTICED IN AREAS THAT ARE UNFAVORABLE
5 TO THE MAYOR THERE IS AN EXCESSIVE AMOUNT OF POLICE, AND
6 THERE IS ALSO AN EXCESSIVE AMOUNT OF CORRUPTION GOING ON ALL
7 OVER THE AREAS TOO.

8 CHAIRMAN RHODES: DIFFERENT THINGS ARE IN
9 PITTSBURGH THAN IN PHILADELPHIA. IN PITTSBURGH, I DON'T
10 THINK WE HAVE THE SAME SAME KIND OF POLICE PROBLEM YOU HAVE.

11 I REPRESENT A DISTRICT WHICH WAS UNFAVORABLE
12 TO THE CURRENT MAYOR AND WE HAVE BEEN DEMANDING MORE POLICE
13 FOR THE COMMUNITY.

14 BECAUSE OF YOUR PROBLEM YOU ARE SAYING THAT
15 HAVING MORE POLICE IN THE COMMUNITY IS EVIDENCE THE MAYOR
16 DISLIKES THE NEIGHBORHOOD AS OPPOSED TO ACTUALLY LIKING THE
17 NEIGHBORHOOD.

18 A. NO. THOSE POLICE ARE THERE FOR THE REASON
19 YOU GUYS ARE HERE, BECAUSE A LOT OF THOSE AREAS, A LOT OF
20 THE BRUTALITY CASES COME OUT OF IT.

21 AND WHEN I SAY THERE IS A LOT OF CORRUPTION
22 GOING ON, SURE, THERE'S PEOPLE SMOKING MARIJUANA EVERYWHERE
23 SO EVERY NOW AND THEN IF YOU WANT TO WHIP A HEAD YOU CAN WHIP
24 A HEAD FOR SMOKING A JOINT; AND AT THE SAME TIME THE POLICE
25 ARE OBSERVING THE GUY PURCHASE THE JOINTS.

1 CHAIRMAN RHODES: THANK YOU.

2 REPRESENTATIVE RICHARDSON, ANY FURTHER
3 QUESTIONS?

4 REPRESENTATIVE RICHARDSON: YES. THAT WAS MY
5 POINT, MR. CHAIRMAN. I THINK MR. WARDLAW BRINGS THE KIND OF
6 TESTIMONY TO THIS COMMITTEE THAT THIS COMMITTEE SHOULD HEAR
7 AND ALSO FOR THE RECORD, BECAUSE IT IS MY FEELING THAT UNLESS
8 WE MOVE EXPEDITIOUSLY TO DO SOMETHING NOT ONLY ON A
9 LEGISLATIVE PIECE AS WE ARE DOING THE INVESTIGATIVE PIECE TO
10 RESOLVE SOME OF THESE PROBLEMS, THAT THERE IS GOING TO BE A
11 RACE WAR IN THE CITY OF PHILADELPHIA.

12 AND I AM SAYING TO YOU, MR. CHAIRMAN, THAT
13 WE CANNOT HASTILY GO BY SOME OF THESE WITNESSES BECAUSE I
14 FEEL THERE IS PERTINENT INFORMATION THAT WE CAN RECEIVE FROM
15 THEM.

16 (APPLAUSE.)

17 CHAIRMAN RHODES: THANK YOU, REPRESENTATIVE
18 RICHARDSON.

19 IF YOU FEEL I AM RACING PAST YOU, LET ME
20 KNOW, MR. WARDLAW.

21 A. BUT BELIEVE ME, I SAY THESE THINGS AS A MUCH
22 LARGER ISSUE THAN JUST A BLACK AND WHITE CONFRONTATION. I
23 THINK A LOT OF THESE WHITE COPS WHO GO AROUND HERE BUSTING
24 BLACKS IN THE HEAD, SURE THEY ARE RIGHT-WINGERS WHO BELIEVE
25 IN THE KU KLUX KLAN OR WHATEVER, OUT TO GET BLACKS. BUT I

1 BELIEVE THEY KNOW THEY CAN GET AWAY WITH IT BECAUSE THEIR
2 SUPERVISOR IS IN LEAGUE WITH THE HIGHER UP WHO REALLY KNOWS
3 THE SCORE, BECAUSE THAT'S WHERE THE OFFICIAL LOOKS.

4 CHAIRMAN RHODES: THAT CONFIRMS THE TESTIMONY
5 OF SEVERAL OTHER WITNESSES.

6 REPRESENTATIVE WHITE, DO YOU HAVE ANY
7 QUESTIONS?

8 REPRESENTATIVE WHITE: REPRESENTATIVE
9 RICHARDSON COVERED ALL THE GROUND THAT I WANTED TO.

10 CHAIRMAN RHODES: REPRESENTATIVE WILLIAMS.

11 REPRESENTATIVE WILLIAMS:

12 Q. MR. WARDLAW, THE INCIDENT YOU SPOKE ABOUT
13 WHERE THE 15 POLICEMEN BEAT UP THE TWO MALES, IT SEEMS TO ME
14 THAT THAT SITUATION IS AN ACT OF SADISM. I MEAN FROM WHAT
15 YOU SAY, THERE WAS NO RESPONSIBLE POLICE WORK AT ALL, NOT ANY
16 SUGGESTION OF THAT, JUST A COLLECTIVE ACT OF SADISM BY 15
17 POLICE OFFICERS, IF WHAT YOU SAY IS TRUE.

18 WOULD YOU AGREE WITH THAT?

19 A. YES, SIR.

20 Q. IT REALLY SEEMS TO ME THAT PEOPLE WHO CAN'T
21 EXERCISE THE LAW HAVE NO PLACE IN ANYBODY'S POLICE DEPARTMENT
22 WHO -- OR A LAW ENFORCEMENT OFFICER WHO CAN DO SOMETHING LIKE
23 THAT.

24 WOULD YOU AGREE WITH THAT?

25 A. YES, I WOULD.

1 THEN I WOULD LIKE TO SAY THAT THE NUMBER OF
2 BLACK OFFICERS WHO PARTICIPATED IN THAT WERE LIKE REALLY
3 OUTNUMBERED.

4 Q. I AM TALKING ABOUT IRRESPECTIVE OF COLOR ON
5 THE PART OF THE OFFICERS.

6 A. BUT THESE OFFICERS, ALL OF THEM ARE OF THE
7 SAME QUILT. I MEAN LIKE SURE THERE MIGHT HAVE BEEN 12 WHITE
8 AND 3 BLACKS BUT I'M SURE NONE OF THEM --

9 Q. YOU DON'T HAVE TO EDUCATE ME ON THAT. BUT
10 MY POINT IS, IF YOU ARE GOING TO HAVE LAW ENFORCEMENT AGENCY
11 PERSONNEL TO ENFORCE THE LAW, IF THEY HAVE QUALITIES THAT
12 WOULD EXHIBIT SADISM, WHICH IS SO TOTALLY OUT OF KEEPING WITH
13 WHAT THEY ARE THERE FOR, CRIME PREVENTION AND ALL THAT,
14 WHICH IS PROTECTION, CORRECT?

15 A. THAT'S CORRECT.

16 Q. AND YOU ACTUALLY SAW THAT?

17 A. ALONG WITH TWO OF MY TEENAGE DAUGHTERS.

18 Q. YOU ALSO MENTIONED ANOTHER POINT AND THAT
19 WAS TWO OF THESE GENTLEMEN WERE YOUNG BLACK MALES WHO HAD A
20 FIGHT OR SCUFFLE?

21 A. YES.

22 Q. AND ENDED UP GETTING BEATEN AND GOING TO
23 JAIL.

24 I HAVE SAID THIS MANY TIMES AND IT IS MY
25 EXPERIENCE AND IT IS WELL KNOWN THAT MANY OF THE PEOPLE WHO

1 GO TO JAIL IN THIS STATE AND OTHER STATES ARE YOUNG BLACK
2 MALES, HIGHLY DISPROPORTIONATE TO THE POPULATION. AND OF
3 COURSE I THINK THE RECORD WILL SHOW AND MY EXPERIENCE HAS
4 BEEN THAT A LOT OF THOSE MALES ARE INTELLIGENT, NATURALLY
5 BRIGHT AND HAVE OTHER QUALITIES THAT COULD BEEN CONSTRUCTIVE
6 IN TERMS OF THEIR TEACHING.

