

P U B L I C H E A R I N G S
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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
THE BOARD OF EDUCATION
ADMINISTRATION BUILDING
21ST AND PARKWAY
PHILADELPHIA, PENNSYLVANIA

TESTIMONY FROM
PHASE III: CITY OF PHILADELPHIA OFFICIALS
PHILADELPHIA POLICE DEPARTMENT AND
PHILADELPHIA POLICE WIVES ASSOCIATION

SEVENTH DAY
THURSDAY, SEPTEMBER 14, 1978

COMPUTER TRANSCRIPT PREPARED BY:
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PRESENT:

REP. JOSEPH RHODES, JR., CHAIRMAN

REP. ALJIA DUMAS

REP. JOHN F. WHITE, JR.

REP. STEVEN LEVIN

REP. DAVID RICHARDSON

REP. MARK COHEN

VAN BRASWELL, ESQ., SPECIAL COUNSEL

ALSO PRESENT:

REP. MATTHEW CIANCIULLI

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1

2

(1:50 O'CLOCK P.M.)

3

4

CHAIRMAN RHODES: THE HOUR OF ONE O'CLOCK

5

HAVING ARRIVED, THIS PUBLIC HEARING OF THE SUBCOMMITTEE ON

6

CRIMES AND CORRECTIONS OF THE HOUSE OF REPRESENTATIVES OF THE

7

COMMONWEALTH OF PENNSYLVANIA WILL NOW COME TO ORDER, PURSUANT

8

TO RESOLUTION 109 ADOPTED BY THE HOUSE, JULY 6, 1977.

9

MY NAME IS JOSEPH RHODES, JR. I AM CHAIRMAN

10

OF THE SUBCOMMITTEE ON CRIMES AND CORRECTIONS, FROM ALLEGHENY

11

COUNTY. TO MY RIGHT IS REPRESENTATIVE STEVEN LEVIN, FROM

12

PHILADELPHIA COUNTY, MEMBER OF THE SUBCOMMITTEE; TO MY LEFT

13

IS REPRESENTATIVE JOHN WHITE, PHILADELPHIA COUNTY; TO HIS

14

RIGHT, REPRESENTATIVE MATTHEW CIANCIULLI FROM PHILADELPHIA

15

COUNTY; TO HIS LEFT, REPRESENTATIVE DAVID RICHARDSON OF

16

PHILADELPHIA COUNTY; TO HIS LEFT IS MARY WOOLLEY OF OUR

17

STAFF; ALSO WITH OUR STAFF IS DAN ROOT OF THE SUBCOMMITTEE.

18

OTHER MEMBERS OF THE SUBCOMMITTEE WILL BE ATTENDING THE

19

HEARING THIS AFTERNOON.

20

TODAY'S HEARING IS ANOTHER IN OUR SERIES OF

21

PUBLIC HEARINGS THAT SEEK TO ESTABLISH WHETHER THE

22

PHILADELPHIA POLICE DEPARTMENT ROUTINELY ENGAGES IN ACTS OF

23

PHYSICAL BRUTALITY, AND THE DENIAL OF CIVIL RIGHTS ON THE

24

PEOPLE OF THIS CITY.

25

FURTHER, WE SEEK TO ESTABLISH WHETHER THE

1 CITY -- THE POLICE OF THE CITY OF PHILADELPHIA ARE THEMSELVES
2 SUBJECT TO VIOLATIONS OF THEIR CIVIL RIGHTS. THIS COMMITTEE
3 ACKNOWLEDGES THAT THE ISSUE OF POLICE VIOLENCE IS AN
4 EMOTIONAL ONE IN THE CITY OF PHILADELPHIA. IT IS USUALLY THE
5 CASE, BUT THE ADDED ELEMENT OF RACIAL OVERTONES INTENSIFIES
6 THE PHYSICAL ALLEGATIONS EVEN MORE.

7 THE POLICE DEPARTMENT OF ANY MUNICIPALITY IN
8 THIS GREAT COMMONWEALTH MUST NEVER BECOME AN INSTRUMENT OF
9 POLITICAL RHETORIC OR RACIAL AGGRESSION. A RACIAL OR
10 POLITICAL GROUP MAY GAIN A SHORT-TERM ADVANTAGE BY SUBVERTING
11 THE PURPOSE OF A POLICE DEPARTMENT AND TRANSFORMING OFFICERS
12 OF THE LAW INTO A GOON SQUAD, BUT IN THE END WE, THE PEOPLE,
13 ALL OF US, LOSE.

14 SOME MIGHT ARGUE THAT A BRUTAL POLICE
15 DEPARTMENT IS NEEDED IN OURS, A BRUTAL ERA. TO THOSE WHO
16 ARGUE THIS APPEAL TO FORCE ABOVE ALL ELSE, THE BEST
17 ADMONITION COMES FROM A DISTINGUISHED FORMER CITIZEN OF THIS
18 CITY: BEN FRANKLIN. HE ONCE SAID THAT, "THOSE WHO WOULD
19 GIVE UP ESSENTIAL LIBERTY TO PURCHASE A LITTLE TEMPORARY
20 SAFETY, DESERVE NEITHER LIBERTY NOR SAFETY."

21 THOSE WORDS ARE CHISELED INTO THE WALLS OF
22 OUR STATE CAPITAL IN HARRISBURG, AND THEY ARE SACRED, NOBLE
23 WORDS, AND IT IS IN THEIR SPIRIT THAT WE CONVENE THIS PUBLIC
24 HEARING TODAY.

25 OUR FIRST WITNESS THIS AFTERNOON WILL BE MR.

1 THOMAS GARVEY OF THE FRATERNAL ORDER OF POLICE. WITH HIM IS
2 MR. CHARLES GALLAGHER, PRESIDENT OF THE F.O.P., LODGE NUMBER
3 FIVE. WELCOME TO THE SUBCOMMITTEE MR. GARVEY AND MR.
4 GALLAGHER. WOULD YOU CARE TO INTRODUCE THE OTHER WITNESS?

5 MR. GARVEY: JOHN QUINN, MEMBER OF THE
6 LEGISLATION COMMITTEE.

7 CHAIRMAN RHODES: THANK YOU. MARY, HAVE WE
8 SUBPOENAS FOR THESE WITNESSES? HAVE WE ISSUED SUBPOENAS?

9 (DISCUSSION HELD OFF THE RECORD.)

10 CHAIRMAN RHODES: DO EITHER OF YOU OBJECT TO
11 BEING SWORN BEFORE MEMBERS OF THE SUBCOMMITTEE TODAY?

12 THE WITNESSES: NO.

13 ---

14 THOMAS GARVEY, SWORN.

15 ---

16 CHARLES GALLAGHER, SWORN.

17 ---

18 JOHN QUINN, SWORN.

19

20 CHAIRMAN RHODES: THANK YOU, MR. GARVEY OR MR.
21 GALLAGHER, WHICHEVER, YOU MAY PROCEED.

22 MR. GARVEY: MR. CHAIRMAN, I WOULD LIKE TO, FOR
23 THE SAKE OF MAKING KEY POINTS, READ MY STATEMENT. I WILL
24 MAKE IT AS QUICKLY AS I CAN.

25 WE ARE HERE TODAY REPRESENTING THE DEDICATED

1 PROFESSIONAL OFFICERS OF THE PHILADELPHIA POLICE DEPARTMENT.
2 WE MUST MAKE VERY CLEAR AT THE START THAT IT IS OUR
3 CONTENTION THAT THESE PROCEEDINGS EVEN BEFORE THEIR
4 CONCLUSION AND RECOMMENDATIONS, HAVE BEEN BIASED SINCE THE
5 INCEPTION OF THIS COMMITTEE.

6 WHEN HOUSE RESOLUTION 109 WAS PASSED, IT WAS
7 TO HAVE INCLUDED LOOKING INTO ORGANIZED CRIME, POLITICAL
8 CORRUPTION AND VIOLATION OF CIVIL RIGHTS BY AND AGAINST
9 POLICE.

10 A SIMPLE COMPARISON OF THE COVERAGE OF THE
11 MEDIA WILL SHOW ALMOST NO MENTION OF THAT PART OF THE
12 RESOLUTION PERTAINING TO POLICE. WE ALSO MUST COMMENT ON THE
13 PRIOR HEARINGS IN PHILADELPHIA, WHICH TO EVEN A NEUTRAL
14 OBSERVER APPEARED TO BE ORCHESTRATED BY MEMBERS OF THE
15 AUDIENCE RATHER THAN THE COMMITTEE ITSELF.

16 WE SUBMIT TO THE COMMITTEE THAT IN THE CITY
17 OF PHILADELPHIA, WE FEEL A DEEP OVERRIDING OBLIGATION TO
18 FOSTER DEVELOPMENT OF THE HIGHEST PROFESSIONAL STANDARDS OF
19 LAW ENFORCEMENT. IT IS OUR CONTENTION THAT THE LOUD CRIES OF
20 BRUTALITY WHICH HAVE RECEIVED SUCH WIDE PUBLICITY, ARE SO FAR
21 REMOVED FROM ACTUAL FACT AS TO RAISE A SERIOUS QUESTION
22 CONCERNING THE SINCERITY AND HONESTY OF THOSE GROUPS OR
23 INDIVIDUALS WHO ARE MAKING THIS COMPLAINT.

24 IT IS UNDERSTANDABLE THAT A GROUP ORGANIZED
25 FOR THE PURPOSE OF ENDING A PARTICULAR SOURCE OF INJUSTICE TO

1 A PARTICULAR SEGMENT OF OUR CITIZENRY SHOULD WISH THAT THE
2 POLICE MIGHT STAND ASIDE WHILE THEY PURSUE THEIR GOALS BY
3 WHATEVER MEANS THEY DEEM MOST EFFECTIVE.

4 BUT A POLICE FORCE WHICH IS PROPERLY DOING
5 ITS JOB CANNOT BOW TO THIS WISH. THE FUNCTION OF A POLICE
6 DEPARTMENT IS TO MAINTAIN ORDER, AND TO ENFORCE THE LAW
7 IMPARTIALLY, TO PROTECT LIFE, LIMB AND PROPERTY AS WELL AS
8 THE RIGHTS OF ALL CITIZENS.

9 BY AND LARGE, WE BELIEVE THE PHILADELPHIA
10 POLICE FORCE HAS BEEN DOING THIS JOB WELL, RESPONDING WITH A
11 SENSITIVITY AND RESTRAINT WORTHY OF COMMENDATION IN REPEATED
12 SITUATIONS OF UTMOST DIFFICULTY. THEIR REWARD MUST NOT BE A
13 DELIBERATE SLAP IN THE FACE, WHICH IS THE ESSENCE OF SOME
14 SEGMENTS OF THE POLITICAL ARENA, AND THE MEDIA. THE POLICE
15 DEPARTMENT IS COMPOSED OF OVER EIGHT THOUSAND HUMAN BEINGS,
16 DRAWN FROM A COMMUNITY UPON WHICH THERE HAS NOT YET DAWNED
17 THAT GOLDEN AGE WHEN WE HOPE ALL MANKIND WILL BE ENLIGHTENED,
18 KIND AND JUST.

19 UNDER SUCH CIRCUMSTANCES, IT WOULD BE FOLLY
20 TO PRETEND THAT EVERY POLICEMAN IS A DEDICATED, FAIR AND
21 IMPARTIAL ADMINISTRATOR OF THE LAW. WHAT WE DO CONTEND IS
22 THAT THE POLICE FORCE ON THE WHOLE, IS SOUND, EFFICIENT AND
23 FULLY UNDER CONTROL; THAT ITS PERFORMANCE IN THE PRESENT
24 CIRCUMSTANCES -- FAR FROM REQUIRING SPECIAL MEASURES TO
25 COMBAT 'POLICE BRUTALITY' -- DESERVES THE GRATITUDE, THE

1 PRAISE AND THE WHOLEHEARTED SUPPORT OF ALL CITIZENS. WE HAVE
2 LONG BEEN PROUD TO BEAR THE NAME OF "PHILADELPHIA'S FINEST".

3 WE SUBMIT TO THE COMMITTEE FOR THEIR PERUSAL
4 OF THE STATEMENT OF PROFESSOR GEORGE KIRKHAM, A
5 CRIMINOLOGIST, WHO BECAME A POLICEMAN IN ORDER TO STUDY LAW
6 ENFORCEMENT FIRSTHAND. WHILE A PROFESSOR, HE USED TO LECTURE
7 HIS STUDENTS, ANY MAN WHO IS NOT ABLE TO MAINTAIN ABSOLUTE
8 CONTROL OF HIS EMOTIONS AT ALL TIMES, HAS NO BUSINESS BEING A
9 POLICE OFFICER.

10 AS A POLICEMAN, HE SOON LEARNED THE
11 REALITIES OF OUR PROFESSION AND I QUOTE, "I HAD ALWAYS
12 PERSONALLY BEEN OF THE OPINION THAT POLICE OFFICERS GREATLY
13 EXAGGERATE THE AMOUNT OF VERBAL DISRESPECT AND PHYSICAL ABUSE
14 TO WHICH THEY ARE SUBJECTED IN THE LINE OF DUTY. AS A
15 COLLEGE PROFESSOR, I HAD GROWN ACCUSTOMED TO BEING TREATED
16 WITH UNIFORM RESPECT AND DEFERENCE BY THOSE I ENCOUNTERED. I
17 SOMEHOW NAIVELY ASSUMED THAT THIS SAME QUALITY OF RESPECT
18 WOULD CARRY OVER INTO MY NEW ROLE AS A POLICEMAN.

19 I QUICKLY FOUND THAT MY BADGE AND UNIFORM,
20 RATHER THAN SERVING TO SHIELD ME FROM SUCH THINGS AS
21 DISRESPECT AND VIOLENCE, ONLY ACTED AS A MAGNET WHICH DREW ME
22 TOWARD MANY INDIVIDUALS WHO HATED WHAT I REPRESENTED.

23 AS A CRIMINOLOGY PROFESSOR, I HAD ALWAYS
24 ENJOYED THE LUXURY OF HAVING GREAT AMOUNTS OF TIME IN WHICH
25 TO MAKE ANY DECISION. AS A POLICE OFFICER, HOWEVER, I FOUND

1 MYSELF FORCED TO MAKE THE MOST CRITICAL CHOICES IN A TIME
2 FRAME OF SECONDS RATHER THAN DAYS; TO SHOOT OR NOT TO SHOOT,
3 TO ARREST OR NOT TO ARREST, TO GIVE CHASE OR LET GO -- ALWAYS --
4 WITH THE NAGGING CERTAINTY THAT OTHERS, THOSE WITH GREAT
5 AMOUNTS OF TIME IN WHICH TO ANALYZE AND THINK, STOOD READY TO
6 JUDGE AND CONDEMN FOR WHATEVER ACTION I MIGHT TAKE OR FAIL
7 TO TAKE.

8 I FOUND MYSELF PROGRESSIVELY AWED BY THE
9 COMPLEXITY OF TASKS FACED BY MEN WHOSE WORK I ONCE THOUGHT
10 WAS FAIRLY SIMPLE AND STRAIGHTFORWARD. INDEED, I WOULD LIKE
11 TO TAKE THE AVERAGE CLINICAL PSYCHOLOGIST OR PSYCHIATRIST AND
12 INVITE HIM TO FUNCTION FOR JUST A DAY IN THE WORLD OF A
13 POLICEMAN, TO CONFRONT PEOPLE WHOSE PROBLEMS ARE BOTH SERIOUS
14 AND IN NEED OF IMMEDIATE SOLUTION. I WOULD INVITE HIM TO
15 WALK AS I HAVE, INTO A SMOKE-FILLED POOL ROOM WHERE FIVE OR
16 SIX ANGRY MEN ARE SWINGING CUES AT ONE ANOTHER. I WOULD LIKE
17 THE PRISON COUNSELOR AND PAROLE OFFICER TO SEE THEIR CLIENT,
18 JONES, NOT CALM AND COMPOSED IN AN OFFICE SETTING, BUT AS THE
19 STREET COP SEES HIM, BEATING HIS SMALL CHILD WITH A HEAVY
20 BELT BUCKLE OR KICKING HIS PREGNANT WIFE.

21 I WISH THAT THEY, AND EVERY JUDGE AND JUROR
22 IN OUR COUNTRY COULD SEE THE RAVAGES OF CRIME AS THE COP ON
23 THE BEAT MUST: INNOCENT PEOPLE CUT, SHOT, BEATEN, RAPED,
24 ROBBED AND MURDERED. IT WOULD, I FEEL CERTAIN, GIVE THEM A
25 DIFFERENT PERSPECTIVE ON CRIME AND CRIMINALS, JUST AS IT HAS

1 ME. FOR ALL THE HUMAN MISERY AND SUFFERING WHICH POLICE
2 OFFICERS MUST WITNESS IN THEIR WORK, I FOUND MYSELF AMAZED AT
3 THE INCREDIBLE HUMANITY AND COMPASSION WHICH SEEMS TO
4 CHARACTERIZE MOST OF THEM.

5 MY OWN STEREOTYPES OF THE BRUTAL, SADISTIC
6 COP WERE TIME AND AGAIN SHATTERED BY THE SIGHT OF
7 HUMANITARIAN KINDNESS ON THE PART OF THE THIN BLUE LINE.

8 AS A POLICE OFFICER, I FOUND MYSELF
9 REPEATEDLY SURPRISED AT THE ABILITY OF MY FELLOW PATROLMEN TO
10 WITHSTAND THE OFTEN ENORMOUS DAILY PRESSURES OF THEIR WORK:
11 LONG HOURS, FRUSTRATIONS, DANGER AND ANXIETY ALL SEEMED TO BE
12 TAKEN IN STRIDE AS JUST PART OF THE REALITY OF BEING A COP.

13 I WENT EVENTUALLY THROUGH THE HUMBLING
14 DISCOVERY THAT I, LIKE THE MEN IN BLUE WITH WHOM I WORKED,
15 WAS SIMPLY A HUMAN BEING WITH DEFINITE LIMITS TO THE AMOUNT
16 OF STRESS I COULD ENDURE IN A GIVEN PERIOD OF TIME.

17 WE ECHO THOSE SENTIMENTS AND TAKE IT ONE
18 STEP FURTHER. THE COURTS OF THIS COUNTRY HAVE TOLD US WHO TO
19 HIRE, HOW HEAVY HE MUST BE, WHAT VISION HE CAN HAVE, HIS
20 HEIGHT, EDUCATIONAL BACKGROUND, THE EXAMINATION QUESTIONS AND
21 EVEN A PRIOR CRIMINAL RECORD CAN STOP HIS BEING HIRED. THEN
22 THE SAME COURTS TELL US WE SHOULD RECEIVE BETTER TRAINING AND
23 BE MORE PROFESSIONAL IN OUR CONDUCT, WHILE TYING OUR HANDS
24 WITH ASSININE DECISIONS.

25 WE HAVE INCLUDED IN OUR TESTIMONY FACTUAL

1 STATISTICS THAT PROVE CONCLUSIVELY THAT THE PHILADELPHIA
2 POLICE DEPARTMENT IS NUMBER ONE IN THE COUNTRY.

3 UNLIKE SOME OF OUR PREVIOUS WITNESSES, WE DO
4 NOT DEAL IN ACCUSATIONS OR INNUENDOS, BUT ONLY IN WHAT WE
5 HAVE BEEN TAUGHT TO USE, AND THAT IS FACT. WE SERIOUSLY
6 QUESTION THE MOTIVATIONS OF THOSE IN THE POLITICAL ARENA WHO
7 ATTEMPT TO USE US AS SCAPEGOATS IN ORDER TO ATTACK THE
8 HIGHEST OFFICIALS OF OUR CITY GOVERNMENT.

9 IN CONCLUSION, WE WANT THE CITIZENS OF
10 PHILADELPHIA AND ESPECIALLY THE RESPONSIBLE LEADERS OF OUR
11 CITY TO BE ASSURED THAT WE WILL CONTINUE TO SERVICE ALL THE
12 CITIZENS OF PHILADELPHIA IN THE MOST DEDICATED PROFESSIONAL
13 MANNER, AND WE SHALL DO SO LONG AFTER THOSE WHO SEEK TO
14 POLARIZE AND STIR TURMOIL IN OUR CITY HAVE DISAPPEARED FROM
15 THE SCENE.

16 I CONCLUDE WITH THIS STATEMENT. PRESIDENT
17 GALLAGHER MAY ANSWER ANY OTHER QUESTIONS THE COMMITTEE SEES
18 FIT TO ASK. I WOULD, JUST FOR YOUR EDIFICATION, TOUCH ON THE
19 PACKET THAT WE INCLUDED WITH THE OPENING STATEMENT THAT
20 COVERS THE ABUSE AGAINST POLICE THAT HAVE RESULTED IN THE
21 CITY OF PHILADELPHIA OVER A PERIOD OF TIME, BASICALLY, THE
22 LETTER FROM THE CERTAIN GENTLEMAN FROM THE CITY OF
23 PHILADELPHIA -- AND I QUOTE HIM -- SURGEON GENERAL OF THE
24 CITY OF PHILADELPHIA -- AND I QUOTE HIM, "THERE IS AN
25 INORDINATELY HIGH PERCENTAGE OF SERIOUS AND FATAL WOUNDS OF

1 POLICE OFFICERS IN THE ACT OF APPROACHING AND ARRESTING
2 SUSPECTS.'

3 YOU WILL ALSO FIND DATA HERE SHOWING THE
4 NUMBER OF SERVICES, THE INCREASED REQUEST FOR SERVICES FROM
5 THE CITIZENS OF PHILADELPHIA. YOU WILL SEE THE DATA THAT
6 SHOWS WE ARE NUMBER ONE IN THE COUNTRY, BOTH IN THE LOWEST
7 CRIME RATE IN THE COUNTRY AND ALSO HIGHEST CHARGING RATE IN
8 THE COUNTRY.

9 YOU WILL ALSO SEE DATA THAT -- OF ALL THE
10 CIVIL CASES THAT HAVE BEEN FILED IN COURT, THERE IS A VERY
11 LOW PERCENTAGE OF CASES THAT HAVE BEEN FOUND RULED AGAINST
12 THE CITY AND AGAINST THE POLICE DEPARTMENT.

13 AND ONE OTHER SECTION IS ALSO IN HERE, IS
14 THE NUMBER OF PEOPLE WHO HAVE BEEN FIRED BY OUR INTERNAL
15 SECURITY UNIT AND ALSO DISCIPLINED BY THE INTERNAL SECURITY
16 UNIT, WHICH FAR EXCEEDS ALL THE NUMBERS OF ANY OTHER AGENCIES
17 THAT HAS SO FAR BEEN IN THE CITY OF PHILADELPHIA.

18 AND FOR YOUR EDIFICATION AGAIN, I THINK YOU
19 WOULD PROBABLY BE AWARE WITHIN THE CITY OF PHILADELPHIA AT
20 THIS TIME, THE DISTRICT ATTORNEY HAS HIS OWN POLICE BRUTALITY
21 UNIT. THIS COMMITTEE HAS SAW FIT TO INVESTIGATE THE POLICE
22 IN THE CITY OF PHILADELPHIA; THERE HAS BEEN AN INVESTIGATING
23 GRAND JURY IN THE CITY OF PHILADELPHIA AT A FEDERAL LEVEL FOR
24 EIGHTEEN MONTHS TO LOOK INTO NOTHING BUT THE POLICE IN THE
25 CITY OF PHILADELPHIA.

1 THE U. S. JUSTICE DEPARTMENT HAS BEEN IN THE
2 CITY OF PHILADELPHIA; THE U. S. CIVIL SERVICE IS ABOUT TO
3 COME INTO THE CITY OF PHILADELPHIA -- CIVIL RIGHTS; I STAND
4 CORRECTED. THE MEDIA, I AM SURE YOU ARE AWARE, HAS BEEN
5 AFTER THE POLICE DEPARTMENT IN THE CITY OF PHILADELPHIA. IF
6 YOU ADD UP ALL THOSE DIFFERENT AGENCIES THAT HAVE COME INTO
7 THE CITY OF PHILADELPHIA TO FIND ALLEGED WRONGDOING BY
8 POLICEMEN, AND TOTAL ALL THE NUMBER OF PEOPLE THAT HAVE BEEN
9 INDICTED OR HAVE BEEN CHARGED WITH ANY WRONGDOING, AND
10 CONVICTED, IT WOULD SHOW LESS THAN ONE PERCENT, WHICH IS
11 HIGHER THAN CLERGYMAN ACROSS THIS COUNTRY. THANK YOU.

12 CHAIRMAN RHODES: THANK YOU, MR. GARVEY. AS
13 ALWAYS, YOU ARE AN ABLE SPOKESMAN. THE CITY OF PHILADELPHIA
14 POLICE DEPARTMENT AND POLICE OFFICERS ACROSS THE COUNTRY HAVE
15 BEEN ABLY REPRESENTED BY YOURSELF IN HARRISBURG FOR SOME
16 YEARS NOW.

17 I WOULD BE REMISS IF I DID NOT MAKE A COUPLE
18 OF ANNOUNCEMENTS. IN CONJUNCTION WITH THE HEARING, WE ARE
19 VERY THANKFUL TO THE BOARD OF EDUCATION IN THE CITY OF
20 PHILADELPHIA FOR MAKING THE VERY PLEASANT SURROUNDINGS
21 AVAILABLE FOR TODAY'S HEARINGS; IN PARTICULAR, MR. WILLIAM
22 JONES, WHO HAS BEEN VERY MUCH ACTIVE IN GETTING THIS
23 ARRANGEMENT.

24 I ALSO WOULD LIKE TO POINT OUT, I MIGHT HAVE
25 INDICATED WHEN I WAS ANNOUNCING MEMBERS OF THE COMMITTEE THAT

1 REPRESENTATIVE CIANCIULLI IS A MEMBER OF THIS COMMITTEE. HE
2 IS NOT. HE IS WITH THE PHILADELPHIA DELEGATION TO THE HOUSE,
3 AND HE IS SITTING WITH THE COMMITTEE, AND REPRESENTATIVE MARK
4 COHEN HAS ARRIVED TO MY EXTREME RIGHT, MEMBER OF THE
5 SUBCOMMITTEE ON CRIMES AND CORRECTIONS.

6 AT THIS POINT, I WOULD LIKE TO OPEN -- ONE
7 MORE ANNOUNCEMENT. AS FOR INFORMATION FROM THE CITY ON A
8 NUMBER OF ALLEGATIONS THAT HAVE BEEN RAISED, AND SOME OF THE
9 QUESTIONS TO THE SUBCOMMITTEE THAT HAVE BEEN RAISED ARE VERY
10 SERIOUS QUESTIONS TO THE COMMITTEE -- VERY, VERY GRAVE,
11 SERIOUS QUESTIONS, RAISED THROUGHOUT OUR HEARINGS, IN
12 RELATION TO THE CITY POLICY TOWARD ALLEGATIONS OF BRUTALITY
13 AND PROCEDURES OF THE POLICE DEPARTMENT.

14 TODAY WE HAVE MADE A FORMAL REQUEST, THREE
15 TIMES, TO THE CHIEF OF POLICE IN THE CITY OF PHILADELPHIA,
16 COMMISSIONER OF POLICE, TO APPEAR VOLUNTARILY, AND ONCE FORMALLY
17 INVITED THE MAYOR TO COME FORWARD. THERE ARE SOME POLICY
18 QUESTIONS THAT HAVE BEEN RAISED IN RELATION TO THE MAYOR, AND
19 TODAY THERE HAS BEEN NO REPLY IN ANY FORM TO ANY OF OUR
20 INVITATIONS. I WANT TO MAKE THAT CLEAR FOR THE RECORD TODAY.
21 I THINK THAT SAYS -- TO ME, INDICATES SOMETHING ABOUT THE
22 CITY'S ATTITUDE TOWARD THIS INVESTIGATION.

23 NOW, QUESTIONS FROM THE SUBCOMMITTEE.
24 REPRESENTATIVE RICHARDSON.

25 REPRESENTATIVE RICHARDSON: THANK YOU VERY

1 MUCH.

2 CHAIRMAN RHODES: EXCUSE ME, REPRESENTATIVE
3 RICHARDSON. WOULD ANY OF YOU GENTLEMEN LIKE TO SAY ANYTHING
4 BEFORE WE MOVE ON TO QUESTIONING? DOES MR. GALLAGHER HAVE A
5 FURTHER STATEMENT?

6 MR. GARVEY: THAT IS A JOINT STATEMENT FROM MR.
7 GALLAGHER AND MYSELF.

8 MR. GALLAGHER: AS FAR AS THE STATEMENT IS
9 CONCERNED, IT LOOKS LIKE MR. RICHARDSON IS GOING TO ASK
10 QUESTIONS.

11 CHAIRMAN RHODES: WE WILL GO TO QUESTIONS NOW.
12 I WOULD LIKE TO POINT OUT THAT REPRESENTATIVE LEVIN HAD TO
13 LEAVE THE ROOM; HE WILL BE BACK IN FIFTEEN MINUTES.
14 REPRESENTATIVE RICHARDSON, DO YOU HAVE QUESTIONS?

15 REPRESENTATIVE RICHARDSON: YES, I DO.

16 MR. GALLAGHER: I HAVE SOME OTHER FIGURES TO
17 OFFER FROM THE STATEMENT THAT BROTHER GARVEY PUT FORTH.

18 CHAIRMAN RHODES: LET ME PUT THE RECORD
19 STRAIGHT. MR. GALLAGHER, WOULD YOU LIKE TO MAKE FURTHER
20 ADDITIONAL COMMENTS?

21 MR. GALLAGHER: THAT'S RIGHT; I WOULD. I GOT A
22 LETTER HERE FROM DR. LAWLOR, WHO IS THE CHIEF POLICE AND FIRE
23 SURGEON:

24 'IN REVIEWING OUR STATISTICS, WE NOTICE WHAT
25 WE CONSIDER AN INORDINATELY HIGH PERCENTAGE OF SERIOUS AND

1 FATAL WOUNDS OF POLICE OFFICERS IN THE ACT OF APPROACHING AND
2 ARRESTING SUSPECTS.

3 "I WOULD LIKE TO MEET WITH YOU AT THE
4 EARLIEST MUTUALLY AGREEABLE TIME TO DISCUSS THIS PROBLEM.

5 "I HAVE ENCLOSED A COPY OF A SUMMARY RECENTLY
6 COMPILED BY ARNOLD BERMAN, M. D., WHICH I WISH YOU WOULD
7 REVIEW PRIOR TO OUR MEETING."

8 AT THIS TIME, I WOULD LIKE TO READ THE
9 LETTER FROM DR. BERMAN:

10 "ENCLOSED IS A STUDY OF POLICE DEPARTMENT
11 INJURIES. PLEASE NOTE THE FOLLOWING:

12 "1. THERE WERE A TOTAL OF 103 GUNSHOT WOUNDS
13 INFLICTED TO THE PHILADELPHIA POLICE DEPARTMENT SINCE 1971.
14 A PREVIOUS STUDY OF GUNSHOT WOUNDS TO POLICE IS ENCLOSED ON
15 PAGES FOUR THROUGH TEN.

16 "2. A TOTAL OF 13 FATAL GUNSHOT WOUNDS WERE
17 INFLICTED UPON THE MEMBERS OF THE PHILADELPHIA POLICE
18 DEPARTMENT SINCE 1971.

19 "3. THE ABOVE ENCOUNTER INCLUDED THE FOLLOWING
20 INJURIES: TEN GUNSHOT WOUNDS, FIVE GUNSHOT WOUNDS TO POLICE,
21 FIVE GUNSHOT WOUNDS TO FIREMEN, ONE FATAL GUNSHOT WOUND TO
22 POLICE.

23 "4. POLICE INJURIES REPRESENT 48 PERCENT OF ALL
24 INJURIES ON DUTY TO EMPLOYEES OF THE CITY OF PHILADELPHIA. A
25 SUMMARY OF THE TOTAL INJURIES TO CITY EMPLOYEES FOR THE

1 PERIOD JULY, 1977 TO JUNE, 1978 IS ENCLOSED ON PAGES ON
2 THROUGH THREE.

3 "WE PLAN TO CONTINUE OUR STUDIES ON THE
4 CAUSES, PREVENTION AND TREATMENT OF INJURIES TO POLICE."

5 NOW, THIS IS A STATEMENT FROM DR. LAWLOR,
6 WHO IS THE CHIEF SURGEON:

7 "IT IS LONG OVERDUE TO HAVE THE PRESS
8 RECOGNIZE THAT POLICEMEN SUFFER MANY SERIOUS INJURIES IN THE
9 PERFORMANCE OF THEIR DUTIES. HOWEVER, IT IS OUR CITIZENS,
10 THE INNOCENT VICTIMS OF CRIME, WHO SUFFER THE MOST SEVERE
11 INJURIES. NEXT IN FREQUENCY OF BODILY INJURY ARE THE POLICE,
12 AND LAST OF ALL, THOSE WHO SUFFER THE LEAST INJURY, ARE THE
13 CRIMINALS. AS THE CHIEF POLICE SURGEON, I CAN ASSURE YOU
14 THAT THE POLICE SUFFER FREQUENT AND SEVERE INJURIES IN
15 DEFENDING AND PROVIDING SERVICE TO THE PEOPLE OF THE CITY.

16 "BELIEVE ME, THE POLICE FINISH SECOND BEST
17 MORE OFTEN THAN NOT, IN THEIR CONFRONTATIONS WITH THE
18 CRIMINALS. IT IS WIDELY RECOGNIZED THAT THE LOCAL POLICE
19 OFFICER HAS ONE OF THE MOST DANGEROUS OCCUPATIONS IN MODERN
20 AMERICAN SOCIETY. THIS RESULTS FROM A COMBINATION OF SERVICE
21 AND PROTECTIVE FUNCTIONS. HEAVY PHYSICAL DEMANDS ARE PLACED
22 UPON THE POLICE IN THE DELIVERY OF ROUTINE SERVICE FUNCTIONS
23 OF THE SICK AND INJURED. PROTECTIVE FUNCTIONS OF THE POLICE
24 HAVE THE COMBINED DANGERS OF SURPRISE SITUATIONS AND THE USE
25 OF FIREARMS.

1 "THE PHILADELPHIA POLICE DEPARTMENT IS
2 AUTHORIZED 8385 SWORN OFFICERS AND 867 CIVILIAN EMPLOYEES.
3 THE TOTAL NUMBER OF INJURIES TO DEPARTMENTAL PERSONNEL REMAIN
4 ALARMINGLY HIGH.

5 "TABLE ONE SHOWS THE TOTAL ANNUAL INJURIES
6 OVER THE PAST FIVE YEARS, AND THE TOTAL NUMBER OF PAID WORK
7 DAYS LOST TO THE DEPARTMENT.

8 "IN SUMMARY, THERE SHOULD BE AN INCREASED
9 AWARENESS OF THE BODILY INJURIES SUFFERED BY THE POLICE WHILE
10 PERFORMING THEIR DUTIES TO PROTECT THE PEOPLE OF
11 PHILADELPHIA. THE INJURIES TO POLICE ARE EXCEEDED ONLY BY
12 THE INJURIES INFLICTED UPON THE CITIZENS BY THE CRIMINALS.
13 WE HAVE REVIEWED THE STATISTICAL ANALYSIS OF POLICE INJURIES
14 AND A STUDY OF GUNSHOT WOUNDS TO POLICE. PHILADELPHIA POLICE
15 HAVE SUFFERED 92 GUNSHOT WOUNDS IN THE LAST FIVE YEARS AND
16 THERE HAVE BEEN 12 FATALITIES. EXAMPLES OF SEVERE INJURIES
17 ARE GIVEN."

18 WE HAVE A LIST HERE OF MEN WHO WERE SHOT,
19 AND THERE IS A TOTAL OF TEN OR ELEVEN WE HAVE PUT DOWN. BUT
20 ANOTHER POINT I WOULD LIKE TO MAKE IN REFERENCE TO BRUTALITY.
21 CIVIL RIGHTS CASES, CRIMINAL: ONLY ONE CIVIL RIGHTS CASE
22 CRIMINAL. ONLY ONE CONVICTION FOR CONSPIRACY ONLY; NOT
23 GUILTY AS TO ALLEGED PHYSICAL ABUSE. AND THAT WAS THE RECENT
24 CASE WHERE THE MEN WERE TRIED IN FEDERAL COURT AND AFTER A
25 SERIES OF DAYS IN COURT, THEY CAME UP WITH THE CONCLUSION

1 THAT THEY WERE GUILTY OF CONSPIRACY, AT WHICH TIME THERE IS
2 STILL AN APPEAL ON THAT.

3 CIVIL RIGHTS CASES, CIVIL: 27 VERDICTS FOR
4 THE CITY; FOUR VERDICTS AGAINST CITY. THAT IS THE RESULTS,
5 TOTAL OF SIXTEEN THOUSAND. 1978, SIXTEEN VERDICTS FOR THE
6 CITY; TWO VERDICTS AGAINST CITY; ONE VERDICT AGAINST CITY;
7 MOTION FOR NEW TRIAL PENDING. GUNSHOT WOUNDS TO POLICE:
8 1972 TO 1977, 92 GUNSHOT WOUNDS, TWELVE FATALITIES. 1978,
9 INCOMPLETE, AT LEAST ELEVEN; ONE FATALITY, ONE DEAD.

10 IN PHYSICAL INJURIES TO POLICE IN
11 APPREHENDING CRIMINALS: 1976, WE HAD 2816; IN 1975, 3017; IN
12 1974, 3229; 1973, 3032; 1972, 3078. TOTAL PAID OUT, VERDICTS
13 AND SETTLEMENT, FISCAL 1978, TOTAL ONLY: \$165,523 PAID OUT
14 AS VERDICTS, CIVIL VERDICTS. ALSO IN THIS, IT INCLUDES MANY
15 CASES WHERE ONLY NEGLIGENCE IS INVOLVED, ALTHOUGH CIVIL
16 RIGHTS VIOLATIONS ALLEGED, MOST CHEAPER TO SETTLE THAN TRY.

17 IN OTHER WORDS, INSTEAD OF GOING TO COURT,
18 THEY SETTLE OUT OF COURT AND THAT MAKES PART OF THE AWARDS.

19 CHAIRMAN RHODES: THANK YOU VERY MUCH, MR.
20 GALLAGHER. WE DO APPRECIATE YOUR TURNING INTO THE RECORD
21 THIS INFORMATION FROM THE CITY SURGEON. AS CHAIRMAN, I AM
22 JUST A LITTLE BIT DISAPPOINTED THAT THE CHIEF OF POLICE,
23 HIMSELF, HAS NOT SEEN FIT TO COME BEFORE THE COMMITTEE TODAY,
24 AND DELIVER THIS INFORMATION AND A GREAT DEAL OF OTHER
25 INFORMATION WE NEED TO GET FROM THE CHIEF OF POLICE, INTO OUT

1 RECORD. REPRESENTATIVE RICHARDSON.

2 REPRESENTATIVE RICHARDSON: YES, MR. CHAIRMAN.

3 ONE IS THAT THERE HAS BEEN A LOT OF
4 DISCUSSION RELEVANT TO THIS TESTIMONY HERE, THAT WE HAVE BEEN
5 HOLDING, CONCERNING POLICE BRUTALITY, AND WHETHER OR NOT THE
6 POLICE DEPARTMENT OF THE CITY OF PHILADELPHIA, RECOGNIZES
7 THAT THERE IS POLICE BRUTALITY. MY QUESTION SPECIFICALLY IS
8 ON THE ONE, IS IT YOUR OPINION THAT IN THE POLICE DEPARTMENT
9 OF THE CITY OF PHILADELPHIA, THERE IS POLICE BRUTALITY,
10 RELATIVE TO THE POLICE DEPARTMENT?

11 MR. GARVEY: MY RESPONSE IS THAT IN ANY
12 PROFESSION WHERE THERE ARE CONTACTS BETWEEN THE PUBLIC AND
13 SOMEONE WHO ENFORCES THE LAW, THERE IS GOING TO BE PHYSICAL
14 CONTACT. IF THERE ARE OCCASIONS WHERE EXCESSIVE FORCE MAY BE
15 USED, IT IS MY OPINION THERE ARE CIRCUMSTANCES SURROUNDING
16 EACH INCIDENT, WHICH DOESN'T MAKE EVERY INCIDENT A CASE OF
17 POLICE BRUTALITY.

18 I THINK WHAT I AM SAYING IS IF PHYSICAL,
19 EXCESSIVE FORCE EXISTS IN THE CITY OF PHILADELPHIA, IT IS NOT
20 ALWAYS A BLANKET STATEMENT TO SAY THERE IS RAMPANT BRUTALITY.
21 EACH CASE HAS TO BE HEARD ON ITS MERITS, AND THE
22 CIRCUMSTANCES LEADING UP TO THE EVENT, WHICH MAY INCLUDE
23 HANDLING SEVEN OR EIGHT DIFFERENT -- WHAT WE CALL,
24 ASSIGNMENTS, THAT MIGHT HAVE ENTAILED SOME STRESS OR SOME
25 PRESSURE ON A POLICEMAN, SO THAT WHEN THERE IS AN EXCESSIVE

1 **FORCE, IT IS NOT A CASE OF BRUTALITY. IT MAY IN FACT, BE A**
2 **CASE OF A VERY STRESSFUL SITUATION, A DAY WHERE A LOT OF**
3 **INCIDENTS HAPPENED THAT CAUSED THE FINAL RESULTS.**

4 **REPRESENTATIVE RICHARDSON: NUMBER TWO, THAT**
5 **IF IN FACT, A FELLOW POLICE OFFICER, WITNESSES EXCESSIVE**
6 **FORCE BEING USED BY A FELLOW POLICE OFFICER, WHAT WOULD YOU**
7 **ENCOURAGE THAT POLICE OFFICER TO DO?**

8 **MR. GARVEY: BY THE OATH HE TOOK, AND BY LAW,**
9 **HE WOULD HAVE TO TAKE AN ACTION.**

10 **REPRESENTATIVE RICHARDSON: HE WOULD HAVE TO**
11 **TAKE AN ACTION?**

12 **MR. GARVEY: THAT'S CORRECT.**

13 **REPRESENTATIVE RICHARDSON: IS THERE SUCH A**
14 **CASE IN THE CITY OF PHILADELPHIA?**

15 **MR. GARVEY: I ASSUME THERE HAVE BEEN A LOT OF**
16 **THEM, OTHERWISE WE WOULDN'T HAVE HAD TO FIRE VARIOUS**
17 **POLICEMEN. THE TESTIMONY AGAINST THEM IS FROM OTHER**
18 **POLICEMEN.**

19 **REPRESENTATIVE RICHARDSON: SO THAT OTHER**
20 **POLICEMEN HAVE TESTIFIED THERE ARE SITUATIONS SUCH AS THAT,**
21 **CAN YOU MAKE THAT KIND OF LIST AVAILABLE, OR ARE YOU SAYING**
22 **THERE IS A LIST?**

23 **MR. GARVEY: YOU HAVE DATA THAT SHOWS POLICEMEN**
24 **BEING FIRED, AND THE MAKE-UP OF EACH AND EVERY CASE. I DON'T**
25 **KNOW, BUT I ASSUME IN THERE, ALMOST ALL OF THEM ARE POLICEMEN**

1 WHO HAVE HAD TO TESTIFY AGAINST OTHER POLICEMEN.

2 REPRESENTATIVE RICHARDSON: CAN YOU TELL ME
3 WHAT PAGE THAT IS?

4 MR. GARVEY: NEAR THE END OF THE PACKET, I
5 BELIEVE. THE CASES ARE NOT NUMBERED. WE WERE TRYING TO GET
6 THE DATA AT THE LAST MINUTE, POLICE ABUSE CASES. YEARS
7 FEBRUARY 1971 TO DECEMBER 1977, PHYSICAL ABUSE TOTAL ON-DUTY,
8 OFF-DUTY, TOTAL 272.

9 OF THE POLICE ARRESTED IN ABUSE CASES, THERE
10 WERE 59.

11 REPRESENTATIVE RICHARDSON: POLICEMEN ARRESTED,
12 ABUSE CASES, 59?

13 MR. GARVEY: I WOULD ASSUME YOU HAVE TO GO TO
14 THE NEXT LINE, WHERE IT SAYS, 57 FOR POLICE DISMISSED, THAT
15 IS OUT OF THE 272 FIGURE. OF THE 59, I DON'T KNOW HOW MANY
16 HAD BEEN DISMISSED, BUT I ASSUME THE NUMBER BELOW THAT, THE
17 57, A PORTION OF THAT WOULD HAVE BEEN DISMISSED.

18 CHAIRMAN RHODES: REPRESENTATIVE, WOULD YOU
19 YIELD FOR A MOMENT?

20 REPRESENTATIVE RICHARDSON: SURE.

21 CHAIRMAN RHODES: FOR THE RECORD, MR. GARVEY,
22 AND MR. GALLAGHER, COULD YOU INDICATE FOR THE RECORD, WHERE
23 THOSE STATISTICS -- WHO COMPILED THIS CHART?

24 MR. GALLAGHER: THIS WAS COMPILED THROUGH THE
25 EFFORTS OF THE FRATERNAL ORDER OF POLICE, KNOWING THAT WE

1 WERE GOING TO BE CALLED HERE, AND WE WANTED TO BE FULLY
2 PREPARED TO TELL YOU --

3 CHAIRMAN RHODES: BUT WHO, SINCE WE HAD
4 DIFFICULTY OBTAINING INFORMATION FROM THE CITY, I WAS
5 WONDERING WHO PUT THIS TOGETHER, SO WE KNOW WHO IS
6 RESPONSIBLE FOR IT. THAT'S ALL.

7 MR. GALLAGHER: WE HAD TO GO DOWN TO THE POLICE
8 DEPARTMENT TO GET PERMISSION TO CHECK THE RECORDS, AND WE,
9 OURSELVES, CAME UP WITH THESE FIGURES.

10 MR. GARVEY: THESE ARE OUR RECORDS. IN ALL
11 THOSE CASES WE WERE DEFENSE, WE SUPPLY LEGAL COUNSEL WITH
12 THOSE, SO OUR RECORDS SHOW THOSE ARE THE NUMBER OF CASES THAT
13 WERE HEARD, ETC.

14 CHAIRMAN RHODES: THOSE WERE GENERATED BY THE
15 F.O.P.?

16 MR. GARVEY: THAT'S CORRECT.

17 CHAIRMAN RHODES: THEY WEREN'T GENERATED BY THE
18 CITY?

19 MR. GARVEY: NO.

20 CHAIRMAN RHODES: EXCUSE ME, REPRESENTATIVE
21 RICHARDSON.

22 REPRESENTATIVE RICHARDSON: THAT'S ALL RIGHT.
23 SO THEN, YOU THEN PREPARED THOSE CASES, THE 57 THAT WERE
24 DISMISSED, MEANING THAT THERE WERE TWO THAT ACTIONS WERE
25 TAKEN AGAINST?

1 MR. GARVEY: NO ACTION WAS TAKEN AGAINST ALL THE
2 59; THEY WERE ARRESTED. THE FRUITION OF THEIR TRIALS AND
3 COURT CASES, REFLECTS ON THE LOWER LINE. MANY WERE PROBABLY
4 FIRED, BUT AS TO WHAT THE EXACT NUMBER WAS, I DON'T KNOW.
5 BUT THAT SAYS ARRESTED. SO ACTUALLY SOME ACTION WAS TAKEN
6 WHEN THEY WERE ARRESTED. THEY HAD TO BE CHARGED WITH SOME
7 SORT OF PHYSICAL VIOLATION.

8 CHAIRMAN RHODES: THAT WAS A PRIMA FACIE CASE.

9 MR. GARVEY: THAT'S CORRECT.

10 REPRESENTATIVE RICHARDSON: BUT WHAT I AM
11 TRYING TO GET OUT, IT DOESN'T BREAK DOWN WHAT THEY WERE
12 DISMISSED FOR IN EACH CASE.

13 MR. GARVEY: NO, WE DIDN'T BREAK IT DOWN IN
14 EACH INDIVIDUAL CASE, AND SOME MAY IN FACT, STILL BE UNDER
15 LITIGATION, AND IT WOULDN'T BE FAIR TO CONDEMN SOMEONE WHO
16 MAY NOT HAVE EXHAUSTED HIS APPEALS.

17 REPRESENTATIVE RICHARDSON: RELEVANT TO SOME OF
18 YOUR TESTIMONY, THINKING THAT THIS COMMITTEE HAS BEEN BIASED
19 IN ITS SPECIFIC RESPONSIBILITY OF LISTENING TO OTHER
20 WITNESSES, I AM CONCERNED WITH YOUR REACTION TO TESTIMONY
21 THAT HAS BEEN GIVEN BY THOSE WHO TESTIFIED BEFORE THIS
22 COMMITTEE, THAT THERE SEEMS TO BE NO COOPERATION BETWEEN THE
23 D.A.'S OFFICE AND THE CITY, AND POLICE DEPARTMENT IN RELATION
24 TO CASES BEING TRIED BY THE CITY. IS THERE ANY COMMENT YOU
25 CAN MAKE RELATIVE TO THAT?

1 MR. GARVEY: WELL, I AM NOT HERE TO SPEAK FOR
2 THE CITY OR THE POLICE DEPARTMENT. I AM HERE TO SPEAK FOR
3 WHAT THE MEN OF THE F.O.P. THINK. BUT I THINK IN REFERENCE
4 TO WHAT YOU ARE SAYING, I HEARD THE DISTRICT ATTORNEY'S MAN
5 TESTIFY, AND HE WENT INTO SUCH DETAIL TO USE SUCH PHRASES AS
6 THERE IS RAMPANT CORRUPTION IN THE PHILADELPHIA POLICE
7 DEPARTMENT, AND IF HE IS A PROSECUTOR, HE IS A VERY
8 INADEQUATE ONE, OR INEPT, IF HE SAYS RAMPANT CORRUPTION AND
9 HAS YET INDICTED NO ONE. AND HE WENT ON FURTHER TO SAY THAT,
10 DOES HE KNOW OF AN ORDER WITHIN OUR DEPARTMENT TO SHOOT --
11 YOU ASKED THAT QUESTION, IN FACT -- DO YOU KNOW OF ANY ORDER
12 OF SHOOT TO KILL WITHIN THE PHILADELPHIA POLICE DEPARTMENT,
13 AND HE KIND OF ALMOST HINGED ON SAYING I DO, BUT THEN BACKED
14 OFF AT THE LAST SECOND.

15 MY FEELING WAS THIS OF THE INDIVIDUAL, AND I
16 DON'T KNOW THE MAN, THAT HE WAS THE TYPE OF INDIVIDUAL THAT
17 WANTED ME TO WORK WITH HIM, AND AFTER THE CONDEMNATION HE
18 SUBMITTED TO THIS COMMITTEE, WITHOUT ONE IOTA OF CONCRETE
19 EVIDENCE, AND AGAIN THAT IS WHAT WE DEAL WITH, FACTUAL
20 TESTIMONY, I WOULD BE VERY HESITANT TO ACTUALLY WORK WITH
21 HIM, WHEN HE MADE SOME OF THE STATEMENTS HE MADE, CONDEMNING
22 THE DEPARTMENT. AND HE HAS BEEN IN THIS CITY SIX MONTHS, AND
23 HE HAS ALREADY MADE THOSE STATEMENTS. THEN HE IS EITHER ONE
24 FANTASTIC INVESTIGATOR THAT DON'T KNOW HOW TO PUT IT INTO
25 COURT, OR HE IS SOMEBODY WHO LIKES TO MAKE NEWS HEADLINES,

1 AND I TEND TOWARDS THE LATTER.

2 REPRESENTATIVE RICHARDSON: THE OTHER IN REGARD
3 TO OUR QUESTIONING --

4 CHAIRMAN RHODES: FOR THE RECORD, ARE YOU
5 REFERRING TO TESTIMONY OF GEORGE PARRY?

6 MR. GARVEY: YES, MR. PARRY.

7 REPRESENTATIVE RICHARDSON: CONCERNING THAT THE
8 D.A.'S OFFICE AGAIN DOES NOT HAVE THE COOPERATION, JUST FOR
9 THE RECORD, I WANT TO MAKE IT CLEAR, THAT THE TESTIMONY GIVEN
10 TODAY BY THE F.O.P. SPECIFICALLY ONLY IS ON THE F.O.P. AND
11 NOT NECESSARILY -- AND THEIR INVOLVEMENT, AND NOT NECESSARILY
12 THE PHILADELPHIA POLICE DEPARTMENT AND ITS DIRECTIVES.

13 MR. GARVEY: WE ARE NOT HERE TO SPEAK FOR THE
14 DEPARTMENT, THAT IS CORRECT, ONLY ITS MEMBERS.

15 REPRESENTATIVE RICHARDSON: THERE ARE SOME
16 QUESTIONS; ONE, WE WERE IN WASHINGTON SHORTLY THEREAFTER,
17 ALSO VISITING ATTORNEY GENERAL GRIFFIN BELL, WHO INDICATED
18 THEY ARE HAVING A NUMBER OF COMPLAINTS THAT THE CITY OF
19 PHILADELPHIA RANKS NUMBER TWO IN THE NATION FOR COMPLAINTS
20 ABOUT POLICE VIOLENCE AND BRUTALITY, HERE IN THE CITY OF
21 PHILADELPHIA. AND I WANTED TO GET YOUR REACTION TO THOSE
22 COMPLAINTS. I WANTED TO GET YOUR REACTION SPECIFICALLY TO
23 THAT STATEMENT OF THE ATTORNEY GENERAL.

24 MR. GARVEY: THE ATTORNEY GENERAL IN A MEETING
25 WITH MR. GALLAGHER AND MYSELF, AND VARIOUS OTHER MEMBERS, MR.

1 QUINN, MADE VERY CLEAR THAT SOME OF THE STATEMENTS THAT WERE
2 MADE TO THE MEDIA, AT THE CONCLUSION OF THAT CONFERENCE, WERE
3 NOT IN FACT, THE ACTUAL EXCHANGE OF VIEWPOINTS THAT WERE
4 EXPRESSED WITHIN THAT MEETING, AND THE ATTORNEY GENERAL MADE
5 IT VERY CLEAR, THAT LIKE US, WE DON'T DEAL IN NUMBERS GAMES,
6 AND I THINK YOU ARE GOING TO SAY THERE WERE "X" NUMBER OF
7 COMPLAINTS IN THE CITY OF PHILADELPHIA, WHICH WAS SECOND ONLY
8 TO HOUSTON.

9 I AM SURE YOU WOULD UNDERSTAND THAT OUR
10 DEPARTMENT MUST ACT ON ANY VERBAL OR WRITTEN COMPLAINT THAT
11 COMES INTO IT, EVEN THOUGH IT MAY BE SIGNED ANONYMOUSLY. AND
12 SO DOES VARIOUS OTHER GROUPS WHO INVESTIGATE ALLEGED CASES OF
13 POLICE VIOLENCE, INCLUDING PILCOP, THE DISTRICT ATTORNEY'S
14 OFFICE, ETC.

15 SO, IF WE PLAY A NUMBERS GAME, AND SAY WE
16 ARE SECOND TO HOUSTON, I AM SURE JUST AS YOU VOTE FOR THE
17 ALL-STAR GAME, I COULD LOAD THE BALLOT BOX AND MAKE CAMDEN,
18 NEW JERSEY THE NUMBER ONE IN THE COUNTRY, ON ANONYMOUS
19 COMPLAINTS ABOUT POLICE ABUSE.

20 BUT, AGAIN, WE DEAL IN FACTS, SO THE NUMBERS
21 GAME, TO ME HAS NO CREDIBILITY.

22 REPRESENTATIVE RICHARDSON: IN OTHER WORDS, YOU
23 ARE SAYING THAT THE ATTORNEY GENERAL DOESN'T HAVE ANY
24 CREDIBILITY?

25 MR. GARVEY: NO, I AM SAYING THOSE WHO

1 SUBMITTED NUMBERS TO THE ATTORNEY GENERAL, DOES IN FACT, ONLY
2 GIVE A NUMBER.

3 REPRESENTATIVE RICHARDSON: I AM ONLY ASKING
4 SPECIFIC QUESTIONS RELEVANT TO THE FACT THAT YOU WERE IN
5 WASHINGTON AND THAT HE DID INDICATE THAT A NUMBER OF POLICE
6 ABUSE, POLICE VIOLENCE CASES THEY HAVE RECEIVED ARE SECOND IN
7 THE NATION COMPARED TO NUMBER ONE, HOUSTON. AND THAT I
8 WANTED TO KNOW WHY YOU FELT THAT THOSE KINDS OF COMPLAINTS
9 WERE COMING OUT OF PHILADELPHIA. AND IT WAS A FACT; IT WAS
10 NOT SOMETHING THAT WAS MADE UP. THIS WAS A FACT THAT THE
11 CITY HAD 66 CASES PRESENTLY BEING LOOKED INTO, 35 OF WHICH
12 WERE ACTIVE. THAT IS AN ACCURATE STATEMENT.

13 MR. GARVEY: HE STATED THAT THE U. S. CIVIL
14 RIGHTS COMMISSION GAVE TO HIM THOSE NUMBERS, BUT THE BOTTOM
15 LINE OF WHAT THOSE NUMBERS MEAN, IS WHAT I AM ATTESTING TO,
16 THAT THOSE COMPLAINTS WHEN GIVEN TO ANY AGENCY ARE TAKEN AND
17 ARE LOOKED INTO, AND IT MAY TURN OUT THAT NONE OF THEM HAD
18 VALIDITY, AND THERE WOULD BE NO COMPLAINTS. THEN WHERE WOULD
19 WE STAND ON THE COMPARISON?

20 REPRESENTATIVE RICHARDSON: MR. GARVEY, TO THE
21 FACT THAT THOSE INDIVIDUALS THAT BELONG TO THE F.O.P. MIGHT
22 ENCOUNTER A CASE OF POLICE VIOLENCE, AND THE ATTORNEYS TAKE
23 OVER, TOLD SPECIFICALLY NOT TO TAKE A LIE DETECTOR TEST IN
24 THE CITY OF PHILADELPHIA?

25 MR. GARVEY: OUR POSITION ON THE POLYGRAPH HAS

1 BEEN ONE WHERE IT IS OUR CONTENTION THAT THE MACHINE IS
2 SUBJECT TO MECHANICAL FAILURE; THE OPERATOR IS SUBJECT TO
3 HUMAN FAILURE. THE COURTS HAVE NOT RECOGNIZED IT AS BEING
4 DIRECT, ACCEPTABLE EVIDENCE IN THE COMMONWEALTH OF
5 PENNSYLVANIA, AND IT IS OUR CONTENTION THAT NO MAN'S JOB
6 SHOULD RELY ON THOSE THREE FACTORS, WHETHER OR NOT IT IS
7 ACCEPTABLE. BUT I WILL GO FURTHER THAN THAT. IF IN FACT,
8 THE POLYGRAPH IS ACCEPTED, WE WOULD BE WILLING TO TAKE A
9 SECOND LOOK AT IT, IF THE JUDGES AT THE HIGHEST LEVEL WOULD
10 BE PUT ON THE POLYGRAPH IN REFERENCE TO CASES THAT WERE
11 THROWN OUT OF COURT; THE DISTRICT ATTORNEY'S OFFICE AS TO
12 WHAT WAS NOT PROSECUTED; THE MEDIA AS TO THE FACTUAL ACCOUNTING
13 OF THE STORIES THEY PUT IN THE PAPERS, AND MAYBE EVEN AS TO
14 THE HOUSE OF REPRESENTATIVES AS TO WHY THEY VOTE FOR CERTAIN
15 BILLS VERSUS OTHER BILLS.

16 SO, IF WE ARE GOING TO DEVELOP A SYSTEM THAT
17 SAYS WE ARE THE ONLY ONES WHO ARE SINGLED OUT FOR POLYGRAPH,
18 LET'S INCLUDE EVERYBODY, AND MAYBE WE'LL LOOK AT IT.

19 REPRESENTATIVE RICHARDSON: IS THIS NOT A FACT
20 NOW, THAT CITIZENS IN THE CITY OF PHILADELPHIA ARE SUBJECTED
21 TO LIE DETECTOR TESTS AND TOLD IF THEY DO NOT TAKE ONE -- IN
22 A RECENT CASE, THE PERSON WAS ARRESTED BECAUSE HE TOOK A LIE
23 DETECTOR TEST.

24 MR. GARVEY: NO, I THINK WHAT THE DIFFERENCE
25 IS, THAT A POLICEMAN IN THE COMMONWEALTH OF PENNSYLVANIA IS

1 THE ONLY ENTITY THAT MAY BE FORCED TO TAKE A POLYGRAPH, WHERE
2 EVERY OTHER CITIZEN HAS THE RIGHT TO REFUSE IT. AND THE
3 POLYGRAPH IS ONLY USED TO SHOW THERE MAY BE DECEPTION. IN NO
4 WAY CAN THE POLYGRAPH BE USED EXCEPT AGAINST A POLICEMAN IN
5 AN INTERNAL AFFAIRS INVESTIGATION OR ENTRANCE INTO A POLICE
6 ACADEMY, TO IN FACT, MAKE HIS EMPLOYMENT CONTINUE, OR STOP
7 IT. BUT ANY CITIZEN HAS A RIGHT TO DENY TO TAKE A POLYGRAPH
8 AND HAVE DONE SO.

9 REPRESENTATIVE RICHARDSON: BUT ALSO POLICEMEN
10 ARE CITIZENS AND THEY HAVE A RIGHT TO NOT TAKE IT ALSO,
11 IS THAT CORRECT, BUT THEY ARE TOLD SPECIFICALLY BY YOUR
12 ORGANIZATION THAT IF THEY DO TAKE IT, THEY WILL NOT BE
13 REPRESENTED IN COURT.

14 MR. GARVEY: NO, QUITE THE OPPOSITE. THAT IS
15 THE POSITION WE HAVE TAKEN, BUT THERE IS A STATE CRIME
16 STATUTE WHICH IS SUBJECT TO INTERPRETATION, BUT IT MENTIONS
17 ONLY POLICEMEN AND ONLY THOSE WHO HANDLE DRUGS CAN BE MADE TO
18 TAKE A POLYGRAPH.

19 REPRESENTATIVE RICHARDSON: RELEVANT TO THE
20 CONCERN OF YOUR INTERNAL AFFAIRS, IT SEEMS A LOT OF THOSE
21 RECORDS HAVE NOT BEEN FOR PUBLIC CONSUMPTION. IF A COMPLAINT
22 IS BROUGHT FORWARD BY A CITIZEN IN THIS CITY, THEY SAY ACTION
23 IS TAKEN, BUT THE PERSON NEVER KNOWS WHAT THE ACTION WAS. IS
24 THERE ANY REASON WHY THAT ACTION IS NOT SOMEHOW MADE PUBLIC
25 TO ALLOW THOSE PERSONS WHO BROUGHT A COMPLAINT AGAINST THE

1 DEPARTMENT, INTERNAL AFFAIRS HEARINGS, MOST CASES, IF IN FACT
2 THEY HAVE ONE, INTERNAL AFFAIRS HEARING HELD, WHY THERE HAS
3 NOT BEEN IN MOST CASES BROUGHT TO THE ATTENTION OF THIS
4 COMMITTEE, HAVE NEVER BEEN REPORTED BACK TO THE INDIVIDUAL?

5 CHAIRMAN RHODES: REPRESENTATIVE, I REALLY
6 THINK THAT QUESTION IS MORE POTENTLY PUT TO THE CITY, AND AS
7 YOU KNOW, THE CITY HAS NOT SEEN FIT TO COME BEFORE THIS
8 COMMITTEE, AND I WILL NOT HAVE THESE WITNESSES REPRESENTED TO
9 THE COMMITTEE AS THE CITY. I WANT THE RECORD VERY CLEAR THAT
10 WE HAVE INVITED THE CITY, THE MAYOR, THE COMMISSIONER OF
11 POLICE AND THE LEGAL COUNSEL TO THE POLICE DEPARTMENT, TO
12 COME TO THIS COMMITTEE AND ANSWER THAT KIND OF QUESTION, AND
13 WE HAVE A NUMBER OF QUESTIONS LIKE THAT TO ASK THE CITY, AND
14 THEY HAVE SEEN FIT NOT TO COME BEFORE THE COMMITTEE. I DON'T
15 THINK WE CAN ASK THE F.O.P. TO ANSWER QUESTIONS THAT THE CITY
16 OUGHT TO ANSWER.

17 REPRESENTATIVE RICHARDSON: I AGREE WITH THAT.
18 THE ONLY THING IS, AT THIS POINT, MR. CHAIRMAN, WE DON'T HAVE
19 THE CITY. BUT I WOULD THINK VERY SEVERELY, WHAT I, AS PART
20 OF THIS COMMITTEE THINKS, TAKE ACTION TO SUBPOENA BOTH THE
21 MAYOR AND COMMISSIONER O'NEILL TO COME BEFORE THIS COMMITTEE
22 TO DEAL WITH THIS. AS YET THIS COMMITTEE HAS NOT DONE THAT,
23 AS YET, AND I WOULD THINK, IN ORDER TO GET TO WHERE WE HAVE
24 TO GO, THE FRATERNAL ORDER OF POLICE, WHICH REPRESENTS THE
25 SERVICES OF THE PHILADELPHIA POLICE DEPARTMENT HERE IN

1 PHILADELPHIA, THIS CHAPTER HERE IN PHILADELPHIA, CERTAINLY
2 HAS SOME INFORMATION.

3 CHAIRMAN RHODES: NOT A POLICY RESPONSIBILITY;
4 THEY CANNOT TELL US WHY THE CITY DOES OR DOES NOT DO A NUMBER
5 OF THINGS BECAUSE THEY DON'T MAKE THE POLICY FOR THE CITY.
6 AT LEAST, I DON'T THINK SO. THE F.O.P. DOES NOT MAKE THE
7 POLICY FOR THE CITY.

8 REPRESENTATIVE RICHARDSON: THEY CERTAINLY
9 SHOULD HAVE SOME INPUT AS TO WHY, AND I AM SAYING --

10 CHAIRMAN RHODES: THE POINT IS WELL TAKEN, BUT
11 I WOULD ADVISE THE WITNESSES THAT SINCE YOU ARE UNDER OATH,
12 YOU ARE NOT REALLY OBLIGED TO ANSWER THAT QUESTION. I DON'T
13 THINK IT IS AN AREA OF POLICY FOR THE F.O.P.

14 MR. GARVEY: I YIELD TO THE CHAIR.

15 CHAIRMAN RHODES: FURTHER QUESTIONS,
16 REPRESENTATIVE RICHARDSON?

17 REPRESENTATIVE RICHARDSON: NOT AT THIS TIME,
18 MR. CHAIRMAN. I WILL SUBMIT FOR THE RECORD, MR. CHAIRMAN, I
19 THINK THAT THE DECISION OF THE CHAIR, FOR THE SAKE OF MOVING
20 ON, I THINK THERE IS SOME VERY SERIOUS QUESTIONS FROM OTHER
21 MEMBERS OF THE COMMITTEE, BUT I DO MAINTAIN IT SEEMS TO ME,
22 IF THEY ARE HERE REPRESENTING THE F.O.P., THERE ARE CERTAIN
23 QUESTIONS RELEVANT TO THE THINGS GOING ON IN THE POLICE
24 DEPARTMENT ON THIS AS WELL, BEING ABLE TO ANSWER.

25 CHAIRMAN RHODES: QUESTIONS OF THIS COMMITTEE?

1 **MR. QUINN: MR. CHAIRMAN, IF I MAY COMMENT?**

2 **CHAIRMAN RHODES: WILL YOU STATE YOUR NAME FOR**
3 **THE RECORD?**

4 **MR. QUINN: JOHN QUINN. MR. GARVEY COMMENTED**
5 **ON SOMETHING REPRESENTATIVE RICHARDSON SAID ABOUT A PERSON**
6 **BEING ARRESTED TODAY BECAUSE HE TOOK A POLYGRAPH. I DON'T**
7 **THINK YOU WILL FIND THAT IS ACCURATE. I DO NOT KNOW WHAT THE**
8 **CASE IS, BUT I HAVE BEEN A POLICE OFFICER FOR 24 YEARS AND**
9 **I HAVE NEVER HEARD OF ANYBODY BEING ARRESTED FOR FAILING A**
10 **POLYGRAPH TEST.**

11 **CHAIRMAN RHODES: YOUR COMMENT IS WELL TAKEN,**
12 **MR. QUINN.**

13 **MR. QUINN: ALSO, I WOULD LIKE TO ADD, ON**
14 **ATTORNEY GENERAL BELL'S STATEMENT THAT WE HAVE THE SECOND**
15 **HIGHEST AMOUNT OF COMPLAINTS IN THE NATION, I DON'T BELIEVE**
16 **THERE IS ANY CITY THAT HAS AS MANY OUTFITS INVESTIGATING**
17 **THEM. THE POLICE DEPARTMENT, THE CITY OF PHILADELPHIA, AND**
18 **THE POLITICAL ATMOSPHERE AND THE NEWS MEDIA ENCOURAGES**
19 **EVERYBODY TO MAKE COMPLAINTS, AND I WOULD THINK THAT THIS IS**
20 **PART OF THE REASON THE COMPLAINTS ARE REGISTERED. MOST OF**
21 **THEM ARE UNFOUNDED AS WHAT WE ALL ARE AWARE OF. TODAY'S**
22 **SITUATION ON THE STREET IS, IF YOU HAND A MAN A TICKET, I**
23 **WOULD SAY THIS IS FOR ALL THE CITY, BUT YOU WILL FIND THEM IN**
24 **THE DISTRICTS, SAYING THAT OFFICER STOPPED ME AND CALLED ME**
25 **AN 'M-F', AND HIS INTENT FROM WHAT I HAVE SEEN IS TO TRY TO**

1 GET THE TICKET THROWN OUT. THEY HAVE USED A DEFENSE LINE
2 TODAY OF, 'HEY, I'M GOING TO BRING CHARGES AGAINST THE
3 POLICEMAN, SO I WILL BE FOUND NOT GUILTY.' SO I THINK THAT
4 IS MAYBE WHAT YOU OUGHT TO LOOK INTO INSTEAD OF LOOKING INTO
5 OUR GOOD RECORD, AND FINDING THERE IS A VERY SMALL AMOUNT OF
6 POLICE BRUTALITY. THANK YOU.

7 CHAIRMAN RHODES: THANK YOU, WE ARE FULLY AWARE
8 THAT IS YOUR OPINION. REPRESENTATIVE CIANCIULLI, WE WILL
9 EXTEND THE COURTESY TO YOU TO ASK QUESTIONS, BUT WE WOULD
10 REALLY LIKE TO REMIND THE WITNESSES THAT REPRESENTATIVE
11 CIANCIULLI IS NOT A MEMBER OF THE COMMITTEE, AND THE
12 OBLIGATIONS OF TESTIFYING UNDER OATH ARE NOT THE SAME FOR
13 REPRESENTATIVE CIANCIULLI.

14 REPRESENTATIVE CIANCIULLI: THANK YOU,
15 CHAIRMAN. I WOULD JUST LIKE TO GET INTO ONE OF THE AREAS,
16 JOE, WITH REFERENCE TO THIS COMMITTEE, IS ALSO TO RECOMMEND
17 LEGISLATION, AS YOU KNOW, TO THE FULL HOUSE OF
18 REPRESENTATIVES.

19 TOM, I HAVE A QUESTION MORE FOR YOU, MR.
20 GARVEY. MAYBE YOU COULD CLEAR UP THE AREA A LITTLE BIT. IN
21 YOUR OPINION, AS HEAD OF THE STATE F.O.P., AND CHARLIE, AS
22 HEAD OF THE LOCAL F.O.P., DO YOU FEEL TODAY, POLICE ON THE
23 STREET HAVE THE SAME RIGHTS AS CRIMINALS?

24 MR. GARVEY: MY OPINION IS BASED ON MY
25 EXPERIENCE OF FOURTEEN YEARS AS A POLICEMAN, THAT NO, WE

1 DON'T, AND I THINK WE TOUCHED ON ONE AREA IS POLYGRAPH. I
2 THINK THERE IS A LOT OF OTHER AREAS. I THINK WHEN WE TAKE AN
3 ACTION, UNLIKE ANY OTHER INDIVIDUAL, WE ARE SUBJECT NOT ONLY
4 TO CRITICISM WHICH WE HAVE KNOWN MORE THAN ANY OTHER
5 PROFESSION, WE CAN TAKE THE CRITICISM. BUT WHEN WE ARE IN A
6 SITUATION, THAT WHATEVER ACTION WE TAKE, AND THAT IS ONE OF
7 THE SAD THINGS I LOOK TO THE FUTURE IF THIS CONTINUES, THAT
8 WE ARE SUBJECTED TO A FEDERAL GRAND JURY, WE ARE SUBJECTED TO
9 A DISTRICT ATTORNEY'S SPECIAL UNIT; WE ARE SUBJECTED TO CIVIL
10 LITIGATION; WE ARE SUBJECTED TO CRIMINAL LITIGATION; WE ARE
11 SUBJECTED TO INTERNAL LITIGATION; WE ARE SUBJECTED TO FEDERAL
12 CIVIL RIGHTS VIOLATIONS. THERE ARE AT LEAST SEVEN SEPARATE
13 WAYS THAT ANY INDIVIDUAL IN THIS CITY WHO WANTS TO GET A
14 POLICEMAN, CAN ENTER INTO LITIGATION AGAINST HIM. AND IF OF
15 ANY ONE OF THE SEVEN HE MAY BE FOUND GUILTY, EVEN IF HE IS
16 ACQUITTED OF SIX, HIS JOB AND HIS CAREER COULD BE ON THE
17 LINE.

18 SO TODAY, AND I HATE TO SAY IT, IN THE
19 FUTURE, YOU MAY SEE HESITANCY ON THE PART OF A POLICEMAN TO
20 BECOME AGGRESSIVE, BECAUSE BEING AN AGGRESSIVE POLICEMAN
21 MEANS YOU MAY END UP -- AND YOU WILL FIND THAT ALMOST ALL THE
22 CHARGES OF BRUTALITY ARE AGAINST THOSE WHO PERFORM THE
23 FUNCTIONS THE BEST, BECAUSE THEY ARE VERY AGGRESSIVE IN THEIR
24 WORK. AND BY BEING AGGRESSIVE I DON'T MEAN SOME BEING
25 EXCESSIVE IN FORCE. I MEAN BY GOING OUT AND LOOKING AND

1 DOING HARD POLICE WORK, TO FIND OUT THE PERPETRATORS. IF
2 THAT IS GOING TO BE THE CASE, YOU ARE GOING TO SEE THE
3 AGGRESSIVE POLICEMAN START TO SIT BACK A LITTLE AND SAY, WHAT
4 AM I DOING WHEN THEY ARE OUT TO GET ME, NO MATTER WHAT I DO
5 RIGHT.

6 REPRESENTATIVE CIANCIULLI: DO YOU HAVE ANY
7 RECOMMENDATIONS IN REGARD TO HOW WE CAN BETTER HELP THE
8 POLICEMAN?

9 MR. GARVEY: TAKE US OUT OF THE POLITICAL ARENA
10 AND LET US DO OUR JOB.

11 REPRESENTATIVE CIANCIULLI: DO YOU FEEL -- THIS
12 IS FOR YOU, TOM -- DO YOU FEEL THE NEWS MEDIA IN THIS CITY
13 HAS CREATED THE ATMOSPHERE THAT HAS BEEN PROJECTED AGAINST
14 THE POLICE, WHEN IN FACT, MAYBE IT WASN'T NECESSARILY AGAINST
15 THE POLICE, BUT AGAINST THE CHIEF OFFICIALS OF THIS CITY?

16 MR. GALLAGHER: I DO FEEL THAT --I FEEL
17 PERSONALLY THAT THE INQUIRER AND THE DAILY NEWS, NOT
18 MENTIONING NAMES, MAYBE I SHOULDN'T DO THAT, BUT THE INQUIRER
19 AND THE DAILY NEWS ARE DEFINITELY OUT TO GET PART OF A MAN,
20 WHO WAS MAYBE NOT TOO POPULAR WITH SOME SEGMENTS OF THE
21 PUBLIC, BUT IN MY OPINION HE HAPPENS TO BE THE BEST, AND THEY
22 ARE OUT TO GET MAYOR RIZZO AT OUR EXPENSE, AND THEY WILL GO
23 TO ALL ENDS TO GET US JUST BECAUSE THEY ARE FEUDING WITH THE
24 MAYOR, AND THE GOOD MAYOR WON'T GIVE THEM THEIR OWN WAY.

25 REPRESENTATIVE CIANCIULLI: EVEN TO THE POINT

1 OF DAMAGING THE POLICE DEPARTMENT?

2 MR. GALLAGHER: THAT'S RIGHT.

3 CHAIRMAN RHODES: DO YOU HAVE ANY OTHER
4 QUESTIONS, REPRESENTATIVE CIANCIULLI?

5 REPRESENTATIVE CIANCIULLI: NO.

6 CHAIRMAN RHODES: IF NOT, AT THIS POINT I WOULD
7 LIKE TO ACKNOWLEDGE THE PRESENCE TO MY EXTREME RIGHT, OF
8 REPRESENTATIVE ALJIA DUMAS OF PHILADELPHIA COUNTY, AND TO MY
9 IMMEDIATE RIGHT NOW, OUR SPECIAL COUNSEL FOR THE
10 INVESTIGATION THAT WE ARE CONSIDERING TODAY, MR. VAN
11 BRASWELL. REPRESENTATIVE WHITE, DO YOU HAVE ANY QUESTIONS?

12 REPRESENTATIVE WHITE: I AM REALLY TEMPTED TO
13 FOLLOW UP ON THE COMMENTS MADE BY MR. GALLAGHER IN REGARD TO
14 THE NEWS MEDIA. I THINK THAT MANY OF US APPRECIATE THAT
15 OPINION SINCE IN THE PRESS, POLICE OFFICERS ARE NOT THE ONLY
16 ONES WHO ARE SUBJECTED TO WHAT I WOULD CALL CLOSE SCRUTINY
17 BY THE MEDIA.

18 CHAIRMAN RHODES: THE GENERAL ASSEMBLY IS BEING
19 A LITTLE BIT AFFECTED THAT WAY.

20 REPRESENTATIVE WHITE: THE GENERAL ASSEMBLY, AS
21 THE CHAIRMAN HAS INDICATED, HAS BEEN SUBJECTED TO THAT. OUR
22 STANDARD OF PROOF HOWEVER IS THAT WE RUN FOR RE-ELECTION
23 EVERY TWO YEARS, WHICH BRINGS ME TO MY QUESTION. FOR YOU
24 GENTLEMEN, AS POLICE OFFICERS, WHAT DO YOU THINK IS IN FACT
25 THE STANDARD OF PROOF WITH REGARD TO POLICE BRUTALITY CASES?

1 SHOULD IT BE SIMPLY THAT THE POLICE DEPARTMENT CONDUCTS AN
2 INVESTIGATION AND MAKES A RULING, AND THAT'S IT? DOES THAT
3 STANDARD OF PROOF LIE IN THE COURTS?

4 MR. GALLAGHER: I KNOW PERSONALLY FROM OVER
5 THIRTY-FIVE YEARS IN THE POLICE DEPARTMENT THAT OUR OWN
6 POLICE DEPARTMENT CAN DISCIPLINE THE MEN, AND THEY ARE
7 CONSTANTLY IN TOUCH WITH THEM, AND BESIDES THAT, IF WE OUGHT
8 TO SIT BACK AND LISTEN TO YOU PEOPLE. WE KNOW WE ARE BEING
9 WATCHED -- ARE WE GOING TO GET BRUTAL?