7 AND I JUST WONDERED TO WHAT EXTENT POLICE
8 ACTION LIKE THAT COULD BEGIN THE DESTRUCTION OF YOUNG BLACK
9 MALES IF IT APPLIES TO THAT GROUPING IN ANY SIGNIFICANT WAYS.

10 COULD YOU COMMENT ON THAT?

11 A. YES.

12 Q. LET ME REWORD THAT, BECAUSE I WANT TO MAKE
13 IT CLEAR: TO WHAT EXTENT DO POLICE DEPARTMENTS OR POLICIES
14 ALONG THIS LINE BEGIN A DESTRUCTIVE EROSION, PARTICULARLY OF
15 YOUNG BLACK MALES AS COMPARED TO OTHER MALES?

16 A. I AM SURE IT HAS PUT A LOT OF FEAR IN THE
17 REST OF THEIR COMRADES, AND I AM ALSO SURE THAT IN THIS
18 ACTION ALONE THAT THESE TWO YOUNG MEN WILL NEVER BE
19 PRODUCTIVE CITIZENS IN THIS SOCIETY BECAUSE IF THE ONE
20 RECOVERED WHO WAS ON THE GROUND, I AM PRETTY SURE THAT HE
21 WILL BE A WELFARE DRONE BECAUSE HE IS PROBABLY A VEGETABLE
22 BECAUSE THEY BEAT HIM SO SEVERELY.

23 AND THE ONE WHO WAS ON THE CAR GETTING HIS
24 BEATING, IT WAS JUST THAT IT WAS TOO MANY OF THEM BEATING
25 HIM, THAT'S WHAT SPARED HIM FROM GETTING A REAL SEVERE

1 BEATING.

2 Q. DO YOU FEEL THERE IS ANY PARTICULAR
3 PREFERENCE OF THIS KIND OF CONDUCT BY THE POLICE TOWARDS
4 YOUNG BLACK MALES AS COMPARED TO GENERAL MALES IN OUR
5 SOCIETY? WOULD POLICE OFFICERS MORE QUICKLY, LET'S SAY,
6 COMMIT SOME VIOLENCE ON SOME BLACK MALE AS COMPARED TO
7 GENERAL SOCIETY FOR SIMILAR ACTS OR NON-ACTION?

8 A. I THINK THE WAY THINGS ARE, BLACKS ARE THE
9 TARGET AND ESPECIALLY THOSE WHO LIVE CLOSE TO THE INNER CITY.
10 AND LIKE I WAS SAYING, THE BEATING I SAW LAST NIGHT OF THE
11 YOUNG BLACK MALE, THESE THINGS TO ME SAY JUST WHAT I WAS
12 SAYING ABOUT BEING DRIVEN OUT OF THE INNER CITY.

13 Q. I DON'T WANT TO ASK YOU A QUESTION THAT YOU
14 REALLY DON'T KNOW THE ANSWER TO. IF YOU DON'T KNOW, JUST SAY
15 SO.

16 A. OH, OKAY. WELL, MAYBE IT IS NOT COMING
17 ACROSS CLEAR ENOUGH.

18 Q. I HAVE A CONCERN; BUT I FRANKLY THINK THIS
19 PROBLEM, LIKE I SAID BLACK AND WHITE, BUT I DO THINK ON THE
20 OTHER HAND THERE IS SOMETHING SIGNIFICANT ABOUT THE FACT THAT
21 YOUNG BLACKS END UP GOING TO JAIL, AT ONE TIME OR ANOTHER
22 THEY HAVE SOME CONTACT WITH POLICE; AND I DON'T THINK IT JUST
23 COMES NATURAL IN DOING THAT. AND I WAS JUST WONDERING IF YOU
24 HAVE ANY EXPERIENCE OR OBSERVATION THAT -- IF YOU DON'T

25 A. YES, I DO. LIKE (AM SAYING, I HAVE NOTICED

1 IN AREAS OF THE CITY THAT ARE UNFAVORABLE TO THIS
2 ADMINISTRATION THERE IS A HIGH VISIBILITY OF POLICE. THESE
3 ARE AREAS WHERE THERE ARE YOUNG BLACK MALES AND BLACKS ARE
4 THE MAJORITY POPULATION IN THOSE AREAS. SO THESE POLICE ARE
5 NOT THERE TO PROTECT THEM, BUT THEY ARE THERE TO ARREST THEM.

6 CHAIRMAN RHODES: ARE THESE ALSO HIGH CRIME
7 AREAS, MR. WARDLAW, OF THE CITY?

8 A. WELL, I AM SAYING THE VISIBILITY OF CRIME,
9 UNLIKE -- THEY DON'T HIDE CRIMES IN THOSE AREAS. LIKE I
10 SAID, THEY SMOKE THEIR JOINT RIGHT THERE. IF YOU GET LOCKED
11 UP FOR A JOINT, IT DEPENDS ON THE FEELINGS OF THE COPS.
12 THAT'S WHAT GETS YOU BEAT OVER THE HEAD.

13 CHAIRMAN RHODES: BUT SERIOUS CRIMES, RAPES,
14 ROBBERY, MURDER, ASSAULT, BURGLARY?

15 A. NO. IT'S WIDESPREAD, THERE ARE SOME AREAS
16 WHERE THERE COULD BE HIGH CRIMES --

17 REPRESENTATIVE WILLIAMS:

18 Q. LET ME FINISH UP MY QUESTION.

19 YOU HAVE MENTIONED COMMUNITY ADVOCATES AT
20 DIFFERENT POINTS ALONG THE WAY. WE HAVE HAD TESTIMONY BY
21 MRS. GAGLIARDI AND A FEW OTHER PEOPLE, AND THEY SEEM TO SAY
22 THAT THE ONLY REAL RELIEF, HELP THAT THEY FOUND WERE FROM
23 COMMUNITY ADVOCATE ORGANIZATIONS. AND SOME OF THESE AGENCIES
24 HAVE TO DEPEND ON PUBLIC FUNDING AND GET REDUCED AND
25 CRITICIZED.

1 AND WHAT YOU ARE SAYING IS THAT WE NEED MORE
2 OF THESE COMMUNITY ADVOCATE UNITS SO THE COMMUNITY CAN HAVE
3 SOME RELIEF FROM THIS KIND OF STRANGLEHOLD; IS THAT WHAT YOU
4 ARE SAYING?

5 A. YES.

6 Q. AND THAT WOULD BE A POSITIVE AND AFFIRMATIVE
7 COMMUNITY THING TO HAVE MORE AND MORE EFFECTIVE COMMUNITY
8 ADVOCATE KIND OF SITUATIONS IN THIS POLICE VIOLENCE
9 QUESTION?

10 A. YES. BUT I DON'T SEE IT BEING SOME
11 ORGANIZATION ON THE ORDER OF, AS COMMUNITY ORGANIZATIONS, YOU
12 KNOW, PHILADELPHIA NEIGHBORHOOD COMMUNITY ORGANIZATION. I
13 DON'T SEE IT AS BEING ONE ORGANIZATION THAT HEADS UP THE
14 ADVOCATE PROGRAM. I THINK EVERYBODY SHOULD BE ABLE TO TELL
15 WHAT KIND OF ADVOCATES THEY NEED IN THE HOSPITALS AND IN THE
16 PRECINCTS AROUND THEIR NEIGHBORHOOD LIKE THE LADY SAID THE
17 12TH PRECINCT WAS MOSTLY WHITE --

18 Q. I WASN'T GOING INTO THE FORM. I WAS JUST
19 GOING INTO THE FACT THAT COMMUNITY ADVOCATE IDEAS ARE ALWAYS
20 UNDER THREAT OF REDUCTION AND ELIMINATION. AND YOU ARE
21 MAKING THE POINT, THE POLICY SHOULD BE JUST THE OPPOSITE?

22 A. I THINK THE COMMUNITY SHOULD BE MADE TO
23 RAISE THE FUNDS TOO, FOR THESE ORGANIZATIONS, I DON'T THINK
24 IT SHOULD COME FROM THE GOVERNMENT.

25 Q. YOU CAN'T MAKE THE COMMUNITY DO THAT. YOU

1 CAN SHARE THE TAX DOLLAR WHICH COMES FROM THE COMMUNITY FOR
2 COMMUNITY PROBLEMS.

3 A. SURE, THERE ARE PLENTY OF PEOPLE IN MY
4 NEIGHBORHOOD WHO VOLUNTEER TO GO TO HOSPITALS AND STEVEN SMITH
5 OLD AGE HOME.

6 AND I AM ALSO SAYING WE CANNOT EXPECT THE
7 GOVERNMENT TO DEAL WITH THESE PROBLEMS, BECAUSE IT IS THE
8 GOVERNMENT WHO IS LAYING IT ON US.

9 Q. THE GOVERNMENT IS SUPPOSED TO BE
10 REPRESENTATIVES FROM THE PEOPLE WHO PAY THE TAXES FOR OUR
11 SALARIES AND SERVICES. IT SEEMS TO ME IF THE PEOPLE
12 RECOGNIZE THE PROBLEM AND THEY SAY IT IS IMPORTANT, THEN THE
13 GOVERNMENT SHOULD SPEND YOUR MONEY ON THAT PROBLEM.

14 I DON'T THINK THE GOVERNMENT IS SOMEONE
15 STRANGE UNTO ITSELF, BECAUSE THE GOVERNMENT WILL NEVER GIVE
16 YOU BACK ANYTHING FREE, YOU PAID FOR IT ALREADY. THAT'S MY
17 PHILOSOPHY.

18 AND I DON'T WANT TO DIFFER WITH YOU, BUT I
19 JUST THINK THE ONLY REASON WE ARE HERE LISTENING TO YOU RIGHT
20 NOW IS. HOPEFULLY, IN RESPONSE TO A PROBLEM THAT COMES FROM
21 THE COMMUNITY.

22 I ALSO THINK SOMETIMES WE LOSE SIGHT OF THE
23 FACT, A HUNDRED MILLION DOLLARS, TWO HUNDRED MILLION DOLLARS,
24 WHATEVER THE POLICE BUDGET IS, COMES FROM YOUR TAX DOLLARS.
25 AND IF THAT IS BEING MISUSED TO DO WRONG, THEN WE SHOULD

1 CHECK THAT, IF WE CAN.

2 (APPLAUSE.)

3 CHAIRMAN RHODES: THANK YOU, REPRESENTATIVE
4 WILLIAMS.

5 THANK YOU, MR. WARDLAW, THANK YOU FOR COMING
6 FORWARD AND TESTIFYING BEFORE THIS SUBCOMMITTEE.

7 (WITNESS EXCUSED.)

8 CHAIRMAN RHODES: OUR NEXT AND LAST WITNESS FOR
9 THE EVENING WILL BE MRS. IRMA EPPS FROM THE CITY OF
10 PHILADELPHIA.

11 MRS. EPPS, DO YOU ACKNOWLEDGE THAT YOU HAVE
12 IN YOUR POSSESSION A SUBPOENA TO APPEAR BEFORE THIS
13 SUBCOMMITTEE?

14 MRS. EPPS: YES, I DO.

15 ---

16 IRMA EPPS, SWORN.

17 CHAIRMAN RHODES:

18 Q. STATE YOUR NAME AND YOUR ADDRESS FOR THE
19 RECORD.

20 A. IRMA EPPS, 1315 VICTORIA STREET,
21 PHILADELPHIA.

22 I AM HERE REPRESENTING MY HUSBAND WHO IS
23 PRESENTLY INCARCERATED AT GRATERFORD.

24 ON DECEMBER 17, 1975, MY HUSBAND WAS
25 ARRESTED AND WAS BEATEN BY TWO ARRESTING POLICE OFFICERS. HE

1 RECEIVED 96 STITCHES IN HIS HEAD, EIGHT IN HIS MOUTH. HE WAS
2 TREATED AT TEMPLE HOSPITAL THAT EVENING AND TRANSFERRED TO
3 P.G.H. FOR A POSSIBLE FIVE-DAY OBSERVATION WHERE HE REMAINED
4 FROM DECEMBER 18TH, 2:00 A.M. IN THE MORNING UNTIL FEBRUARY
5 5, 1976.

6 HE SUFFERED CORTICAL BLINDNESS, HE WAS
7 UNABLE TO SEE FOR FOUR OR FIVE WEEKS. HE WAS UNABLE TO
8 SPEAK, DID NOT KNOW WHAT WAS GOING ON. THE DOCTORS TESTIFIED
9 -- AND I HAVE THE NOTES WITH ME -- AT THE TRIAL THAT HE
10 SUFFERS FROM TRAUMA AMNESIA; THEREFOKE, HE CANNOT HELP THE
11 COUNSEL TO SAY WHERE HE WAS AT THAT TIME, SO HE CAN'T LEGALLY
12 DEFEND HIMSELF.

13 THE POLICEMEN DID TESTIFY AT THE TRIAL THAT
14 THEY BEAT HIM WITH A BLACKJACK BECAUSE HE WAS RESISTING
15 ARREST; AND HE GOT CONVICTED OF AGGRAVATED ASSAULT ON THOSE
16 TWO POLICE OFFICERS. HE WAS CHARGED WITH ALLEGEDLY SHOOTING
17 ANOTHER POLICE OFFICER IN THE SHOULDER WHICH HE WAS NOT AT
18 THE SCENE WHERE HE WAS APPREHENDED. HE WAS ACCUSED OF ARMED
19 ROBBERY, THE AMOUNT OF MONEY WAS NEVER DETERMINED. IN THE
20 PAPER IT SAID FORTY-SOME DOLLARS, AND A WEAPONS OFFENSE. OF
21 COURSE, THE GUN THEY FOUND, THEY NEVER PRODUCED ANY
22 FINGERPRINTS ON.

23 Q. IS THAT IT, MRS EPPS?

24 A. YES, SIR.

25 CHAIRMAN RHODES: THANK YOU VERY MUCH.

1 WE WILL START THE QUESTIONING WITH CHIEF
2 COUNSEL, MR. REILLY.

3 MR. REILLY:

4 Q. MRS. EPPS, WAS YOUR HUSBAND CONVICTED OF
5 THESE OFFENSES?

6 A. YES, HE WAS.

7 Q. HE WAS CONVICTED OF ARMED ROBBERY?

8 A. HE WAS CONVICTED OF ARMED ROBBERY,
9 POSSESSION OF A WEAPON, THREE COUNTS OF AGGRAVATED ASSAULT,
10 AND TWO COUNTS OF RESISTING ARREST.

11 Q. WHAT WERE THE CIRCUMSTANCES SURROUNDING THE
12 SHOOTING OF THE POLICE OFFICER, OR THE ALLEGED CIRCUMSTANCES?

13 A. A STORE WAS ROBBED AT WAYNE AND DENNIE HERE
14 IN PHILADELPHIA. A POLICE OFFICER STOPPED MY HUSBAND AS HE
15 WAS WALKING SOUTH ON GERMANTOWN AVENUE -- ALL I CAN GO BY IS
16 WHAT THE POLICEMAN'S TESTIMONY IS -- THAT HE STOPPED MY
17 HUSBAND AND ASKED FOR IDENTIFICATION. MY HUSBAND PRODUCED
18 HIS IDENTIFICATION. HE WAS A PSYCHIATRIC TECHNICIAN AT
19 TEMPLE HOSPITAL.

20 THEN, ACCORDING TO TESTIMONY, WHICH DOES
21 CONFLICT THAT I HAVE HEARD, THE OFFICER SAID THAT HE REACHED
22 IN HIS COAT POCKET AND SHOT HIM IN THE SHOULDER AND THAT THE
23 POLICE OFFICER FIRED BACK FIVE TIMES, BUT HE DOESN'T KNOW
24 WHERE THE BULLETS WENT. AT ONE POINT, THE POLICE OFFICER
25 SAID MY HUSBAND DID FIRE FOUR SHOTS. THE FOURTH SHOT, HE

1 SAID, THE GUN WAS OUT OF HIS POCKET AND THEN ON THE NEXT PAGE
2 HE SAID HE COULD NEVER HAVE SEEN THE GUN AT THAT DISTANCE.