10 REPRESENTATIVE WHITE: ARE YOU REFERRING TO --

11 MR. GALLAGHER: ARE YOU ON THIS COMMITTEE?

12 REPRESENTATIVE WHITE: YES.

13 MR. GALLAGHER: OKAY, I HAVE NOTIFIED YOU
14 PEOPLE.

15 REPRESENTATIVE WHITE: WHEN YOU SAY PEOPLE --

16 MR. GALLAGHER: I HAVE NOTIFIED YOUR COMMITTEE,
17 YOU PEOPLE --

18 REPRESENTATIVE WHITE: WHEN YOU SAY PEOPLE --

19 MR. GALLAGHER: MEMBERS OF THE COMMITTEE. I
20 UNDERSTAND YOU ARE NOT A MEMBER OF THIS COMMITTEE. I JUST
21 WAS INFORMED WE DON'T HAVE TO ANSWER ANY QUESTIONS COMING
22 FROM YOU.

23 (LAUGHTER.)

24 MR. GALLAGHER: THAT'S WHAT THE CHAIRMAN SAID,
25 RIGHT? WE WENT TO WASHINGTON, AFTER THE BLACK COALITION WENT

1 TO WASHINGTON, AND WE WERE PRETTY WELL PERTURBED AT THE
2 INFORMATION COMING OUT OF GRIFFIN BELL'S OFFICE, NAMELY THAT
3 THERE WAS GOING TO BE AN INVESTIGATION. WE WENT DOWN THERE
4 AND APPROACHED GRIFFIN BELL, GAVE DOCUMENTS, COPIES OF MAYBE
5 SOME OF THIS AND OTHERS, AND WE WERE INFORMED THERE WAS GOING
6 TO BE NO INVESTIGATION. THERE WAS TO BE AN ASSESSMENT. AND
7 WE TALKED ABOUT THE INQUIRER AND THE DAILY NEWS TO HIM, AND
8 YOU KNOW WHAT HE SAID? "THE INQUIRER DON'T LIKE ME EITHER,
9 THEY GAVE ME BAD PRESS REPORTS."

10 REPRESENTATIVE WHITE: MY QUESTION IS, WHAT IS
11 THE STANDARD OF PROOF AS A POLICE OFFICER? IS THE STANDARD
12 OF PROOF IN REGARD TO ANY ALLEGATION MADE TO POLICE
13 BRUTALITY, TO THE POLICE DEPARTMENT ITSELF, OR --

14 CHAIRMAN RHODES: LET ME ASK THE QUESTION THAT
15 REPRESENTATIVE WHITE IS ASKING ANOTHER WAY. THERE HAVE BEEN
16 STATEMENTS IN THE PUBLIC MEDIA OF THE CITY BY THE
17 COMMISSIONER OF POLICE AND I HAVE READ A DEPOSITION TAKEN OF
18 THE MAYOR, IN A CIVIL CASE BEFORE THE FEDERAL COURT, WHERE
19 BOTH OFFICIALS, AND WE HAVE NOT BEEN ABLE TO ACTUALLY ASK
20 THEM, BECAUSE OF COURSE, THEY HAVE NOT COME BEFORE OUR
21 COMMITTEE. THEY SEEM TO SAY THAT IF A POLICE OFFICER IS
22 FOUND INNOCENT OF CRIMINAL CHARGES BROUGHT IN THE COURT OF
23 COMMON PLEAS IN THE CITY OF PHILADELPHIA -- I GUESS YOU CALL
24 IT SOMETHING ELSE HERE -- OR THE FEDERAL DISTRICT COURT, THEN
25 THEY ARE EXONERATED OF A BRUTALITY CHARGE. DO YOU AGREE WITH

1 IT?

2 MR. GALLAGHER: DO I AGREE WITH IT WHEN THEY
3 WENT THROUGH THE DUE PROCESS?

4 CHAIRMAN RHODES: IF THEY HAVE GONE THROUGH A
5 CRIMINAL PROSECUTION EITHER IN FEDERAL OR COMMON PLEAS COURT, AND
6 THEY ARE FOUND NOT GUILTY, THE CHIEF OF THE POLICE OF THIS
7 CITY AND THE MAYOR HAVE MADE PUBLIC STATEMENTS, AND IN
8 DEPOSITIONS UNDER OATH, THAT THEY CONSIDER THEM HAVING BEEN
9 EXONERATED. AS CHIEF OF THE F.O.P. DO YOU CONSIDER A FELLOW
10 OFFICER HAVING GONE THROUGH SUCH PROCESSES AS HAVING BEEN
11 EXONERATED?

12 MR. GALLAGHER: POSITIVELY. WE DON'T WANT
13 ANYBODY GOING TO COURT FOR BRUTALITY. I, AS PRESIDENT OF THE
14 F.O.P., AM CONSTANTLY GETTING UP ON THE FLOOR AND TELLING
15 THEM, WE HAVE COMMITTEES AROUND HERE WHO ARE CONSTANTLY
16 LOOKING OVER YOUR SHOULDER --

17 CHAIRMAN RHODES: MR. GALLAGHER, MAYBE I'D BETTER
18 RESTATE IT AGAIN. I WANT TO FULLY UNDERSTAND YOUR ANSWER.
19 LET ME ASK IT ANOTHER WAY BECAUSE I DON'T THINK YOU REALLY
20 FULLY COMPREHEND MY QUESTION. LET ME ASK IT AGAIN. WE HAD
21 TESTIMONY FROM THE HEAD, FROM A POLICE OFFICER, LIEUTENANT
22 FROM THE NEW YORK CITY POLICE DEPARTMENT, WHO TESTIFIED AS TO
23 HOW THEY HANDLED SHOOTING INCIDENTS IN THE CITY OF NEW YORK
24 POLICE DEPARTMENT, WHICH IS VASTLY REDUCED. AND I COMMEND
25 YOU TO THE WORK OF THE NEW YORK CITY POLICE DEPARTMENT; THEY

1 MR. GARVEY: YES, I WAS ABOUT TO ANSWER IT.
2 THERE ARE OCCASIONS WHEN POLICEMEN CAN BE FOUND GUILTY IN A
3 COURT OF LAW, WHETHER IT IS COMMONWEALTH OR FEDERAL. YOU
4 MUST THEN IN SOME INSTANCES, RETURN TO THE CIVIL SERVICE
5 COMMISSION WHO APPROVES OR DISAPPROVES WHETHER OR NOT HE IS
6 REINSTATED AS A POLICEMAN. THE COMMISSION ON OCCASION HAS
7 REFUSED TO ACCEPT THE RULINGS OF THE COURTS AND HAVE MADE
8 POLICEMEN -- THE CIVIL SERVICE COMMISSION HAS MADE POLICEMEN
9 GO TO COURT TO TRY AND GET THEIR JOBS BACK.

10 THERE HAVE BEEN OCCASIONS WHEN POLICEMEN
11 INTERNALLY MAY HAVE BEEN ACQUITTED OF A CHARGE, AND THEN THE
12 PEOPLE WHO WERE COMPLAINANTS, HAVE THEN GONE INTO COURT AND
13 MADE CHARGES AGAINST THEM, AGAINST THE POLICE, SO THERE IS A
14 DUAL PROCESS. I DON'T THINK IT IS AN AUTOMATIC SYSTEM THAT
15 SAYS IF HE IS ACQUITTED HIS JOB BE AUTOMATICALLY GIVEN; HE
16 MUST WIN IT BACK.

17 CHAIRMAN RHODES: LET ME ASK YOU THE QUESTION,
18 MR. GARVEY. DO YOU BELIEVE THE STANDARD OF PROOF -- DO YOU
19 BELIEVE THE STANDARD OF PROOF USED BY THE POLICE DEPARTMENT
20 INTERNALLY IN CASES OF ALLEGED BRUTALITY IS MORE SEVERE OR
21 LESS SEVERE A STANDARD OF PROOF THAN THE PROOF BEFORE THE
22 CRIMINAL COURTS, WHICH IS BEYOND A REASONABLE DOUBT?

23 MR. GARVEY: I WOULD SAY TO DIRECTLY COMPARE
24 THE TWO WOULDN'T BE FAIR, BECAUSE I THINK THE POWER OF THE
25 COURT SYSTEM CAN BE A LOT GREATER THAN THE POWER OF AN

1 INTERNAL STRUCTURE. I THINK THAT STRUCTURALLY, OUR SYSTEM OF
2 TRIAL BOARD HEARINGS I THINK IS A VERY GOOD ONE. I THINK
3 MOST HAVE EVIDENCE --

4 CHAIRMAN RHODES: MR. GARVEY, IS IT MORE SEVERE
5 OR LESS SEVERE A TEST OF WHETHER AN ACTUAL CASE OF BRUTALITY
6 OCCURRED BEFORE THE COURTS OF THE COMMONWEALTH AND THE
7 FEDERAL GOVERNMENT, OR BEFORE AN INTERNAL REVIEW BOARD OF THE
8 CITY OF PHILADELPHIA?

9 MR. GARVEY: I THINK THE ANSWER IS, WITHOUT A
10 DETAILED STUDY YOU OR I COULDN'T MAKE THAT DECISION, AND I
11 DON'T THINK --

12 CHAIRMAN RHODES: THE MAYOR, THE CHIEF OF
13 POLICE OF THIS CITY, HAS SAID UNDER OATH MORE THAN ONCE, I
14 HAVE SEEN THE RECORD, THEY HAVE AN OPINION ABOUT THAT. I
15 WONDER WHAT YOUR OPINION IS?

16 MR. GARVEY: MY OPINION IS, WITHOUT A DETAILED
17 STUDY, I AM NOT IN A POSITION TO COMPARE EITHER, BUT I THINK
18 BOTH ARE SUFFICIENT AND DUE PROCESS IS GIVEN IN BOTH
19 SITUATIONS.

20 CHAIRMAN RHODES: THANK YOU. DO YOU HAVE ANY
21 COMMENTS, MR. GALLAGHER?

22 MR. GALLAGHER: I HAVE ONE FURTHER ON THAT. I
23 AGREE WITH WHAT TOM SAID, TO GO TO COURT AND BE FOUND NOT
24 GUILTY, THEY ARE NOT PUT BACK TO WORK, BECAUSE TIME AND TIME
25 AGAIN, INTERCEDING WITH THE COMMISSIONER OR THE MAYOR,

1 WHOEVER I HAPPEN TO SEE, THEY REFUSE TO PUT THEM BACK BASED
2 ON THE DECISION OF ONE OF THE COURTS. THEN WE HAVE TO
3 INSTITUTE FURTHER ACTIONS, GO BACK INTO CIVIL SERVICE
4 COMMISSION AND FIGHT FOR THEM TO GET BACK ON THE POLICE
5 FORCE, AND WE DON'T ALWAYS SUCCEED.

6 SOMETIMES THE CIVIL SERVICE COMMISSION WON'T
7 GO ALONG WITH THE COURTS. IT IS A LONG TEDIOUS OPERATION, IF
8 A MAN GETS FIRED FROM THE POLICE DEPARTMENT AND THEN GOES TO
9 COURT AND IS FOUND NOT GUILTY. I AM TELLING YOU, IT IS A
10 TOUGH THING.

11 CHAIRMAN RHODES: MR. GALLAGHER, THE TESTIMONY
12 FROM NEW YORK INDICATES --

13 MR. GALLAGHER: I AM NOT TRYING TO BE --

14 CHAIRMAN RHODES: LET ME FINISH THE QUESTION.

15 MR. GALLAGHER: I AM NOT TRYING TO BE
16 DISRESPECTFUL BUT NEW YORK DON'T CONCERN ME.

17 (APPLAUSE FROM AUDIENCE.)

18 MR. GARVEY: LET ME ATTEMPT TO DIRECT THE
19 CHAIR, NUMBER ONE, TO THE DIRECTION IT WAS TAKING WHEN
20 REPRESENTATIVE WHITE WAS ASKING THE QUESTIONS AND THE CHAIR
21 TOOK OVER, AND I WAS ABOUT TO ANSWER REPRESENTATIVE WHITE'S
22 INITIAL QUESTION, AND WHAT IS THE POINT WHERE EXCESSIVE FORCE
23 TAKES PLACE.

24 CHAIRMAN RHODES: DO YOU UNDERSTAND THE
25 QUESTION ABOUT THE STANDARD OF PROOF?

1 MR. GARVEY: I COULD ALSO RELATE QUICKLY TO THE
2 NEW YORK SITUATION. THE POLICEMEN THERE AREN'T TOO HAPPY
3 BECAUSE THEY FEEL THAT A LOT OF THEIR POLICEMEN HAVE BEEN
4 SHOT HESITATING BECAUSE OF THE CONTROLS THAT WERE PUT ON
5 THEM.

6 CHAIRMAN RHODES: THEY HAVE A VAST REDUCTION OF
7 SHOOTING INCIDENTS AMONG THE POLICE OFFICERS.

8 MR. GARVEY: IT MEANS MAYBE THEY HESITATED TO
9 PULL THEIR OWN --

10 CHAIRMAN RHODES: NO, NO, THE OTHER WAY AROUND.
11 THEY HAVE BEEN HAVING GRADUALLY, QUIET, STEADY REDUCTION OF
12 POLICE OFFICERS BEING SHOT IN NEW YORK IN THE LAST FOUR-FIVE
13 YEARS. LET ME GO BACK --

14 MR. GARVEY: THEY HAVE LAID OFF THREE THOUSAND
15 MEN, TOO.

16 CHAIRMAN RHODES: MR. GALLAGHER, THIS IS
17 IMPORTANT FOR US TO NAIL IT DOWN. YOU MENTIONED YOUR CONCERN
18 ABOUT WHETHER A POLICE OFFICER LOSES HIS JOB OR NOT. NOW WE
19 ARE BACKED UP A LITTLE BIT STILL IN OUR STANDARD OF PROOF
20 CONCERN. THE TESTIMONY IN NEW YORK INDICATED THAT NEW YORK
21 POLICE OFFICERS INVOLVED IN A SHOOTING INCIDENT, WHICH IS
22 AFTER ALL, THE MOST SERIOUS CASE OF EXCESSIVE FORCE AND USE
23 OF DEADLY FORCE, ARE NOT SO CONCERNED ABOUT LOSING THEIR
24 JOBS, AS THEY ARE CONCERNED THAT THEY WILL LOSE DAYS, BECAUSE
25 OF THE SHOOTING ABUSE TEAM WILL CONCLUDE WITH MUCH SEVERER

1 STANDARD OF PROOF THAN THE CRIMINAL COURT THAT THEY ACTED
2 IMPROPERLY.

3 NOW, IS IT YOUR EXPERIENCE IN THE CITY OF
4 PHILADELPHIA THAT A POLICE OFFICER, IF HE IS NOT BROUGHT
5 BEFORE THE COURT OF COMMON PLEAS OR THE FEDERAL COURT IN A
6 CASE INVOLVING USE OF EXCESSIVE FORCE, THAT HE DOES NOT FACE
7 THE DANGER OF LOSING TIME, OTHER KINDS OF REPRIMAND WITHIN
8 THE DEPARTMENT OF THE POLICE?

9 MR. GALLAGHER: THAT IS ONE OF OUR MAIN
10 CONCERNS, LOSING TIME. DURING THAT PERIOD OF TIME THEY ARE
11 WITHOUT ANY SOURCE OF INCOME. THEY GO TO COURT -- OKAY. IF
12 IT IS A SHOOTING, SOMETIMES THEY ARE PUT DOWN WORKING IN THE
13 SECOND FLOOR, TO FIND OUT WHETHER THEY ARE GUILTY OR NOT.
14 AFTER THE COURT FINDS THEM NOT GUILTY, IF THEY DON'T LEAVE
15 THE POLICE FORCE, THEN THEY MIGHT BE PUT BACK OUT IN THE
16 STREET.

17 BUT INVARIABLY, THEY ARE LET GO FROM THE
18 POLICE FORCE WHICH NECESSITATES US GOING TO COURT TO GET
19 THEIR JOB BACK, AND THEN AFTER WE GET THEM THEIR JOB BACK, WE
20 THINK WE GET THEIR JOB BACK THROUGH THE COURT DECISIONS, IT
21 THEN TURNS AROUND AND GOES TO CIVIL SERVICE, AND CIVIL
22 SERVICE DOESN'T ALWAYS GO ALONG WITH THE COURT.

23 CHAIRMAN RHODES: LET ME ASK YOU A MUCH SIMPLER
24 -- I UNDERSTAND YOUR ANSWER TO MY QUESTION. LET ME ASK YOU
25 MORE SIMPLY, HOW OFTEN IS IT IN THE CITY OF PHILADELPHIA, IN

1 THE LAST FIVE YEARS, AS HEAD OF THE F.O.P., HAVE YOU
2 EXPERIENCED POLICE OFFICERS BEING DOCKED DAYS FOR CHARGES OF
3 USE OF EXCESSIVE FORCE, NOT BEING FIRED, NOT -- DOCKED FIVE
4 DAYS?

5 MR. GALLAGHER: NOT BEING FIRED?

6 CHAIRMAN RHODES: THE STATE POLICE GET DOCKED
7 FIVE DAYS FOR SAYING SOMETHING HARSH TO SOMEBODY ON THE
8 TURNPIKE; THAT'S WHY OUR GUYS ARE NICE. HOW OFTEN -- THAT IS
9 THE TRUTH, BY THE WAY. HOW OFTEN IS IT THAT -- I NOTICE,
10 SINCE YOU COMPILED THE STATISTICS, HAS BEEN THE EXPERIENCE OF
11 POLICE OFFICER, HE IS DOCKED DAYS FOR BEING ABUSIVE?

12 MR. GALLAGHER: LET ME BE HONEST WITH YOU.

13 CHAIRMAN RHODES: I KNOW THAT --

14 MR. GALLAGHER: LET ME BE HONEST WITH YOU.

15 OFFHAND, I DO NOT KNOW HOW MANY GUYS ARE DOCKED DAYS, BUT IF
16 THEY WERE DOCKED DAYS, WHY THEN I WOULD APPEAL EVERY
17 DECISION.

18 CHAIRMAN RHODES: IF THEY ARE DOCKED DAYS --

19 MR. GALLAGHER: IF THEY WERE JUST DOCKED DAYS,
20 I WOULD APPEAL THAT DECISION, BECAUSE INVARIABLY THEN PEOPLE
21 WHO ARE MAKING THE CHARGES TAKE OUT A CIVIL SUIT AGAINST OUR
22 MEN, SO AS A RESULT I WOULD FIGHT ANY DOCKING OF DAYS.

23 CHAIRMAN RHODES: MR. GARVEY, DO YOU KNOW HOW
24 MANY GUYS HAVE BEEN SUBJECT TO DOCKED DAYS?

25 MR. GARVEY: YEAH, I AM PRIVY TO ALL THE DATA

1 IN THE DEPARTMENT, BUT I CAN TELL YOU ONLY THREE WEEKS AGO,
2 TWO WEEKS AGO, ONE INDIVIDUAL WAS GIVEN THIRTY DAYS FOR
3 PHYSICAL ABUSE, AND I THINK HIS PARTNER WAS ALSO GIVEN THIRTY
4 DAYS; TWO OF THEM WERE GIVEN THIRTY DAYS.

5 CHAIRMAN RHODES: SINCE YOU COMPILED OTHER
6 DATA, AND I AM VERY THANKFUL, BECAUSE WE HAVE RECEIVED NO
7 DATA FROM THE CITY ITSELF. WE ARE VERY THANKFUL THAT YOU
8 PROVIDED SOME DATA TO US. COULD YOU PROVIDE SOME DATA FROM
9 THE F.O.P. AS TO HOW MANY PEOPLE HAVE BEEN SUBJECT TO DOCKED
10 DAYS FOR USE OF ABUSIVE FORCE?

11 MR. GARVEY: I WOULD SUGGEST THAT YOU WOULD BE
12 IN A BETTER POSITION TO ATTEMPT TO GET IN THE CITY OF
13 PHILADELPHIA --

14 CHAIRMAN RHODES: WE HAVE BEEN TOTALLY --

15 REPRESENTATIVE DUMAS: MR. CHAIRMAN, YOU MEAN,
16 HOW MANY WAS REPORTED TO THE F.O.P. OF ITS MEMBERS?

17 CHAIRMAN RHODES: YES, MR. DUMAS. WE HAVE BEEN
18 -- HOW SHALL I SAY -- COMPLETELY FRUSTRATED IN OUR ATTEMPTS
19 TO RECEIVE ANY INFORMATION FROM THE CITY OF PHILADELPHIA.

20 MR. GARVEY: I WILL ATTEMPT TO DO IT.

21 CHAIRMAN RHODES: AND I WILL ASK YOU, MR.
22 GARVEY, WILL YOU DO IT FOR US?

23 MR. GARVEY: I WILL ATTEMPT TO DO IT.

24 CHAIRMAN RHODES: REPRESENTATIVE WHITE, I
25 INTERRUPTED HIS QUESTION.

1 MR. GALLAGHER: JUST ONE MINUTE. ARE YOU JUST
2 REFERRING TO BRUTALITY CASES?

3 CHAIRMAN RHODES: USE OF ABUSE, EITHER PHYSICAL =
4 OR VERBAL.

5 MR. GALLAGHER: I SAID BEFORE IN HERE IT SAYS
6 IT IS MINIMAL, SO AS A RESULT YOU DON'T HAVE THAT MANY CASES
7 OF BRUTALITY GOING IN FRONT OF OUR TRIAL BOARD, WHERE THEY
8 COULD BE GIVEN DAYS.

9 CHAIRMAN RHODES: I WAS WONDERING, AS A MATTER
10 OF FACT --

11 MR. GALLAGHER: WE HAVE ALL KINDS OF CHARGES.

12 CHAIRMAN RHODES: THANK YOU VERY MUCH, MR.
13 GALLAGHER. I HAVE MUCH STEPPED ON REPRESENTATIVE WHITE'S
14 TIME.

15 REPRESENTATIVE WHITE: THE PHILADELPHIA POLICE
16 DEPARTMENT IS GENERALLY DESCRIBED BY MANY PEOPLE AS BEING
17 PHILADELPHIA'S FINEST.

18 MR. GALLAGHER: THAT'S RIGHT.

19 REPRESENTATIVE WHITE: TO ME THAT REPRESENTS
20 ATTITUDE WITH REGARD TO A CERTAIN STANDARD THAT IS EXPECTED
21 OF OFFICERS WHO ARE MEMBERS OF THE POLICE FORCE, IS THAT
22 CORRECT? WOULD THAT BE CORRECT?

23 MR. GALLAGHER: WOULD YOU REPEAT THAT? I
24 DIDN'T HEAR IT.

25 REPRESENTATIVE WHITE: I AM SAYING THAT BY

1 SAYING, YOU DESCRIBED THE PHILADELPHIA POLICE FORCE -- MANY
2 FOLKS DO -- AS BEING PHILADELPHIA'S FINEST. THAT TO ME WOULD
3 IMPLY A CERTAIN STANDARD THAT IS EXPECTED AS A MEMBER OF THE
4 PHILADELPHIA POLICE DEPARTMENT, TO LIVE UP TO THAT STANDARD.
5 YOU GET THIS ADJECTIVE OR ADJECTIVE PHRASE WHICH WOULD
6 DESCRIBE THE POLICE DEPARTMENT AS PHILADELPHIA'S FINEST.

7 MR. GALLAGHER: RIGHT.

8 REPRESENTATIVE WHITE: NOW, PERSONALLY, AS A
9 LEGISLATOR, AS A CITIZEN OF PHILADELPHIA, I AM NOT SO
10 CONCERNED ABOUT THE NUMBERS, I AM REALLY NOT CONCERNED ABOUT
11 NUMBERS. IT WOULD SEEM TO ME IF THERE IS ONE INDIVIDUAL, LET
12 ALONE ONE HUNDRED INDIVIDUALS WHO ARE ENGAGING IN SOME KIND
13 OF MISCONDUCT WITH RESPECT TO POLICE ABUSE, THAT I WOULD BE
14 CONCERNED ABOUT THAT ONE INDIVIDUAL, TOO.

15 MR. GALLAGHER: WE WOULD BE, TOO.

16 REPRESENTATIVE WHITE: IN BEING THAT CONCERNED,
17 IF AN INDIVIDUAL IS CONVICTED IN COURT FOR LET'S SAY, CIVIL
18 DAMAGES ARE AWARDED TO A COMPLAINANT AGAINST A POLICE
19 OFFICER FOR EXCESSIVE FORCE. WHY THEN DO WE CONTINUE THAT
20 PROCESS BY ONE? APPEALING TO MAKE -- TRYING TO HOLD THEIR
21 JOBS FOR THE INDIVIDUALS? WHY DO WE PROVIDE FREE LEGAL
22 COUNSEL TO THAT INDIVIDUAL IN SPITE OF THE FACT THEY HAVE
23 BEEN CONVICTED? WHY DO WE FILE APPEALS BEFORE THE CIVIL
24 SERVICE COMMISSION IN PHILADELPHIA TO GUARANTEE THAT PERSON
25 WILL KEEP THAT JOB?

1 MR. GALLAGHER: DON'T CRIMINALS HAVE THE SAME
2 RIGHTS?

3 AUDIENCE: YES.

4 (APPLAUSE FROM AUDIENCE.)

5 REPRESENTATIVE WHITE: BUT NOW WHAT YOU HAVE
6 DONE, IS SAID THAT YOU KNOW, IT IS NOT PHILADELPHIA'S FINEST,
7 WHEN YOU COMPARE A POLICE OFFICER TO A CRIMINAL. I WANT YOU
8 TO UNDERSTAND MY POINT. WHY DO WE DO THAT? I DON'T
9 UNDERSTAND THAT. IF AN INDIVIDUAL HAS BEEN FOUND GUILTY,
10 CIVIL DAMAGES HAVE BEEN AWARDED TO ONE WHO FILED THE
11 COMPLAINT, WHY CONTINUE THAT PROCESS, AND THE F.O.P. -- I SEE
12 YOUR OBLIGATION TO TRY TO KEEP FOLKS WORKING, BUT ABOUT THOSE
13 WHO HAVE BEEN CONVICTED --

14 MR. GALLAGHER: I HAVE ALWAYS BELIEVED, AS YOU
15 KNOW, IN THE OUTSIDE WORLD, CRIMINALS, THEY ARE INNOCENT
16 UNTIL PROVEN GUILTY. THERE IS NO REASON AT ALL, UNTIL WE
17 FINALIZE A DECISION, THAT THE MAN IS GUILTY, THAT WE ARE NOT
18 GOING TO STAND BEHIND HIM. AS LONG AS THERE IS AN ELEMENT OF
19 DOUBT WE ARE GOING TO GIVE THEM LEGAL AID, AND TRY TO GET
20 THAT MAN HIS JOB BACK.

21 REPRESENTATIVE WHITE: AFTER ALL APPEALS HAVE
22 BEEN FINALIZED?

23 MR. GALLAGHER: THEN HE IS DONE; HE HAS TO GO
24 ON HIS WAY. IF A CRIMINAL GETS SENT TO JAIL, AND HE
25 EXHAUSTED ALL APPEALS, HE WINDS UP IN JAIL, RIGHT? AND THE

1 SAME THING MIGHT HAPPEN TO A POLICEMAN, BUT WE INTEND TO GIVE
2 OUR MEN FULL PROTECTION.

3 REPRESENTATIVE WHITE: MR. GARVEY, YOU
4 MENTIONED UNDER QUESTIONING BY REPRESENTATIVE RICHARDSON,
5 SOMETHING ABOUT STRESS. HOW IMPORTANT DO YOU CONSIDER THE
6 STRESS FACTOR IN REGARDS TO ALLEGATIONS IN REGARDS TO POLICE
7 BRUTALITY?

8 MR. GARVEY: I THINK IT'S CRITICAL. I THINK
9 THAT WHEN YOU SAY A STRESSFUL OCCUPATION, YOU ARE TALKING
10 ABOUT ONE WHO IS SUBJECTED TO -- A POLICEMAN IS SUBJECTED TO
11 MUCH MORE STRESS THAN ANY OTHER OCCUPATION. LET ME GIVE AN
12 ANALOGY OF WHAT I MEAN. UNLIKE ANY OTHER PROFESSIONAL, I
13 DON'T CARE WHAT IT IS, AS A POLICEMAN, YOU RESPOND TO YOUR
14 FUNCTION WHEN YOU ARE DONE. I DON'T CARE WHETHER IT IS
15 SOCIALLY; I DON'T CARE WHETHER IT IS THE CORNER BAR; I DON'T
16 CARE WHERE IT'S AT. NUMBER ONE: IF SOMETHING HAPPENS OF A
17 CRIMINAL NATURE YOU MUST TAKE POLICE ACTION IMMEDIATELY.
18 NUMBER TWO: AT A SOCIAL EVENT, YOU MUST ANSWER TO EVERYBODY
19 IN THE ROOM, WHOEVER GOT A TICKET. YOU ARE THE ONE THEY
20 SINGLE OUT TO SAY, LAST NIGHT I WAS STOPPED BY A POLICEMAN.

21 NUMBER THREE: IF I WORK AN EIGHT-HOUR TOUR,
22 FOR SEVEN HOURS I HANDLE DOMESTIC DISTURBANCES, TURN OFF FIRE
23 HYDRANTS IN NINETY DEGREE HEAT, AND HANDLE A VOLUME OF OTHER
24 SERVICES WHICH I NOW PROVIDE, I AM UNDER A STRESSFUL
25 SITUATION, AND IN THE EIGHTH HOUR, MAY CAUSE ME TO BE IN A

1 VERY SHORTENED FUSE. AT THE SAME TIME, EVERY FAILURE OF CITY
2 GOVERNMENT, WHETHER IT IS A POT HOLE, A LIGHT OUT, BROKEN FIRE
3 PLUG, DAMAGED HIGHWAY CONDITION, WHATEVER IT IS, AFTER 5:00
4 P. M. THE ONLY ONE THAT RESPONDS TO THAT PROBLEM IS A
5 POLICEMAN.

6 WHEN THAT ELEMENT, WHETHER IT IS AN
7 ABANDONED CAR, WHATEVER, ISN'T MOVED, OR ISN'T TAKEN CARE OF,
8 THEY DON'T SAY, L&I DIDN'T DO IT; THAT POLICEMAN I GAVE THE
9 PROBLEM FAILED TO DO IT. SO THERE IS ANXIETY JUST FROM THE
10 FAILURE OF CERTAIN SERVICES TO BE PERFORMED THAT WE HAVE TO
11 ANSWER FOR IN THE FINAL ANALOGY.

12 LET ME REVERT TO A SITUATION WHICH HAPPENED
13 IN THE HOUSE OF REPRESENTATIVES. A CERTAIN LEGISLATOR, OVER
14 A VERBAL COMMENT, ON A MICROPHONE WAS READY TO RUSH ACROSS
15 THE FLOOR AFTER ANOTHER MEMBER OF THE HOUSE, AND I QUESTION,
16 HAD HE BEEN SUCCESSFUL, AND DID PHYSICALLY GET TO THAT MEMBER
17 OF THE HOUSE, WHAT HE WOULD HAVE BEEN CHARGED WITH, AND WHAT
18 COMPLAINTS OF STRESS HE WOULD HAVE MADE TO THE MEDIA, AND TO
19 HIS CONSTITUENCY, AND TO HIS EMPLOYER.

20 CHAIRMAN RHODES: PRESENT COMPANY EXCLUDED, OF
21 COURSE.

22 MR. GARVEY: PRESENT COMPANY EXCLUDED. IT IS
23 AN ANALOGY I AM GIVING YOU, TONGUE IN CHEEK, IS THAT NONE CAN
24 JUDGE. IF I WERE TO REACH OVER AND SMACK EVERY ONE IN THE
25 FACE, THERE MIGHT BE SEVEN SEPARATE REACTIONS. ONE MIGHT SIT

1 FROZEN; ONE MIGHT REACT PHYSICALLY; ONE MIGHT RUN OUT OF THE
2 ROOM. YOU DON'T KNOW. AND TO EXPECT 8300 MEN TO REACT THE
3 SAME WAY, LIKE MECHANICAL PEOPLE, YOU ARE NEVER GOING TO GET
4 IT.

5 (APPLAUSE FROM AUDIENCE.)

6 REPRESENTATIVE WHITE: HOW DOES THE
7 PHILADELPHIA POLICE DEPARTMENT IN ANY WAY TRY TO REDUCE
8 INSTANCES OF STRESS IN THE PHILADELPHIA POLICE DEPARTMENT?

9 MR. GARVEY: LET ME GIVE YOU WHAT I WOULD LIKE
10 YOU TO DO, THE COMMITTEE --

11 REPRESENTATIVE WHITE: DOES THE PHILADELPHIA
12 POLICE DEPARTMENT HAVE A PROGRAM WHICH DEALS WITH STRESS
13 DETECTION?

14 MR. GARVEY: TO MY KNOWLEDGE?

15 CHAIRMAN RHODES: NOT SPEAKING AS A
16 REPRESENTATIVE OF THE CITY.

17 MR. GARVEY: NO, BUT TO MY KNOWLEDGE, THERE ARE
18 AVENUES WHERE THEY COULD BE REFERRED TO HOPE THAT THERE
19 PARTICULAR INDIVIDUAL SITUATION MIGHT BE ALLEVIATED. BUT
20 THAT IS THE CART BEFORE THE HORSE. THE PROBLEM IS THIS;
21 THERE IS NO MEANS TODAY IN OUR DEPARTMENT, AND I KNOW NONE
22 ACROSS THE COUNTRY, AND I INCIDENTALY BELIEVE IT WOULD BE
23 CHALLENGED IMMEDIATELY, A TEST TO BE GIVEN THAT WOULD SHOW
24 TWO THINGS. NUMBER ONE: WHETHER AN APPLICANT TO BECOME A
25 POLICEMAN, HAD THE COURAGE TO DO THE JOB, AND I'VE HAD PEOPLE

1 FREEZE IN A SEPTA CAR, NEVER GOT OUT IN A SITUATION THAT
2 CALLED FOR A PHYSICAL CONFRONTATION, OR WHO MAY IN FACT, HAVE
3 A VERY SHORT FUSE, AND POSSIBLY OVER REACT IN THE SAME TYPE
4 OF A PHYSICAL SITUATION. AS LONG AS BEFORE THEY TAKE THIS
5 JOB THERE IS NO MEANS TO GAUGE WHAT THEY MAY BE, THE SAD PART
6 IS THAT WE ARE STEREOTYPED, THE ENTIRE DEPARTMENT, BY THE GUY
7 WHO MAY OVER REACT. AND WE ARE STEREOTYPED BY THE GUY WHO
8 DIDN'T FULFILL HIS OBLIGATION, AND WAS A COWARD. WE HAVE A
9 SITUATION RIGHT NOW WHERE A GUY FROZE AND IS UNDER
10 INVESTIGATION BECAUSE HE FROZE, AND THERE ARE OTHER
11 SITUATIONS WHERE HE MAY HAVE OVER REACTED. BUT WE ARE
12 STEREOTYPED.

13 UNTIL SOME LEGISLATION MAY COME UP THAT SAYS
14 THE MANDATING CRITERIA TO BECOME A POLICEMAN IN PENNSYLVANIA
15 SAYS THAT HE WILL GO THROUGH A STRESS INTERVIEW, HE WILL
16 HAVE TO HAVE GOOD PSYCHOLOGICAL BACKGROUND TESTING, FINE.
17 THAT MAY BE GREAT; THAT MAY HELP US, BUT WHAT HAPPENS IS THE
18 OPPOSITE.

19 YOU REMEMBER THE LIQUOR AGENT USED TO BE A
20 PRESTIGIOUS POSITION, ON THE LIQUOR CONTROL BOARD. YOU HAD
21 TO HAVE A COLLEGE EDUCATION, OR SEVEN YEARS COMMENSURABLE
22 LAW ENFORCEMENT EXPERIENCE. TODAY, IT IS AN APPOINTED JOB,
23 WITHOUT A COMPETITIVE EXAMINATION, WITH A HIGH SCHOOL
24 EQUIVALENT. I DON'T THINK THAT IS RIGHT.

25 REPRESENTATIVE WHITE: YOU ARE SAYING THAT AS

1 FAR AS YOU KNOW, THERE IS NO PARTICULAR UNIT IN THE
2 PHILADELPHIA POLICE DEPARTMENT WHICH DEALS WITH STRESS
3 DETECTION?

4 MR. GARVEY: NO, I THINK IT COULD BE MORE
5 EXPANDED AS I THINK THERE ARE OTHER CITIES THAT HAVE A MORE
6 EXPANDED TYPE PROGRAM.

7 REPRESENTATIVE WHITE: THERE ARE OTHER CITIES
8 THAT HAVE STRESS DETECTION UNITS.

9 MR. GARVEY: I DON'T THINK IT'S STRESS
10 DETECTION. IT IS MORE LIKE A PSYCHOLOGICAL COUNSELING
11 SERVICE DIRECTLY PROVIDED BY THE DEPARTMENT ITSELF.

12 REPRESENTATIVE WHITE: NO SUCH UNIT EXISTS IN
13 THE PHILADELPHIA POLICE DEPARTMENT?

14 MR. GARVEY: WE HAVE A REFERRAL, BUT AS TO BE
15 DIRECTLY PROVIDED, I DON'T THINK IT IS FUNDED DIRECTLY BY OUR
16 DEPARTMENT.

17 REPRESENTATIVE WHITE: I'M SORRY?

18 MR. QUINN: WE DO AT THE POLICE ACADEMY. WE
19 HAVE A DOCTOR JOHN FAUNCE, WHO DOES GIVE ALL APPLICANTS A
20 PSYCHOLOGICAL TEST, REFERS THEM. IT IS AN ONGOING PROCESS
21 NOW, WHICH IS BEING DONE, SO THEY ARE STEPPING IN THIS
22 DIRECTION AS OF NOW, SIR.

23 REPRESENTATIVE WHITE: LET'S TALK A LITTLE BIT
24 ABOUT THE PROVISIONS OF THE POLICE MANUAL. DO YOU BELIEVE
25 THAT THE CURRENT PROVISIONS OF THE POLICE MANUAL PROVIDE FOR

1 EFFECTIVE PROSCRIPTIONS AGAINST WRONGDOING?

2 MR. GARVEY: WELL, I COULD DIRECT THAT QUESTION
3 TO CHARLIE. HE DEALS WITH THE PROBLEMS THAT COME IN, BUT IF
4 YOU ARE GOING TO SAY THAT SMOKING BETWEEN 10:00 P. M. AND
5 SEVEN IN THE MORNING IS A VIOLATION; NOT WEARING YOUR HAT --

6 REPRESENTATIVE WHITE: LET'S LIMIT IT TO THE
7 USE OF FIREARMS.

8 MR. GARVEY: USE OF FIREARMS. WELL, AGAIN, I
9 WOULD HAVE TO SAY ON MY PERSONAL EXPERIENCE, I HAVE ONLY
10 FIRED MY WEAPON IN FIFTEEN YEARS, ONCE. I DON'T KNOW IF
11 CHARLIE OR JOHN DID. YOU ARE TALKING ABOUT MY OPINION. IT
12 IS A MINORITY OF PEOPLE WHO ACTUALLY DO FIRE THEIR WEAPONS,
13 AND AS TO WHAT CHARGES ARE FILED AFTER THAT, I THINK FOR
14 THOSE WHO COMMITTED A DEFINITE WRONG, THERE ARE CHARGES
15 APPLIED. FOR THOSE WHO ARE FOUND NOT TO BE WRONG, THEY WILL
16 ALSO ACQUIT HIM.

17 REPRESENTATIVE WHITE: DO YOU BELIEVE THAT THE
18 PROVISIONS OF THAT MANUAL ARE SUFFICIENT WITH REGARD TO THE
19 USE OF FIREARMS?

20 MR. GARVEY: I CAN'T SPEAK AS A POLICE
21 ADMINISTRATOR TO SAY WHETHER THEY ARE OR NOT. I WOULD ASSUME
22 FROM MY WATCHING OF THEM AND SEEING THE NUMBER OF POLICEMEN
23 GOING TO THE TRIAL BOARD, I WOULD SAY THEY PROBABLY ARE,
24 YES.