3 THEN MY HUSBAND ALLEGEDLY RAN SOUTH ON
4 GERMANTOWN AVENUE WHERE HE WAS PURSUED BY A MOUNTED
5 POLICEMAN. THE MOUNTED POLICEMAN TESTIFIED AT THE TRIAL HE
6 NEVER SAW MY HUSBAND'S FACE, YET THE SAME POLICE OFFICER
7 PICKED HIM OUT IN A LINEUP.

8 Q. MRS EPPS, WE ARE NOT HERE TO ADDRESS THE
9 ISSUE OF YOUR HUSBAND'S GUILT OR INNOCENCE. THAT HAS BEEN
10 LEGALLY DETERMINED.

11 IS THE CASE STILL ON APPEAL?

12 A. WE FILED OUR OWN CASE FOR APPEAL.

13 Q. POST CONVICTION?

14 A. POST CONVICTION, YES. THE TRIAL DIDN'T COME
15 UP UNTIL MAY OF '77. HE JUST GOT SENTENCED IN MAY OF THIS
16 YEAR.

17 Q. SO THE ISSUE IS STILL ON APPEAL?

18 A. YES, IT IS.

19 Q. NOW THE THING WE WOULD LIKE YOU TO ADDRESS
20 YOURSELF TO IS YOU HAVE ATTEMPTED TO FIND REDRESS FOR THIS
21 BEATING SITUATION?

22 A. YES.

23 Q. HAVE YOU GONE TO SOME OF THE AGENCIES THAT
24 HAVE BEEN DISCUSSED HERE TODAY? DID YOU GO TO ANY OF THOSE
25 AGENCIES?

1 A. I WENT TO THE F.B.I. WHO INVESTIGATED, WHO
2 TURNED IT OVER TO THE U.S. ATTORNEY'S OFFICE, AND THEN, WHEN
3 MR. RENDELL'S OFFICE SET UP --

4 Q. POLICE BRUTALITY?

5 A. ABOUT POLICE ABUSE, THE U.S. ATTORNEY'S
6 OFFICE SENT IT OVER TO RENDELL'S OFFICE. AND RENDELL'S
7 OFFICE TOLD ME THAT SINCE MY HUSBAND WAS CONVICTED, THAT THEY
8 WOULD FIND NO JURY THAT WOULD CONVICT THE POLICE OFFICERS.

9 Q. NOW, YOU ARE AWARE THAT THEY HAVE TAKEN A
10 RECENT CASE OF A BEATING OF A CONVICTED --

11 A. I AM AWARE OF THAT NOW, BUT THEY WOULD NOT
12 TAKE THIS CASE.

13 P.I.L.C.O.P. SAID THEY WOULD BRING A CIVIL
14 SUIT, BUT BY THE TIME THE CIVIL SUIT CAME UP, THE STATUTE OF
15 LIMITATIONS WOULD BE UP.

16 Q. DID YOU GO TO ANY OTHER AGENCIES?

17 A. THE A.C.L.U., BUT I HAVE BEEN TO THEM FOR
18 SOME INCIDENTS AT THE PRISON RIGHT NOW. THEY DIDN'T GET
19 INVOLVED WITH THAT.

20 Q. WHAT YOU HAVE SHOWN US IS THAT IN THE EVENT
21 OF A CRIMINAL CONVICTION FOR A SERIOUS FELONY, THIS IS NOT
22 THE TRADITIONAL DISORDERLY CONDUCT, AGGRAVATED ASSAULT AND
23 BATTERY -- COVERING CHARGE TYPE OF THING --

24 A. RIGHT.

25 Q. BUT IN THE EVENT THAT AN INDIVIDUAL IS

1 CONVICTED OF A MAJOR VIOLENT FELONY, IT'S ALMOST IMPOSSIBLE
2 TO FIND REDRESS FOR ANY ALLEGED BRUJALITY THAT IS VISITED
3 UPON THE INDIVIDUAL. I AM SAYING, THAT HAS BEEN YOUR
4 EXPERIENCE?

5 A. RIGHT. AND THE THING IS, IT SEEMS LIKE IF
6 MY HUSBAND HAD DIED LIKE THE DOCTORS EXPECTED HIM TO, IT
7 SEEMS LIKE THE ORGANIZATIONS WOULD HAVE DONE SOMETHING; BUT
8 SINCE HE WAS GIVEN A CHANCE TO LIVE, EVEN THOUGH HIS MEMORY
9 DIED FOR FOUR DAYS, THEN HE HAS NO RECOURSE. AND WE FELT IT
10 WAS THE SAME THING IN COURT WITH THE LAWYER.

11 Q. YOU HAVE A THEORETICAL RECOURSE, BUT YOU
12 FIND THAT IT IS NOT A PRACTICAL RECOURSE.

13 A. I HAVEN'T FOUND ANYTHING IN THIS CITY.

14 Q. YOU TURNED TO THE F.B.I.?

15 A. YES, BUT THEY KEPT TURNING IT OVER. AND
16 WHEN I WENT TO A MEETING ON POLICE ABUSE IN MAY, I SPOKE TO
17 U.S. ATTORNEY JOHN PENROSE AND HE TOLD ME HE WOULD LOOK IT
18 OVER AGAIN; HOWEVER, SINCE HE WAS CONVICTED, IT'S THE SAME
19 THING.

20 Q. I THINK IT IS A VERY VALID OBSERVATION AND I
21 THINK IT'S SOMETHING WE SHOULD CONSIDER ON THE RECORD.

22 CHAIRMAN RHODES:

23 Q. ARE THERE ANY QUESTIONS OF THE COMMITTEE?
24 REPRESENTATIVE RICHARDSON?

25 REPRESENTATIVE RICHARDSON:

1 Q. MRS. EPPS, YOUR HUSBAND, AS YOU TESTIFIED,
2 WAS BEATEN BY THE POLICE AND HE GOT 96 STITCHES, YOU SAID,
3 AROUND HIS HEAD?

4 A. 96 STITCHES IN HIS HEAD, EIGHT IN HIS MOUTH.

5 Q. A TOTAL OF 104. DO YOU KNOW IF THERE WERE
6 ANY WITNESSES TO THE BEATING?

7 A. THERE WAS ONE YOUNG BOY THAT CAME FORWARD
8 AND SAID THAT HE STOOD ACROSS THE STREET FROM WHERE HE WAS
9 ARRESTED AND AT ONE POINT HE SAW THE POLICE HAD MY HUSBAND'S
10 HANDS BEHIND HIS BACK AND HIT HIM AND HIS HEAD WAS BENT
11 TOWARDS HIS CHEST. BUT THEY SEEMED TO IGNORE THAT IN COURT.
12 THE D.A. SAID THAT, "WELL, DIDN'T THE ATTORNEY JUST TAKE YOU
13 OUT TO LUNCH AND TREAT YOU TO LUNCH?" AND THEY COVERED OVER
14 IT, NOTHING MORE WAS SAID ABOUT THAT TESTIMONY.

15 Q. THAT'S KIND OF TYPICAL OF WHAT GOES ON IN
16 THE CITY.

17 THE CONCERN THAT I RAISE IS THE ONE CHIEF
18 COUNSEL RAISED, THAT A SPECIFIC VIOLENT ACT OF THE POLICE ON
19 PEOPLE, NOT EVEN GETTING INTO THE MERITS OF YOUR OTHER CASE
20 WHICH YOU HAVE GONE THROUGH PROCEDURALLY, BUT THAT IN EACH
21 ONE OF THOSE CASES OF AGENCIES THAT YOU HAVE GONE TO, THERE
22 HAS NOT BEEN A RELIEF DEALING WITH THE SITUATION OF THE
23 BEATINGS BY THE POLICE, WHICH HAS A TENDENCY TO MAKE ME
24 BELIEVE THAT, ONE, IN FACT, THERE ARE IN ALMOST NINETY-NINE
25 AND THREE QUARTERS PERCENT OF THE TIME YOU WILL FIND THAT IF

1 YOU ARE BEATEN BY THE POLICE IN THE CITY AND THEY SLAP A
2 CHARGE ON YOU OF ASSAULT AND BATTERY, RESISTING ARREST, AND
3 DISORDERLY CONDUCT THAT THEN INVARIABLY, UNTIL THAT CASE IS
4 OVER, WE CAN DO NOTHING AGAINST THE CITY.

5 A. RIGHT. AND THEN THE STATUTE OF LIMITATIONS
6 WOULD BE UP.

7 Q. AND HOW LONG IS THE STATUTE OF LIMITATIONS?

8 A. TWO YEARS. AND HE WASN'T BROUGHT TO TRIAL
9 UNTIL MAY '77. THIS HAPPENED DECEMBER '75.

10 Q. WHICH MEANS THE 180-DAY RULE AND ALL THE
11 OTHER THINGS HAVE GONE OUT THE WINDOW?

12 A. THAT'S RIGHT.

13 Q. YOU WILL NEVER HAVE AN OPPORTUNITY TO PURSUE
14 THAT PROBLEM FROM A LEGAL STANDPOINT.

15 A. WELL, THE LAWYER THAT WAS COURT APPOINTED,
16 AND I'LL QUOTE THIS, THAT HE SAID IT TO ME, "I AM NOT GOING
17 TO WIN THE CASE, BECAUSE I DON'T BELIEVE IN THE CASE."

18 Q. HE DID NOT BELIEVE IN THE CASE?

19 A. HE DIDN'T.

20 Q. HE MADE THAT STATEMENT?

21 A. YES.

22 Q. DID YOU APPEAL THIS DECISION BASING THAT IN
23 RESPECT TO THE FACT THAT HE DID NOT BELIEVE THAT, THAT AS A
24 RESULT OF WHICH YOU COULD HAVE REQUESTED ANOTHER LAWYER?

25 A. WE ASKED FOR ANOTHER LAWYER AND I WAS

1 SPEAKING TO YOU AT THIS TIME.

2 Q. I REMEMBER.

3 A. WE ASKED FOR ANOTHER LAWYER. THE JUDGE
4 REFUSED. WHEN WE FILED FOR THE NOTICE OF APPEAL, WE ALSO
5 FILED THE PAPERS INFORMA PAUPERIS FOR A NEW LAWYER.

6 THE SAME TRIAL JUDGE HAS REAPPOINTED THE
7 SAME TRIAL LAWYER. AND SO NOW WHAT WE HAVE TO DO IN WHICH WE
8 HAVE ALREADY DONE, IS FILE A PETITION FOR A NEW LAWYER AND
9 HAVE TO GO THROUGH THE COURTS AGAIN TO KEEP HIM FROM GETTING
10 THAT LAWYER.

11 REPRESENTATIVE RICHARDSON: THE REASON I RAISED
12 THAT, MR. CHAIRMAN, IN CITING THE KIND OF PROBLEM WE ARE
13 HAVING RELATIVE TO THIS IN THE CITY OF PHILADELPHIA IS THAT
14 PERHAPS LEGISLATIVELY THERE IS SOME REDRESS IN CASES LIKE
15 THIS THAT DEAL SPECIFICALLY WITH THIS PROBLEM; BECAUSE I AM
16 NOT A LAWYER, BUT IT WOULD SEEM TO ME THAT IT RAISES SOME
17 JUDICIAL QUESTIONS AS TO WHAT THE PROCEDURE SHOULD BE IN
18 TERMS OF A PERSON BEING ARRESTED BY THE POLICE AFTER THEY
19 ARE BEATEN AND THEN THESE CHARGES ARE PUT ON THEM; AND THAT
20 THE PERSON, IF NOT BROUGHT TO COURT IN A SPEEDY TRIAL, IS NOT
21 GIVEN AN OPPORTUNITY TO DEAL WITH THESE PROBLEMS.

22 CHAIRMAN RHODES: REPRESENTATIVE RICHARDSON, I
23 THINK THAT IS AN EXCELLENT PROPOSITION.

24 I ACTUALLY THINK TESTIMONY BROUGHT BY MRS.
25 EPPS SPEAKS TO ANOTHER POINT MORE EMPHATICALLY, THAT OUR

1 CHIEF COUNSEL HAS POINTED OUT. WE HAVE IN THE PAST AT THE
2 HEARINGS HEARD SUBSTANTIAL TESTIMONY ON THESE COVER CHARGES.

3 BUT IN YOUR INSTANCE A JURY FOUND YOUR
4 HUSBAND GUILTY OF SUBSTANTIAL CHARGES, NOT COVER CHARGES. IN
5 THAT INSTANCE, APPARENTLY, IT IS AN EXTREMELY DIFFICULT
6 PROBLEM TO PURSUE THE ALLEGATIONS OF POLICE BRUTALITY BECAUSE
7 OF THE FACT THAT YOUR HUSBAND WAS FOUND GUILTY OF SUBSTANTIAL
8 CHARGES; AND THAT IS SOMETHING WE HAVE NOT COVERED IN THE
9 HEARINGS SO FAR. THAT'S A DIFFERENT TWIST.

10 THAT IS A DIFFERENT KIND OF ISSUE THAT
11 DESERVES ATTENTION; AND AS OUR CHIEF COUNSEL ADVISED US, WE
12 SHOULD TAKE NOTE OF IT.

13 WE HAVE, SO FAR, LOOKED AT PEOPLE ENTIRELY
14 WHO HAVE BEEN BEATEN AND HAVE COVER CHARGES THROWN AT THEM,
15 NOT CONVICTED OF THOSE COVER CHARGES. AND WHAT WE ARE
16 LOOKING AT TODAY, RIGHT AT THIS MOMENT AT THE HEARING, IS
17 SOMETHING QUITE DIFFERENT, IT DESERVES ATTENTION, AND I AM
18 VERY GLAD YOU BROUGHT THIS TO OUR ATTENTION.

19 REPRESENTATIVE RICHARDSON:

20 Q. WHEN THE POLICE WERE BEATING YOUR HUSBAND,
21 DID HE HAVE A WEAPON ON HIM AT THE TIME?

22 A. NO.

23 Q. WAS HE ARMED?

24 A. NO.

25 Q. DID HE HAVE A KNIFE?

1 A. NO.

2 Q. DID ANY REPORT REFLECT THAT HE DID, IN FACT,
3 HAVE A WEAPON AT THE TIME THEY BEAT HIM?

4 A. NO.

5 Q. MY POINT BEING, AND I AM STRESSING THIS
6 AGAIN, IS THAT WITHOUT PROVOCATION IN THIS TOWN, REGARDLESS
7 OF WHAT THEY WANT TO ARREST HIM FOR, EVEN IF THEY HAVE
8 CHARGES, THE POINT IS THAT IT JUST CONTINUES TO BE THE TYPE
9 OF BEATING UP, BRUTALITY, VIOLENCE ON PEOPLE WITHOUT ANY
10 REDRESS. AND I AM SAYING REGARDLESS OF THE CHARGES, WHETHER
11 THEY CAME AFTER OR BEFORE, IS NOT THE POINT.

12 THE POINT IS, HERE IS ANOTHER MAN OR PERSON
13 BEING VIOLATED IN OUR COMMUNITY WITHOUT ANYTHING BEING DONE
14 ABOUT IT. THAT'S THE POINT I WANT TO SHOW ON THE RECORD, TO
15 INDICATE THAT THAT'S WHAT HAS TO STOP.

16 I MEAN, IF MY MEMORY SERVES ME CORRECTLY,
17 GOING BACK TO THE TESTIMONY OF ANTHONY JACKSON, HE INDICATED
18 THAT OUT OF 395 CASES WHERE POLICE OFFICERS SHOT PEOPLE, THAT
19 45 PERCENT OF THOSE PERSONS WERE UNARMED AND THAT WAS JUST IN
20 SHOOTING CASES. THAT DIDN'T EVEN DEAL WITH THOSE THAT WERE
21 BEATEN UP.

22 AND I AM GOING TO STRESS TO THIS COMMITTEE
23 OVER AND OVER AND OVER AGAIN -- AND IF I HAVE TO SAY IT LOUD
24 AND CLEAR AGAIN, I WILL -- THAT WE HAVE TO ADDRESS OURSELVES
25 TO THAT QUESTION. AND I AM NOT A LAWYER, BUT IT SEEMS TO ME

1 THERE IS SOME LEGAL REDRESS THAT LEGISLATIVELY WE CAN DEAL
2 WITH AND THEN, HOPEFULLY, DEAL WITH THE HUMAN SIDE OF IT,
3 RECOGNIZING THAT SOMETHING MUST BE DONE.