25 REPRESENTATIVE WHITE: IF YOU THINK THAT THEY

1 ARE, WHY WOULD IT BE THAT THERE HAVE BEEN INSTANCES OF
2 FLAGRANT VIOLATIONS OF THAT MANUAL?

3 MR. GARVEY: YOU ARE ASKING MY OPINION ABOUT
4 ALLEGED FLAGRANT VIOLATIONS I HAVE NO KNOWLEDGE OF.

5 REPRESENTATIVE WHITE: YOU ARE NOT PERMITTED TO
6 FIRE A WARNING SHOT; NOT PERMITTED TO FIRE AT MOVING
7 VEHICLES; YOU ARE ONLY SUPPOSED TO SHOOT DURING
8 LIFE-THREATENING CIRCUMSTANCES, AND THERE HAVE BEEN CASES
9 WHERE THAT HAS NOT BEEN THE CASE. WHETHER OR NOT A JURY OR
10 THE COURT HAS RULED FOR OR AGAINST THE POLICE OFFICER, IS NOT
11 THE POINT. CERTAINLY I THINK ALL OF US KNOW OF INSTANCES
12 THAT HAVE TAKEN PLACE WHERE AN INDIVIDUAL WAS KILLED, WAS
13 SERIOUSLY INJURED BY A POLICE OFFICER THROUGH THE USE OF A
14 FIREARM, TOTALLY IN CONFLICT OF WHAT THE POLICE MANUAL
15 CALLED FOR.

16 MR. GARVEY: I AM SURE -- I THINK THE RESULTS
17 OF WHAT YOU ARE SAYING, I AM SURE WILL COME OUT IN CIVIL
18 LITIGATION.

19 REPRESENTATIVE WHITE: I AM NOT TALKING ABOUT
20 CIVIL LITIGATION. YOU DON'T LIKE CIVIL LITIGATION; THE
21 F.O.P. DOESN'T LIKE CIVIL LITIGATION. WE ARE TALKING ABOUT
22 THE POLICE DEPARTMENT ITSELF. IF WE HAVE GOT TO RELY ON THE
23 COURTS TO DETERMINE WHEN FLAGRANT VIOLATIONS OCCUR, I THINK
24 WE ARE IN SERIOUS TROUBLE.

25 MR. GARVEY: WHAT YOU ARE ASKING THEN, I CAN'T

1 ANSWER. WHAT HAS THE DEPARTMENT DONE ABOUT INCIDENTS, WHAT
2 IS THEIR POLICY TOTALLY, AND I CAN ONLY REFLECT WHAT I KNOW
3 PERSONALLY, THAT OF THOSE CASES I KNOW, THE INTERNAL
4 STRUCTURE WORKED, AND WAS POSITIVE.

5 REPRESENTATIVE WHITE: YOU DON'T THINK ANY
6 CHANGES NEED TO BE MADE IN THAT REGARD?

7 MR. GARVEY: I AM NOT IN A POSITION TO MAKE
8 THAT RECOMMENDATION AT THE PRESENT TIME.

9 MR. GALLAGHER: COULD I ASK YOU A QUESTION?
10 WHAT WOULD YOU SUGGEST -- IN OTHER WORDS, YOU ARE TELLING ME
11 ACTIONS WE JUST READ OFF THE MANUAL, AND THERE ARE CERTAIN
12 LIMITATIONS ON WHEN A MAN CAN SHOOT HIS GUN. IF THERE IS ONE
13 PARTICULAR PERSON WHO TIME AND TIME AGAIN, SHOOTS THAT GUN, I
14 CAN SAY --

15 CHAIRMAN RHODES: MR. GALLAGHER, I THINK
16 REPRESENTATIVE WHITE'S QUESTION DOES NOT GO TO THE WORDING
17 OF THE MANUAL. IN FACT, ALL THE MEMBERS OF THIS COMMITTEE
18 ARE QUITE IMPRESSED BY THE CLOSENESS OF THE WORDS OF THE
19 MANUAL WITH THE WORDING IN THE NEW YORK MANUAL, WITH THE
20 WORDS IN THE STATE POLICE MANUAL. THE MANUALS ARE ALL THE
21 SAME. IT IS THE ENFORCEMENT MECHANISMS INTERNAL TO YOUR
22 DEPARTMENT THAT ARE IN QUESTION, AND THE AREA WE ARE
23 INTERESTED IN IS NOT SO MUCH WHETHER OR NOT REPRESENTATIVE
24 WHITE, OR I OR ANYONE ELSE, HAS ANY ADDITIONS TO THE MANUAL.
25 IT'S WHETHER OR NOT THE MECHANISM IN THE POLICE DEPARTMENT IN

1 THE CITY OF PHILADELPHIA TO ENFORCE THAT MANUAL, IS FAIR AND
2 EFFECTIVE.

3 MR. GALLAGHER: THE POLICE MANUAL IS FAIR AND
4 --

5 CHAIRMAN RHODES: WE CAN'T ASK YOU WHETHER IT
6 IS FAIR, BECAUSE YOU ARE NOT THE CITY. THE CITY HASN'T COMETODAY.

7 MR. GALLAGHER: I JUST HAPPEN TO BE THE F.O.P.
8 PRESIDENT, WHO DEALS WITH THESE PROBLEMS EVERY DAY OF THE
9 WEEK.

10 CHAIRMAN RHODES: WE APPRECIATE THAT YOU ARE
11 THE HEAD OF THE UNION REPRESENTING THE POLICE OFFICERS.

12 MR. GALLAGHER: I SAY THIS, THAT IF THERE IS
13 ANYONE USING HIS GUN TOO OFTEN OR -- HE WILL BE CALLED IN FOR
14 INVESTIGATION, AND MOST LIKELY SENT TO A PSYCHIATRIST.

15 CHAIRMAN RHODES: REPRESENTATIVE WHITE.

16 REPRESENTATIVE WHITE: HAS THE PHILADELPHIA
17 POLICE DEPARTMENT EVER ESTABLISHED ANY OFFICIAL SANCTION
18 PROCEDURES FOR HANDLING CITIZENS' COMPLAINTS AGAINST POLICE
19 OFFICERS?

20 MR. GALLAGHER: YOU ARE ASKING ME, HAS THERE
21 BEEN ESTABLISHED A PROCEDURE WHEREBY A CITIZEN'S COMPLAINT
22 CAN BE HANDLED?

23 REPRESENTATIVE WHITE: YES.

24 MR. GALLAGHER: I WOULD SAY YES, BUT IT IS IN
25 THE HANDS OF THE CITY, NOT IN THE HANDS OF THE F.O.P. WE

1 HAVE NOTHING TO DO WITH CITIZENS' COMPLAINTS. WHEN THEY CALL
2 US I TELL THEM WHERE TO GO.

3 REPRESENTATIVE WHITE: YOU REPRESENT MORE THAN
4 EIGHT THOUSAND POLICE OFFICERS IN THE CITY OF PHILADELPHIA.

5 MR. GALLAGHER: ELEVEN THOUSAND, INCLUDING
6 PENSIONERS.

7 REPRESENTATIVE WHITE: EIGHT THOUSAND, NOT
8 PENSIONERS. I CANNOT BELIEVE THAT AS THE HEAD OF THAT
9 ORGANIZATION, YOU ARE NOT FAMILIAR WITH THOSE PROCEDURES.

10 MR. GALLAGHER: DID I SAY I WAS NOT FAMILIAR?

11 REPRESENTATIVE WHITE: ARE YOU FAMILIAR WITH
12 THOSE PROCEDURES?

13 MR. GALLAGHER: I KNOW WHERE THEY HAVE TO GO
14 AND WHEN THEY CALL UP THE F.O.P. --

15 REPRESENTATIVE WHITE: WHAT ARE THE PROCEDURES?
16 I WANT TO FILE A COMPLAINT AGAINST A POLICE OFFICER.

17 MR. GALLAGHER: I WILL TELL YOU WHAT I WILL DO.
18 WE ORIGINALLY GOT ELEVEN THOUSAND BOOKS PRINTED. NOW I HAVE
19 TWENTY-FIVE HUNDRED I CAN'T GET RID OF. I WILL SELL YOU A
20 FEW OF THEM WHERE YOU CAN STUDY THEM.

21 (LAUGHTER.)

22 CHAIRMAN RHODES: OUR PROBLEM, MR. GALLAGHER,
23 AND I SHARE REPRESENTATIVE WHITE'S FRUSTRATION, IS THAT WE
24 NEED THE CITY HERE, AND WE DON'T HAVE THE CITY. ANY FURTHER
25 QUESTIONS? I UNDERSTAND WHY YOU ARE FRUSTRATED. THE CITY

1 HAS NOT PARTICIPATED IN THESE HEARINGS AND THESE PROCEEDINGS,
2 AND IT IS VERY SAD. IT REFLECTS VERY BADLY ON THE CITY OF
3 PHILADELPHIA, NOT ON YOU FELLOWS REPRESENTING THE UNION,
4 REPRESENTING THE OFFICERS, BUT ON THE CITY OF PHILADELPHIA.
5 IT IS A TERRIBLE INDICTMENT THAT THE CITY ADMINISTRATION
6 TODAY HAS NOT SEEN FIT TO ATTEND.

7 MR. GARVEY: MR. CHAIRMAN --

8 CHAIRMAN RHODES: MR. GARVEY, AT THIS POINT WE
9 ARE GOING TO TAKE A FIVE-MINUTE BREAK BECAUSE OUR REPORTER'S
10 FINGERS NEED IT. WE WILL COME BACK TO REPRESENTATIVE COHEN.
11 THIS HEARING IS RECESSED FOR FIVE MINUTES.

12 (BRIEF RECESS.)

13 CHAIRMAN RHODES: THE RECESS IS DECLARED OVER.
14 WE WILL MOVE TO REPRESENTATIVE COHEN, WHO HAS SOME QUESTIONS.
15 WE WANT TO GET TO THE REST OF THE WITNESSES.

16 REPRESENTATIVE COHEN: DO YOU HAVE A TOTAL, MR.
17 GARVEY, YOU HAVE LISTED A TOTAL OF 93,000 -- 96,130 PERSONS
18 WERE ARRESTED.

19 MR. GALLAGHER: YES, SIR.

20 REPRESENTATIVE COHEN: IT'S NOT 96,000
21 DIFFERENT PEOPLE IS IT, IF SOMEBODY IS ARRESTED TWICE, DOES
22 HE GET COUNTED TWICE?

23 MR. GARVEY: THERE IS A STRONG RECIDIVISM.

24 REPRESENTATIVE COHEN: YOU DON'T KNOW I GUESS,
25 THE AMOUNT OF RECIDIVISM?

1 MR. GARVEY: FIFTY THOUSAND PEOPLE; SIXTY
2 THOUSAND PEOPLE. THIS IS A PERCENTAGE OF RECIDIVISM. WHAT
3 PART OF THAT MAKES UP THE CRIME, I DON'T KNOW.

4 REPRESENTATIVE COHEN: BUT EVEN IT IS FIFTY
5 THOUSAND PEOPLE, JUST GUESSING, THAT WOULD MEAN, BASED ON A
6 POPULATION OF 1,180,000 CITIZENS, OVER FIVE PERCENT OF THE
7 CITIZENS OF PHILADELPHIA --

8 MR. GARVEY: YOU WOULD BE MAKING ASSUMPTIONS
9 THAT WOULDN'T BE CREDIBLE.

10 REPRESENTATIVE COHEN: THE REASON I AM RAISING
11 THIS IS BECAUSE WHATEVER IS THE LEAST SIGNIFICANT PERCENTAGE,
12 SMALL PERCENTAGE, YOU WOULD FACE SLIGHT ANGER. THAT BOTH YOU
13 AND MR. QUINN MAKE REFERENCE TO TICKETS AS A SOURCE OF
14 GRIEVANCES AGAINST THE PHILADELPHIA POLICE DEPARTMENT, AND WE
15 HAVE HAD AT LEAST, I BELIEVE, MORE THAN ONE, BUT I DON'T HAVE
16 IT -- I HAVE A PRECISE MEMORY OF ONE WITNESS COMPLAINING OF
17 POLICE ABUSE IN THE ISSUANCE OF A TRAFFIC TICKET. A HIGH
18 PERCENTAGE OF COMPLAINTS THAT I HAVE GOTTEN AS A LEGISLATOR,
19 DEAL WITH POLICE ABUSE DURING THE ISSUANCE OF TRAFFIC
20 TICKETS. THE NUMBER OF TRAFFIC TICKETS IN PHILADELPHIA
21 ISSUED PER YEAR IS NOT NINETY-SIX THOUSAND, BUT OVER 2.1
22 MILLION TRAFFIC TICKETS A YEAR, WHICH COMES OUT TO ABOUT TWO
23 TICKETS TO EVERY LICENSED DRIVER IN THE CITY. OF COURSE,
24 SOME OF THE TICKETS ARE ISSUED TO NON-PHILADELPHIANS, AND
25 AGAIN THERE IS RECIDIVISM. SOME PEOPLE GET MORE THAN THEIR

1 SHARE. IT SEEMS TO ME THAT A SIGNIFICANT SOURCE OF ANGER IS
2 THE TRAFFIC TICKETS, AND A SIGNIFICANT RECIDIVISM. THERE ARE
3 VERY FEW AREAS TO PARK, AND PEOPLE FEEL TRAPPED BY THE
4 SYSTEM.

5 I AM HAVING LEGISLATION DRAFTED WHICH WOULD
6 LIMIT THE NUMBER OF TRAFFIC TICKETS THAT THE CITY WOULD BE
7 ALLOWED TO ISSUE TO ONE MILLION A YEAR. I WONDER IF YOU
8 WOULD HAVE ANY THOUGHTS -- THAT WOULD CUT THE NUMBER OF
9 TRAFFIC TICKETS ISSUED BY ABOUT FIFTY PERCENT? I WONDER IF
10 YOU WOULD HAVE ANY THOUGHTS ON THAT KIND OF LEGISLATION? HOW
11 WOULD YOU REACT? HOW WOULD REDUCING THE NUMBER OF TICKETS
12 ISSUED --

13 MR. GARVEY: I WOULD REACT IMMEDIATELY BY
14 SAYING, IF YOU WERE GOING TO REDUCE THE NUMBER NOW TO FIFTY
15 PERCENT OF THAT, WE WOULD BE ABLE TO DEVOTE SIX MONTHS TO
16 TICKETS AND SIX MONTHS TO CRIME, AND WE WOULD IMMEDIATELY, AS
17 FAST AS WE COULD, GET THE TICKETS ALL WRITTEN, THEN SAY TO
18 EVERY CITIZEN, IT'S ON US THE REST OF THE YEAR. IT WOULD BE
19 A POOR PIECE BASED ON A LOT OF OPINIONS, ONE MAINLY BEING,
20 WHO WOULD PICK AND CHOOSE AFTER THE LIMIT WAS REACHED.

21 REPRESENTATIVE COHEN: SUPPOSE YOU BROKE IT
22 DOWN SAY TO A HUNDRED THOUSAND A MONTH OR SOMETHING?

23 MR. GARVEY: WHATEVER THE NUMBER, WHOEVER WOULD
24 BE THE ONE TO GO OVER THAT, LET'S ASSUME WE HAD A DRUNKEN
25 DRIVER, AND HE IS ONE HUNDRED THOUSAND AND ONE.

1 REPRESENTATIVE COHEN: SUPPOSE THOSE FIGURES
2 WERE PARKING TICKETS?

3 MR. GARVEY: YOU ARE GOING TO LIMIT IT JUST TO
4 PARKING TICKETS?

5 REPRESENTATIVE COHEN: YES.

6 MR. GARVEY: IN ALL LIKELIHOOD, PARKING TICKET
7 NUMBER ONE HUNDRED THOUSAND AND ONE WOULD BE IN THE MAYOR'S
8 SPOT, AND WE WOULD SAY, YOU CAN'T DO A THING ABOUT IT. SO I
9 THINK WHAT YOU ARE SAYING IS, YOU WOULD HAVE TO IN SOME WAY,
10 ONCE THEY REACH THE LIMIT, THEY WOULD BE ABLE TO FLAUNT THE
11 LAW. I DON'T THINK IT WOULD BE FEASIBLE THE WAY YOU
12 SUGGESTED IT TO WORK.

13 REPRESENTATIVE COHEN: DO YOU THINK PARKING
14 TICKETS ARE SIGNIFICANT? BOTH OF YOU VOLUNTARILY ELICITED
15 THAT AS A SOURCE OF GRIEVANCE. I WONDER IF YOU HAVE ANY
16 OTHER SUGGESTIONS?

17 MR. GARVEY: I HAVE A VERY SERIOUS FEELING OF
18 GUILT, BECAUSE IN FIFTEEN YEARS AS A POLICEMAN, I HAVE NEVER
19 MET ANY PERSON THAT WENT THROUGH A TRAFFIC SIGNAL OR PARKED
20 ILLEGALLY, THAT ADMITTED IT AND I GET THE FEELING WE HAVE
21 WRITTEN TWO MILLION TICKETS TO PEOPLE WHO HAVE NEVER DONE
22 ANYTHING WRONG. SO, YES, THEY DO CAUSE CONSTERNATION AND
23 SOMETIMES REACT VIOLENTLY OVER TICKETS. I THINK YOU READ THE
24 CLASSIC EXAMPLE AT THE AIRPORT OVER A TICKET THAT HAD LITTLE
25 VALUE IN DOLLARS TO THAT INDIVIDUAL, BUT FOR SOME REASON WHEN

1 YOU RESTRICT A MAN'S MOVEMENTS OR TELL HIM HE DID SOMETHING
2 WRONG, HE KIND OF LEANS TO MAYBE HE DIDN'T DO IT QUITE WRONG.
3 HE SOMETIMES ACTS PHYSICALLY AND HAS TO REACH INTO HIS
4 POCKET, IF HE DOESN'T HAVE THE PROPER --

5 MR. QUINN: I WOULD REFER TO IN THIS STATEMENT,
6 I DON'T KNOW WHERE IT COMES INTO THIS COMMITTEE'S BEARING AT
7 ALL, OR WHERE IT MOSTLY -- WHENEVER I MADE MY STATEMENT, AND
8 I SAID AMONG OTHER THINGS, PEOPLE WHEN THEY GET A TICKET USE
9 IT AS A DEFENSE, AND I WAS JUST TRYING TO DISCUSS AN ANALOGY
10 AS TO WHY WE HAVE COMPLAINTS.

11 REPRESENTATIVE COHEN: PEOPLE MAKE COMPLAINTS
12 AGAINST MOSTLY AFTER THEY GET A TICKET. WE HAVE ALREADY
13 DISCUSSED WHY THERE ARE SO MANY COMPLAINTS AGAINST POLICE.
14 MAYBE I DON'T KNOW THE FIGURES, BUT TWO TRAFFIC TICKETS PER
15 LICENSED DRIVER IN PHILADELPHIA PER YEAR STRIKES ME AS AN
16 EXTRAORDINARY AMOUNT OF TICKETS. IN PITTSBURGH, THE ONLY
17 OTHER CITY I HAD, IT IS LESS THAN ONE PER DRIVER PER YEAR. I
18 DON'T KNOW ABOUT ALL THE OTHER CITIES IN THE COUNTRY.

19 CHAIRMAN RHODES: THAT COULD BE A SOURCE OF
20 ABUSE. DO YOU HAVE ANY OTHER QUESTIONS?

21 REPRESENTATIVE COHEN: YES. I WOULD LIKE TO
22 KNOW, FROM YOUR GENERAL EXPERIENCE, WHEN THERE IS VIOLENCE
23 AGAINST THE POLICE, IS THERE ANY TYPE OF CRIME THAT A PERSON
24 IS MOST LIKELY TO BE COMMITTING AT THAT TIME? IS A PERSON
25 WHO HAS COMMITTED A MURDER MOST LIKELY TO BE VIOLENT AGAINST

1 POLICE THAN A PERSON WHO HAS COMMITTED A RAPE?

2 MR. GARVEY: THERE IS NATIONAL DATA THAT
3 REFLECTS CERTAIN STUDIES, BUT THERE HAS BEEN NONE DONE IN THE
4 CITY OF PHILADELPHIA AS TO WHAT GIVEN SECTIONS CAUSE MORE
5 PHYSICAL INTERPLAY BETWEEN AN ARREST -- ONE OR THE OTHER. I
6 HAVE CONSTERNATION ABOUT NATIONAL STUDIES.

7 CHAIRMAN RHODES: I WOULD POINT OUT FOR YOUR
8 INFORMATION, PERHAPS THE NEW YORK WITNESS TESTIFIED THAT
9 CONTRARY TO WHAT WAS THE PREVAILING VIEW IN LAW ENFORCEMENT,
10 DOMESTIC CALLS WERE THE MOST DANGEROUS CALLS IN THE CITY OF
11 NEW YORK. IT WAS HIS STUDY, VERY CLEARLY A ROBBERY CALL WAS
12 THE MOST DANGEROUS CALL.

13 MR. GARVEY: I WOULD HAVE RESERVATIONS ABOUT
14 DOMESTIC.

15 CHAIRMAN RHODES: THE RULE OF THUMB HAD BEEN IN
16 THE PAST, DOMESTIC. THE NEW YORK POLICE OFFICER TESTIFIED
17 THAT ROBBERY WAS THE MOST DANGEROUS CALL. FURTHER QUESTIONS?

18 REPRESENTATIVE COHEN: NO FURTHER QUESTIONS.

19 CHAIRMAN RHODES: REPRESENTATIVE DUMAS.

20 REPRESENTATIVE DUMAS: I GUESS MOST QUESTIONS
21 THAT COULD BE ASKED BY ME HAVE BEEN ASKED BY MY COLLEAGUES.
22 HOWEVER, I DO REMEMBER ONE THING -- THE GENTLEMAN IN THE
23 CENTER THERE; I CAN'T REMEMBER HIS NAME, NEXT TO MR.
24 GALLAGHER.

25 CHAIRMAN RHODES: MR. GARVEY.

1 REPRESENTATIVE DUMAS: YOU MENTIONED STRESS AS
2 A CAUSE OF POLICEMEN OVERREACTING. DO YOU JUSTIFY EVEN ONE
3 CITIZEN BEING BRUTALLY ASSAULTED BECAUSE OF AN INDIVIDUAL
4 BEING OVERSTRESSED?

5 MR. GARVEY: FIRST OF ALL, MY STATEMENT WAS
6 THAT STRESS IS A FACTOR TO BE GIVEN HEAVY CONSIDERATION IN
7 ANY ACTION TAKEN BY A POLICEMAN. I DO NOT CONDONE ANY
8 CITIZEN WHO MAY HAVE BEEN BEATEN BY A POLICEMAN, OR EXCESSIVE
9 FORCE BEING UTILIZED, BUT I SAID THAT WHEN THE FULL SET OF
10 CIRCUMSTANCES IS BROUGHT INTO PLAY, MEANING HIS ENTIRE TOUR
11 OF DUTY, PROBABLY EVEN HIS HOME LIFE, HIS ENTIRE WEEK, IN THE
12 STRESSFUL SITUATION IT MAY IN FACT CAUSE THE FUSE TO BE MUCH
13 SHORTER IN THAT GIVEN SITUATION WHERE THERE IS PHYSICAL
14 ABUSE. THE FACT THAT THIS TOOK PLACE, I FEEL, SHOULD BE
15 DEALT WITH IN A BASIS OF POSSIBLE PUNISHMENT, BUT I THINK THE
16 ENTIRE CIRCUMSTANCES OF THE SITUATION -- SOMETIMES IT COULD
17 BE A SIX-MONTH SITUATION THAT LED TO THAT INCIDENT--MUST BE
18 WEIGHED HEAVILY IN WHAT THE ACTION WAS AT THAT TIME. IF YOU
19 TAKE A MAN'S CAREER OVER EIGHT YEARS, AND HE WAS NEVER KNOWN
20 TO BE EXCESSIVE, OR NEVER KNOWN TO PHYSICALLY REACT; ONE DAY
21 HE DOES IT. I DON'T THINK YOU SHOULD END HIS CAREER FOR ONE
22 INSTANCE HE MAY HAVE OVERREACTED OR MAY HAVE USED FORCE,
23 VERSUS SEVEN YEARS WHERE HIS CAREER WAS TOTALLY COMMENDABLE
24 AND WENT IN AND SAVED QUITE A FEW PEOPLE, AND MADE QUITE A
25 FEW ARRESTS WITHOUT ONE CHARGE, OR ONE ACCIDENT, TENDS TO SAY

1 HE WASN'T PHYSICAL.

2 REPRESENTATIVE DUMAS: IN YOUR ORGANIZATION, IS
3 THERE ANY RULES AND GUIDELINES THAT YOUR MEMBERS MUST CORRECT
4 THEMSELVES BY? IN OTHER WORDS, SIR, SAY IF AN OFFICER
5 ENCOUNTERED ME AND I CALLED HIM AN "M-F"; HE DOESN'T LIKE
6 IT; HE PULLS HIS NIGHT STICK OUT AND SPLITS MY HEAD. THIS
7 HAPPENS, GENTLEMEN, WHETHER YOU WANT TO ADMIT IT OR NOT.
8 WHAT DOES YOUR ORGANIZATION SAY ABOUT THAT VERBAL ABUSE OF
9 POLICE, DOES HE HAVE A RIGHT TO PHYSICALLY ASSAULT YOU?

10 MR. GALLAGHER: WHY DID HE CALL HIM THAT?

11 REPRESENTATIVE DUMAS: MAYBE HE'S A NASTY MAN.

12 MR. GALLAGHER: SUPPOSING --LET ME ASK YOU A
13 QUESTION -- I COME UP AND SAID IT TO YOU, WHAT WOULD YOUR
14 REACTION BE?

15 REPRESENTATIVE DUMAS: I AM NOT VIOLENT.

16 MR. GARVEY: NEITHER ARE WE.

17 (LAUGHTER FROM AUDIENCE.)

18 CHAIRMAN RHODES: MR. GALLAGHER, MORE
19 IMPORTANT, REPRESENTATIVE DUMAS IS NOT GRANTED BY STATUTE OF
20 THE COMMONWEALTH, THE POWER TO USE DEADLY FORCE UNDER
21 CIRCUMSTANCES THAT A POLICE OFFICER IS. YOU CAN'T ANALOGIZE.

22 REPRESENTATIVE DUMAS: A POLICE OFFICER, SIR,
23 HAS LIFE OR DEATH IN HIS HANDS EVERY DAY HE WALKS ON THAT
24 STREET.

25 MR. GALLAGHER: HOW MANY LIVES OR DEATHS ARE

1 TAKEN --

2 MR. GARVEY: AGAIN, TO THE CONTRARY, EXCUSABLE
3 HOMICIDE ON THE PART OF A PRIVATE CITIZEN IS MUCH EASIER TO
4 PROVE IN A LOT OF CASES THAN THAT BY A POLICEMAN.

5 CHAIRMAN RHODES: STATUTORY LAW, AS YOU WELL
6 KNOW, TOM, AND CASE LAW IN THIS STATE IS VERY CLEAR ON THE
7 QUESTION OF USE OF DEADLY FORCE, AND THE RELATION OF THAT TO
8 POLICE OFFICERS TO AN AVERAGE CITIZEN. I, FOR EXAMPLE,
9 CANNOT SHOOT SOMEONE FLEEING THE SITE OF A FORCIBLE FELONY;
10 IN NO WAY SHAPE OR FORM CAN I SHOOT SOMEONE FLEEING THE SITE
11 OF A FORCIBLE FELONY. TO GO BACK TO REPRESENTATIVE DUMAS'
12 QUESTION --

13 MR. GALLAGHER: ONE QUESTION.

14 CHAIRMAN RHODES: GO AHEAD, MR. GALLAGHER.

15 MR. GALLAGHER: YOU ALL REFER TO EXCESSIVE USE
16 OF FORCE. BROTHER -- MY COLLEAGUE HERE, HE STATED TICKETS
17 BRING IT ON, WHICH IN SOME CASES IT DOES. WHEN YOU GIVE
18 SOMEBODY A TICKET AT A RED LIGHT, HE MIGHT GIVE YOU A LOT OF
19 STUFF, AND WE HAVE TO FINALLY WIND UP PLACING HIM UNDER
20 ARREST. BUT I SAY THIS, THE EXCESSIVE USE OF FORCE ABOUT
21 WHICH YOU PEOPLE COMMONLY USING, WILL YOU TELL ME HOW MANY
22 PEOPLE HAVE COME TO YOU ABOUT THE EXCESSIVE USE OF FORCE, AND
23 HOW MANY COMPLAINTS DO YOU HAVE ABOUT EXCESSIVE USE OF FORCE,
24 BECAUSE I DON'T BELIEVE -- I DO NOT GET UP HERE AND SAY THAT
25 IT DOESN'T EXIST TO SOME EXTENT --

1 CHAIRMAN RHODES: LET ME REVERSE THE QUESTION,
2 MR. GALLAGHER.

3 MR. GALLAGHER: I ASKED YOU.

4 CHAIRMAN RHODES: MR. GALLAGHER, UNFORTUNATELY
5 MY JOB TODAY IS TO ASK THE QUESTIONS. THIS THING HAS TO BE A
6 QUESTION OF THRESHOLDS. IN OTHER WORDS, THERE IS A POINT AT
7 WHICH IT BECOMES SIGNIFICANT. NOW, IF THERE WERE TWO CASES
8 OF ALLEGED EXCESSIVE USE OF FORCE THAT WERE SUBSTANTIATED,
9 YOU MIGHT SAY WELL, THERE ARE EIGHT THOUSAND POLICE OFFICERS,
10 TWO CASES A YEAR; THEY ARE FANTASTIC.

11 IF YOU HAVE TEN THOUSAND CASES A YEAR, YOU
12 WOULD SAY PHILADELPHIA IS -- WE BETTER SEND THE NATIONAL
13 GUARD TO PHILADELPHIA TO PROTECT THE PEOPLE FROM THE POLICE
14 DEPARTMENT. WHAT WOULD YOU CONSIDER A THRESHOLD NUMBER OF
15 ALLEGED ABUSE USE OF FORCE THAT CONCERNS YOU, AS HEAD OF THE
16 F.O.P.?

17 MR. GALLAGHER: AS I SAID BEFORE, I DON'T KNOW
18 THE NUMBER OF INCIDENTS.

19 CHAIRMAN RHODES: WHAT NUMBER WOULD YOU
20 CONSIDER SERIOUSLY, AS HEAD OF THE F.O.P.?

21 MR. GALLAGHER: I ASKED YOU THE SAME QUESTION.

22 CHAIRMAN RHODES: YOU ARE ASKING A DIFFERENT
23 QUESTION.

24 MR. GALLAGHER: NO, I AM ASKING -- YOU PEOPLE
25 TALK ABOUT EXCESSIVE USE OF FORCE --

1 CHAIRMAN RHODES: EXCESSIVE IS A RELATIVE TERM.
2 SO, WHAT I AM ASKING IS NOT AN ABSOLUTE NUMBER, SIR. AT WHAT
3 POINT, WHAT NUMBER PER YEAR, WHAT NUMBER OF CASES WOULD YOU
4 CONSIDER IT A SERIOUS PROBLEM?

5 MR. GALLAGHER: COULD I ANSWER THAT BY ASKING
6 YOU A QUESTION?

7 CHAIRMAN RHODES: I'LL ANSWER YOU.

8 MR. GALLAGHER: AT WHAT TIME DID YOU PEOPLE
9 FIGURE IT WAS NECESSARY TO FORM A COMMITTEE TO COME INTO
10 PHILADELPHIA TO LOOK INTO THE EXCESSIVE USE OF FORCE? AT
11 WHAT TIME?

12 CHAIRMAN RHODES: MR. GALLAGHER, THIS COMMITTEE
13 IS A STANDING COMMITTEE OF THE HOUSE, CHARGED BY THE HOUSE OF
14 REPRESENTATIVES, OF THE WHOLE STATE OF PENNSYLVANIA, OF WHICH
15 PHILADELPHIA IS STILL A PART, TO BE CONCERNED ABOUT THE
16 PROBLEMS OF CRIMES AND CORRECTIONS WITH THE HOUSE COMMITTEE
17 RESPONSIBLE FOR THAT AREA. THE POLICE IS ONLY ONE ASPECT OF
18 OUR INTEREST. WE HAVE CHARGES BROUGHT TO THE COMMITTEE AND
19 THAT IS WHY WE ARE HERE.

20 I CAN ANSWER MY OWN QUESTION. I WOULD
21 CONSIDER A COUPLE HUNDRED CHARGES VERY SERIOUS.

22 MR. GALLAGHER: AGAINST WHO?

23 CHAIRMAN RHODES: AGAINST POLICE OFFICERS,
24 AGAINST THE WHOLE FORCE.

25 MR. GALLAGHER: THAT'S 8300.

1 CHAIRMAN RHODES: I WOULD CONSIDER A COUPLE
2 HUNDRED PRETTY SERIOUS. WE HAVE FIVE THOUSAND STATE
3 TROOPERS; WE DON'T GET CHARGES ANYWHERE LIKE THAT AGAINST OUR
4 TROOPERS.

5 MR. GARVEY: LET ME CLARIFY THAT LAST PART.
6 THE STATE POLICE, AN ABLE-BODIED GROUP OF MEN; I REPRESENT
7 THEM. THEY DO NOT WORK IN URBAN AREAS WHERE THE INCIDENTS OF
8 ARREST ARE THERE.

9 CHAIRMAN RHODES: MR. GARVEY, WHEN I DROVE HERE
10 TODAY, I PASSED A WHOLE BUNCH OF TROOPERS ON THE SCHUYLKILL.

11 MR. GARVEY: MAY I CONTINUE? THEY ARE
12 BORDERLINE, ON CITY LINE AVENUE. THEY DO NOT COME INTO THE
13 CITY OF PHILADELPHIA OR ANY URBAN AREA, UNLESS THEY ARE
14 CALLED. THEY DO NOT PATROL IN URBAN AREAS, AND IN MOST CASES
15 SUBURBAN AREAS, UNLESS THEY ARE CALLED. THEY DO NOT PERFORM
16 -- THEIR NUMBER OF ARRESTS WOULD BE NOWHERE NEAR THE NUMBER
17 OF ARRESTS IN THE CITY OF PHILADELPHIA, WHERE THE INSTANCES
18 OF ARRESTS ARE. THEY ARE MOSTLY A TICKET-WRITING AGENCY.

19 CHAIRMAN RHODES: WE JUST HEARD ABOUT PROBLEMS
20 BY WRITING TICKETS.

21 MR. GARVEY: NOT SO MUCH IN AN ATMOSPHERE WHERE
22 IT IS INTERSTATE TRAVEL. IT'S A LITTLE EASIER THAN IN AN
23 URBAN AREA, WHERE THERE IS A CONSTANT CONFLICT. BUT TO
24 EXTEND ONE STEP FURTHER, AS YOU WELL KNOW, THERE ARE SHEEP
25 AND SHEPHERDS, AND WHEN THE SHEPHERD TELLS THE FLOCK WHAT TO

1 SAY AND THE FLOCK SAYS IT -- IN THIS CITY THE MEDIA HAS BEEN
2 ONE SHEPHERD THAT HAS LED THE FLOCK. CERTAIN MEMBERS WHO
3 HOLD POLITICAL OFFICE HAVE BEEN SHEPHERDS WHO HAVE LED THE
4 FLOCK. AND WHEN YOU GET THE NUMBERS GAME, AND GO BACK TO
5 WHAT I SAID, THE NUMBERS EMANATE FROM PEOPLE WHO ARE
6 SOMETIMES TOLD TO BRING UP THE NUMBERS. I DON'T SAY THERE
7 MIGHT NOT EXIST SOME PROBLEM, BUT IN NO WAY IS IT NEAR THE
8 NUMBER --

9 CHAIRMAN RHODES: LET ME ASK YOU THE QUESTION.
10 AT WHICH POINT WOULD YOU CONSIDER IT A SERIOUS PROBLEM? YOU
11 SAID IN YOUR OPENING STATEMENT TO THE COMMITTEE, YOU DON'T
12 CONSIDER IT A SERIOUS PROBLEM NOW. OKAY?

13 MR. GARVEY: OKAY.

14 CHAIRMAN RHODES: AT WHAT POINT WOULD IT BECOME
15 A SERIOUS PROBLEM?

16 MR. GARVEY: I WOULD GIVE THAT CONSIDERATION
17 WHEN IT REACHES THE POINT IN THIS COMMUNITY --

18 CHAIRMAN RHODES: NUMERICALLY. IN THE CITY OF
19 PHILADELPHIA, TWO HUNDRED.

20 MR. GARVEY: LET ME GIVE YOU THE NUMBER. IN
21 THIS COUNTRY TWELVE THOUSAND PEOPLE DIED FROM DOCTORS WHO
22 PERFORMED IMPROPER MEDICAL PROCEDURES. THAT'S DANGEROUS. WE
23 OUGHT TO LOOK INTO THAT. FIFTY PERCENT, AND I YIELD TO --
24 BERT ROSE, THE CHIEF JUSTICE OF THIS COUNTRY, SAID THAT
25 SEVENTY PERCENT OF THE CRIMINAL DEFENSE GIVEN TO CRIMINALS IS

1 INEPT. I THINK THAT IS VERY DANGEROUS. WE OUGHT TO LOOK
2 INTO THAT. BUT NO ONE HAS PROVEN TO MY SATISFACTION BY
3 CONCRETE FACTUAL EVIDENCE THAT IN SOME WAY, SHAPE OR FORM,
4 WE HAVE REACHED THE POINT, AND I AM NOT GOING TO GIVE A
5 NUMBER WHERE WE ARE REALLY BEING RAMPANTLY BRUTAL IN THE CITY
6 OF PHILADELPHIA. I QUESTION WHETHER OR NOT YOU AS AN
7 INDIVIDUAL --

8 CHAIRMAN RHODES: I SAID SERIOUS --

9 MR. GARVEY: LET ME FINISH MY STATEMENT. I
10 WOULD QUESTION YOU AS AN INDIVIDUAL, AT WHAT POINT WOULD YOU
11 THINK YOU WERE BEING BRUTALIZED BY A LAWYER WHO GOT YOU SENT
12 TO PRISON? BY A DOCTOR THAT CUT OFF THE WRONG LEG OR A COP
13 WHO MAY HAVE GIVEN YOU A LUMP? WHICH OF THE THREE WOULD YOU
14 TAKE?

15 CHAIRMAN RHODES: YOU ARE NOT GOING TO GIVE ME
16 ANY THRESHOLD.

17 MR. GARVEY: I SAID, THERE ARE MORE SERIOUS
18 MATTERS NOT BEING ADDRESSED IN THIS CITY.

19 CHAIRMAN RHODES: THERE ARE SO MANY THINGS WE
20 HAVE TO ADDRESS, AND UNFORTUNATELY THIS IS THE ONE THAT THE
21 COMMITTEE IS TRYING TO DEAL WITH TODAY. REPRESENTATIVE
22 RICHARDSON HAS SOME FOLLOW-UP QUESTIONS.

23 REPRESENTATIVE DUMAS: I AM NOT FINISHED.

24 CHAIRMAN RHODES: REPRESENTATIVE DUMAS, I AM
25 SORRY FOR THE INTERRUPTION.

1 REPRESENTATIVE DUMAS: YOU INTERRUPTED MY TREND
2 OF THOUGHT. YOU STARTED ME TO THINKING WHAT I WOULD LIKE TO
3 ASK YOU IS, IS THERE A MEETING OR CLASS IN YOUR ORGANIZATION
4 WHERE YOU MEET WITH YOUR MEMBERS, MONTHLY OR BI-MONTHLY, AND
5 EXPLAIN WHAT THEY SHOULDN'T DO, AND SHOULD DO, ON THE STREET;
6 WHAT YOU WOULD BE RELUCTANT TO REPRESENT THEM ON IF THEY
7 WOULD COMMIT A CERTAIN ACT? IS THERE ANY SUCH CLASS OR ANY
8 SUCH TUTORING, WHATEVER?

9 MR. GALLAGHER: I JUST RECENTLY CAME BACK AS
10 PRESIDENT AFTER RETIRING FOR TWO YEARS. WHEN I CAME BACK --
11 IN POOR FINANCIAL SHAPE. I CONSTANTLY -- WE HAVE THREE
12 MEETINGS A MONTH. I CONSTANTLY GET UP AND SAY, DON'T GET IN
13 ANY TROUBLE WHATSOEVER --

14 CHAIRMAN RHODES: IT IS A DRAIN ON YOUR FUNDS;
15 YOU HAVE TO PROVIDE LEGAL COUNSEL?

16 MR. GALLAGHER: THAT'S RIGHT. IT IS A DRAIN ON
17 THE FUNDS, AND NATURALLY WE ARE VERY MUCH INTERESTED IN
18 CORRECTING ANYTHING THAT IS WRONG OUTSIDE, BUT I STILL CANNOT
19 AGREE WITH ANY OF YOU, THAT THERE IS UNDUE FORCE BEING USED
20 EXTENSIVELY OUT ON THE STREET. I DON'T AGREE WITH YOU IN
21 ONE WAY, SHAPE OR FORM. I AM A POLICEMAN FOR THIRTY-FIVE
22 YEARS. I KNOW WHAT GOES ON. I GET THE COMPLAINTS THAT COME
23 INTO MY PLACE AND I DO NOT BELIEVE IT. AND I STILL CLAIM THE
24 INQUIRER, ESPECIALLY, AND THE DAILY NEWS, IN A MINOR WAY, ARE
25 THE ONES THAT CREATED ALL THESE PROBLEMS FOR YOU PEOPLE.

1 PLUS, YOU PEOPLE WOULDN'T HAVE A COMMITTEE HERE IF IT WASN'T
2 FOR THE INQUIRER.

3 REPRESENTATIVE DUMAS: MR. GALLAGHER, ALL
4 RESPECT DUE TO YOU AND YOUR POSITION, I HAVE LIVED IN
5 PHILADELPHIA APPROXIMATELY -- MAYBE TWENTY-FIVE YEARS. I
6 HAVE LIVED OUT IN WEST PHILADELPHIA, AND I CAN'T
7 WHOLEHEARTEDLY AGREE WITH YOU. HOWEVER, I HAVE HAD A LOT OF
8 EXPERIENCE WITH THE POLICE DEPARTMENT, NOT AS A CRIMINAL -- I
9 WANT TO CLEAR THAT. I HAVE MET SOME FINE GENTLEMEN AS
10 OFFICERS ON THE FORCE. PERHAPS I KNOW HUNDREDS OF THEM. FOR
11 THE RECORD, I MUST STATE THAT THERE ARE TOO MANY BAD ACTORS
12 ON THE FORCE THAT ARE EAGER TO GET INVOLVED IN TAKING THE
13 ADVANTAGE.

14 I HAVE PERSONALLY WITNESSED THAT AS AN
15 INDIVIDUAL, AND I THINK THIS INDIVIDUAL HAS THE WRONG
16 IMPRESSION. I THINK IN HIS MIND REGARDLESS OF WHAT HE DOES
17 HIS SUPERIORS ARE GOING TO COME OUT TO PROTECT HIM. I AM NOT
18 SPEAKING OF THE VAST MAJORITY OF THE PHILADELPHIA POLICE,
19 BECAUSE I KNOW THAT WOULDN'T BE TRUE. I FEEL THE ATTITUDE,
20 FOR THE RECORD, OF THE F.O.P., AND THE ATTITUDE OF THE CITY
21 ADMINISTRATION WAS JUST A LITTLE SOFTER OR A LITTLE
22 DIFFERENT, I BELIEVE IT WOULD CREATE BETTER PUBLIC RELATIONS
23 WITH THE POLICE, AND I BELIEVE THOSE BAD ACTORS AUTOMATICALLY
24 WOULD BE WEEDED OUT.

25 CHAIRMAN RHODES: THANK YOU, REPRESENTATIVE

1 DUMAS. REPRESENTATIVE RICHARDSON HAS A COUPLE OF FURTHER
2 QUESTIONS.

3 REPRESENTATIVE RICHARDSON: I HAVE BEEN
4 CONCERNED WITH THOSE REMARKS OF THE GENTLEMEN, MR. GALLAGHER,
5 MR. QUINN AND MR. GARVEY, CONCERNING THE ACTION HERE IN THE
6 CITY OF PHILADELPHIA, CONCERNING POLICE. WHAT I WANTED TO
7 GET INTO BEFORE, AND WAS NOT ABLE TO SPECIFICALLY IS THAT THE
8 CASES THAT HAVE COME BEFORE THIS COMMITTEE AND CASES THAT
9 HAVE BEEN ENUMERATED BY PEOPLE IN THE CITY OF PHILADELPHIA,
10 IS THERE ANY RECORD CONCERNING THE F.O.P., WHETHER OR NOT
11 THERE ARE SPECIFIC CASES, WHERE IN THE BLACK COMMUNITY
12 PEOPLE HAVE BEEN BRUTALIZED, AND HAVE BEEN VIOLENCE, WHERE IT
13 HAS BEEN SUBSTANTIATED, WHERE THE POLICE OFFICERS WHO HAVE
14 BEEN BROUGHT TO THE INTERNAL AFFAIRS COMMITTEE HAVE BEEN
15 FOUND GUILTY, NOTHING HAPPENS TO THOSE INDIVIDUALS? WHY?

16 MR. GALLAGHER: YOU STATE THAT. I DON'T KNOW
17 OF ANY INCIDENT WHERE A MAN IS NOT PUNISHED WHEN THEY FIND
18 HIM TO BE GUILTY.

19 REPRESENTATIVE RICHARDSON: WE HAVE NOT YET
20 HEARD; WE ARE ASKING YOU, FROM THE F.O.P. STANDPOINT, AS
21 PRESIDENT, WHERE THOSE PERSONS ARE GUILTY, HOW COME NOBODY
22 KNOWS ABOUT IT, IF THEY ARE?

23 MR. GALLAGHER: I THINK YOU ASKED THAT
24 QUESTION WHEN YOU WERE UP BEFORE.

25 REPRESENTATIVE RICHARDSON: I AM REPEATING IT

1 BECAUSE IT HAS NOT YET HIT ME HOW, THE FINAL RESULTS OF
2 INDIVIDUAL PERSONS, WHAT HAPPENED TO THEM -- THAT, AND HOW
3 COME IT IS NOT MADE PUBLIC?

4 MR. GALLAGHER: I UNDERSTAND THAT ANY
5 INDIVIDUAL WHO HAS A COMPLAINT AGAINST THE POLICE DEPARTMENT
6 CAN GO DOWN TO THE TRIAL BOARD AND FIND OUT JUST WHAT HAPPENS
7 TO THE MAN HE PLACED CHARGES AGAINST.

8 REPRESENTATIVE RICHARDSON: BUT THEY ARE NEVER
9 CONTACTED. WHAT I AM SAYING IS WHY CAN'T THE PERSON BE
10 CONTACTED BY THE POLICE DEPARTMENT?

11 MR. GALLAGHER: I DON'T KNOW IF THEY'RE
12 CONTACTED. I WILL LOOK INTO THAT, AND ASK THAT QUESTION OF
13 WHY THEY ARE NOT CONTACTED.

14 REPRESENTATIVE RICHARDSON: A PERSON FILES A
15 COMPLAINT, REGARDLESS OF WHETHER YOU AT THE TIME KNOW WHETHER
16 IT IS LEGITIMATE OR NOT. THE POINT IS, MR. GALLAGHER, THAT
17 THOSE PERSONS ARE NEVER NOTIFIED IN RETURN TO DETERMINE WHAT
18 THE OUTCOME OF THE CASE WAS. WHY?

19 MR. GALLAGHER: I DON'T KNOW WHY AND I WILL
20 ATTEMPT TO FIND OUT.

21 REPRESENTATIVE RICHARDSON: SHOULDN'T THAT BE A
22 PART OF THE PROCEDURES, AND ALSO FOLLOW UP IN TERMS OF HOW
23 THOSE PERSONS ARE CONTACTED, JUST OUT OF RESPECT, IF THEY
24 FILED A COMPLAINT, JUST LIKE WHEN A POLICE OFFICER MAKES A
25 COMPLAINT THEY FOLLOW UP ON THE REPORT AS TO WHAT HAPPENS?

1 THAT IS PUBLIC. WHAT I AM SAYING, IT DOES NOT HAPPEN AND I
2 WANT TO KNOW WHY. MAYBE THAT IS A QUESTION THAT SHOULD BE
3 PROPOSED TO SOMEONE ELSE, BUT AS PRESIDENT OF THE F.O.P.
4 CERTAINLY YOUR MEMBERS COME BACK AND REPORT TO YOUR
5 ORGANIZATION.

6 MR. GALLAGHER: I MUST STATE THIS: I DON'T
7 NECESSARILY AGREE WITH YOU THAT IT HAPPENS, BUT I WILL
8 ATTEMPT TO FIND OUT.

9 REPRESENTATIVE RICHARDSON: THAT PEOPLE FILE
10 COMPLAINTS AND DON'T GET ANSWERS?

11 MR. GALLAGHER: THAT'S RIGHT. I DON'T KNOW OF
12 ANY SPECIFICALLY; DO YOU?

13 REPRESENTATIVE RICHARDSON: YES, I HAVE SOME
14 CASES OF PERSONS WHO FILED COMPLAINTS WHERE WE HAVE TRIED TO
15 FIND THE ACTION THAT WAS TAKEN ON THE POLICE OFFICER IN
16 RELATIONSHIP TO THAT, AND HAVE NOT HAD ANY WORD. THEY SAID
17 THEY WERE DISCIPLINED, FOR EXAMPLE, HE TOOK CARE OF IT, THEY
18 WERE DISCIPLINED. WHAT DOES THAT MEAN?

19 MR. GALLAGHER: WOULD YOU REPEAT THAT?

20 REPRESENTATIVE RICHARDSON: IF A PERSON CALLED
21 AND YOU ASKED THEM TO FIND OUT, OR WENT DOWN THERE TO FIND
22 OUT WHAT HAPPENED TO THE COMPLAINT, AND THEY INDICATED THOSE
23 PERSONS WERE DISCIPLINED. WHAT ACTION WAS TAKEN; WHAT DOES
24 THAT MEAN?

25 MR. GALLAGHER: LET ME TELL YOU THIS, IF IT WAS

1 ME AND I WAS BRUTALIZED AND I DON'T UNDERSTAND WHAT THE WORD
2 MEANS, BRUTALIZED, I'LL TELL YOU THAT MUCH, IF I WAS
3 BRUTALIZED, I WOULD BE DOWN THERE FINDING OUT WHAT THE HELL
4 HAPPENED, AND THOSE PEOPLE HAVE THE SAME RIGHT AS I TO GO
5 DOWN THERE AND ASK QUESTIONS, AND THEY SHOULD FIND OUT WHAT
6 HAPPENED.

7 CHAIRMAN RHODES: IF YOU HAD EXPERIENCE, AND
8 WE'VE HAD TESTIMONY BEFORE THIS COMMITTEE, UNDER OATH, THAT
9 WHEN THEY WENT DOWN, THEY GOT ARRESTED ON SOME OTHER TRUMPED
10 UP CHARGES.

11 MR. GALLAGHER: I DON'T BELIEVE THAT.

12 MR. QUINN: EXCUSE ME, HAVE YOU CHECKED IF THAT
13 IS TRUE? IF SOMEONE SAYS THEY WENT DOWN TO FIND SOMETHING
14 OUT, AND SOME TRUMPED UP CHARGE WAS PLACED, COULD WE HAVE
15 THIS PERSON'S NAME?

16 CHAIRMAN RHODES: WHAT WOULD YOU DO WITH, JUST
17 ON THE RECORD, WHAT WOULD YOU DO WITH THE INFORMATION?

18 MR. QUINN: WE WOULD LIKE TO FIND OUT IF IT IS
19 TRUE.

20 CHAIRMAN RHODES: GO AHEAD, MR. GALLAGHER.

21 REPRESENTATIVE RICHARDSON: THE OTHER QUESTION
22 CENTERS AROUND SOME SERIOUS MATTERS HERE IN THE CITY OF
23 PHILADELPHIA, THAT HAVE BEEN PART OF CONTROVERSY ON THE CITY:
24 THE WINSTON HOOD KILLING, WHERE IT IS PRESENTLY IN
25 LITIGATION. I KNOW YOU CANNOT SPEAK TO THAT MAYBE

1 SPECIFICALLY, BUT THE POINT IS, HERE YOU ARE, AN INCIDENT
2 WHERE SEVERAL WITNESSES HAVE COME OUT AND INDICATED THAT THIS
3 GENTLEMAN WAS HANDCUFFED AND WAS SHOT. IN YOUR ESTIMATION,
4 IF THIS WAS THE SITUATION, YOUR PRIOR TESTIMONY IS YOU WOULD
5 SPEAK OUT AGAINST THAT, IF YOU WERE A POLICE OFFICER, AND
6 ACTION SHOULD BE TAKEN AGAINST POLICE OFFICERS WHO DO
7 SOMETHING LIKE THAT. THERE HAS BEEN REPORTS THAT THERE WERE
8 POLICE OFFICERS ON THE SCENE, WHO DID, IN FACT, SEE THE
9 SITUATION WHICH MAY NOT HAVE BEEN REPORTED IN THE NEWSPAPERS
10 THE WAY IT HAS BEEN REPORTED, AND THAT THAT INDIVIDUAL HAS
11 BEEN TOLD NOT TO SPEAK UP OR SPEAK OUT CONCERNING THAT
12 PARTICULAR INCIDENT. WOULD YOUR COMMENTS STILL BE THE SAME
13 AS THEY WERE BEFORE?

14 MR. GARVEY: MY COMMENT WOULD BE THAT AS A
15 PROFESSIONAL, ANY CASE THAT IS STILL IN LITIGATION, IT
16 WOULD NOT BE PROPER FOR ME TO COMMENT ON IT, HOWEVER I WILL
17 SAY TO YOU THAT IN MY OPINION, FROM WHAT I HAVE HEARD FROM
18 OTHER PROFESSIONALS, THAT THE POLICEMAN INVOLVED IN THAT
19 SHOOTING ON THE EVENTUAL DAY WILL BE GIVEN A COMMENDATION FOR
20 SAVING HIS PARTNER'S LIFE.

21 REPRESENTATIVE RICHARDSON: WHAT WAS THE --

22 CHAIRMAN RHODES: LET ME ASK THE QUESTION THIS
23 WAY. MR. GALLAGHER, DO YOU ENCOURAGE, YOU HERE IN THIS
24 PUBLIC HEARING, UNDER OATH, DO YOU ENCOURAGE POLICE OFFICERS
25 WHO WITNESS A CASE OF EXCESSIVE USE OF FORCE, TO COME FORWARD

1 AND TESTIFY TO THE D. A.? DO YOU ENCOURAGE THEM TO DO THAT?
2 MR. GALLAGHER: ENCOURAGE THEM TO COME FORWARD?
3 CHAIRMAN RHODES: YES.
4 MR. GALLAGHER: AND TESTIFY?
5 CHAIRMAN RHODES: YES.
6 MR. GALLAGHER: YES.
7 CHAIRMAN RHODES: IF THEY WANT TO COME FORTH
8 AND TESTIFY, AND YOU HAVE ENCOURAGED THEM, BEFORE US TODAY,
9 AND THEY FEAR REPERCUSSIONS WITHIN THE F.O.P., WOULD YOU
10 PROTECT THEM IN THE F.O.P., TELL YOUR BROTHER OFFICERS THIS
11 IS A GOOD THING?
12 MR. GALLAGHER: IF THEY ARE DOING WHAT IS
13 RIGHT, I WILL ENCOURAGE THEM TO DO SO. I WILL NOT LET THEM
14 GET UP AND MAKE STATEMENTS DURING A CASE. YOU WERE JUST
15 TALKING ABOUT WINSTON HOOD. IF THESE THINGS ARE TRUE, THEY
16 SHOULD BE PUNISHED. KNOWING THAT THEY ARE NOT TRUE, AND I
17 KNOW THEY ARE NOT TRUE --
18 REPRESENTATIVE RICHARDSON: HOW DO YOU KNOW?
19 WERE YOU THERE?
20 MR. GALLAGHER: WERE YOU?
21 (SHOUTS FROM AUDIENCE.)
22 REPRESENTATIVE RICHARDSON: WHAT I AM SAYING
23 IS, THE QUESTIONS THAT WE ARE ASKING ARE JUST RELEVANT TO THE
24 FACT, IF YOU WEREN'T THERE, THE ONLY POINT I AM MAKING TODAY,
25 IF YOU ARE USING INFORMATION THAT YOU RECEIVED IT IS NO

1 DIFFERENT THAN ANYONE ELSE THAT POSES THE SAME QUESTION. I
2 AM RAISING THAT TODAY.

3 MR. GARVEY: QUITE DIFFERENTLY, JUST TOMAKE THE
4 RECORD CLEAR, WE NEVER WENT TO THE MEDIA AND CONDEMNED
5 ANYBODY OR DEFENDED ANYBODY. WE SAID, LET IT TAKE THE PROPER
6 COURSE, BUT OTHER INDIVIDUALS SAID THE POLICEMAN WHO FIRED
7 WAS A MURDERER AND THE CASE HAS NOT BEEN TRIED.

8 CHAIRMAN RHODES: I THINK THAT IS OUIRAGEOUS TO
9 TRY A CASE IN THE MEDIA. DO YOU ENCOURAGE, AS HEAD OF THE
10 UNION, AND AS LEGISLATIVE LIAISON AND PRESIDENT OF THE UNION,
11 DO YOU ENCOURAGE YOUR OFFICERS TO COME FORWARD AND GIVE
12 TESTIMONY IN ANY CASE WHERE THEY HAVE FACTUAL KNOWLEDGE WITH
13 THEIR OWN EYES, ABOUT INSTANCES WHERE THERE ARE ALLEGATIONS
14 OF BRUTALITY?

15 MR. GALLAGHER: IT IS BEING DONE AT THE F.O.P.

16 CHAIRMAN RHODES: YOU DO THIS?

17 MR. GALLAGHER: YES.

18 CHAIRMAN RHODES: AND YOU SUPPORT THIS?

19 MR. GALLAGHER: YES, AND I'VE BEEN SWORN.

20 CHAIRMAN RHODES: I KNOW THAT.

21 MR. GARVEY: HIS OATH OF OFFICE MANDATES THAT.

22 REPRESENTATIVE RICHARDSON: I INDICATED, AND I
23 THINK AS HEAD OF THE F.O.P. THAT IT CAME OUT IN THE
24 NEWSPAPERS THAT THE MOVE INCIDENT, THERE WAS EXCESSIVE FORCE
25 RELATIVE TO A MEMBER OF THE ORGANIZATION DELBERT AFRICA,

1 BEATEN. SOME PICTURES OF THAT WERE SHOWN; SOME THIRTY
2 MILLION PLUS PEOPLE SAW THAT. THERE WAS A QUESTION WHETHER
3 OR NOT ALFONZO DEAL'S LIFE IS NOW BEING THREATENED AS A
4 MEMBER OF THE F.O.P. BECAUSE HE MADE THE STATEMENT CONCERNING
5 THE FACT HE SPOKE OUT RELATIVE TO SOMETHING HE WITNESSED AND
6 SAW. DOES THAT MAKE THE SITUATION DIFFERENT IN THE F.O.P.?

7 MR. GALLAGHER: I WILL SAY ALFONZO DEAL DON'T
8 KNOW WHAT HE IS TALKING ABOUT. PAUL DIONE GOT ON CHANNEL TEN
9 AND SHOWED SPECIFIC PICTURES, AND OTHER PICTURES PERTAINING
10 TO THAT. THOSE INCIDENTS THAT HAPPENED PRIOR TO THIS
11 SO-CALLED BRUTALITY.

12 REPRESENTATIVE RICHARDSON: THAT IS NOT
13 ANSWERING MY QUESTION.

14 MR. GALLAGHER: ALFONZO DEAL IS A MEMBER OF OUR
15 ORGANIZATION; WHY IS HE GETTING UP THERE AND DEMANDING THAT
16 PEOPLE BE FIRED AND PUNISHMENT GIVEN OUT, DISCIPLINED.

17 CHAIRMAN RHODES: YOU JUST TOLD ME HERE,
18 MEMBERS OF YOUR ORGANIZATION HAVE A RIGHT TO SPEAK OUT
19 AGAINST THOSE INDIVIDUALS --

20 MR. GALLAGHER: HE IS NOT SPEAKING AS A MEMBER
21 OF THE F.O.P. HE IS SPEAKING AS A MEMBER OF THE N.A.A.C.P.,
22 HEAD.

23 MR. GARVEY: THE ANSWER IS HE HAS THE SAME
24 RIGHT AS ANYONE DOES WITH THE FREEDOM OF SPEECH. THE
25 DIFFERENCE IS, YOU CAN USE YOUR FREEDOM OF SPEECH TO SAY

1 ANYTHING WHEN YOU KNOW THE FACTS, BUT WHEN YOU YELL FIRE IN
2 THE THEATER, THAT IS NOT FREEDOM OF SPEECH. WHEN YOU TAKE A
3 STAND WITHOUT KNOWING THE FACTS, THAT IS NOT FREEDOM OF
4 SPEECH. THERE WERE CHARGES AT A LATER DATE, CHARGING MR.
5 DEAL WITH COWARDICE. I WORK WITH AL DEAL -- IF YOU WOULD LET
6 ME FINISH. I WOULD AGREE WITH YOU AT LEAST ON THAT. FOR ME,
7 I DON'T THINK HE WAS A COWARD, BUT THE CHARGES THAT WERE
8 LEVELED AT HIM IN THAT CASE, AND I WON'T RESPOND AND SAY
9 THERE HE IS, 'HA, HA, COWARD'. I WILL LET THE FACTS BE HEARD
10 AT A LATER DATE. THEN I WILL ISSUE MY OPINION, BUT I WON'T
11 SPEAK OUT NOW.

12 REPRESENTATIVE DUMAS: ARE YOU REPRESENTING
13 ALFONZO DEAL IN THAT INCIDENT?

14 MR. GARVEY: AM I REPRESENTING HIM?

15 REPRESENTATIVE DUMAS? YOUR ORGANIZATION, THE
16 F.O.P. IN REFERENCE TO THE CHARGES BROUGHT AGAINST HIM?

17 MR. GARVEY: I HAVE NO IDEA IF HE APPEALED. WE
18 HAVE A STRUCTURE, I HAVE NO IDEA WHETHER HE HAS EXHAUSTED HIS
19 APPEAL.

20 REPRESENTATIVE DUMAS: MAYBE THE PRESIDENT
21 WOULD KNOW.

22 MR. GALLAGHER: WE HAVE A LEGAL AID COMMITTEE,
23 MAYBE TWENTY, TWENTY-FIVE PEOPLE. THEY SIT THERE, THE GUY
24 COMES IN, IN ANY KIND OF TROUBLE; HE PRESENTS HIS CASE. THEY
25 DECIDE WHO IS TO GET LEGAL AID. I KNOW MYSELF, BROTHER DEAL

1 DIDN'T COME UP AND APPLY FOR LEGAL AID.

2 REPRESENTATIVE DUMAS: DO YOU THINK HE WOULD
3 HAVE GOT IT IF HE CAME UP?

4 MR. GALLAGHER: I DO NOT TALK FOR THE LEGAL AID
5 COMMITTEE. IF THEY HEARD THE FACTS AND BELIEVE --THEY ARE
6 BLACK POLICEMEN THAT PRESENTED THESE CHARGES HE WAS COWARDLY.
7 I DON'T BELIEVE IT MYSELF. ALFONZO DEAL IS A FRIEND OF MINE,
8 BUT AT THIS PARTICULAR MOMENT, I AM AGAINST BROTHER DEAL. I
9 AM GOING TO DO EVERYTHING IN MY POWER TO EXPEL HIM FROM THE
10 F.O.P.

11 REPRESENTATIVE DUMAS: YOU ARE SAYING YOU WILL
12 NOT RECOMMEND YOUR ORGANIZATION TO REPRESENT HIM?

13 MR. GALLAGHER: FOR THE CASE OUT IN WEST
14 PHILADELPHIA WHERE HE IS ACCUSED OF COWARDICE, IT WOULD BE
15 HEARD BY THE LEGAL AID COMMITTEE TO DETERMINE WHETHER TO GIVE
16 HIM LEGAL AID, AND IF THERE IS A CERTAIN AMOUNT OF BROTHERS
17 WHO COME IN THERE, BROTHER POLICE OFFICERS I'M TALKING ABOUT,
18 THEY CAN COME IN AND PRESENT THE CASE AGAINST ALFONZO DEAL.
19 IT IS UP TO THE LEGAL AID COMMITTEE, WHICH I DO NOT ATTEND
20 THEIR MEETINGS.

21 CHAIRMAN RHODES: ONE LAST QUESTION, MR.
22 GALLAGHER. THE THRUST OF YOUR STATEMENT IS YOU ARE GOING TO
23 TRY TO EXPEL MR. DEAL FROM THE F.O.P. BECAUSE OF STATEMENTS
24 ABOUT THE MOVE INCIDENT?

25 MR. GALLAGHER: THAT'S RIGHT.

1 CHAIRMAN RHODES: JUST AS A POLITICIAN, I AM
2 NOT A POLICE OFFICER, IF I WAS A POLITICIAN RUNNING THE
3 F.O.P., AND I WAS UNDER THE GUN IN THE CITY OF PHILADELPHIA,
4 AND YOU ARE UNDER THE GUN. MR. GARVEY MADE THAT POINT; YOU
5 ARE UNDER SO MUCH INVESTIGATION, YOUR HEAD SPINS. WOULDN'T
6 YOU HELP YOUR IMAGE AS A POLICE DEPARTMENT, AND HELP YOUR
7 IMAGE AS A POLICE DEPARTMENT NATIONALLY AND THROUGHOUT THE
8 STATE -- YOU HAVE A TERRIBLE IMAGE IN MY END OF THE STATE --
9 I'M FROM PITTSBURGH, AND I KNOW WHAT THE PHILADELPHIA POLICE
10 DEPARTMENT'S IMAGE IS IN PITTSBURGH. WOULDN'T IT HELP YOUR
11 IMAGE IF A MEMBER OF YOUR DEPARTMENT SAY, CAME OUT WITH AN
12 OUTRAGEOUS STATEMENT, COMPLETELY UNFOUNDED, BIZARRE, AND SAID
13 YOU WERE REALLY -- OUTRAGEOUS ABOUT YOU, MR. GARVEY, OR ABOUT
14 YOUR DEPARTMENT, OR ABOUT THE CASE IN MOVE -- ANYTHING
15 OUTRAGEOUS IN YOUR DEPARTMENT, YOU KNOW, THE GUY IS CRAZY --
16 WOULD IT HELP YOUR IMAGE IF YOU WOULD SAY, 'EH, WE ARE NOT
17 GOING TO MOVE ON IT, WE ARE NOT GOING TO MAKE A BIG DEAL OUT
18 OF IT.' WOULDN'T IT HELP YOUR IMAGE IF YOU TOOK THOSE CASES
19 AND JUST SORT OF TOOK THEM GENTLY, AND LIGHTLY, RATHER THAN
20 MAKE A BIG POLITICAL ISSUE BY MOVING THE WHOLE F.O.P.
21 AGAINST ONE GUY? IF HE IS OUTRAGEOUS, YOU MADE HIM A HERO.

22 MR. GALLAGHER: THAT IS WHAT MADE CHRIST
23 POPULAR.

24 CHAIRMAN RHODES: ANSWER MY QUESTION.

25 MR. GALLAGHER: I AM GOING TO ANSWER YOUR

1 QUESTION. I PERSONALLY HAVE OVERLOOKED ACTIONS BY ALFONZO
2 DEAL FOR THE PAST TEN YEARS. PERSONALLY I HAVE OVERLOOKED
3 HIS ACTIONS, BUT IT CAME TO A POINT WHERE I GOT 2,087
4 SIGNATURES ON PETITIONS GOTTEN OUT BY THE MEN, TO TAKE BROTHER
5 DEAL TO THE GRIEVANCE COMMITTEE. AT THIS TIME I SO HAPPENED
6 --AND I SAW THAT PARTICULAR EPISODE AND I HEARD ALFONZO DEAL
7 ON TELEVISION TALKING, AND I TOLD THOSE 2,087 MEN, I DO NOT
8 NEED YOU, I AM TAKING HIM TO THE GRIEVANCE COMMITTEE MYSELF.
9 IF ALFONZO WANTS TO BRING IN WITNESSES, ALL WELL AND GOOD,
10 THAT IS POLICE WITNESSES. IF WITNESSES WANT TO COME IN AND
11 TESTIFY AGAINST ALFONZO DEAL THEY ARE ABLE.

12 CHAIRMAN RHODES: DON'T YOU CREATE THE IMAGE
13 YOU ARE TRYING TO SQUASH -- THE DEPARTMENT MAY BE DOING IT --
14 DOESN'T IT CREATE THE IMAGE THAT YOU ARE --

15 MR. GALLAGHER: I AM NOT WORRIED ABOUT THE
16 IMAGE AT THIS LATE DATE IN LIFE. I WANT TO GET BACK TO YOU
17 ABOUT PITTSBURGH. THEY HAVE ALWAYS BEEN KNOWN IN PITTSBURGH
18 TO BE A LITTLE BACKWARD, SO I CAN UNDERSTAND --

19 CHAIRMAN RHODES: DON'T KNOCK MY CITY.

20 MR. GALLAGHER: WE'RE NUMBER ONE,
21 PHILADELPHIA'S FINEST.

22 CHAIRMAN RHODES: I KNOW WE ARE ON THE
23 FRONTIER, BUT DON'T KNOCK THE CITY.

24 MR. GARVEY: I CAN AGREE WITH REPRESENTATIVE
25 DUMAS AS TO WHEN HE SAYS YOU CAN HURT YOUR IMAGE SOMETIMES

1 BY MAKING A MARTYR OUT OF A MEMBER. THAT I CAN SEE, BUT AT
2 THE SAME TIME, YOU ARE AT THE MANDATE OF YOUR MEMBERSHIP,
3 WHAT THEY WANT YOU TO DO. WHAT YOU SAID, ALSO, WHEN OUR
4 IMAGE IS BAD SOMEWHERE ELSE, THAT IS A PROJECTION THAT YOU
5 SINK OR SWIM ON AS A POLITICAN, BY HOW THE MEDIA HANDLES YOU.
6 WE SINK OR SWIM ON HOW THE MEDIA HANDLES US.

7 THE FACTS ARE NOT THE ISSUE HERE. IF THE
8 FACTS WERE BROUGHT OUT BY THE MEDIA, OUR IMAGE WOULD BE AS
9 THE FACTS ARE WITH THE F.B.I., WE ARE NUMBER ONE.

10 CHAIRMAN RHODES: WE'RE REVIEWING THE FACTS.
11 REPRESENTATIVE RICHARDSON, DO YOU HAVE ANOTHER QUESTION?

12 REPRESENTATIVE RICHARDSON: TOO MANY THINGS.
13 I WANT TO STATE FOR THE RECORD, I AM LEAVING THIS HEARING. I
14 THINK IT IS QUITE CLEAR AT THIS POINT THAT THE INFORMATION WE
15 ARE TRYING TO SEEK IS BEING SOMEWHAT VIEWED AS BEING A FUNNY
16 KIND OF A PROCEDURE. THIS IS A VERY SERIOUS PROCEDURE, MR.
17 CHAIRMAN. IT SEEMS THAT SINCE THE CITY AND ALSO THE
18 COMMISSIONER OF POLICE HAVE SEEN FIT NOT TO COME BEFORE THIS
19 COMMITTEE, THE F.O.P. TESTIFIED HERE TODAY THAT THEY FEEL
20 THAT A PERSON WHO SPEAKS UP SHOULD HAVE THE RIGHT TO SPEAK
21 UP, BUT THE PRESIDENT OF THIS ORGANIZATION SAYS HE IS GOING
22 TO ACTIVELY WORK TO GET RID OF A MEMBER OF THE ORGANIZATION
23 FOR SPEAKING OUT; IT IS A CONTRADICTION.

24 I BELIEVE, MR. CHAIRMAN, THE HEARING WOULD
25 NOT BE FRUITFUL IN TERMS OF GETTING PROPER RESPONSES BY

1 ASKING INTELLIGENT QUESTIONS OF THESE MEMBERS OF THE F.O.P.
2 AVAILABLE, THEREFORE, MR. CHAIRMAN, I THINK MY PRESENCE ANY
3 LONGER WOULD NOT SUFFICE, IN TERMS OF GETTING ANY PROPER
4 RESPONSE.

5 MR. GALLAGHER: BEFORE MR. RICHARDSON LEAVES --

6 CHAIRMAN RHODES: REPRESENTATIVE RICHARDSON --

7 MR. GALLAGHER: I SAY THIS, HE SHOULD HAVE
8 NEVER BROUGHT UP ALFONZO DEAL AT THIS MEETING, AND YOU AS A
9 CHAIRMAN WAS DERELICT BY LETTING HIM TALK ABOUT ALFONZO
10 DEAL. ALFONZO DEAL'S CASE IS NOT A CASE OF BRUTALITY THAT
11 WAS BROUGHT BEFORE THIS COMMITTEE, AND HAD NO RIGHT AND I
12 WOULD ASK TO STRIKE IT FROM THE RECORD.

13 CHAIRMAN RHODES: I AM INTERESTED IN THIS ISSUE
14 ABOUT IMAGE. I DON'T WANT IT STRUCK FROM THE RECORD. SINCE
15 REPRESENTATIVE RICHARDSON HAS LEFT, I DO HAVE ONE LAST
16 QUESTION ABOUT STATISTICS.

17 MR. GALLAGHER: IT'S EASY TO SAY SOMETHING AND
18 RUN.

19 (APPLAUSE FROM AUDIENCE.)

20 CHAIRMAN RHODES: I DON'T ENCOURAGE MY MEMBERS
21 TO LEAVE MY HEARINGS: I'M NOT AT ALL PLEASED WITH THAT.

22 MR. GARVEY: -- LITERATURE, ON OUR CAMPAIGN
23 STICKERS, AND SOMETIMES WE HAVE TO MAKE IT A PART OF A
24 REPORT. WE UNDERSTAND.

25 CHAIRMAN RHODES: THANK YOU. YOUR TESTIMONY,

1 ESPECIALLY THE RECORDS YOU HAVE SUBMITTED TO THE COMMITTEE,
2 INCLUDES A LOT OF DATA ABOUT INJURIES, INCIDENTS OF POLICE
3 OFFICERS WITH INJURIES, POLICEMEN SHOT AND ALL KINDS OF --

4 MR. GARVEY: THAT'S RIGHT.

5 CHAIRMAN RHODES: IS IT YOUR READING OF THESE
6 STATISTICS THAT THE POLICE OFFICERS IN THE CITY OF
7 PHILADELPHIA'S LOT OR DANGER IS MORE HAZARDOUS THAN POLICE
8 OFFICERS IN OTHER CITIES OF THE UNITED STATES? FROM THESE
9 STATISTICS, ARE YOU COMPARING IT TO OTHER CITIES; ARE YOU
10 SAYING THIS MEANS THE DATA YOU SUBMITTED INDICATES THE POLICE
11 OFFICERS IN THE CITY OF PHILADELPHIA --

12 MR. GALLAGHER: I WOULD SAY THE FIGURES SO
13 INDICATE.

14 CHAIRMAN RHODES: IF THE RECORD --

15 MR. GARVEY: ONE CORRECTION YOU CAN MAKE. A
16 LOT OF CITIES DON'T KEEP THE DATA WE DO.

17 CHAIRMAN RHODES: NEW YORK DOES.

18 MR. GARVEY: PITTSBURGH DOESN'T. IT IS NOT
19 EASY TO COMPARE DATA IN THOSE AREAS BECAUSE A LOT OF CITIES
20 DON'T EVEN KEEP IT.

21 CHAIRMAN RHODES: I UNDERSTAND. IF YOU ARE
22 TESTIFYING THAT THE POLICE OFFICERS' LOT IN PHILADELPHIA IS
23 MORE DANGEROUS, I AM CURIOUS. IS IT BECAUSE THE CITIZENS OF
24 PHILADELPHIA TEND TO BE MORE VIOLENT?

25 MR. GALLAGHER: MORE VIOLENT?

1 CHAIRMAN RHODES: IN PHILADELPHIA, ARE THEY A
2 MORE VIOLENT BUNCH OF PEOPLE?

3 MR. GALLAGHER: I WAS THIRTY-FIVE YEARS A
4 POLICE OFFICER --

5 CHAIRMAN RHODES: YOU ARE A LONG TIME CITIZEN
6 OF PHILADELPHIA.

7 MR. GALLAGHER: I HAD NO TROUBLE WITH ANYBODY,
8 AND BELIEVE ME, IN CLOSING, I AM NOT GOING TO RUN LIKE
9 BROTHER RICHARDSON, I WOULD SAY THAT THERE IS NOT A POLICEMAN
10 IN THE CITY OF PHILADELPHIA -- THEY GO TO WORK, THEY DON'T
11 WANT ANY INCIDENTS TO COME UP WHERE THEY HAVE TO TAKE ACTION.
12 ALL THEY WANT TO DO IS PUT IN EIGHT HOURS, GO THE HELL HOME.

13 CHAIRMAN RHODES: I UNDERSTAND. I REALLY HAD A
14 POINT TO MY QUESTION.

15 MR. GARVEY: THE ANSWER I CAN GIVE YOU IS NO.
16 I HAVE LIVED IN PITTSBURGH AND I HAVE LIVED IN WASHINGTON,
17 AND I HAVE LIVED IN NEW YORK. I HAVE FELT MUCH SAFER IN THE
18 CITY OF PHILADELPHIA THAN IN THE OTHER --

19 CHAIRMAN RHODES: I FIND PHILADELPHIANS TO BE
20 FRIENDLY PEOPLE. I DON'T FEEL LIKE I AM IN DANGER FROM
21 CITIZENS.

22 MR. GARVEY: BUT REMEMBER, WE MIRROR SOCIETY.
23 IF SOCIETY IS VIOLENT, THEN WE ARE THE RECIPIENTS OF THAT
24 VIOLENCE. IF THERE IS VIOLENCE INSTILLED IN PEOPLE, WE ARE
25 THE RECIPIENTS.

1 CHAIRMAN RHODES: IF THE VIOLENCE LEVEL THE
2 POLICE OFFICER EXPERIENCES IN THIS CITY IS NOT BECAUSE
3 PHILADELPHIANS ARE INHERENTLY MORE DANGEROUS AND MORE VIOLENT
4 THAN NEW YORKERS OR CHICAGOANS OR WASHINGTONIANS OR
5 BOSTONIANS OR PITTSBURGHIANS -- PITTSBURGH IS A LITTLE
6 VIOLENT. WE'RE ON THE FRONTIER. OTHER THAN US COUNTRY
7 PEOPLE, COULDN'T IT BE -- JUST CONSIDER, DON'T WORRY, I AM
8 ASKING YOUR OPINION. COULD IT BE THIS PROBABLY MIGHT HAVE
9 DEVELOPED HERE IN PHILADELPHIA, WHERE IT IS LIKE A LOG ROLL,
10 FOR WHATEVER REASON, WE HAD A LOT OF CASES BROUGHT BEFORE
11 THIS COMMITTEE NOT DISCUSSED TODAY -- WE DON'T NEED TO; YOU
12 ARE NOT THE CITY -- OF CHARGES OF BRUTALITY. SOME OF THEM
13 WERE FAIRLY SUBSTANTIAL, AND TO ME, VERY DISTURBING AND GRAVE
14 CHARGES. COULD IT BE THAT IF THE PHILADELPHIA POLICE
15 DEPARTMENT GETS AN IMAGE IN THE CITY, AND YOU HAVE TESTIFIED
16 THAT IMAGE IS A PRODUCT OF TWO NEWSPAPERS, BASICALLY, AND I
17 AM NOT GOING TO CONTEST THAT. LET'S ASSUME THE IMAGE GOT
18 CREATED SOMEHOW. THE PHILADELPHIA POLICE DEPARTMENT HAS AN
19 IMAGE OF BEING ARBITRARY, BRUTAL, QUICK TO DRAW, QUICK TO
20 SHOOT, QUICK TO HIT. IF YOU GET THAT IMAGE, DON'T YOU THINK
21 THAT MIGHT EXPLAIN WHY, TO SOME EXTENT, POLICE OFFICERS MIGHT
22 GET HURT IN PHILADELPHIA MORE OFTEN THAN IN OTHER CITIES,
23 MEANING THE IMAGE MAY END UP HAVING PEOPLE OVERREACT TO THE
24 POLICE JUST AS POLICE ARE OVERREACTING TO PEOPLE? DO YOU
25 THINK THAT MIGHT HAPPEN?