4 CHAIRMAN RHODES: THANK YOU, REPRESENTATIVE
5 RICHARDSON.

6 CHAIRMAN RHODES:

7 Q. FOR THE RECORD, MRS. EPPS, THE CONVICTION OF
8 YOUR HUSBAND ON THE ASSAULT, WAS THAT AGGRAVATED ASSAULT WITH
9 A WEAPON ON A POLICE OFFICER?

10 A. HE WAS CHARGED WITH THREE COUNTS OF
11 AGGRAVATED ASSAULT. ONE WAS FOR ALLEGEDLY SHOOTING A POLICE
12 OFFICER IN THE SHOULDER.

13 Q. WAS HE CONVICTED OF THAT?

14 A. YES, HE WAS. HE WAS CONVICTED OF EVERYTHING
15 THEY CHARGED HIM WITH.

16 Q. SO A JURY DID CONVICT YOUR HUSBAND OF
17 AGGRAVATED ASSAULT ON A POLICE OFFICER WITH A WEAPON?

18 A. YES, BUT THAT WAS NOT THE ARRESTING OFFICER,
19 HE WAS NOT ONE OF THE ARRESTING OFFICERS THAT BEAT HIM. HE
20 WAS ARRESTED ABOUT FOUR BLOCKS FROM THE SCENE OF WHERE THE
21 POLICEMAN WAS SHOT.

22 Q. I UNDERSTAND THAT; BUT THE POINT IS, HE WAS
23 CONVICTED? I ONLY WANT TO BE CLEAR ON THE RECORD, AND I'M
24 NOT SECOND-GUESSING.

25 A. HE WAS CONVICTED OF EVERYTHING THEY CHARGED

1 HIM WITH.

2 Q. SO HE WAS CONVICTED OF AGGRAVATED ASSAULT ON
3 A POLICE OFFICER WITH A WEAPON?

4 A. YES, YES.

5 MAY I ADD SOMETHING? THEY NEVER, FROM WHAT
6 I UNDERSTAND, THE BULLET IS STILL LODGED IN THE POLICEMAN'S
7 SHOULDER, SO IT WAS NEVER BROUGHT OUT WHAT CALIBER BULLET HE
8 WAS SHOT WITH. AND THERE WERE NEVER FINGERPRINTS ON THE GUN
9 THEY SAID THEY FOUND.

10 CHAIRMAN RHODES: THANK YOU.

11 REPRESENTATIVE WHITE.

12 REPRESENTATIVE WHITE:

13 Q. MRS. EPPS, YOU RAISED ANOTHER ISSUE THAT IS
14 OF GENERAL CONCERN TO ME. WE HAD THE DISTRICT ATTORNEY
15 BEFORE US -- TO ME, THE MATTER THAT YOUR HUSBAND WAS
16 CONVICTED OF HAS NOTHING TO DO, IN MY MIND, WITH THE FACT
17 THAT HE WAS BEATEN.

18 WE HAD THE DISTRICT ATTORNEY BEFORE US AND
19 HE STATED, I GUESS WE KIND OF JUST PASSED OVER IT, BUT I AM
20 SURE MY MEMORY IS CORRECT, THAT THEY ONLY TAKE THOSE CASES
21 THEY THINK THEY CAN WIN.

22 CHAIRMAN RHODES: HE DID SAY THAT.

23 A. THAT'S RIGHT.

24 REPRESENTATIVE WHITE:

25 Q. HE DID SAY THAT?

1 A. WELL, THEY SAID THAT AT ANOTHER MEETING.

2 Q. ALL RIGHT, FINE. BUT THE CONFLICT IS THAT
3 THE SAME AGENCY THAT WAS PROSECUTING YOUR HUSBAND WAS CHARGED
4 WITH THE RESPONSIBILITY OF DEFENDING HIM.

5 A. THAT'S RIGHT.

6 CHAIRMAN RHODES: NO, NOT DEFENDING; BRINGING A
7 CHARGE --

8 REPRESENTATIVE WHITE:

9 Q. IN BRINGING A CHARGE AGAINST THE POLICE
10 OFFICERS FOR A VIOLENT ACT COMMITTED AGAINST YOUR HUSBAND?

11 A. MAY I ADD SOMETHING HERE?

12 ALSO, I FOUND OUT WHEN I CALLED THE DISTRICT
13 ATTORNEY'S OFFICE, WHEN IT WAS TURNED OVER TO RENDELL'S
14 OFFICE, THEY GAVE ME THE NAME OF THE D.A. THAT WAS GOING TO
15 BE INVESTIGATING IT, AND IT WAS THE SAME D.A. THAT WAS
16 PROSECUTING MY HUSBAND.

17 REPRESENTATIVE WILLIAMS:

18 Q. I SHARE THE SAME CONCEPT THAT CONVICTIONS
19 REALLY HAVE NOTHING TO DO WITH WHETHER OR NOT POLICE OFFICERS
20 ARE BRUTAL OR VIOLENT AND THE SAME PROBLEM THAT WE HAVE IN
21 BRINGING THE ISSUE OF VIOLENCE SO THAT IT CAN BE PROSECUTED
22 BECAUSE SOMEONE HAS AN IDEA THAT YOU ARE CONVICTED -- I THINK
23 THE SAME THING APPLIES TO WHEN THERE ARE CONVICTIONS.

24 I JUST WANT TO SHARE WITH YOU THAT IN THE
25 LAST COUPLE OF YEARS I HAVE BEEN INVOLVED WITH A MURDER CASE

1 IN WHICH THE YOUNG MAN WAS CONVICTED, IN WHICH THERE WAS
2 VIOLENCE INDICATED. AND WE DUG AND DUG AND DUG AND CAME UP
3 WITH SOME MORE EVIDENCE, AND WE OVERTURNED THAT CONVICTION.
4 HE WAS EVENTUALLY FOUND NOT GUILTY. HE BECAME AN OUTSTANDING
5 GRADUATE, HONOR STUDENT AT GRATZ. HE GRADUATED.

6 IN ANOTHER INSTANCE, A FAMILY WAS TERRORIZED
7 AND A YOUNG MAN WAS CONVICTED OF AGGRAVATED ASSAULT AND
8 BATTERY, SENTENCED TO FOUR TO TEN YEARS. THE WHOLE FAMILY
9 WAS ARRESTED AND WERE BEATEN. ANOTHER LAWYER TRIED THAT
10 CASE. AND WE DUG AND DUG AND DUG AND OVERTURNED THAT CASE.
11 AND THAT WAS A NOT GUILTY VERDICT, THAT WAS RECENTLY.

12 I COULD GO ON AND ON. THE POINT IS THAT
13 MANY, MANY PEOPLE, WELL, TOO MANY PEOPLE ARE GOING TO JAIL
14 IMPROPERLY CONVICTED. AND THEN ADDED TO THAT IS A BEATING
15 THAT IS EVEN MORE SEVERE.

16 THE POINT IS I DO NOT BELIEVE WE SHOULD TURN
17 AWAY OUR HEADS PHILOSOPHICALLY JUST BECAUSE IT IS A
18 CONVICTION.

19 FOLLOWING THAT SCORE, IT SEEMS TO ME THAT
20 IF YOU DO HAVE SOME QUESTIONS, YOU SHOULD ASK THE LAWYER IN
21 TERMS OF THE PROCEDURE, AND YOU SHOULD DISCUSS THAT AS TO
22 WHAT YOU OUGHT TO DO IF THERE ARE FACTORS IN THE CASE THAT
23 WOULD BEAR ON SOME APPROACH TO MAYBE CHANGING THE CONVICTION.

24 YOU MENTIONED THAT YOUR HUSBAND HAD
25 TRAUMATIC AMNESIA?

1 A. YES.

2 Q. HE HAD THAT AND STILL HAS THAT?

3 A. YES. THE DOCTORS TESTIFIED, THE DOCTORS
4 FROM P.G.H. AND THE PSYCHIATRIST INVOLVED TESTIFIED FROM THE
5 BEATING, WHERE HE GOT BEAT ON THE CORTEX OF HIS BRAIN, THAT
6 IT WOULD CAUSE AMNESIA. THEY EVEN GAVE HIM A LIE DETECTOR
7 TEST, WHICH HE PASSED.

8 Q. HE HAD TRAUMATIC AMNESIA FROM THE TIME OF
9 THE BEATING UP UNTIL THE PRESENT TIME?

10 A. NO. HE DOESN'T RECALL ANYTHING THAT
11 HAPPENED THAT DAY AND ABOUT THREE OR FOUR DAYS PAST THAT. SO
12 IT'S ABOUT A TOTAL OF FOUR OR FIVE DAYS OF AMNESIA THAT HE
13 CANNOT RECALL ANYTHING.

14 Q. FROM THEN UNTIL NOW?

15 A. NO, HE KNOWS WHAT'S GOING ON NOW.

16 Q. NO, FROM THEN UNTIL NOW, ABOUT WHAT HAPPENED
17 THEN?

18 THE CHAIRMAN:

19 Q. HE STILL DOESN'T REMEMBER WHAT HAPPENED TO
20 HIM THEN?

21 A. NO, NO, HE DOESN'T.

22 REPRESENTATIVE WILLIAMS:

23 Q. I DON'T WANT TO GO INTO IT BUT IT WOULD SEEM
24 TO ME HE WOULD HAVE DIFFICULTY DEFENDING HIMSELF.

25 A. HE HAS, AND THIS IS ONE OF THE BIGGER

1 PROBLEMS FROM THE POLICE ABUSE --

2 Q. SO YOUR SITUATION IS A CONVICTION WHERE YOUR
3 HUSBAND, THE DEFENDANT, HAS NO MENTAL ABILITY TO SAY WHAT
4 WENT ON; IS THAT RIGHT?

5 A. THAT'S CORRECT, AND IN THE COURTROOM.

6 Q. THIS IS A LITTLE BIT DIFFERENT FROM A
7 SITUATION WHERE THERE IS JUST -- YOUR CASE WAS A JURY CASE?

8 A. YES.

9 Q. YOU SAY YOUR HUSBAND WAS A PSYCHIATRIC
10 TECHNICIAN AT TEMPLE?

11 A. YES.

12 Q. HOW LONG HAD HE BEEN THERE?

13 A. I BELIEVE IT WAS ABOUT TWO YEARS.

14 Q. TWO YEARS?

15 A. YES, AND THE DOCTORS EVEN SAID THEY WOULD
16 HIRE HIM BACK.

17 Q. WERE YOU EMPLOYED AT THE TIME?

18 A. YES, I WAS.

19 Q. DO YOU HAVE A FAMILY?

20 A. YES, WE HAVE THREE CHILDREN. YOU CAN HEAR
21 THEM OUTSIDE. THEY ARE OUT THERE IN THE PLAYROOM.

22 Q. IT WOULD SEEM TO ME THERE WOULD BE VERY
23 LITTLE REASON WHY YOUR HUSBAND WOULD HAVE TO BE INVOLVED IN A
24 \$47 ROBBERY.

25 A. RIGHT, AND HIS PAYCHECK THE NEXT DAY WAS

1 \$600 AND SOME DOLLARS.

2 Q. I WOULD ALSO SHARE WITH YOU A CASE THAT
3 RECENTLY CAME TO ME A FEW DAYS AGO WHERE A YOUNG MAN, AND I
4 FORGOT HIS NAME, WAS ARRESTED IN MAY OF '77, RELEASED IN
5 OCTOBER OF '77 BECAUSE THEY FOUND OUT HE WAS NOT THE ONE.
6 BAIL WAS SET AT ABOUT \$180,000. HE WAS NEVER ARRESTED IN HIS
7 LIFE WHEN, IN FACT, THE PERSON WHO COMMITTED THE ROBBERY WAS
8 ARRESTED ABOUT A WEEK AFTER HE WAS ARRESTED; AND HE STAYED
9 IN ALL THOSE MONTHS. SO THINGS LIKE THAT HAPPEN, AND THEY
10 HAPPEN ALL TOO FREQUENTLY.

11 ARE YOU NON-BLACK, NON-WHITE, CAUCASIAN?

12 A. I AM PREDOMINANTLY CHEROKEE INDIAN. MY
13 HUSBAND IS BLACK.

14 Q. THAT WAS MY NEXT QUESTION.

15 ASIDE FROM ANYTHING ELSE IN THIS SITUATION,
16 IT SEEMS TO ME THAT 96 STITCHES OR 104 STITCHES, AS
17 REPRESENTATIVE RICHARDSON SAID, BLINDNESS AND TRAUMATIC
18 AMNESIA AND ALL THAT, UNDER ANY CIRCUMSTANCES IS A BIT MUCH.
19 THAT'S WHAT IT SEEMS TO ME.

20 A. IN FACT, THE WOUNDS WERE, IT WAS TWO
21 FOUR-INCH LONG ONES, THREE THREE-INCH LONG ONES, AND TWO
22 TWO-INCH LONG ONES.

23 Q. I APPRECIATE YOUR TESTIMONY TO US FOR A LOT
24 OF REASONS BUT IN PARTICULAR, BECAUSE YOUR HUSBAND, IN THE
25 CATEGORY OF HAVING BEEN CONVICTED, AND YOU ARE PUTTING FORTH

1 THAT INFORMATION WHICH I THINK IS VERY, VERY IMPORTANT. I DO
2 THINK, UNDER THOSE CIRCUMSTANCES, SOMEBODY OUGHT TO DO
3 SOMETHING ABOUT IT.

4 A. THE U.S. ATTORNEY ASKED ME IF MY HUSBAND HAD
5 ANY WITNESSES TO THE POLICE BEATING HIM AND I CAME BACK TO
6 HIM WITH THE SAME QUESTION, "WHY DOES MY HUSBAND NEED
7 WITNESSES THAT THE POLICE BEAT HIM, BUT THE POLICE DON'T NEED
8 WITNESSES THAT THEY BEAT MY HUSBAND?"

9 Q. OKAY, THE POINT I'M MAKING TO YOU IS THAT
10 FROM THE COMMENTS WE HAVE HAD AND TESTIMONY WHICH INDICATES
11 WHEN SOMEONE IS CONVICTED IN THESE KINDS OF SITUATIONS, THERE
12 SEEMS TO BE NOT MUCH YOU CAN DO. NOBODY REALLY SEEMS TO
13 CARE. THAT SEEMS TO BE ACROSS THE BOARD.

14 BUT AS I SHARED WITH YOU SOME EXPERIENCES I
15 HAVE HAD WHERE, IN FACT, THOSE CONVICTIONS WERE IMPROPER FROM
16 THE BEGINNING. AND I THINK YOU OUGHT TO KEEP ON IT.

17 I WILL BE GLAD TO SHARE WITH YOU PRIVATELY
18 AFTER THIS HEARING.

19 THE CHAIRMAN: THANK YOU VERY MUCH,
20 REPRESENTATIVE WILLIAMS.

21 MRS. EPPS, I THINK YOU WOULD BENEFIT FROM
22 IT. THANK YOU VERY MUCH FOR TESTIFYING TO US TONIGHT.
23 REPRESENTATIVE RICHARDSON?

24 REPRESENTATIVE RICHARDSON:

25 Q. I JUST WANTED TO KNOW, MRS. EPPS, ARE YOU

1 PRESENTLY WORKING?

2 A. NO, I'M NOT. I'M TAKING CARE OF ALL THE
3 LEGAL WORK. I CAN'T GET BACK TO WORK YET.

4 Q. AND YOU ARE SEEKING A LAWYER?

5 A. WELL, WE FILED PAPERS FOR A NEW LAWYER. I
6 WENT TO ONE PRIVATE ATTORNEY WHO WANTED MONEY, WHICH I DIDN'T
7 HAVE, SO HE TRIED TO SEE IF HE COULD GET APPOINTED BY THE
8 COURT. THE COURT SAID NO BECAUSE THEY WERE COMPUTERIZED, AND
9 WHOEVER COMES UP NEXT ON THE COMPUTER HANDLES IT.

10 Q. ON THAT POINT I RAISED THERE, I WAS HOPING
11 YOU WOULD HAVE A CONSULTATION WITH REPRESENTATIVE WILLIAMS
12 CONCERNING THIS MATTER, THE POINT BEING IF SOMETHING HAS TO
13 HAPPEN -- I WANT YOU TO SHARE WITH US THE OUTCOME OF THE
14 CONVICTION, JUST FOR THE RECORD.