1 MR. GALLAGHER: IF WHAT YOU ARE SAYING IS TRUE,
2 YES, BUT IT DOESN'T HAPPEN.

3 CHAIRMAN RHODES: I AM NOT TALKING ABOUT THE
4 FACTS; I'M TALKING ABOUT THE IMAGE OF BRUTALITY.

5 MR. GALLAGHER: YOU TOLD ME YOURSELF, YOU FEEL
6 SAFE IN THE CITY OF PHILADELPHIA, AND YOU KNOW WHY? BECAUSE
7 WE HAVE GOT THE BEST POLICE FORCE IN THE --

8 CHAIRMAN RHODES: LET ME ASK THE QUESTION, MR.
9 GALLAGHER. HOW DO WE GET IN THE SITUATION WE ARE INTO NOW,
10 OKAY? NOW, IF AN IMAGE OF A BRUTAL POLICE DEPARTMENT, ALBEIT
11 LET ME CONCEDE FROM WHAT YOU ARE SAYING, JUST FOR THE PURPOSE
12 OF ARGUMENT, THAT PHILADELPHIA POLICE ARE NOT MORE BRUTAL
13 THAN OTHER CITIES, BECAUSE YOU HAVE SAID IT TODAY, AND LET'S
14 NOT ARGUE ABOUT IT. FOR THE PURPOSE OF ARGUING, NOT FOR THE
15 RECORD, IS A FACTUAL CONCLUSION I WOULDN'T DRAW, THAT TODAY,
16 THAT THE PHILADELPHIA POLICE DEPARTMENT IS NOT MORE BRUTAL
17 THAN ANY OTHER POLICE DEPARTMENT IN THE COMMONWEALTH, BUT
18 SOMEHOW YOU HAVE GOT AN IMAGE THAT YOU ARE MORE BRUTAL.
19 WOULD THAT NOT IN FACT ENCOURAGE PEOPLE WHO ARE ABOUT TO BE
20 APPREHENDED, TO RECEIVE TICKETS, OR TO BE ARRESTED, TO
21 OVERREACT TO THE POLICE, OR MAYBE TAKE A PUNCH OR DO
22 SOMETHING LIKE THAT AND SOMEONE IS HURT AND SOMEONE IS IN
23 JAIL? WOULDN'T THAT TEND TO CREATE THOSE STATISTICS YOU
24 INTRODUCED TODAY ABOUT VIOLENCE AND ABOUT POLICE OFFICERS ARE
25 HURT?

1 MR. GARVEY: LET ME GIVE YOU A STREET ANALOGY.
2 YOU ARE ON THE STREETS OF PITTSBURGH OR PHILADELPHIA OR
3 WHEREVER, AND YOU ARE ON THE STREET CORNER, AND YOU KNOW THAT
4 IS ONE BAD DUDE WHO HAS GOT A TRACK RECORD OF BEING PRETTY
5 TOUGH, AND YOU KNOW DAMN RIGHT WELL YOU DON'T PLAY WITH HIM
6 -- LET ME FINISH MY ANALOGY. YOU KNOW YOU ARE NOT GOING TO
7 CHALLENGE HIM. IF WE HAVE THAT REPUTATION THAT WE ARE THAT
8 WAY, HOW COME SO MANY ASSAULTS? THE REVERSE OF THAT --LET ME
9 FINISH -- THE REVERSE OF THAT IS WE BEND OVER BACKWARDS FOR A
10 LOT OF PEOPLE AND THAT IS WHY THERE IS A LOT OF ASSAULTS.

11 CHAIRMAN RHODES: LET ME FINISH MY ANALOGY. IF
12 IN FACT, THE POLICE OF PHILADELPHIA HAVE AN IMAGE IN THE CITY
13 OF PHILADELPHIA OF BEING BRUTAL, WE HAD TESTIMONY BEFORE
14 THIS COMMITTEE UNDER OATH, OVER AND OVER AND OVER AGAIN THAT
15 PEOPLE WHO GET ARRESTED -- THEY SAID TO US -- THEY MAY BE
16 LYING, BUT THEY SAID TO US, A POLICE OFFICER STOPS ME, I'M
17 GOING TO GET MY LICK IN BECAUSE I KNOW THAT WHETHER I ACT
18 RIGHT OR ACT WRONG, I'M GOING TO GET HIT ANYWAY, SO I MIGHT
19 AS WELL GET MY LICKS IN FIRST. NOW THAT'S IT; MAYBE IT'S A
20 LIE, IT MAY BE A DISTORTION, MAYBE A FARRICATION. I AM
21 TELLING YOU WHAT WAS TESTIFIED TO TODAY. NOW, LET'S GET TO
22 THE IMAGE. IF THAT IMAGE -- I THINK I WOULD GENERATE DESIRED
23 STATISTICS -- THESE ARE APPALLING STATISTICS. IT COULD VERY
24 WELL BE ONE POLICE OFFICER IN THE CITY OF PHILADELPHIA CAUSES
25 A PROBLEM. THEN SOME ROOKIE COMES ON IN ANOTHER PART OF

1 PHILADELPHIA, DOESN'T KNOW ANYTHING ABOUT IT; HE GETS SHOT
2 AND KILLED. THAT WAS STATISTICS. I AM APPALLED. I AM
3 CHAIRMAN OF A COMMITTEE CONCERNED WITH CRIME IN THE STATE,
4 AND I AM APPALLED BY THE STATISTICS YOU HAVE GOT BEFORE US
5 TODAY. WHAT HAPPENS TO THE IMAGE; HOW DOES THE IMAGE GET
6 GENERATED? YOU SAY THE IMAGE COMES FROM THE NEWSPAPERS. THE
7 NEW YORK POLICE DEPARTMENT WITNESS, THE MONTGOMERY COUNTY,
8 MARYLAND, WITNESS, THE WITNESS FROM -- SWORN POLICE CHIEF OF
9 BOSTON, OUR OWN POLICE CHIEF FROM PITTSBURGH, WITNESSES WHO
10 HAVE COME BEFORE US AS PROFESSIONAL LAW ENFORCEMENT WITNESSES
11 HAVE SAID TO US, IT ISN'T THE PAPERS THAT CAUSE THE IMAGE.
12 IT IS WHETHER OR NOT THE LEADERSHIP IN THE DEPARTMENT AND THE
13 LEADERSHIP IN THE CITY CONVEYS TO THE PUBLIC THAT THEY WILL
14 NOT COUNTENANCE BRUTALITY. THAT DOESN'T MEAN THERE ISN'T
15 BRUTALITY. YOU CANNOT HAVE A PERFECT SYSTEM.

16 OUR STATE POLICE AND OUR GOVERNOR I THINK
17 PRETTY MUCH CONVEY THAT IMAGE. IN TERMS OF THE STATE POLICE,
18 I KNOW PEOPLE WHO HAVE BEEN BRUTALIZED BY THE STATE POLICE.
19 PEOPLE OF THIS STATE KNOW, EVERYBODY IN THIS ROOM KNOWS, IF
20 YOU GO OUT IN THE STATE AND A STATE TROOPER MESS WITH YOU, HE
21 IS GOING TO BE IN A WORLD OF TROUBLE, BECAUSE WE HAVE A
22 REPUTATION IN TERMS OF THE PENNSYLVANIA STATE POLICE.

23 WOULDN'T IT HELP, JUST DEALING WITH THIS
24 QUESTION OF THE IMAGE, IF THE CHIEF EXECUTIVE OF THIS CITY
25 AND THE CHIEF ADMINISTRATOR OF THE POLICE DEPARTMENT WOULD

1 MAKE AN EFFORT TO CONVEY TO THE PUBLIC OF THE CITY OF
2 PHILADELPHIA THAT THEY WILL NOT COUNTENANCE BRUTALITY, AND
3 YOU ARE NOT EXONERATED WHEN THE CRIMINAL COURT FINDS YOU NOT
4 GUILTY, THE REAL TEST OF WHETHER YOU HAVE DONE AN ACT NOT
5 ACCEPTABLE AS A POLICE OFFICER IS INTERNAL INVESTIGATION OF
6 THE PHILADELPHIA POLICE DEPARTMENT, AND IT WILL BE A VIGOROUS
7 AND COMPLETE INVESTIGATION, AND YOU WILL GET DOCKED DAYS
8 IRRESPECTIVE OF WHETHER YOU ARE FOUND NOT GUILTY IN CRIMINAL
9 COURT. IF YOU HAVE EXCEEDED THE GUIDELINES IN THE MANUAL,
10 YOU HAVE NOT ACTED AS A LAW ENFORCEMENT OFFICER?

11 MR. GALLAGHER: I WOULD SAY, IF YOU CHECKED
12 BACK INTO THE RECORDS THAT YOU WILL FIND MAYOR RIZZO AND
13 COMMISSIONER O'NEILL HAVE TIME AND TIME AGAIN, SAID WE DO
14 NOT CONDONE BRUTALITY.

15 CHAIRMAN RHODES: BUT IS THAT CONSONANT WITH
16 THE STATEMENT IF YOU ARE FOUND NOT GUILTY IN CRIMINAL COURT
17 AND THAT'S IT, YOU'RE EXONERATED?

18 MR. GALLAGHER: IF YOU ARE FOUND NOT GUILTY BY
19 SOME OF YOUR PEERS, WHO ARE THEY TO GO ANY OTHER WAY? I'D BE
20 AGAINST THEM IF THEY TURNED AROUND AND PUNISHED SOMEBODY IF
21 HE WAS FOUND NOT GUILTY IN COURT.

22 CHAIRMAN RHODES: THE POINT IS, IN THE NEW
23 YORK POLICE DEPARTMENT AND EVERY OTHER POLICE DEPARTMENT IN
24 THE STATE --

25 MR. GALLAGHER: THE NEW YORK POLICE DEPARTMENT

...R-GL
ARDS LIKE PITTS. WE
-LITY IN OUR FORCE, AND THE TEST
-CHAIRMAN RHODES! THE TEST YOU
5 THE TEST YOU HAVE TO PASS, AND THE TEST YOU
6 STANDARD YOU HAVE IN THE DEPARTMENT FOR CITIZENS
7 AND YOU BETTER WATCH OUT BECAUSE OUR CITIZENS
8 AND CITIZENS COMPLAINT BOARD ARE WATCHING EVERY
9 DEPARTMENT INTERNALLY, AND THEY TAKE PRIDE IN
10 THE LOS ANGELES POLICE DEPARTMENT.
11 ARE CELEBRATED NATIONALLY, AND THOSE POLICE OFFICERS KNOW THAT
12 THESE ALLEGATIONS, AND THOSE POLICE OFFICERS KNOW THAT
13 HAVE ESPRIT DE CORPS, A STANDARD OF PROFESSIONALISM THAT
14 THINK IS QUITE REMARKABLE. WHAT WORRIES ME IN THIS CITY
15 THE CHIEF EXECUTIVE OF THE CITY AND THE CHIEF EXECUTIVE OF
16 THE POLICE DEPARTMENT DO NOT CONVEY THAT SAME IMAGE,
17 MR. QUINN; THAT IS YOUR OPINION OF THE IMAGE
18 THEY CONVEY. I KNOW WHAT THEY HAVE SAID, AND THEY HAVE SAID,
19 I KNOW IT TO BE A FACT, THAT THEY WILL PENALIZE ANY PERSON TO
20 THE FULLEST EXTENT OF THE LAW, WHO IS BRUTAL IN ANY WAY,
21 SHAPE OR FORM. I KNOW THIS. I HAVE SEEN IT IN ACTION IN
22 THIS CITY. WHAT YOU GET OUT OF WHAT THEY MIGHT BE SAYING, I
23 DO NOT KNOW. I KNOW WHAT THEY DO.
24 CHAIRMAN RHODES! I WILL SHOW YOU THE
25 DEPOSITIONS. MR. QUINN; LET ME SAY THIS: WHAT WOULD YOU

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1 SAY IF THE COURTS FIND HIM NOT GUILTY, THE POLICE DEPARTMENT
2 FINDS HIM NOT GUILTY, WHAT DO WE DO? KEEP CONVENING PEOPLE
3 UNTIL THEY FIND HIM GUILTY?

4 CHAIRMAN RHODES: LET ME EXPLAIN MY SITUATION
5 NOW. IF THE COURTS FIND YOU NOT GUILTY, THAT IS BEFORE A
6 COURT, A JURY OF PEERS AND THE STANDARD OF PROOF BEFORE THAT
7 COURT IS BEYOND A REASONABLE DOUBT, OKAY? NOBODY, NO SERIOUS
8 LAW ENFORCEMENT PROFESSIONAL IN THE WHOLE COUNTRY, CERTAINLY
9 NOT YOU THREE GUYS, NOBODY SUGGESTS THAT SHOULD BE THE
10 STANDARD OF PROOF APPLIED TO POLICE CONDUCT. THE STANDARD OF
11 PROOF INTERNAL IN THE POLICE DEPARTMENT HAS TO BE LESS SEVERE
12 THAN THAT. IT HAS TO BE SOMETHING LIKE A PREPONDERANCE OF
13 THE EVIDENCE, OR SOMETHING LIKE THAT.

14 MR. QUINN: ALL CIRCUMSTANTIAL EVIDENCE FROM
15 THE POLICE DEPARTMENT AT THE TRIAL, HE WILL BE FOUND GUILTY.

16 CHAIRMAN RHODES: IT HAS TO BE THAT; IT CAN'T
17 BE BEYOND A REASONABLE DOUBT. I WOULD ASSUME THE TEST IN THE
18 POLICE DEPARTMENT SHOULD BE MORE SEVERE THAN THE TEST IN THE
19 COURTS. WE HAVEN'T SEEN THE RECORD AND THE STATEMENT MADE BY
20 THE CHIEF AND THE MAYOR INDICATE TO THE CONTRARY.

21 MR. QUINN: WE DO NOT KEEP RECORDS ON THIS, BUT
22 I DO KNOW OUR POLICEMEN HAVE BEEN SUSPENDED AND FOR MANY
23 ACCUSATIONS.

24 CHAIRMAN RHODES: MR. QUINN, I HOPE YOU WILL
25 REVIEW THE F.O.P., IF YOU CAN FIND ANY RECORDS TO HELP US IN

1 THAT REGARD, PLEASE SUBMIT IT TO US VERY QUICKLY SO WE COULD
2 MOVE RAPIDLY TO THE CONCLUSION. THE CITY HAS NOT BEEN
3 HELPFUL IN PROVIDING US WITH INFORMATION FOR WHATEVER --
4 INDEPENDENT OF THE CITY, NOW.

5 MR. GARVEY: IN REACHING YOUR CONCLUSION, AND
6 NOT TO PARAPHRASE WHAT OTHER PEOPLE HAVE SAID, WE ARE
7 POLICEMEN, NOT POLITICIANS. POLITICIANS DO NOT LIKE TO ENTER
8 ARENAS THAT ARE CALLED A STACKED DECK, AND I THINK A
9 CONSENSUS OF FEELING AMONG SOME PEOPLE IN THE CITY IS THAT
10 THE MAKE-UP OF THE COMMITTEE WAS ONE AND SUCH THAT A FAIR
11 HEARING WOULD NOT HAVE TAKEN PLACE, WHEN LEGISLATORS WHO ARE
12 HERE TO GET ALL THE EVIDENCE, GET UP IN THE MIDDLE OF A
13 MEETING WITH RHETORIC STATEMENTS FOR THEIR RE-ELECTION.

14 (APPLAUSE FROM AUDIENCE.)

15 I THINK THAT SAYS THAT OTHER POLITICIANS
16 FELT FROM IT THAT THE ATMOSPHERE WAS NOT THE PROPER ONE IN
17 WHICH TO DEFEND WHAT THEY DO.

18 CHAIRMAN RHODES: I THINK OUR COMMITTEE IS
19 QUITE BALANCED.

20 REPRESENTATIVE CIANCIULLI: JOE, I HAVE TO
21 INTERRUPT YOU AND GET SOMETHING STRAIGHT. YOUR OPINION OF
22 THE IMAGE OF INCIDENTS INVOLVING PHILADELPHIA POLICE
23 DEPARTMENT ACROSS THE STATE, I WOULD NOT WANT THAT TO BE
24 CONSTRUED BY ANYBODY HERE THAT IS THE OPINION OF THE GENERAL
25 ASSEMBLY OF PENNSYLVANIA.

1 (APPLAUSE FROM AUDIENCE.)

2 THE STATEMENT YOU MADE CAME OUT MORE OR LESS
3 IMPLIED THE FACT THAT WAS THE OPINION ACROSS THE STATE. THAT
4 IS YOUR OPINION OF THIS POLICE DEPARTMENT ACROSS THE STATE.

5 (APPLAUSE FROM AUDIENCE.)

6 I DON'T WANT THIS RECORD OR ANYBODY IN THIS
7 ROOM TO GET THAT INFERENCE.

8 CHAIRMAN RHODES: MR. CIANCIULLI, I WILL SAY
9 TO YOU FOR THE RECORD, IN MY OPINION, AS I SAID BEFORE, THAT
10 IS THE IMAGE OF THIS POLICE DEPARTMENT IN MY END OF THE
11 STATE.

12 REPRESENTATIVE CIANCIULLI: IN YOUR DISTRICT.

13 CHAIRMAN RHODES: IN MY END OF THE STATE. I
14 ONLY RAISED THE QUESTION OF IMAGE BECAUSE I WANTED TO RAISE
15 THE QUESTION ABOUT THE INVOLVEMENT --

16 MR. GARVEY: FOR THE RECORD, I DID WANT TO
17 INTERVIEW JIM MCDEVITT, WHO HAS EVIDENCE I THINK WILL BE
18 SUBMITTED TO EACH OF YOU, JUST ONE INSTANCE WHICH REFLECTS
19 THE ENTIRE DEPARTMENT.

20 CHAIRMAN RHODES: WOULD YOU RESTATE HIS NAME?
21 I DIDN'T GET IT.

22 MR. GARVEY: JAMES MCDEVITT. HE IS ON THE
23 STATE BOARD OF THE F.O.P. HE HAD A THREE-PAGE STATEMENT THAT
24 WILL BE PRESENTED TO EVERY MEMBER IN REFERENCE TO WHAT A
25 POLICEMAN GOES THROUGH AFTER HE WAS STABBED AND SHOT.

1 CHAIRMAN RHODES: CAN I HAVE THIS EVIDENCE
2 THROUGH YOU?

3 MR. GARVEY: IT HAS BEEN GIVEN TO MARY.

4 CHAIRMAN RHODES: PART OF YOUR PRESENTATION TO
5 THE RECORD.

6 REPRESENTATIVE DUMAS: JUST ONE QUICK QUESTION.
7 MR. GALLAGHER, IS THERE ANY TIME THAT A POLICEMAN COMES TO
8 YOU, AND YOU REFUSED TO REPRESENT HIM, AND RECOMMEND THAT HE
9 IS DISMISSED BECAUSE OF HIS ACTIONS? WERE YOU EVER CONVINCED
10 OF THAT POINT IN REPRESENTING ANY OF YOUR MEMBERS?

11 MR. GALLAGHER: AS FAR AS POLICEMEN, I DO NOT
12 RECOMMEND THAT THEY BE DISMISSED, AND I NEVER WILL, BEING A
13 POLITICIAN LIKE YOU.

14 REPRESENTATIVE DUMAS: I AM A STATESMAN, SIR,
15 NOT A POLITICIAN.

16 (LAUGHTER.)

17 MR. GALLAGHER: I AM A STATESMAN, ALSO. I JUST
18 GOT RE-ELECTED AFTER BEING RETIRED FOR A FEW YEARS, AND FOR
19 SOME OF THESE PEOPLE THAT COME INTO ME, I HAVE NOTHING TO DO
20 WITH RECOMMENDING THAT THEY BE FIRED. THEY ARE SENT TO THE
21 TRIAL BOARD IF ANYBODY MAKES A COMPLAINT AGAINST THEM; THEN
22 THE DECISION COMES FROM THE GUY WHO IS HEAD OF THE TRIAL
23 BOARD, AND I HAVE NOTHING TO DO WITH RECOMMENDATIONS.

24 REPRESENTATIVE DUMAS: YOU WOULD NOT RECOMMEND
25 THAT YOUR ORGANIZATION DON'T REPRESENT THAT INDIVIDUAL

1 BECAUSE YOU FEEL HE IS OBVIOUSLY GUILTY? I WOULD NOT
2 RECOMMEND -- WE DON'T WANT TO INVOLVE OURSELVES, THIS GUY IS
3 GUILTY?

4 MR. GALLAGHER: THERE ARE TIMES WHEN I DO
5 RECOMMEND THAT LEGAL AID NOT BE GRANTED, AND INVARIABLY I AM
6 OVERRULED BY THE MEMBERSHIP BECAUSE IT IS PRETTY HARD TO TURN
7 DOWN A FELLOW POLICEMAN, JUST LIKE IT WOULD BE HARD TO TURN
8 DOWN A FELLOW LEGISLATOR. I THINK YOU ALL HAVE A LITTLE IN
9 YOUR HEART WHERE YOU FEEL SORRY, AND WHEN THEY COME IN FRONT
10 OF OUR MEMBERSHIP, BEFORE THEY HAVE BEEN TURNED DOWN ON
11 NUMEROUS OCCASIONS, NOT ONE, NOT TWO, BUT A WHOLE LOAD OF
12 THEM, AND INVARIABLY THE MEMBERSHIP SAYS GIVE THEM LEGAL AID.
13 IT IS THEIR DUES THAT ARE PAYING FOR THE LEGAL AID.

14 I HAVE TRIED TO DO AWAY WITH LEGAL AID ON
15 NUMEROUS OCCASIONS DUE TO THE FACT OUR FINANCES DON'T GIVE US
16 THAT RIGHT.

17 REPRESENTATIVE DUMAS: THANK YOU, THAT WAS MY
18 QUESTION.

19 CHAIRMAN RHODES: THANK YOU VERY MUCH, MR.
20 GALLAGHER, MR. QUINN AND MR. GARVEY. THE COMMITTEE WILL TAKE
21 YOUR TESTIMONY UNDER CONSIDERATION. THANK YOU VERY MUCH FOR
22 COMING BEFORE US.

23 MR. GALLAGHER: JUST IN CLOSING, THERE WAS NO
24 UNDUE FORCE USED TO COME IN PHYSICALLY.

25 CHAIRMAN RHODES: THANKS, TOM. ALL RIGHT, OUR

1 NEXT WITNESSES WILL BE THE POLICE WIVES ASSOCIATION OF THE
2 CITY OF PHILADELPHIA, MRS. MARIE MACKLEY AND MRS. HELEN
3 KERNS.

4 (WITNESSES EXCUSED.)

5 CHAIRMAN RHODES: HAS MRS. MACKLEY ARRIVED YET?

6 MRS. MACKLEY: YES.

7 CHAIRMAN RHODES: AND MRS. KERNS?

8 MRS. KERNS: YES. WE WOULD LIKE TO HAVE OUR

9 OTHER TWO BOARD MEMBERS --

10 CHAIRMAN RHODES: IT SAYS MARIE.

11 MRS. MACKLEY: MARIE ANN.

12 MRS. KERNS: MY NAME IS SPELLED INCORRECT. FOR
13 THE RECORD, IT'S K-E-R-N-S.

14 CHAIRMAN RHODES: DO YOU HAVE ANY OBJECTION TO
15 BEING SWORN BECAUSE WE HAVE A SUBPOENA?

16 MRS. MACKLEY: YES, I WANT TO BE SWORN.

17 CHAIRMAN RHODES: DO YOU WANT TO -- DO YOU
18 OBJECT TO BEING SWORN? WHICH ONE IS -- YOU'RE MRS. KERNS?

19 MRS. MACKLEY: MACKLEY.

20 CHAIRMAN RHODES: MRS. MACKLEY, MRS. KERNS.

21 MRS. KERNS: WELL, I DON'T FEEL THAT WE SHOULD
22 ANSWER QUESTIONS. WE ARE JUST HERE TO MAKE A STATEMENT FOR
23 THE RECORD. SO I DON'T FEEL THAT, YOU KNOW, WHAT WE HAVE TO
24 SAY WE SHOULD HAVE TO BE SWORN. WE'RE JUST MAKING A
25 STATEMENT.

1 CHAIRMAN RHODES: NO ONE TESTIFYING BEFORE THIS
2 SUBCOMMITTEE HAS EVER TESTIFIED WITHOUT BEING SWORN, BUT I
3 WILL --

4 MRS. MACKLEY: THEN I'LL WAIVE THAT.

5 CHAIRMAN RHODES: I'LL WAIVE THAT --

6 MRS. KERNS: ALL RIGHT.

7 CHAIRMAN RHODES: I'LL WAIVE THAT IF YOU WANT.

8 MRS. KERNS: ALL RIGHT, FINE, WE'LL BE SWORN.

9 REPRESENTATIVE CIANCIULLI: I DON'T KNOW, IF
10 THAT'S WHAT THEY WANT.

11 MRS. KERNS: WE'LL BE SWORN. WE'RE JUST HERE
12 TO MAKE A STATEMENT.

13 MRS. MACKLEY: WE'LL BE SWORN.

14 REPRESENTATIVE CIANCIULLI: WOULD YOU JUST WANT
15 TO BE SWORN FOR THE STATEMENT --

16 MRS. KERNS: RIGHT.

17 REPRESENTATIVE CIANCIULLI: -- AND THEN NO
18 QUESTIONS; IS THAT RIGHT?

19 MRS. KERNS: RIGHT.

20 REPRESENTATIVE DUMAS: NO QUESTIONS? WE HAVE
21 TO ASK QUESTIONS.

22 MRS. KERNS: DO WE HAVE TO ANSWER QUESTIONS?

23 MRS. MACKLEY: WE HAVE TO ANSWER QUESTIONS?

24 CHAIRMAN RHODES: YOU DON'T HAVE TO.

25 REPRESENTATIVE DUMAS: YOU DON'T HAVE TO, BUT I

1 SAY WE'RE GOING TO ASK QUESTIONS.

2 MRS. MACKLEY: WE CAN'T ASK YOU QUESTIONS AND
3 YOU CAN'T ASK ANY QUESTIONS. WE'LL READ OUR STATEMENT AND
4 THAT WILL BE IT.

5 CHAIRMAN RHODES: DO YOU STILL OBJECT TO BEING
6 SWORN?

7 MRS. KERNS: NO, WE'LL BE SWORN.

8 MRS. MACKLEY: WE'LL BE SWORN. WE'LL TELL THE
9 TRUTH, THE WHOLE TRUTH, NOTHING BUT THE TRUTH. YEAH, I
10 SWEAR.

11 CHAIRMAN RHODES: HOLD IT. WILL YOU RAISE YOUR
12 RIGHT HAND?

13 ---

14 MARIE MACKLEY AND HELEN KERNS, SWORN.

15 CHAIRMAN RHODES: THANK YOU. WELCOME TO THE
16 SUBCOMMITTEE, MRS. MACKLEY AND MRS. KERNS.

17 WHICH OF YOU ARE GOING TO MAKE THE FIRST
18 STATEMENT?

19 MRS. MACKLEY: WELL, SINCE WE CAN'T ASK ANY
20 QUESTIONS -- I HAD A FEW QUESTIONS TO ASK THE COMMITTEE -- I
21 WOULD LIKE TO KNOW --

22 CHAIRMAN RHODES: WELL, IF YOU HAVE ANY -- WHO
23 IS GOING TO MAKE THE FIRST STATEMENT?

24 MRS. KERNS: I WILL MAKE THE STATEMENT.

25 CHAIRMAN RHODES: ALL RIGHT, MRS. KERNS, LET'S

1 GO ON.

2 MRS. KERNS: YES.

3 CHAIRMAN RHODES, MEMBERS OF THE SUBCOMMITTEE.
4 ON CRIME AND CORRECTION, LADIES AND GENTLEMEN. POLICE WIVES,
5 INTERESTED CITIZENS ORGANIZATION IS HERE TODAY TO SPEAK OF
6 ANOTHER KIND OF BRUTALITY, A BRUTALITY NO ONE SPEAKS OF, NO
7 DEMONSTRATIONS ARE HELD ON BEHALF OF, NO POLITICAL FIGURES
8 TRAVEL TO WASHINGTON FOR, AND NO NEWS MEDIA CHAMPIONS; THE
9 BRUTALITY OF WHICH I SPEAK IS CITIZEN BRUTALITY UPON POLICE.

10 IN THE TIME PERIOD OF ONE YEAR, THE FIGURES
11 READ: 1813 ASSAULTS UPON POLICE, 700 OF WHICH THE POLICE
12 OFFICERS WERE HOSPITALIZED. ONE THIRD OF THE ASSAULTS
13 OCCURRED IN ANSWERING DISTURBANCE CALLS, FAMILY QUARRELS,
14 DRUNK, NOISY NEIGHBORS AND THE LIKE. ANOTHER THIRD OF THE
15 ATTACKS CAME WHEN POLICE WENT TO MAKE AN ARREST. IN 97 OF
16 THESE INCIDENTS, THERE WERE GUNS, KNIVES AND OTHER DANGEROUS
17 WEAPONS INVOLVED.

18 THE MEMBERSHIP OF OUR ORGANIZATION IS
19 CONVINCED A DOUBLE STANDARD EXISTS WHEN IT COMES TO
20 BRUTALITY. FOR EXAMPLE, WHEN A POLICEMAN IS DOING HIS JOB
21 AND BECOMES INVOLVED IN AN ENCOUNTER WITH A FELON BREAKING
22 THE LAW AND THE USE OF ANY KIND OF FORCE IS USED, IMMEDIATELY
23 IT IS DEEMED POLICE BRUTALITY. VARIOUS ANTI-POLICE GROUPS
24 TAKE TO THE STREETS AND DEMONSTRATE. NEWSPAPER HEADLINES
25 SCREAM POLICE BRUTALITY. MOST CERTAINLY A PATTERN EXIST.

1 HOWEVER, WHEN A POLICE OFFICER IS MURDERED OR MAIMED, WHERE
2 IS THE SAME HUMAN CRY FROM ANY CITIZENS GROUP? SURELY
3 BECAUSE HE WEARS A BLUE UNIFORM DOESN'T MEAN HE SHOULD BE THE
4 TARGET OF ANY CRAZY, BE IT AN ANARCHIST, REVOLUTIONARY, OR
5 JUST PLAIN COP-HATER. THIS IS THE DOUBLE STANDARD OF WHICH
6 WE ARE AWARE OF, AND IT HAS TO STOP.

7 IN CONCLUSION I WOULD LIKE TO ADD: OUR
8 POLICEMEN ARE SHOT TO DEATH AND MAIMED FOR LIFE IN THE
9 PERFORMANCE OF THEIR DUTY. THESE MEN ARE MAIMED IN SUCH A
10 WAY THEY CAN NO LONGER PERFORM IN THE PROFESSION THEY WERE
11 TRAINED FOR. WE HAVE WITNESSED FIRSTHAND, OFFICERS LEFT
12 LIMBLESS, PART OF THEIR SKULLS SHOT AWAY, THEIR STOMACHS AND
13 INTESTINES HANGING OUT -- ALL THIS DONE IN THE NAME OF LAW
14 AND ORDER.

15 THERE IS NO OTHER PROFESSION WHERE SUCH
16 THINGS HAPPEN AT THE HAND -- BY THE HAND OF THE CITIZENS. WE
17 ARE TIRED OF OUR WOMEN BECOMING WIDOWS, OUR CHILDREN LEFT
18 ORPHANS, MOTHERS WHO GRIEVE THE REST OF THEIR LIVES OVER
19 THEIR MURDERED SONS.

20 POLICEMEN AND THEIR FAMILIES ARE CITIZENS
21 AND TAXPAYERS OF THE COMMONWEALTH OF PENNSYLVANIA AND DESERVE
22 THE SAME CONSIDERATION GIVEN TO ANY OTHER CITIZEN, NOT LESS.
23 THEREFORE, WE PETITION THIS SUBCOMMITTEE, WHO EARLIER HELD
24 HEARINGS ON ALLEGED POLICE BRUTALITY, TO INVESTIGATE AND
25 PREVENT CITIZEN BRUTALITY UPON POLICE.

1 THANK YOU.

2 CHAIRMAN RHODES: MRS. KERNS, COULD I ASK YOU A
3 QUESTION? IN THE BEGINNING OF YOUR TESTIMONY YOU INDICATED
4 HOW MANY INJURIES THERE WERE, ASSAULTS ON POLICE OFFICERS IN
5 A CERTAIN YEAR. WAS THAT THE LAST YEAR?

6 MRS. KERNS: NO, I HAVE THAT. I HAVE IT HERE
7 IN MY ENVELOPE. WE HAVE NO ACCESS TO FIGURES OF ANY KIND.
8 WE GET OUR INFORMATION FROM THE POLICE -- FROM THE
9 NEWSPAPERS, FROM THE RADIO, FROM TELEVISION. THIS WAS FROM
10 AN EDITORIAL ON WCAU, FROM YEARS GONE BY. THIS IS WHERE I
11 GOT IT.

12 CHAIRMAN RHODES: CAN YOU TELL ME WHICH YEAR IT
13 WAS? I DIDN'T CATCH IT IN YOUR TESTIMONY.

14 MRS. KERNS: IT'S A FEW YEARS BACK. IT'S FROM
15 '73. WE HAVE NO CURRENT FIGURES.

16 CHAIRMAN RHODES: WHAT WAS THE NUMBER THAT YOU
17 READ?

18 MRS. KERNS: THE NUMBER OF ASSAULTS?

19 CHAIRMAN RHODES: YES, THE ASSAULT NUMBERS.

20 MRS. KERNS: HERE, YOU CAN LOOK AT IT YOURSELF,
21 SIR. (WITNESS HANDING.)

22 ONE THOUSAND EIGHT HUNDRED AND THIRTEEN.

23 (PAUSE.)

24 CHAIRMAN RHODES: OH, I SEE. THE MATERIAL
25 GIVEN TO US BY THE F.O.P. SAYS THERE WERE 3032 PHYSICAL

1 INJURIES OF THE POLICE IN APPREHENDING CRIMINALS IN THE YEAR
2 '73.

3 DOES THAT MEAN THAT THERE MAY BE A DIFFERENT
4 NUMBER OF ASSAULTS THEN? A DIFFERENT THING FOR INJURIES AND
5 ASSAULTS?

6 MRS. KERNS: WE HAVE NO ACCESS TO ANY FILES,
7 SIR.

8 (PAUSE.)

9 AND WE WOULD LIKE TO KNOW WHAT YOU'RE GOING
10 TO DO. ARE YOU GOING TO TALK TO THE CRIMINALS AND TELL THEM
11 TO STOP ASSAULTING AND KILLING OUR POLICE? WHAT ARE YOU
12 GOING TO DO ON THE OTHER SIDE OF THE SPECTRUM? YOU HAVE BEEN
13 TELLING US WHAT YOU HAVE BEEN DOING ON THIS SIDE OF THE
14 SPECTRUM OF ALLEGED POLICE BRUTALITY. NOW, WILL YOU TELL US
15 WHAT YOU'RE GOING TO DO ON THE OTHER SIDE?

16 CHAIRMAN RHODES: I'M GOING TO OPEN THE
17 QUESTIONING UP TO THE COMMITTEE AT THIS POINT. BEFORE I DO
18 THAT, I THOUGHT I MADE AN INTENT WHAT I WAS DRIVING AT WOULD
19 THEREFORE BE THE LAST ROUND OF QUESTIONS. WHAT I WAS DRIVING
20 AT, AND I WILL SAY IT EVEN THOUGH I DON'T THINK THE COMMITTEE
21 OUGHT TO STICK ITSELF WITH QUESTIONS IS, IT COULD BE A KIND
22 OF -- MAYBE IN PHILADELPHIA, A KIND OF BAZARRE, MACABRE, SAD,
23 WHAT THEY CALL, SELF REINFORCING CYCLE BETWEEN VIOLENCE
24 AGAINST THE POLICE AND VIOLENCE BY THE POLICE ON THE
25 COMMUNITY. AND I'M CONCERNED ABOUT HOW TO BREAK THE CYCLE.

1 IN OTHER WORDS, IF THE POLICE OFFICER, THE
2 POLICE OF THE CITY HAVE AN IMAGE IN THE CITY THAT IF YOU LIVE
3 IN CERTAIN COMMUNITIES OF THE CITY THAT THEY ARE NOT GOING TO
4 BE FAIR. IN YOUR OPINION YOU THINK, 'IF I GET STOPPED BY A
5 PHILADELPHIA POLICE OFFICER, I AM GOING TO BE HURT, I'M GOING
6 TO BE KILLED.' THEN THAT IS GOING TO ENCOURAGE PEOPLE TO
7 REVILE THE PHILADELPHIA POLICE DEPARTMENT. NOW, I'M NOT
8 SAYING THAT THAT IMAGE IN YOUR MIND IS FACTUALLY BASED. I'M
9 NOT DRAWING THAT CONCLUSION, THAT'S NOT THE PURPOSE OF
10 TODAY'S HEARING TO DRAW THAT CONCLUSION. I'M JUST POSING IT,
11 I'M JUST SUGGESTING IT AS THE SITUATION.

12 IF YOU HAVE A CYCLE, WHERE ON THE ONE HAND
13 THE CITIZENRY -- IN MY OPENING STATEMENT, I POINTED OUT THAT
14 THE POLICE ARE BEING PERCEIVED AS AN ARMY OF OCCUPATION BY
15 ONE COMMUNITY IN ANOTHER COMMUNITY OR AS PERCEIVED AS SOME
16 KIND OF -- THEY ARE GOING TO BE ARBITRARY. THEY ARE GOING TO
17 BE VIOLENT AND DANGEROUS IN THAT COMMUNITY. THEN THAT'S
18 GOING TO ENCOURAGE THE CITIZENS IN THAT COMMUNITY TO
19 OVER-REACT TO THE POLICE. NOW, IF THE CITIZENS OVER-REACT TO
20 THE POLICE AND THE POLICE ARE SUBJECT TO THE KIND OF ASSAULTS
21 YOU DESCRIBED IN YOUR TESTIMONY AND OTHER PEOPLE HAVE VERY
22 ABLY DESCRIBED IN THEIR TESTIMONY AND WE HAVE DOCUMENTED -- I
23 DON'T KNOW WHERE THE DOCUMENTATION CAME FROM, I GATHER FROM
24 THE CITY, BUT I ACCEPT IT AS VITAL DOCUMENTS, THEN YOU ARE
25 GOING TO SUBJECT THE POLICE TO EVEN GREATER ARBITRARY

1 ASSAULTS AND VIOLENCE AND IT'S NOT EVEN THE SAME POLICEMAN,
2 WHICH IS TO ME THE GREATEST TRAGEDY INVOLVED. THERE'S NO
3 JUSTICE HERE. IT'S CRAZY. SO THEN IF THE POLICE ARE
4 SUBJECTED TO GREATER ASSAULTS AND VIOLENCE BY CITIZENS WHO
5 ARE AFRAID THE POLICE ARE NOT GOING TO GIVE THEM A FAIR SHAKE
6 WHEN THEY ARE ARRESTED, THEN THE POLICE ARE GOING TO
7 OVER-REACT TO THAT AND THERE WILL BE EVEN MORE VIOLENCE IN
8 THE COMMUNITY, FOLLOWED BY EVEN MORE VIOLENCE ON THE ACTIONS
9 OF THE POLICE. SEE WHAT I MEAN? YOU GET --

10 MRS. KERNS: THAT'S YOUR OPINION.

11 CHAIRMAN RHODES: YOU GET INTO A CYCLE.

12 MRS. KERNS: THAT'S YOUR OPINION.

13 MRS. MACKLEY: CAN I GIVE MY OPINION ON THE
14 COMMUNITIES IN PHILADELPHIA? THERE ARE TWO COMMUNITIES IN
15 PHILADELPHIA, THE LAW-ABIDING COMMUNITY AND THE CRIMINAL
16 COMMUNITY. THESE ARE THE TWO COMMUNITIES IN PHILADELPHIA.
17 THIS IS WHERE THE BOTTOM LINE IS DRAWN.

18 CHAIRMAN RHODES: YOU'RE MRS. MACKLEY?

19 MRS. MACKLEY: MACKLEY.

20 CHAIRMAN RHODES: MRS. MACKLEY, DO YOU BELIEVE
21 THEN THAT EVERY PERSON WHO HAS BROUGHT AN ALLEGATION OF
22 BRUTALITY AND ABUSIVE USE OF FORCE BY THE PHILADELPHIA POLICE
23 DEPARTMENT -- WELL, I WILL NOT SAY EVERYBODY, THAT'S ABSURD,
24 BUT LET'S SAY THE LARGE BULK OF THESE CHARGES ARE BEING
25 BROUGHT BY PEOPLE WHO ARE NOT LAW-ABIDING?

1 MRS. MACKLEY: THE MAJORITY. I BET IF YOU
2 CHECK THEIR RECORD -- WE WOULD LIKE YOU TO GO BACK TO THE
3 PEOPLE THAT BROUGHT THESE COMPLAINTS TO YOUR COMMITTEE AND
4 CHECK THEIR BACKGROUND AND RECORDS, THEIR CRIMINAL RECORDS.

5 CHAIRMAN RHODES: YOU DON'T THINK THEY'RE
6 LAW-ABIDING?

7 MRS. MACKLEY: I DIDN'T SAY NOT ALL OF THEM.
8 BUT WE WOULD LIKE YOU TO CHECK BACK THERE.

9 CHAIRMAN RHODES: IS IT THE MAJORITY THAT ARE
10 NOT LAW-ABIDING?

11 MRS. MACKLEY: I WOULDN'T KNOW. I WASN'T THERE
12 WHEN THEY TESTIFIED, BUT YOU COULD FIND OUT THEIR BACKGROUND
13 AND WHETHER THEY HAVE EVER BEEN ARRESTED.

14 CHAIRMAN RHODES: THE ONLY REASON I ASKED THAT
15 QUESTION IS BECAUSE YOU SAID THE COMMUNITY --

16 MRS. MACKLEY: THERE ARE TWO COMMUNITIES,
17 LAW-ABIDING COMMUNITIES AND CRIMINAL COMMUNITIES --

18 CHAIRMAN RHODES: -- IS OFTEN DIVIDED INTO TWO
19 SIDES, THE LAW-ABIDING AND THE CRIMINAL COMMUNITY.

20 YOU CAN'T IMAGINE A LAW-ABIDING CITIZEN
21 BEING ABUSED BY THE PHILADELPHIA POLICE DEPARTMENT, A
22 NONLAW-ABIDING CITIZEN NOT BEING ABUSED?

23 MRS. MACKLEY: I DIDN'T SAY THAT.

24 CHAIRMAN RHODES: I'M STILL CONFUSED. WHY DID
25 YOU --

1 MRS. MACKLEY: YOU HAVE CONFUSED US SINCE WE
2 GOT HERE.

3 CHAIRMAN RHODES: MRS. MACKLEY --

4 MRS. MACKLEY: YOU MADE STATEMENTS ABOUT YOU'RE
5 AFRAID -- WHAT'S WONDERFUL IN PHILADELPHIA, WHEN YOU'RE IN
6 PHILADELPHIA THE CITIZENS ARE VERY, VERY NICE. YOU'RE AFRAID
7 OF THE POLICE, YOU JUST SAID THAT, YOU INTIMATED --

8 CHAIRMAN RHODES: MRS. MACKLEY, WHY DID YOU
9 MAKE THE DISTINCTION BETWEEN LAW-ABIDING AND NONLAW-ABIDING?

10 MRS. MACKLEY: BECAUSE YOU -- WHAT COMMUNITIES
11 ARE YOU TALKING ABOUT? YOU SAID THERE ARE CERTAIN
12 COMMUNITIES IN PHILADELPHIA. WHAT COMMUNITIES DO YOU MEAN,
13 WHAT SETTING, WHAT COMMUNITY? I ONLY KNOW OF TWO COMMUNITES,
14 THE LAW-ABIDING AND THE CRIMINAL PEOPLE, THAT'S IT, THAT'S
15 THE BOTTOM LINE.

16 CHAIRMAN RHODES: BUT, MRS. MACKLEY, WE HAD
17 PEOPLE WHO ARE APPARENTLY LAW-ABIDING TESTIFY TO US THAT THEY
18 HAVE BEEN SUBJECTED TO ABUSE.

19 YOU MEAN YOU CAN'T IMAGINE THAT THERE IS A
20 COMMUNITY --

21 MRS. MACKLEY: OH, GEE, I DIDN'T SAY THAT.
22 THEY'RE GOING TO HAVE THEIR DAY IN COURT. THEY HAVE A RIGHT
23 TO COMPLAIN IF THEY FEEL THEY HAVE BEEN ABUSED. THERE'S A
24 LOT OF AGENCIES THEY CAN GO TO IN PHILADELPHIA.

25 MRS. KERNS: ABOUT TEN AGENCIES, WHICH IS

1 RIDICULOUS. THERE SHOULD ONLY BE ONE.

2 CHAIRMAN RHODES: LET ME PUT IT THIS WAY. HAS
3 THERE EVER BEEN A MEMBER OF YOUR ORGANIZATION WHO HAS EVER
4 BROUGHT A COMPLAINT?

5 MRS. MACKLEY: ABOUT WHAT?

6 CHAIRMAN RHODES: ABOUT ABUSE.

7 MRS. MACKLEY: ABUSE BY WHO -- THE POLICE?

8 CHAIRMAN RHODES: YOU KNOW, THE POLICE OFFICER.

9 MRS. MACKLEY: MOST OF US ARE MARRIED TO THEM.

10 CHAIRMAN RHODES: OTHER THAN YOUR HUSBANDS. I
11 DON'T MEAN THE TONE, I'M SORRY, I DIDN'T MEAN THAT. I TAKE
12 THAT BACK. I DIDN'T MEAN IT.

13 MRS. MACKLEY: I CAN HONESTLY SAY THERE HAS
14 NEVER BEEN A MEMBER OF OUR ORGANIZATION THAT HAS MADE ANY
15 COMPLAINT ABOUT THEIR HUSBAND.

16 REPRESENTATIVE DUMAS: PARDON ME FOR
17 INTERRUPTING, BUT I HAVE HAD POLICE WIVES COME TO ME IN
18 REFERENCE TO BRUTALITY FROM THEIR HUSBANDS.

19 MRS. KERNS: I WOULD DOUBT THAT.

20 CHAIRMAN RHODES: IT HAPPENS TO EVERYBODY.

21 REPRESENTATIVE DUMAS: SU BEING MARRIED TO THEM
22 DOESN'T PREVENT YOU --

23 MRS. KERNS: HAVE YOU EVER HAD A MILKMAN'S WIFE
24 COME TO YOU AND SAY THE SAME THING?

25 REPRESENTATIVE DUMAS: YES.

1 MRS. KERNS: OR A LEGISLATOR'S WIFE?

2 REPRESENTATIVE DUMAS: NO, NOT A

3 LEGISLATOR'S WIFE, NO.

4 MRS. KERNS: OR A SENATOR'S WIFE?

5 REPRESENTATIVE DUMAS: NO, DEFINITELY NOT.

6 MRS. MACKLEY: THAT'S A DOMESTIC QUARREL, SIR.

7 CHAIRMAN RHODES: MRS. MACKLEY'S POINT IS WELL
8 TAKEN.

9 QUESTIONS FROM THE MEMBERS OF THE COMMITTEE?

10 LET'S START WITH REPRESENTATIVE DUMAS, WHO IS ALREADY ASKING
11 THE QUESTIONS.

12 REPRESENTATIVE DUMAS, DO YOU HAVE A
13 QUESTION?

14 REPRESENTATIVE DUMAS: YES, SIR.

15 REPRESENTATIVE DUMAS: YOUR NAME MADAM?

16 MRS. KERNS: MY NAME?

17 REPRESENTATIVE DUMAS: YES, MA'AM.

18 MRS. KERNS: HELEN KERNS.

19 REPRESENTATIVE DUMAS: MRS. KERNS, YOU ARE NOT
20 A POLICE OFFICER, RIGHT?

21 MRS. KERNS: NO, I'M NOT.

22 REPRESENTATIVE DUMAS: I SEE. IN YOUR
23 OPINION, IS THERE SUCH A THING AS POLICE ABUSE?

24 MRS. KERNS: IN MY OPINION?

25 REPRESENTATIVE DUMAS: YES, MA'AM.

1 MRS. KERNS: WELL, I WOULD -- YOU KNOW, I WOULD
2 BE NAIVE TO SAY THAT -- THERE MIGHT BE A MINUTE AMOUNT. BUT
3 I DO NOT AGREE THAT THERE IS WIDESPREAD, WIDESPREAD POLICE
4 BRUTALITY LIKE THE INQUIRER AND THE DAILY NEWS AND ALL THE
5 OTHER PEOPLE HAVE BEEN HOLLERING ABOUT, NO WAY.

6 REPRESENTATIVE DUMAS: WELL, MY QUESTION WAS:
7 IS THERE POLICE ABUSE IN THE CITY? AND YOUR ANSWER IS YES --

8 MRS. KERNS: AND I ANSWERED YOU.

9 REPRESENTATIVE DUMAS: THE ANSWER IS YES?

10 MRS. KERNS: A MINUTE.

11 (PAUSE.)

12 REPRESENTATIVE DUMAS: OH, WELL, WHAT THE HELL.
13 PASS IT ON.

14 CHAIRMAN RHODES: BEFORE REPRESENTATIVE COHEN
15 ASKS HIS QUESTIONS, I'M DYING TO ASK A QUESTION OF ANY OF THE
16 TWO LADIES.

17 REPRESENTATIVE COHEN: GO AHEAD, ASK THEM.

18 CHAIRMAN RHODES: ARE HUSBANDS OF WOMEN WHO ARE
19 POLICE OFFICERS A PART OF YOUR ASSOCIATION TOO?

20 MRS. KERNS: YES, WE HAVE SOME. WE HAVE JUST
21 HAD SOME MEMBERS JOIN. WE HAVE INTERESTED CITIZENS, YES.

22 CHAIRMAN RHODES: I WAS JUST CURIOUS. IT IS
23 CALLED WIVES ASSOCIATION. I WAS WONDERING IF THE HUSBANDS OF
24 POLICEWOMEN JOIN.

25 MRS. HACKLEY: INCIDENTALLY, WE HELPED START

1 THE POLICE WIVES IN PITTSBURGH.

2 MRS. KERNS: AND IN HARRISBURG, IN NEW JERSEY,
3 IN CHERRY HILL, IN MOUNT HOLLY.

4 CHAIRMAN RHODES: IT FELT LIKE A FRONTIER THE
5 WAY YOU GET TO IT.

6 REPRESENTATIVE COHEN.

7 REPRESENTATIVE COHEN: DO YOUR HUSBANDS
8 COMPLAIN TO YOU OF STRESS, YOU THE MEMBERS OF YOUR
9 ORGANIZATION?

10 MRS. MACKLEY: MY HUSBAND COMPLAIN OF STRESS?

11 REPRESENTATIVE COHEN: YES.

12 MRS. MACKLEY: ON THE JOB?

13 REPRESENTATIVE COHEN: YES, STRESS ON THE JOB.

14 MRS. MACKLEY: NOT RECENTLY.

15 REPRESENTATIVE COHEN: DOES YOUR ORGANIZATION
16 GET A LOT OF COMPLAINTS LIKE THAT -- INFORMAL COMPLAINTS, NOT
17 A --

18 MRS. MACKLEY: OUR ORGANIZATION ISN'T GEARED
19 FOR THAT TYPE OF -- WE DON'T TAKE COMPLAINTS.

20 REPRESENTATIVE COHEN: NO, I'M AWARE OF THAT.
21 THE PEOPLE IN --

22 MRS. KERNS: WE ARE A SUPPORT GROUP, SIR.

23 CHAIRMAN RHODES: HE MEANS JUST SOME
24 CONVERSATION AT HOME WHERE THE WIVES WOULD TALK WITH THEIR
25 HUSBANDS. DO POLICE OFFICERS COME HOME AND TELL THEIR WIVES,

1 'OH, THIS IS ONE OF THOSE DAYS'? YOU KNOW IT'S VERY
2 EXPRESSIVE.

3 MRS. KERNS: WELL, DON'T YOU COME HOME AND SAY
4 THAT'S BEEN ONE OF THOSE DAYS?

5 CHAIRMAN RHODES: THAT'S WHAT HE'S ASKING YOU.

6 MRS. MACKLEY: NORMAL AMOUNT, RIGHT.

7 MRS. KERNS: YOU DO THE SAME THING. YOU COME
8 HOME AND SAY THIS IS ONE OF THOSE DAYS. EVERYBODY DOES IT.

9 CHAIRMAN RHODES: I'M GOING TO DO IT TONIGHT.

10 MRS. KERNS: EVERYBODY DOES IT. I'M GOING TO
11 COME HOME AND SAY TO MY HUSBAND, 'THIS HAS BEEN ONE OF THOSE
12 DAYS.'

13 CHAIRMAN RHODES: OKAY. REPRESENTATIVE COHEN.

14 REPRESENTATIVE COHEN: I THINK YOU ARE BEING
15 OVER DEFENSIVE. I HAVE NO FURTHER QUESTIONS.

16 MRS. MACKLEY: WELL I -- WE ARE BEING OVER
17 DEFENSIVE? WE HAD TO SIT HERE ALL AFTERNOON. AND I ALSO
18 WANT TO PUT THIS ON THE RECORD. MR. RICHARDSON, YOUR
19 COLLEAGUE SHOULD BE ADMONISHED FOR ALL HE HAD DONE AT THIS
20 HEARING. WE PAY HIS SALARY, JUST REMEMBER THAT. WE PAY HIS
21 SALARY.

22 MRS. KERNS: AND MR. WHITE.

23 CHAIRMAN RHODES: I INTEND TO --

24 REPRESENTATIVE DUMAS: MR. RICHARDSON IS A
25 HARDWORKING REPRESENTATIVE I WANT YOU TO KNOW.

1 MRS. MACKLEY: WELL, I DON'T CARE ABOUT THAT.

2 CHAIRMAN RHODES: THE HEARING IS NOT TO
3 DETERMINE HOW HARDWORKING THE MEMBERS OF THE COMMITTEE ARE.
4 I WILL CONVEY YOUR CONCERN TO THEM, AND I HAVE ALREADY
5 CONVEYED MY EXTREME UNHAPPINESS WITH THEM THIS EVENING AND I
6 WILL TALK WITH THEM TOMORROW.

7 MRS. MACKLEY: THANK YOU VERY MUCH.

8 MRS. KERNS: THANK YOU VERY MUCH.

9 CHAIRMAN RHODES: LET'S NOT SHOW DISRESPECT TO
10 YOU OR TO ME AS THE CHAIRMAN.

11 OUR CHIEF COUNSEL WANTS TO ASK A QUESTION.

12 MR. BRASWELL: THANK YOU, MR. CHAIRMAN.

13 MRS. KERNS: YOUR NAME, SIR?

14 CHAIRMAN RHODES: THIS IS MR. BRASWELL.

15 MR. BRASWELL: VAN BRASWELL, I'M COUNSEL FOR
16 THE COMMITTEE. I WOULD LIKE TO WELCOME YOU LADIES TO THE
17 SUBCOMMITTEE HEARING. I HAVE BEEN THE CHIEF INVESTIGATOR IN
18 THIS PROJECT FOR THE COMMITTEE FOR THE LAST SEVERAL MONTHS
19 AND I HAVE BEEN HERE IN PHILADELPHIA.

20 I WOULD LIKE TO ASK MRS. KERNS -- I BELIEVE
21 THE PART THAT THE REPRESENTATIVE ON MY RIGHT HAD TO MAKE IS
22 "DUTY STRESS." WE HAVE SEEN A LOT OF EVIDENCE FROM THESE
23 HEARINGS AND FROM DOCUMENTS AND FROM SO-CALLED AUTHORITIES
24 AROUND THE COUNTRY AS TO POLICEMEN DEFINITELY BEING UNDER
25 STRESS ON THE JOB. THEY'RE PROBABLY MORE STRESSED THAN ANY

1 ... EVER THINK ABOUT AND I AM SENSITIVE THAT
2 OF THIS PROBLEM AND YOU DON'T WANT TO GET A PHON
3 MIDDLE OF THE NIGHT AND HEAR ABOUT YOUR HUSBAND I
4 HOSPITAL OR ANYTHING LIKE THAT.

5 SO HAS YOUR ORGANIZATION BEEN A PA
6 PROGRAMS SET UP BY THE F.O.P., THE POLICE DEPARTMENT
7 PSYCHOLOGICAL SERVICES TO REDUCE THE STRESS THAT HE HA
8 THE JOB AND WHEN HE COMES HOME?
9 MRS. MACKLEY:

10 THE CITY HAS A MENTAL HEALTH
11 MENTAL RETARDATION PROGRAM THAT'S AVAILABLE TO ANYBODY IN
12 CITY; AND IF A POLICE OFFICER IS HAVING EMOTIONAL STRESS O
13 ANY PROBLEMS, HE CAN GO TO THE MENTAL HEALTH AND RETARDATIO
14 CLINIC CLOSEST TO HIS NEIGHBORHOOD.
15 MR. BRASWELL: I WOULD IMAGINE YOU AS BEING HIS
16 WIFE WOULD SEE IT BEFORE ANYONE ELSE BECAUSE YOU'RE THE
17 CLOSEST TO HIM.

18 MRS. KERNS: I THINK MR. JOHN QUINN ANSWERED
19 THAT. HE SAID THERE WAS A -- HOW WOULD YOU SAY IT -- A GROUP
20 AT THE POLICE ACADEMY THAT DEALED DIRECTLY WITH STRESS,
21 MR. BRASWELL: BUT IT'S AFTER YOUR HUSBANDS
22 LEAVE THE POLICE ACADEMY IS WHAT WE ARE CONCERNED ABOUT.

23 MRS. KERNS: YOU MEAN DURING THE TIME THAT HE
24 IS ON A TOUR OF DUTY?
25 MR. BRASWELL: YES, HIS TOUR OF DUTY, IN THE
MORNING OR NIGHT.

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1 MRS. MACKLEY: THERE IS A LOT OF MENTAL HEALTH
2 AND RETARDATION CLINICS.

3 REPRESENTATIVE DUMAS: IF YOU ARE THINKING
4 ABOUT HEALTH CARE, ONE OF THOSE THINGS -- HE COULD GO BACK TO
5 THE ACADEMY.

6 CHAIRMAN RHODES: HE COULD GO BACK. BUT ONE OF
7 MY QUESTIONS IS -- THIS TO ME IS NOT PART OF THE HEARINGS --
8 YOU SAID MH/MR, RIGHT AND I COULDN'T DELIBERATE BECAUSE, YOU
9 KNOW, BECAUSE OF THE EAGLETON AFFAIR. REMEMBER SENATOR
10 EAGLETON?

11 MRS. MACKLEY: I REMEMBER.

12 CHAIRMAN RHODES: POLITICIANS, WE'RE SCARED TO
13 GO TO PSYCHOLOGICAL HELP BECAUSE OF THE EAGLETON AFFAIR. A
14 POLITICIAN FEELS OFTEN/TIMES THAT IF HE GOES THROUGH SOME KIND
15 OF TREATMENT -- SOME DAY, SOMEWHERE, WHEN I'M RUNNING FOR
16 UNITED STATES SENATOR, SOMEBODY IS GOING TO SAY, "JOE RHODES
17 WENT TO THIS DOCTOR, HE HAD TROUBLE HANDLING STRESS." AND
18 I'M GOING TO SAY, "OH, MY GOD, YOU GOT IT IN FOR ME BECAUSE I
19 CAN'T HANDLE STRESS."

20 IS THERE ANY, DO YOU FEEL THERE IS ANY BAD
21 IMAGE FOR SEEKING HELP IF YOU HAVE A LOT OF STRESS IN YOUR
22 LIFE AS THE POLICE OFFICERS?

23 MRS. MACKLEY: WE DON'T THINK THERE IS A BAD
24 IMAGE AT ALL REGARDING MENTAL HEALTH.

25 CHAIRMAN RHODES: THERE IS NO STIGMA ATTACHED?

1 MRS. MACKLEY: THERE IS NOT SUPPOSED TO BE ANY
2 STIGMA REGARDING MENTAL HEALTH OR ALCOHOL. THEY ARE BOTH
3 JUST A DISORDER A PERSON HAS. WITH PROPER TREATMENT THE
4 PROBLEM CAN BE CURED.

5 CHAIRMAN RHODES: I AM ASSUMING THE PROBLEM
6 BEING PUT IN THOSE TERMS MAKE IT SOUND NEGATIVE, I MEAN --

7 MRS. KERNS: YOU HAVE TO SPEAK TO THE MEN. WE
8 ARE NOT OUT THERE.

9 MRS. MACKLEY: WE CAN ONLY SPEAK AS MOTHERS,
10 WIVES, SISTERS. WE CAN'T ANSWER FOR THE DEPARTMENT NOR THE
11 CITY NOR THE F.O.P.

12 MRS. KERNS: PERSONALLY, I FEEL THERE IS NO
13 STIGMA MYSELF. MY OWN SELF AS A WOMAN, THERE IS NO STIGMA.
14 IF I FELT I HAD A PROBLEM I WOULD GO SEE SIGMUND.

15 MR. BRASWELL: EXCUSE ME. HOW MANY MEMBERS ARE
16 THERE IN YOUR ORGANIZATION?

17 MRS. KERNS: I BEG YOUR PARDON?

18 MR. BRASWELL: HOW MANY MEMBERS ARE IN YOUR
19 ORGANIZATION?

20 MRS. KERNS: OVER FIVE HUNDRED.

21 MR. BRASWELL: FIVE HUNDRED?

22 MRS. KERNS: YES.

23 MR. BRASWELL: DO YOU HAVE ANY KNOWLEDGE OF
24 WIVES COMING TO YOU OR ANYONE ELSE WHEN THEY FEEL THEIR
25 HUSBANDS ARE HAVING MAYBE TOO MUCH STRESS ON HIM AND MIGHT

1 POSSIBLY BE A DANGER TO HIMSELF OR THE COMMUNITY?

2 MRS. KERNS: IF ANYBODY COMES TO US WITH SUCH A
3 PROBLEM THEN WE IN TURN REFER THEM TO VARIOUS AGENCIES. WE
4 HAVE VARIOUS AGENCIES IN A FILE. ONE IS WHAT MARIE
5 MENTIONED, THE MENTAL HEALTH ASSOCIATION AND WOMEN IN
6 TRANSITION, THINGS LIKE THAT. BUT THESE ARE STRICTLY FOR THE
7 WOMEN. THEY'RE NOT FOR THE MEN.

8 MR. BRASWELL: YOU DON'T KNOW OF ANY PROGRAMS
9 FOR THE MENT

10 MRS. KERNS: NO.

11 MR. BRASWELL: I THINK WE ARE ALL AGREED THAT
12 THERE ARE DIFFERENT OPINIONS AROUND HERE AS TO THE DEGREE IN
13 WHICH POLICE USE FORCE IN THE CITY OF PHILADELPHIA; BUT I
14 THINK WE ARE ALL AGREED THAT THERE IS A PROBLEM HERE, WHETHER
15 MINUTE OR MAJOR AS SOME PEOPLE SEEM TO THINK.

16 WHAT IS YOUR SOLUTION MRS. KERNS OR MRS.
17 MACKLEY? WHAT DO YOU THINK THIS COMMITTEE OR THE CITY OF
18 PHILADELPHIA CAN DO IN SOLVING THIS PROBLEM, NO MATTER HOW
19 MINUTE CERTAIN PORTIONS OF THE COMMUNITY MIGHT THINK IT IS?

20 I THINK WHEN ONE MOTHER OF A 17-YEAR-OLD KID IS
21 SHOT IN THE BACK AND DIES, IT COULD BE ANY OF OUR KIDS ONE
22 DAY -- JULY, JANUARY, WE ALL HAVE TO --

23 MRS. KERNS: WELL, IF A 52-YEAR-OLD POLICEMAN
24 IS SHOT IN THE STREETS OF PHILADELPHIA, SIR, IT'S A PROBLEM
25 -- OFFICER RAMP.

1 MR. BRASWELL: I THINK THAT'S A VICIOUS CYCLE
2 AND I THINK WE SHOULD BE CONCERNED. THIS COMMITTEE IS
3 MANDATED ALSO FOR CIVIL RIGHTS VIOLATIONS BY AND AGAINST
4 POLICE OFFICERS. SO WE ARE CONCERNED ABOUT CIVIL RIGHTS
5 VIOLATIONS AGAINST POLICE OFFICERS, TRULY.

6 MRS. MACKLEY: THAT'S THE ONLY FAIR THING TO
7 DO, JUST INVESTIGATE THE OTHER SIDE. THE MAIN POINT IS WE
8 ARE NOT HERE TO TELL YOU HOW TO DO YOUR JOB OR NOT DO YOUR
9 JOB. WE JUST WANT EQUAL TREATMENT AND A FAIR SHAKE.

10 MR. BRASWELL: ALL RIGHT. AND I --

11 MRS. MACKLEY: WE ALSO WENT TO SEE THE ATTORNEY
12 GENERAL. WE ALSO WENT TO SEE THE UNITED STATES -- JIM VAIRA IN
13 PHILADELPHIA --

14 MRS. KERNS: THE UNITED STATES ATTORNEY LAST
15 WEEK.

16 MR. BRASWELL: FINE.

17 MRS. MACKLEY: SO HE IS WELL AWARE OF THE
18 ASSESSMENT. THERE IS NO ONGOING INVESTIGATION. THERE IS AN
19 ASSESSMENT OF ANY IMPROPER MEASURES IN PHILADELPHIA CONTRARY
20 TO NEWSPAPER REPORTS ONLY IN THE SENSE --

21 MR. BRASWELL: DO YOU AS AN ORGANIZATION HAVE
22 ANY IDEA HOW TO SOLVE THIS PROBLEM?

23 MRS. MACKLEY: I DON'T HAVE ANY IDEA, I'M NOT A
24 POLICE OFFICER. YOU WOULD HAVE TO ASK THE POLICE OFFICERS.
25 I'M SORRY, I WISH I COULD ANSWER YOUR PROBLEM -- YOUR

1 QUESTION.

2 MRS. KERNS: WHICH PROBLEM ARE YOU SPEAKING OF,
3 POLICE BRUTALITY?

4 MR. BRASWELL: I AM NOT TALKING ABOUT POLICE
5 BRUTALITY. I'M SAYING -- THE VICIOUS CYCLE THAT WE ARE
6 TALKING ABOUT IS THE LACK OF RESPECT OF LAW OR THE POSSIBLE
7 DETERIORATION OF THEM.

8 MRS. KERNS: COULD ONE OF OUR LADIES SPEAK,
9 PLEASE?

10 MR. BRASWELL: EXCUSE ME, LET ME FINISH MY
11 QUESTION AND THEN I'LL TAKE ANY COMMENTS FROM YOU LADIES.

12 WE ARE TALKING ABOUT THE LACK OF RESPECT AND
13 WHY DO CERTAIN PORTIONS OF THE CITY HAVE A LACK OF RESPECT
14 --

15 MRS. MACKLEY: LACK OF THE PROPER UPBRINGING.

16 MR. BRASWELL: EXCUSE ME, CAN I FINISH MY
17 QUESTION, MRS. MACKLEY?

18 WHY DO CERTAIN PORTIONS OF THE COMMUNITY OF
19 PHILADELPHIA, LAW-ABIDING AND SOME NONLAW-ABIDING, WHICH WE
20 HAVE SEEN, WHY DO THEY HAVE A LACK OF RESPECT; AND WHETHER OR
21 NOT WE AS A COMMITTEE, AND YOU AS CITIZENS IN PHILADELPHIA,
22 CAN DO ANYTHING ABOUT THIS?

23 MRS. MACKLEY: WELL, I TRY TO DO THE BEST I CAN
24 DO BY MY OWN -- MY OWN LIFE. RESPECT FOR YOUR PARENTS --

25 MRS. KERNS: AND YES, THAT'S WHERE I THINK IT

1 ALL STARTS -- RESPECT FOR YOUR PARENTS. IN THE SCHOOLS,
2 RESPECT FOR YOUR TEACHERS; AND IN THE CHURCH.

3 MRS. MACKLEY: AND DISCIPLINE IN THE CHURCH.
4 THAT'S WHERE IT BEGINS. I THINK THIS IS A PROBLEM WHEREVER
5 THERE IS A DISCIPLINE PROBLEM.

6 MRS. KERNS: IN EVERY COMMUNITY, IN ALL
7 SECTIONS OF THE CITY.

8 MR. BRASWELL: DO YOU THINK THERE HAVE BEEN
9 SOME INSTANCES OF PROBABLY SOME KIDS GROWING UP WITH THAT
10 RESPECT, JUST TO HAVE IT SHATTERED BY AN OFFICER WHO MIGHT
11 HAVE BEEN UNDER STRESS?

12 MRS. MACKLEY: NO.

13 MRS. KERN: NO, NO.

14 MR. BRASWELL: WELL, WE HAVE HAD SOME TESTIMONY
15 ON THAT.

16 MRS. KERNS: DO YOU BELIEVE THAT, SIR?

17 MR. BRASWELL: I SURE DO. I DO BELIEVE THAT --

18 MRS. KERNS: THEN YOU ARE ALREADY BIASED.

19 MR. BRASWELL: -- ANY PERSON, THAT ANY KID --

20 MRS. KERNS: YOU'RE ALREADY BIASED.

21 MR. BRASWELL: NO. I BELIEVE THAT ANY KID
22 MIGHT BE THE VICTIM OF PHYSICAL ABUSE BY A CRIMINAL OR BY THE
23 POLICE.

24 MRS. MACKLEY: I GOT ROBBED IN JANUARY.
25 CERTAINLY IT COULD HAPPEN TO ANYBODY.

1 MR. BRASWELL: THAT'S RIGHT, I BELIEVE YOU.

2 MRS. MACKLEY: YES, THAT'S TRUE. IT HAPPENED
3 ALONG THE ROAD. I HAD A RAZOR PUT TO MY THROAT.

4 CHAIRMAN RHODES: WE BELIEVE YOU.

5 MRS. MACKLEY: RIGHT.

6 CHAIRMAN RHODES: SHOULD WE NOT BELIEVE YOU?

7 MRS. MACKLEY: BUT THIS COULD BE DOCUMENTED.
8 YOU CAN GO DOWN TO THE DISTRICT ATTORNEY'S OFFICE, GET ALL
9 THE SUBPOENAS THAT I HAD, ALL THE COURT APPEARANCES THAT I
10 HAD TO GO TO. THAT'S DOCUMENTED.

11 MRS. KERNS: ONE OF OUR LADIES, SIR -- MAY SHE
12 ASK A QUESTION?

13 CHAIRMAN RHODES: WE ARE NOT REALLY OUT OF THE
14 QUESTIONING STAGE, OKAY. WE ARE NOT AT THE END.

15 DO YOU HAVE A QUESTION, REPRESENTATIVE
16 CIANCIULLI?

17 REPRESENTATIVE CIANCIULLI: JUST ONE AND IT
18 PROBABLY PERTAINS TO NEWSPAPER ARTICLES. IT IS ONLY ONE OF
19 MY OWN CURIOSITY, EVERY TIME THESE ARTICLES APPEAR IN THE
20 PAPER, WHAT KIND OF REACTION DO YOU GET FROM THE NEIGHBORS OR
21 DO YOUR CHILDREN GET?

22 MRS. KERNS: YES, OUR CHILDREN SUFFER.

23 REPRESENTATIVE CIANCIULLI: DEFINITELY SUFFER?

24 MRS. KERNS: YES.

25 REPRESENTATIVE CIANCIULLI: DO YOU LADIES

1 SUFFER IN YOUR OWN COMMUNITY?

2 MRS. MACKLEY: YES, WE SUFFER.

3 MRS. KERNS: YES, WE DO.

4 REPRESENTATIVE CIANCIULLI: YOU WERE ALL
5 CHASTISED. JUST BECAUSE ONE POLICE DEPARTMENT STORY WAS
6 CITED YOU WOULD ALL BE CHASTISED.

7 MRS. KERNS: THEY CASTIGATE AND VILLIFY 8300
8 POLICEMEN RIGHT IN THE NEWSPAPERS.

9 MRS. MACKLEY: THEY ARE ONLY ALLEGATIONS, THERE
10 IS NO PROOF. THIS IS WHAT WE ARE TRYING TO GET ACROSS TO THE
11 COMMITTEE. ALLEGATIONS ARE EASY TO MAKE. THE BIG WORD TODAY
12 IS THE ALLEGED INCIDENT -- ALLEGATION IS MADE. BUT WE WANT
13 FACTS. WE WANT YOU TO CHECK OVER THEM.

14 CHAIRMAN RHODES: WE HAVE COME ACROSS A LOT OF
15 FACTS. LET ME ASK YOU THIS QUESTION ABOUT THE STANDARD OF
16 PROOF. AT WHAT POINT DO YOU CONSIDER THE ALLEGATION MORE
17 SERIOUS THAN ALLEGATION? WHEN DOES IT BECOME LOOKING LIKE
18 PROOF?

19 MRS. MACKLEY: JUST WHEN IT IS TAKEN IN A COURT
20 OF LAW.

21 CHAIRMAN RHODES: ONLY IN A COURT OF LAW?

22 MRS. MACKLEY: THAT'S RIGHT.

23 MRS. KERNS: THIS IS AN AMERICAN SYSTEM, SIR,
24 EVERYBODY HAS THE RIGHT TO GO TO COURT.

25 CHAIRMAN RHODES: THE ONLY REASON I ASKED THAT

1 QUESTION IS BECAUSE, AGAIN, ONE OF THE CRITICAL QUESTIONS
2 FACING THE COMMITTEE IS TRYING TO ASSESS WHETHER THE POLICE
3 DEPARTMENT INTERNAL DISCIPLINARY SYSTEM USES A STANDARD OF
4 PROOF TO ESTABLISH WHETHER OR NOT THE CASE IS A MERE
5 ALLEGATION WITHOUT A FINDING OR A SUBSTANTIAL CAUSE, AND I
6 WAS WONDERING WHETHER YOU CONSIDERED THE INTERNAL
7 DISCIPLINARY SYSTEM.

8 MRS. MACKLEY: IT CERTAINLY HAS MANY AVENUES IN
9 WHICH TO PURSUE HIS ALLEGATION.

10 MRS. KERNS: TEN. IN THE CITY OF PHILADELPHIA,
11 TEN.

12 MRS. MACKLEY: FIRST THE DISTRICT ATTORNEY'S
13 OFFICE, THEN HE HAS VARIOUS AGENCIES THAT ARE FEDERALLY
14 FUNDED TO TAKE POLICE COMPLAINTS. THERE ARE OVER TEN
15 AGENCIES.

16 IF THE ALLEGATION ISN'T PROVEN TO BE A FACT,
17 THEN I THINK THAT'S JUST AN ALLEGATION.

18 MRS. KERNS: IN FACT, THE UNITED -- GRIFFIN
19 BELL SAID THERE IS ENTIRELY TOO MANY AGENCIES IN THE CITY OF
20 PHILADELPHIA. THERE SHOULD ONLY BE ONE WHERE A CITIZEN OR
21 ANYBODY CAN GO TO.

22 CHAIRMAN RHODES: PART OF THE VERY SERIOUS
23 AREAS OF INQUIRY OF THE COMMITTEE IS THE SUBJECT OF A
24 DEPOSITION THAT WAS TAKEN BY ANOTHER COMMISSIONER AND HIS
25 SPECIAL CHIEF INSPECTOR CHARGED WITH A -- SCALERA --

1 MRS. KERNS: SCAFIDI.

2 CHAIRMAN RHODES: SCAFIDI -- THINKING OF AN
3 ORGANIZED CRIME FIGURE, I'M SORRY. I'M SORRY ABOUT THAT.

4 IN ESSENCE OF THAT, TESTIMONY ABOUT THE
5 QUESTION OF WHETHER OR NOT, HOW THE DEPARTMENT FOUND
6 ALLEGATION TO BE A FACT OR NOT CAME UP. IT'S VERY COMPLEX.

7 REPRESENTATIVE COHEN HAS ONE QUICK QUESTION.

8 REPRESENTATIVE COHEN: YES. WHEN YOU TALK
9 ABOUT TWO COMMUNITIES IN PHILADELPHIA, LAW-ABIDING AND
10 NONLAW-ABIDING, YOU WEREN'T REFERRING TO THE GEOGRAPHICAL
11 COMMUNITY, WERE YOU?

12 MRS. MACKLEY: I CERTAINLY WASN'T, SIR. HOW
13 CAN YOU DEFINE THAT GEOGRAPHICALLY?

14 REPRESENTATIVE COHEN: NO, SO --

15 MRS. MACKLEY: JUST WHAT ARE YOU ELECTED TO,
16 SIR?

17 REPRESENTATIVE COHEN: SO YOU ARE SAYING IN
18 EACH SECTION OF PHILADELPHIA, THERE ARE LAW-ABIDING AND
19 NONLAW-ABIDING CITIZENS?

20 MRS. MACKLEY: CERTAINLY.

21 REPRESENTATIVE COHEN: FINE, THANK YOU VERY
22 MUCH.

23 REPRESENTATIVE DUMAS: MR. CHAIRMAN, I HAVE A
24 QUESTION -- HALF A QUESTION.

25 CHAIRMAN RHODES: HALF A QUESTION?

1 REPRESENTATIVE DUMAS: YES, HALF A QUESTION.

2 MRS. MACKLEY: HALF A QUESTION IS BETTER THAN
3 NONE.

4 REPRESENTATIVE DUMAS: EITHER ONE OF YOU LADIES
5 CAN ANSWER IT. I AM WONDERING IF IT IS CALLED TO YOUR
6 ATTENTION THAT A MATTER PERTAINING TO POLICEMEN HAD BEEN
7 AIRED, THOROUGHLY AIRED AND IF IT BECOMES OBVIOUS THAT
8 POLICEMEN WERE GUILTY OF ASSAULT ON A CITIZEN, OF VIOLENCE
9 AGAINST A CITIZEN, WHAT WOULD BE YOUR ORGANIZATION'S POSITION
10 ON THAT?

11 MRS. MACKLEY: WE HAVEN'T TAKEN ANY POSITION,
12 THAT'S FOR THE COURTS.

13 REPRESENTATIVE DUMAS: WELL, WHAT WOULD BE YOUR
14 PERSONAL OPINION IF IT APPEARED OBVIOUSLY TO YOU THAT HE'S
15 GUILTY OF BRUTALITY AGAINST A CITIZEN?