15 A. MY HUSBAND WAS SENTENCED 26 TO 52 YEARS.

16 Q. I JUST WANTED THAT TO BE ON THE RECORD.

17 REPRESENTATIVE RICHARDSON: THANK YOU VERY
18 MUCH, MRS. EPPS.

19 THE CHAIRMAN: THANK YOU VERY MUCH, MRS. EPPS,
20 YOU HAVE BEEN VERY FORTHRIGHT TO COME BEFORE THIS
21 SUBCOMMITTEE TONIGHT AND GIVE US THIS TESTIMONY. WE HOPE
22 THAT APPROPRIATE RECOURSE IS OBSERVED. THANK YOU VERY MUCH
23 FOR BEING WITH US.

24 (WITNESS EXCUSED.)

25 WE ARE ABOUT TO CLOSE THE HEARINGS; BUT

1 BEFORE WE DO SO, REPRESENTATIVE RICHARDSON, WHOSE DISTRICT WE
2 ARE SITTING IN AND VERY MUCH CONSCIOUS OF THAT, WOULD LIKE TO
3 MAKE THE CLOSING STATEMENTS. REPRESENTATIVE RICHARDSON.

4 REPRESENTATIVE RICHARDSON: MR. CHAIRMAN, I
5 JUST WANTED TO SAY IN CLOSING THAT REPRESENTATIVE WHITE AND
6 MYSELF, WHO REPRESENT THE NORTHWEST SECTION OF THIS AREA
7 WHICH WE ARE IN TONIGHT WHERE THE FIRST UNITED CHURCH OF
8 GERMANTOWN IS LOCATED, EXTEND THANKS TO THE MEMBERS OF THE
9 COMMUNITY FOR PARTICIPATING IN THESE HEARINGS AND TO THE
10 MEMBERS OF THE SUBCOMMITTEE FOR COMING TO GERMANTOWN,
11 SPECIFICALLY TO THESE HEARINGS BECAUSE WE FEEL IT IS
12 IMPORTANT IN RESPECT TO ALL IN THE KINDS OF STRUGGLES THAT WE
13 ARE IN HERE IN THE CITY OF PHILADELPHIA. AND WE WOULD LIKE
14 TO SAY WITHOUT THE PEOPLE IN THE AUDIENCE, WE WOULD NOT BE
15 SITTING HERE ON THE STAGE TO WITNESS ANYTHING THAT'S GOING
16 ON.

17 AND I WANTED TO TAKE THIS OPPORTUNITY, MR.
18 CHAIRMAN, TO THANK THEM AND YOU AND THE COMMITTEE AND ALSO
19 REVEREND TED LODER FOR ALLOWING US TO HAVE THE OPPORTUNITY TO
20 BE HERE IN FIRST UNITED METHODIST CHURCH TO HOLD THESE
21 HEARINGS.

22 AND I WOULD HOPE, AND I STRESS VERY STRONGLY
23 THAT THE REMAINING THREE DAYS OF TESTIMONY THAT WILL BE
24 HEARD BY THIS COMMITTEE SHOULD NOT IN ANY WAY INTIMIDATE ANY
25 OF THE PERSONS IN THE AUDIENCE OR THOSE HEARING THE SOUND OF

1 MY VOICE OR THOSE NOT HERE FROM COMING FORWARD TO TESTIFY
2 BEFORE THE COMMITTEE ON ANY ACTS OF VIOLENCE BY THE POLICE OR
3 ANYTHING OF THAT NATURE THAT THIS SUBCOMMITTEE CAN HEAR AND
4 TAKE THIS TESTIMONY FOR THE RECORD TO DO WHATEVER IS
5 NECESSARY.

6 AND I WOULD HOPE THAT THAT MESSAGE WOULD BE
7 SPREAD OUT TO MEMBERS OF THE COMMUNITY AND ACROSS THE CITY OF
8 PHILADELPHIA TO MAKE SURE THAT THAT HAPPENS BECAUSE IT IS
9 OBVIOUS THAT THERE IS A PROBLEM. IT IS ALSO OBVIOUS THAT A
10 NUMBER OF MEMBERS IN THE LEGISLATURE WHO DO NOT LIVE IN
11 PHILADELPHIA, WHO DO NOT UNDERSTAND PHILADELPHIA, AND DON'T
12 UNDERSTAND THE PROBLEMS THAT WE HAVE HERE IN PHILADELPHIA,
13 WILL NOT BE ABLE TO BENEFIT IF PEOPLE IN THE COMMUNITY DO NOT
14 SHOW UP. THEY WOULD THINK IT WAS JUST A PROBLEM THAT WE ARE
15 SPINNING OUR WHEELS OR, AS THEY CALL IT IN HARRISBURG, A
16 "WITCH HUNT," MEANING IF YOU ARE ON A WITCH HUNT, YOU CAN'T
17 FIND ANYTHING.

18 SO I WOULD LIKE TO TAKE THIS OPPORTUNITY TO
19 THANK THE AUDIENCE, THANK THE MEMBERS OF THIS COMMITTEE FOR
20 COMING OUT TO THE NORTHWEST SECTION OF PHILADELPHIA TO SHARE
21 THESE VERY NECESSARY HEARINGS.

22 (APPLAUSE.)

23 CHAIRMAN RHODES: THANK YOU, REPRESENTATIVE
24 RICHARDSON. YOU TOOK THE WORDS OUT OF MY MOUTH.

25 IF THERE ARE ANY INDIVIDUALS IN THE AUDIENCE

1 WHO KNOW OF ANY INDIVIDUALS WHO HAVE FIRST-HAND INFORMATION
2 OR EXPERIENCE THAT THEY WOULD LIKE TO RELATE TO THE
3 SUBCOMMITTEE, EVEN PRIVATELY, YOU DON'T HAVE TO COME FORWARD
4 AND TESTIFY, WE CAN TAKE A DEPOSITION. PLEASE CONTACT OUR
5 COMMITTEE.

6 OUR COUNSEL HERE IN PHILADELPHIA IN THIS
7 INVESTIGATION IS VAN BRASWELL; OUR STAFF OF THE COMMITTEE ARE
8 PAUL NEWMANN AND JAKE SCHMIDT WHO ARE WORKING ON THIS
9 INVESTIGATION. PLEASE FEEL FREE TO COME FORWARD AND SPEAK TO
10 THEM.

11 I ALSO WANT TO POINT OUT THAT EVEN THOUGH
12 THERE HAS BEEN SOME LEVITY THIS EVENING, BECAUSE IT HAS BEEN
13 A LONG HEARING, THIS SUBCOMMITTEE IS IN DEADLY EARNEST IN
14 THIS INVESTIGATION AND WE WILL SEE THAT IT WILL MOVE FORWARD.

15 I WOULD LIKE FINALLY TO THANK AGAIN, IF
16 REPRESENTATIVE RICHARDSON HASN'T, REVEREND LODER FOR HIS
17 KIND AND GRACIOUS HOSPITALITY IN HAVING US HERE.

18 THIS HEARING OF THE SUBCOMMITTEE ON CRIME
19 AND CORRECTIONS OF THE HOUSE JUDICIARY COMMITTEE OF THE HOUSE
20 OF REPRESENTATIVES OF THE COMMONWEALTH OF PENNSYLVANIA WILL
21 NOW ADJOURN AND RECONVENE TOMORROW AT 2:00 O'CLOCK AT THE
22 PEOPLE'S BAPTIST CHURCH, 5039 BALTIMORE AVENUE.

23 ---

24 (ADJOURNED AT 9:50 O'CLOCK P. M.)

25 ---

1 *****
2 *****
3 ** COMPUTER TRANSCRIPTION SYSTEM **
4 ** DATE AUGUST 1, 1978 **
5 ** REPORTERS LORETTA E. MASSEY **
6 ** EVELYN LAMBRIGHT **
7 ** ADDRESS RAPID REPORTING SERVICE, INC. **
8 ** SUITE 1102-10 **
9 ** 1405 LOCUST STREET **
10 ** PHILADELPHIA, PENNSYLVANIA **
11 ** TELEPHONE 732-4334 **
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