16 MRS. MACKLEY: I PERSONALLY MAY NOT AGREE WITH
17 THE COURTS, I PERSONALLY MAY NOT LIKE THE DECISION, BUT THIS
18 IS A LAW-ABIDING COUNTRY --

19 REPRESENTATIVE DUMAS: NO, NO. FORGET THE
20 COURTS. I'M SPEAKING OF JUST YOUR OPINION. I WOULD LIKE TO
21 KNOW WHAT YOUR ORGANIZATION --

22 CHAIRMAN RHODES: REPRESENTATIVE DUMAS, YOU
23 ASKED MORE THAN HALF A QUESTION.

24 REPRESENTATIVE DUMAS: BUT I HAVEN'T GOT MY
25 QUESTION YET, MR. CHAIRMAN.

1 CHAIRMAN RHODES: BECAUSE YOU'RE ASKING THEM IF
2 IT'S OBVIOUS TO YOU, WHAT IS YOUR FEELING.

3 REPRESENTATIVE DUMAS: YES, VERY GOOD.

4 MRS. KERNS: YOU CAN'T ASK THAT QUESTION.

5 CHAIRMAN RHODES: IF IT'S OBVIOUS, IT'S
6 OBVIOUS. YOU CAN'T SAY IF IT'S OBVIOUS TO YOU. WHAT DO YOU
7 MEAN BY OBVIOUS?

8 REPRESENTATIVE DUMAS: IS THE CHAIRMAN YOUR
9 ATTORNEY?

10 MRS. MACKLEY: WILL YOU REPEAT THAT QUESTION,
11 PLEASE.

12 CHAIRMAN RHODES: MR. DUMAS, IF YOU HAVE A
13 QUESTION, ASK IT; BUT DON'T ASK THAT QUESTION BECAUSE THAT
14 QUESTION IS MEANINGLESS.

15 REPRESENTATIVE DUMAS: NO, I JUST WANT TO KNOW
16 WHAT WOULD BE THE POSITION OF THEIR ORGANIZATION, JUST WHAT
17 --

18 MRS. MACKLEY: WE ARE NOT TAKING A POSITION ON
19 THAT.

20 REPRESENTATIVE DUMAS: ALL RIGHT, THANK YOU.

21 CHAIRMAN RHODES: LET'S TRY TO KEEP THIS
22 HEARING ORDERLY.

23 REPRESENTATIVE CIANCIULLI: LET ME JUST SAY --

24 CHAIRMAN RHODES: REPRESENTATIVE CIANCIULLI.

25 REPRESENTATIVE CIANCIULLI: LET ME SAY ONE

1 THING THAT DOES NOT PERTAIN TO ANY OF THIS. I ONLY FEEL
2 JUSTIFIED BECAUSE I HAVE BEEN IN THE SAME POSITION. I WOULD
3 NOT WANT YOU PEOPLE TO WALK OUT OF HERE CHASTISING
4 REPRESENTATIVE RICHARDSON OR REPRESENTATIVE WHITE. BELIEVE
5 ME, I MYSELF ON MANY OCCASIONS HAVE WALKED OUT OF COMMITTEE
6 MEETINGS. HOWEVER, I DON'T HAVE THE REASONS FOR IT, WHY THEY
7 LEFT, THEY MAY HAVE HAD PRIOR COMMITMENTS THAT THEY WERE
8 ASSIGNED TO. THIS MEETING DID START LATER THAN IT WAS
9 PLANNED. SO YOU SEE IN FAIRNESS BEFORE YOU CHASTISE THEM FOR
10 WALKING OUT, I MYSELF ON MANY OCCASIONS HAVE WALKED OUT OF
11 COMMITTEE MEETINGS WHEN I HAVE HAD PRIOR COMMITMENTS TO
12 ATTEND TO.

13 MRS. KERNS: CHECK THE RECORD, SIR.

14 CHAIRMAN RHODES: REPRESENTATIVE CIANCIULLI'S
15 COMMENTS ARE TAKEN. THANK YOU.

16 MRS. MACKLEY: OKAY, IS THAT THE END?

17 CHAIRMAN RHODES: NO, NOT THE END OF THE
18 HEARING.

19 REPRESENTATIVE DUMAS: WILL I BE CHASTISED IF I
20 LEAVE?

21 CHAIRMAN RHODES: I AM GOING TO GRAB YOU
22 MYSELF.

23 MRS. MACKLEY: THIS WHOLE THING SEEMS TO BE A
24 JOKE TO A LOT OF PEOPLE.

25 CHAIRMAN RHODES: IT IS NO JOKE. WE KNOW YOU

1 ARE VERY SERIOUS ABOUT IT. WE DON'T TAKE ANY OF IT LIGHTLY.

2 MRS. HACKLEY: I THINK WE ARE FINISHED, SIR.

3 WE WANT TO THANK YOU.

4 MRS. KERNS: THANK YOU, YOUR COUNTY IS

5 GORGEOUS.

6 CHAIRMAN RHODES: WE THANK ALL YOU KIND PEOPLE

7 FOR BEING HERE TODAY.

8 (WITNESSES EXCUSED.)

9 CHAIRMAN RHODES: OUR NEXT WITNESS IS MR.

10 BURTON ROSE, WHO HAS BEEN VERY PATIENT.

11 MR. ROSE, WILL YOU OBJECT TO BEING SWORN?

12 MR. ROSE: NO.

13 ---

14 BURTON ROSE, SWORN.

15 A. MR. CHAIRMAN, I KNOW THE HOUR IS LATE. IT
16 WAS MY THOUGHT TO COME HERE TO GIVE YOU A VIEW OF WHAT HAS
17 HAPPENED IN THE CASES THAT HAS BEEN BROUGHT SO FAR IN THE
18 COURTS CONCERNING POLICE BRUTALITY. IT'S A THOUGHT OF MY
19 OFFICE -- I'M ASSOCIATED WITH A. CHARLES PERUTO -- THAT A
20 PERSON WHO HAS BEEN A VICTIM MOST OFTEN SO FAR IN TERMS OF
21 CIVIL RIGHTS VIOLATIONS HAVE BEEN POLICE OFFICERS WHO HAVE
22 BEEN FALSELY CHARGED.

23 WE HAD ABOUT FOUR OR FIVE CASES IN COURT
24 ABOUT CIVIL RIGHTS VIOLATIONS HERE, FEDERAL AND STATE; AND
25 WITH ONE EXCEPTION, ALL THE MEN HAVE BEEN ACQUITTED. I AM

1 VERY MINDFUL OF WHAT YOU SAID ABOUT THE STANDARD OF PROOF.
2 BUT, IT IS STILL THE LAW IN OUR COUNTRY AND THE CONSTITUTION
3 THAT THE JURIES DECIDE CASES AND THE STANDARD HAS TO BE PROOF
4 BEYOND A REASONABLE DOUBT. AND WITH THE SINGLE EXCEPTION OF
5 THE SANTIAGO FIRE BOMBING CASE WHICH IS NOT REALLY WITHIN
6 YOUR JURISDICTION, THERE HAVE BEEN NO CONVICTIONS.

7 BUT THERE HAVE BEEN POLICE OFFICERS WHOSE
8 CAREERS HAVE BEEN ADVERSELY AFFECTED AND THEIR REPUTATIONS
9 HAVE BEEN SLANDERED IN THE MEDIA, PARTICULARLY IN THE
10 INQUIRER BECAUSE THEY INITIATED AND THE OTHER MEDIA OUTLETS
11 PICK IT UP. AND SOME OF THESE OFFICERS ARE CONSIDERING SUING
12 THE MEDIA AND SUING THE PEOPLE WHO ACCUSED THEM FALSELY BUT
13 THERE IS REALLY NO ADEQUATE REMEDY HERE.

14 CHAIRMAN RHODES:

15 Q. MR. ROSE, IS IT POSSIBLE THAT THE CRIMINAL
16 PROSECUTION OF THE FEDERAL AND STATE COURTS OF THIS
17 COMMONWEALTH HAVE CHOSEN WHAT IS TO THIS DATE, AN INEFFICIENT
18 METHOD OF DISCIPLINING THE PHILADELPHIA POLICE DEPARTMENT,
19 BECAUSE IT IS THEIR PERCEPTION AND THEIR JUDGMENT THAT THE
20 PHILADELPHIA POLICE DEPARTMENT AND TOP OFFICIALS OF THE CITY
21 REFUSE TO DO SO, TO THE WAY EVERY OTHER POLICE DEPARTMENT HAS
22 DONE IN THE PAST, WHICH IS THROUGH INTERNAL POLICE
23 DISCIPLINARY PROCEDURES, SUCH AS THE NEW YORK SHOOTING REVIEW
24 BOARD?

25 A. I DON'T AGREE.

1 Q. YOU DON'T THINK IT IS POSSIBLE?

2 A. ANYTHING IS POSSIBLE. I DON'T AGREE WITH
3 ITS BASIC PREMISE.

4 Q. WHICH IS THE PREMISE YOU DON'T AGREE WITH?

5 A. THE BUSINESS ABOUT THE -- THAT THE COURTS
6 AND CRIMINAL JUSTICE SYSTEM HAS BEEN AN INEFFICIENT METHOD OF
7 POLICING POLICE BRUTALITY.

8 Q. YOU DON'T AGREE THAT THAT IS SO, YOU DON'T
9 AGREE THAT THAT IS INEFFECTIVE AND INEFFICIENT?

10 A. NO, I DON'T.

11 Q. YOU JUST SAID THEY DON'T BRING SUCCESSFUL
12 PROSECUTION.

13 A. THAT IS BECAUSE THE CASES DIDN'T MERIT IT.
14 THE CASES WEREN'T STRONG. THE JUDGMENT AND THE VERDICTS WERE
15 CORRECT IN MY OPINION. THAT DOESN'T MEAN THE SYSTEM IS
16 INEFFICIENT IN POLICING POLICE BRUTALITY. IT MAY BE THAT
17 THERE WASN'T ANY POLICE BRUTALITY. THAT MAY HAVE BEEN TRUE,
18 AND THE SYSTEM WAS EXTREMELY ACCURATE AND EFFICIENT AND JUST,
19 AND ACQUITTED THE MAN. NOW, IF THE CASES WERE SUCH THAT
20 MERITED CONVICTION, AND THE SYSTEM GOT THE MAN ACQUITTED,
21 THEN I WOULD AGREE THAT THE SYSTEM WAS INEFFICIENT.

22 I THINK THE SYSTEM IS EXCELLENT. I AM VERY
23 FAMILIAR WITH THE CASES.

24 Q. SO, IN YOUR OPINION, RATHER THAN THE RECORD
25 OF THE COURT INDICATING THE CASES THAT HAVE TO GO TO FEDERAL

1 AND STATE COURT INDICATING THAT THAT METHOD WAS -- HE WANTED
2 AN INDICTMENT DRAWN OUT OF THE GRAND JURY, BECAUSE OF THE
3 SENSE THAT THERE IS NO INTERNAL HOUSECLEANING IN THE
4 PHILADELPHIA POLICE DEPARTMENT, VIS A VIS, THE ISSUE OF
5 ABUSE. RATHER, BECAUSE THERE IS NO ABUSE IN THE CITY OF
6 PHILADELPHIA MERITING THIS DISCIPLINE EITHER THROUGH THE
7 COURTS OR INTERNAL PROCEDURES. IS THAT YOUR CONCLUSION?

8 A. NO.

9 Q. IS YOUR CONCLUSION --

10 A. ARE YOU ASKING ME TO DRAW A RELATIONSHIP
11 BETWEEN THE FAILURE, AS YOU CALL IT, THE FAILURE OF INTERNAL
12 POLICE DISCIPLINING AND THE PROSECUTORIAL APPROACH?

13 Q. SPECULATING AS TO WHY THEY WOULD HAVE
14 BROUGHT SHAKY CASES BEFORE A JURY.

15 A. MAYBE IT'S BECAUSE THE NEWS MEDIA --

16 Q. PERHAPS THEY BROUGHT SHAKY CASES -- EVEN IF
17 THEY BROUGHT SHAKY CASES, BECAUSE THEY BELIEVE SINCERELY, THE
18 POLICE DEPARTMENT IS NOT ABLE, WILLING, OR CAPABLE OF
19 DISCIPLINING ITSELF, OR BECAUSE ALL THE CASES THEY HAD WERE
20 SHAKY.

21 A. MAYBE IT WAS TO GET PUBLICITY FOR THE
22 PROSECUTOR.

23 Q. MAYBE THE CASES WERE WITHOUT MERIT.

24 A. I TURNED DOWN THE CASES THAT WERE WITHOUT
25 MERIT. IF THAT IS THE CASE, THE CRIMINAL JUSTICE SYSTEM IS

1 AN EFFECTIVE DETERRENT.

2 Q. YOU ARE NOT --

3 A. I AM NOT AGREEING WITH YOU.

4 Q. LET ME START OVER. I THINK IF YOU REALLY
5 THINK ABOUT WHAT I AM SAYING, IT WILL HAVE A REFLECTION OF
6 WHAT YOU ARE TESTIFYING TO THIS COMMITTEE. EVERY ONE WHO HAS
7 TESTIFIED BEFORE THIS COMMITTEE IS A PROFESSIONAL IN THE LAW
8 ENFORCEMENT AREA. EVERY SINGLE LAW ENFORCEMENT EXECUTIVE
9 THAT HAS COME BEFORE US HAS SAID, YOU WILL NEVER DISCIPLINE A
10 POLICE DEPARTMENT WITH CRIMINAL CASES BECAUSE THE STANDARD OF
11 PROOF, AND BECAUSE YOU JUST CAN'T BRING CONVICTIONS AGAINST
12 POLICE OFFICERS.

13 A. I DON'T AGREE.

14 Q. CHARGING THEM WITH ABUSE, EXCEPT FOR THE
15 MOST OUTRAGEOUS CASES BEYOND BELIEF.

16 A. IT'S --

17 Q. I AM NOT INTERESTED IN THE BUSINESS OF
18 INQUIRER. OUR WITNESSES TOLD US, WE WENT OUT AND WE ASKED
19 PROFESSIONAL LAW ENFORCEMENT OFFICERS AROUND THE COUNTRY, AND
20 THEY SAID TO US, MEMBERS OF THE HOUSE SUBCOMMITTEE, IN TRYING
21 TO DEAL WITH THIS, YOU ARE GROSSLY MISTAKEN IF YOU THINK
22 THERE IS ANY CHANCE THAT SOMEHOW SPECIAL CRIMINAL STATUTES,
23 IN THE SPECIAL CRIMES OF POLICE, LEGISLATIVE DEPARTMENTS
24 INSTEAD OF -- SO THEY SAID DON'T LOOK INTO THE POLICE
25 DEPARTMENT FOR THE PROBLEM OF POLICE ABUSE. YOU ARE NEVER

1 GOING TO CONTROL POLICE MISCONDUCT WITH CRIMINAL PROCEDURES.
2 YOU CANNOT ADEQUATELY DISCIPLINE A POLICE DEPARTMENT WITH
3 CRIMINAL PROSECUTION, DON'T EVEN BOTHER WITH THAT. WHAT YOU
4 SHOULD FOCUS ON IS THE ADMINISTRATIVE PROCEDURES, AND FIND
5 OUT WHETHER THE PHILADELPHIA POLICE DEPARTMENT IS HAVING
6 EFFECTIVE INTERNAL ADMINISTRATIVE PROCEDURES, BECAUSE THAT IS
7 THE ONLY HOPE YOU HAVE IN ANY DEPARTMENT IN ANY ATTEMPT TO
8 BRING CRIMINAL CASES IN PHILADELPHIA, IN FEDERAL AND STATE
9 ARE GOING TO BE FRUITLESS. SO OUR CONCLUSION WAS, IF THAT
10 IS THE OVERWHELMING COURSE OF THE OPINION, I TAKE IT TO
11 HEART, THEY NEVER EXPECTED THERE WOULD BE SUCCESSFUL CRIMINAL
12 PROSECUTION.

13 A. WHY NOT?

14 Q. BECAUSE THAT IS NOT LIKELY IN THE AREA OF
15 CRIMINAL JUSTICE.

16 A. WHY WOULDN'T THIS BE SUCCESSFUL? LET'S LOOK
17 AT THE SANTIAGO FIRE BOMBING CASE. IN THAT CASE SIX
18 HOMICIDE DETECTIVES WERE CONVICTED OF ALLEGEDLY CONSPIRING
19 TO VIOLATE THE RIGHTS OF CITIZENS, AND OTHER ALLEGATIONS IN
20 THAT CASE. THEY WERE CONVICTED. THAT WAS ONE OF THE MOST
21 DIFFICULT PROSECUTIONS THAT THE UNITED STATES COULD EVER
22 BRING, BECAUSE THEY WERE GOOD MEN, NOT CRIMINALS, GOOD MEN.

23 Q. WASN'T IT AN OUBRAGEOUS ACT THEY WERE
24 CHARGED WITH?

25 A. ANYBODY ACCUSED OF BEATING UP SOMEBODY IN

1 CUSTODY TO MAKE A CONFESSION IS CONSIDERED OUTRAGEOUS. THEY
2 TOOK THE STAND AND DENIED IT AND THEY HAD WITNESSES TO BACK
3 THEM UP, AND THE GOVERNMENT, PEOPLE MIGHT --- YOU KNOW -- CALL
4 THEM LOW LIFE -- SOMETHING -- CRIMINALS, TESTIFYING, BUT THIS
5 WAS DONE. THESE ARE DIFFICULTIES THAT COME INTO PLAY THAT
6 PREVENT PROSECUTION FROM BEING SUCCESSFUL.

7 Q. LET ME GET THE GROUNDWORK HERE. ARE YOU
8 TESTIFYING REPRESENTING YOUR FIRM, THAT REPRESENTS THE POLICE
9 DEPARTMENT IN THIS CITY, IN THESE KINDS OF CASES, ARE YOU
10 TESTIFYING BEFORE THIS COMMITTEE TODAY THAT YOU AGREE WITH
11 THE FULL WEIGHT OF ALL OF THE TESTIMONY BROUGHT BY ALL THE
12 PROFESSIONALS IN LAW ENFORCEMENT, THAT IT IS EXTREMELY
13 DIFFICULT TO BRING SUCCESSFUL CRIMINAL PROSECUTION IN CASES
14 OF ALLEGED POLICE ABUSE?

15 A. I CAN ONLY GO BY MY EXPERIENCE, BASED ON MY
16 EXPERIENCE, I DISAGREE.

17 Q. THEN ALL THAT FOLLOWS IF THAT PREMISE FALLS
18 APART.

19 A. I AGREE.

20 Q. GO ON WITH YOUR TESTIMONY.

21 A. THERE HAS BEEN TESTIMONY BEFORE YOU ABOUT
22 THE REYES CASE. JOSE REYES CASE IS ANOTHER EXAMPLE OF THE
23 ABUSE OF POLICE OFFICERS IN THE LEGAL PROCESS WHICH OCCURRED
24 IN THE JOSE REYES CASE, BECAUSE OF THE OVERZEALOUS ATTEMPT TO
25 GET A CASE AGAINST POLICE OFFICERS, THE DISTRICT ATTORNEY IS

1 INVESTIGATING THAT CASE, AND SO WAS THE UNITED STATES GRAND
2 JURY. IT IS APPARENT THAT THE UNITED STATES IS NOT GOING TO
3 TAKE ANY ACTION AGAINST OFFICER SALERNO, THE POLICE OFFICER
4 WHO SHOT REYES. DURING THE DISTRICT ATTORNEY'S
5 INVESTIGATION, THEY ISSUED SUBPOENAS TO THE POLICE OFFICERS
6 FOR THEM TO COME INTO THE DISTRICT ATTORNEY'S OFFICE AND MAKE
7 STATEMENTS ABOUT THE CASE. NOW, IT IS WELL-KNOWN THAT THE
8 OFFICERS WERE THE SUSPECTS, IF YOU WILL, THE POTENTIAL
9 DEFENDANTS IN THE CASE.

10 Q. WHO ISSUED THE SUBPOENAS?

11 A. RENDELL, THE DISTRICT ATTORNEY OF
12 PHILADELPHIA COUNTY. THOSE SUBPOENAS WERE PATENTLY UNLAWFUL
13 ON THEIR FACE, AND THERE HAS NEVER BEEN IN THE HISTORY OF THE
14 COMMONWEALTH OF PENNSYLVANIA, THE POWER OF INVESTIGATIVE
15 SUBPOENA FOR THE DISTRICT ATTORNEY.

16 Q. WELL-KNOWN, THAT FACT THERE WAS AN
17 INVESTIGATIVE SUBPOENA AND HAVE REJECTED IT.

18 A. ON WHOSE AUTHORITY?

19 Q. WHAT DOES THAT PIECE OF PAPER SAY?

20 A. IT WAS CUTE, DISTRICT ATTORNEY'S LETTERHEAD.
21 IT SAID SUBPOENA. THERE WERE NINE OF THEM. NOT ONLY THAT,
22 WE WENT TO COURT AND THE POLICE OFFICERS REFUSED TO OBEY THE
23 SUBPOENAS ON THE ADVICE OF COUNSEL AND JUDGE KERNA MARSHALL,
24 WHO WAS THE JUDGE IN THE HOMICIDE, THE ALLEGED HOMICIDE, WAS
25 ASKED BY ASSISTANT DISTRICT ATTORNEY JOSEPH MURRAY, CHIEF OF

1 HOMICIDE, TO IMMEDIATELY IMPRISON THE POLICE OFFICERS FOR
2 UNLAWFUL DISOBEDIENCE OF THE SUBPOENAS.

3 SHE CONSIDERED THEM, HELD IT UNDER ADVISEMENT.
4 OUR POLICE OFFICERS WENT CRAZY, BECAUSE THEY WERE RELYING ON
5 OUR COUNSEL. I HAD TO GO TO COMMONWEALTH COURT TO, SHALL I
6 SAY, AGAINST JUDGE MARSHALL AND EVENTUALLY THE COMMONWEALTH
7 COURT REVERSED HER, BUT THE DISTRICT ATTORNEY HAS NOW
8 APPEALED TO THE SUPREME COURT. CITY HOME RULE CHARTER
9 SECTION 4-110 SAYS THIS IS OUT OF DEFENSE FUNDS, OF TAXES AND
10 ANOTHER EVIDENTIARY BODY OF --

11 Q. THE THRUST OF YOUR TESTIMONY IS THAT THE
12 DISTRICT ATTORNEY IS AGGRESSIVELY PROSECUTING ALLEGED CASES
13 OF BRUTALITY?

14 A. I'M SORRY?

15 Q. THE THRUST OF YOUR TESTIMONY HAS BEEN THAT
16 THE DISTRICT ATTORNEY HAS BEEN AGGRESSIVELY PROSECUTING WHAT
17 HE THINKS IN HIS OWN MIND ARE CASES OF ALLEGED POLICE
18 BRUTALITY, AND MAYBE EVEN PUSHING BEYOND HIS AUTHORITY TO DO
19 THAT?

20 A. OVERZEALOUS, CORRECT.

21 Q. BEFORE, DID YOU CONSIDER THAT OVERZEALOUS
22 ON HIS PART?

23 A. SURE.

24 Q. YOU CONSIDER IT UNLAWFUL?

25 A. PATENTLY UNLAWFUL. THERE WAS A CASE IN

1 POINT, 1967, AMS, IN THE UNITED STATES SUPREME COURT, WHEN THE
2 DISTRICT ATTORNEY DAVID BERGER TRIED TO DO IT. HE WAS GOING
3 AGAINST, OUTSTEPPING PRECEDENCE AND LEGAL AUTHORITY. THE
4 POINT I AM MAKING IS THE POLICE WERE AGAIN SUBJECT BECAUSE OF
5 THIS PRESSURE -- BECAUSE OF THIS PRESSURE THE DISTRICT
6 ATTORNEY WENT SO FAR AS TO GO BEYOND THE SCOPE OF THE LAW,
7 AND AGAIN THOSE POLICE OFFICERS WERE ALMOST LOCKED UP, WHO
8 WERE THREATENED WITH IMPRISONMENT.

9 Q. HOW DID THINGS GET SO BAD IN PHILADELPHIA
10 THAT THE D. A. WOULD DO THAT?

11 A. POLITICS.

12 Q. WHOSE POLITICS?

13 A. WHY DON'T YOU ASK MR. RENDELL? I CAN'T
14 ANSWER THAT QUESTION.

15 Q. HOW DID WE GET AN ENVIRONMENT IN THE CITY OF
16 PHILADELPHIA WHERE POLICE BRUTALITY IS A POLITICAL ISSUE?

17 A. THE MEDIA, I THINK THE INQUIRER HAS SEIZED
18 ON IT. I KNOW IT HAS GENERATED IT.

19 Q. THEY CREATED THAT WHOLE THING? THE POLICE
20 OFFICERS TESTIFYING TO US AND THE F.O.P. THEY SAY THE
21 INQUIRER AND THE DAILY NEWS ARE ONE CORPORATE BODY HERE IN
22 PHILADELPHIA.

23 A. CORRECT.

24 Q. THEY HAVE FULL-BLOWN JUMPED OUT OF THEIR
25 HEADS, NOT THE CONSPIRACY THEORY, THE SINISTER THEORY OF

1 PHYSICAL --

2 A. PULITZER THEORY.

3 Q. AND YOU BELIEVE THIS IS THE ONLY THING THEY
4 WERE ABLE TO DO, COMPLETELY OUT OF FORM, CONVENE PEOPLE?

5 A. MR. CHAIRMAN, I HAVEN'T SAID THAT.

6 Q. HOW DID WE GET THIS SITUATION WHERE
7 POLITICIANS SUCH AS THE DISTRICT ATTORNEY WOULD GO SO FAR AS
8 TO VIOLATE THE RULES OF LAW?

9 A. UNLAWFUL AMBITION. YOU ARE ASKING ME TO
10 SPECULATE. I THINK THE INQUIRER --

11 Q. THIS IS NOT COURT.

12 A. I WANT TO BE RELEVANT, THOUGH. THE INQUIRER
13 HAS, FOR EXAMPLE, GONE AFTER FITZPATRICK AND RENDELL WALKED
14 IN AFTER FITZPATRICK, AND RENDELL WALKED INTO IT BEAUTIFULLY.
15 I CONGRATULATE HIM FOR HIS POLITICAL TIMING. POLITICIANS ARE
16 AWARE OF THE POWER OF THE MEDIA -- ALL THESE THINGS, CRADLE,
17 ORTESE --

18 Q. HOOD.

19 A. I DON'T KNOW WHO REPRESENTED HIM, BUT EVERY
20 ONE OF THOSE CASES WAS THE SUBJECT FROM THE BEGINNING, OF AN
21 EXTENSIVE INQUIRER SERIES. I HAD ACCESS INTO IT INTERNALLY
22 OF COURSE. I DON'T UNDERSTAND WHY, I STILL THINK IT IS
23 ONE-SIDED. REYES, THEY MADE THAT INCIDENT LOOK SO DRAMATIC,
24 LIKE A POLICE EXECUTION. WHY DID THE UNITED STATES ATTORNEY
25 NOT INDICT HIM?

1 REPRESENTATIVE CIANCIULLI: I JUST WANT TO
2 REVERSE WHATEVER JOE JUST SAID. SUPPOSE INTERNALLY, THIS IS
3 ONLY IN MY MIND, I THINK I'M RIGHT, MAYBE I'M WRONG. SUPPOSE
4 INTERNALLY A POLICE OFFICER IS DISMISSED FOR BRUTALITY OR
5 WHATEVER --

6 MR. ROSE: THIS HAPPENS ALL THE TIME.

7 REPRESENTATIVE CIANCIULLI: WHAT RECOURSE IS
8 LEFT?

9 MR. ROSE: HE GOES TO THE CIVIL SERVICE
10 COMMISSION.

11 REPRESENTATIVE CIANCIULLI: AND HE CAN BE
12 REINSTATED?

13 MR. ROSE: YES.

14 REPRESENTATIVE CIANCIULLI: IF HE IS NOT?

15 MR. ROSE: HE CAN APPEAL TO THE COURT. ONCE HE
16 TAKES IT UP ON APPEAL, THE ISSUE OF THE WEIGHT OF THE
17 EVIDENCE, SUFFICIENCY OF THE EVIDENCE IS REALLY OVER. HE CAN
18 HARDLY GO IN AND SAY -- IT IS VERY RARE FOR THE COMMONWEALTH
19 COURT TO REVERSE THE CIVIL SERVICE COMMISSION.

20 REPRESENTATIVE CIANCIULLI: HAVE THERE BEEN
21 INCIDENTS WHERE YOU HAVE REPRESENTED POLICE OFFICERS BEFORE
22 THE CIVIL SERVICE COMMISSION?

23 MR. ROSE: YES.

24 REPRESENTATIVE CIANCIULLI: HAVE THEY BEEN
25 RESTORED BACK TO DUTY?

1 MR. ROSE: SOMETIMES; I WOULD SAY SEVENTY-FIVE
2 PERCENT, MAYBE SEVENTY-FIVE PERCENT OF THE TIME.

3 CHAIRMAN RHODES: LET'S SET THE RECORD STRAIGHT
4 WHO IS THE LEGAL OPPOSITION; IT IS NOT THE D. A.

5 MR. ROSE: THE CITY SOLICITOR, ASSISTED BY
6 I.D.F.

7 CHAIRMAN RHODES: BUT IN THOSE CASES WHERE IN
8 FACT INTERNAL SECURITY DISMISSED THE POLICE OFFICER --

9 MR. ROSE: THAT HAPPENS ALL THE TIME.

10 REPRESENTATIVE CIANCIULLI: THAT SAME OFFICER
11 WAS BACK IN UNIFORM IN WHATEVER AMOUNT OF TIME IT TOOK.

12 MR. ROSE: USUALLY ABOUT NINE MONTHS; THAT'S
13 RIGHT, IT HAPPENS ALL THE TIME.

14 REPRESENTATIVE CIANCIULLI: THE POINT I AM
15 TRYING TO MAKE, INTERNAL SECURITY IS NOT THE ANSWER. IF, IN
16 FACT, WHEN WE DO HAVE INTERNAL SECURITY SAY, OKAY, OFFICER SO
17 AND SO, YOU'RE OUT, YOU'RE FIRED . HE HAS AN AVENUE TO GO.

18 MR. ROSE: YES, SIR.

19 REPRESENTATIVE CIANCIULLI: AND MORE TIMES THAN
20 NOT, HE HAS BEEN SUCCESSFUL?

21 MR. ROSE: MORE TIMES THAN NOT HE HAS BEEN
22 SUCCESSFUL.

23 REPRESENTATIVE CIANCIULLI: THE CASES YOU HAVE
24 HANDLED YOU HAVE BEEN SUCCESSFUL?

25 MR. ROSE: YES, MORE TIMES THAN NOT.

1 REPRESENTATIVE CIANCIULLI: IN FACT, INTERNAL.
2 SECURITY DOES HAVE MEANS TO DISPOSE OF AN OFFICER, HE HAS
3 MEANS TO GET BACK, HE HAS RECOURSE.

4 REPRESENTATIVE DUMAS: ONE MUST HAVE A
5 RECOURSE, EVERYONE MUST HAVE A RECOURSE TO HAVE AN APPEAL.

6 REPRESENTATIVE CIANCIULLI: I THINK THOSE
7 FIGURES WOULD BE INTERESTING TO HAVE.

8 MR. ROSE: I WAS GOING THROUGH SOME OF THESE
9 CASES.

10 CHAIRMAN RHODES: GO AHEAD.

11 MR. ROSE: PILCOP, THAT WAS A CLASSIC CASE IN
12 MY OPINION OF WHAT I HAVE BEEN SPEAKING ABOUT. THOSE THREE
13 OFFICERS WERE INDICTED BY A FEDERAL GRAND JURY. ORTESE IS A
14 VERY VERY LARGE MAN, THIRTY OR THIRTY-FIVE YEARS OLD, HUGE
15 MAN. HE CLAIMS THE POLICE DRAGGED HIM OUT OF THE HOUSE AND
16 BEAT HIM OVER THE LEGS. HIS PANTS WERE DROPPED AND HE SAID,
17 COULD I PICK UP MY PANTS? AND THEY CLUBBED HIM SOME MORE,
18 SOMETHING ABOUT POLICE BRUTALITY. THE INQUIRER WENT WILD,
19 FRONT PAGE ON SUNDAY, AND VERY SHORTLY AFTER THE INQUIRER
20 STORY, AN INDICTMENT CAME DOWN. THE POLICE OFFICER ARRESTED
21 ORTESE FOR BEATING ON THEM. THE CASE WENT TO CITY HALL,
22 BEFORE IT WENT TO FEDERAL FOR FEDERAL PROSECUTION, IT CAME TO
23 CITY HALL TRIAL. I DID ALSO ON BEHALF OF PERUTO REPRESENT
24 THE OFFICERS. MR. JACKSON REPRESENTED ORTESE. ORTESE'S CASE
25 WAS TRIED AND HE WAS CONVICTED IN MUNICIPAL COURT OF BEATING

1 UP THREE COPS. HE WAS A BIG GUY.

2 THE CASE WAS APPEALED IN MUNICIPAL COURT TO
3 COMMON PLEAS COURT. THE JURY TRIAL WAS HELD, ORTESE WAS
4 INNOCENT OF ASSAULT ON POLICE. BEFORE THE SECOND TRIAL, THE
5 FEDERAL PEOPLE WITHDREW PROSECUTION OF THE THREE POLICE
6 OFFICERS. DURING THE TRIAL ORTESE'S WITNESSES TESTIFIED THEY
7 COULDN'T IDENTIFY THE THREE OFFICERS AS BEING ON THE SCENE,
8 BUT THEY IDENTIFIED SALERNO, THE SAME COP WHO SHOT REYES AND
9 SALERNO WAS NOT ON DUTY AT THE TIME.

10 THE INQUIRER CARRIED THE STORY ON THE FRONT
11 PAGE, THAT SALERNO WAS INVOLVED IN THE CASE. THEY DIDN'T
12 EVEN BOTHER TO CHECK IT OUT, AND NEITHER DID MARSTON, DAVID
13 MARSTON, WHO JOINED IN AT THE TIME, THEY DIDN'T EVEN BOTHER TO
14 CHECK OUT THE FACTS. THEY HAD NEVER MET ANY OF THE THREE
15 DEFENDANTS ON THE SCENE. INCREDIBLE, AND THOSE THREE POLICE
16 OFFICERS' PICTURES WERE ON PAGE ONE, ACCUSED OF POLICE
17 BRUTALITY, WHEN IN FACT THEY WERE THE VICTIMS. NOW, THEY ARE
18 CONSIDERING SUIT. WE DIDN'T TAKE THE CASE BECAUSE WE FELT IT
19 WAS MINIMAL CHANCE OF SUCCESS. I DON'T KNOW IF THEY HAVE A
20 LAWYER.

21 CHAIRMAN RHODES: THANK YOU. REPRESENTATIVE
22 DUMAS.

23 REPRESENTATIVE DUMAS:

24 Q. I HAVE A FEW MORE QUESTIONS. NUMBER ONE,
25 YOU MENTIONED THAT SANTIAGO CASE, SIX GENTLEMEN, OFFICERS,

1 LAW ABIDING, AND SO FORTH, HAPPEN TO ONE PERSON. I THINK HE
2 SHOULD BE IN PRISON INSTEAD OF A POLICEMAN. I WANTED TO
3 CORRECT YOU ON THAT POINT. DO YOU BELIEVE THERE IS POLICE
4 BRUTALITY IN THE CITY?

5 A. YES, IT IS HARD FOR ME TO SAY. I AM A
6 LAWYER. I REPRESENT SOME PEOPLE IN THESE CASES. I DON'T
7 OBSERVE ENOUGH TO TELL YOU. I DON'T KNOW WHAT THE TRUTH IS.

8 Q. IN YOUR OPINION, DO YOU BELIEVE THERE IS
9 SUCH A THING AS POLICE BRUTALITY?

10 A. I WANT YOU TO KNOW WHAT THEY ARE GOING TO
11 SAY, IS DEFINED AS BRUTALITY, POLICE BRUTALITY, I AM SURE
12 THERE ARE EXAMPLES OF POLICE OVERREACTION.

13 Q. YOUR ANSWER IS YES?

14 A. IF YOU WISH TO CORNER ME AND INSIST, I WILL
15 SAY YES.

16 CHAIRMAN RHODES: REPRESENTATIVE DUMAS'
17 QUESTION, THE THRUST OF YOUR ANSWER IS THAT THERE ARE IN
18 FACT, CASES OF POLICE BRUTALITY HERE IN PHILADELPHIA?

19 MR. ROSE: I DON'T SAY THEY WERE FACT; I TOLD
20 THEM I DON'T KNOW. I AM AN ATTORNEY, I DON'T GO OUT IN THE
21 CITY.

22 CHAIRMAN RHODES: LET ME FINISH THE
23 CLARIFICATION OF HIS QUESTION. THERE HAS TO BE CASES OF
24 BRUTALITY IN EVERY LARGE CITY, SO THE ANSWER TO THAT HAS TO
25 BE, OF COURSE. NOW THE QUESTION THAT THIS COMMITTEE IS

1 INTERESTED IN, IS THE QUESTIONS POSED TO US BY THESE VERY
2 WELL-REGARDED POLICE OFFICIALS FROM AROUND THE COUNTRY WHO
3 CAME TO OUR COMMITTEE AND GAVE US SOME GUIDELINES ON HOW TO
4 GO INTO PHILADELPHIA, AND DRAW CONCLUSIONS. THEIR TESTIMONY
5 WAS, DO NOT GO TO PHILADELPHIA TO FIND DIFFERENT CASES WHERE
6 POLICE HAVE BEEN VIOLATED IN TERMS OF CIVIL RIGHTS. YOU HAVE
7 GIVEN ME SOME VERY PENETRATING TESTIMONY IN THAT REGARD. BUT
8 TRY TO FIND OUT WHETHER OR NOT SOME PERSON WAS BEAT UP BEING
9 ARRESTED.

10 THIS WILL HAPPEN IN PHILADELPHIA; THIS WILL
11 HAPPEN IN ANY LARGE CITY. GO TO PHILADELPHIA AND TRY TO FIND
12 OUT WHETHER OR NOT THE CITIZENRY UNDERSTANDS FIRST OF ALL, IS
13 THERE A DISCIPLINARY PROCEDURE INTERNAL IN THE POLICE
14 DEPARTMENT THAT IS FAIR AND AGGRESSIVE. THESE ARE THE
15 STANDARDS OF PROOF, CLEARLY LESS SEVERE THAN THE CRIMINAL
16 COURTS; AND SECOND, DO THE PEOPLE KNOW ABOUT THAT PROCEDURE
17 AND IS IT IN FORCE BY THE HIGHEST POLITICAL AUTHORITY IN THE
18 POLICE DEPARTMENT, AND IN THE CITY? TO THAT QUESTION, WHAT
19 IS YOUR ANSWER?

20 MR. ROSE: I THINK THE BUREAU OF INTERNAL
21 AFFAIRS IS CONSISTENTLY UNDERESTIMATED. I THINK THEY ARE
22 COMPETENT. WE HAVE A LOT OF CASES WHERE WE REPRESENT POLICE
23 OFFICERS WHO ARE ACCUSED OF VARIOUS ACTS, INCLUDING
24 BRUTALITY, CORRUPTION, NAME IT, AND THE STAFF INSPECTORS ARE
25 VERY, VERY AGGRESSIVE AGAINST THOSE POLICE OFFICERS.

1 THE OTHER TWO QUESTIONS I CAN'T ANSWER. I
2 DON'T KNOW ABOUT THE POLITICAL AUTHORITY. I CAN'T ANSWER
3 THAT.

4 CHAIRMAN RHODES: YOU ARE ONE MEMBER OF THE
5 PUBLIC WHO TESTIFIED YOU BELIEVE, IF I AM NOT MISTAKEN, THAT
6 THERE IS AN AGGRESSIVE FAIR, INTERNAL PROCEDURE IN THE POLICE
7 DEPARTMENT?

8 MR. ROSE: THAT IS MY TESTIMONY, BUT I AM SURE
9 THAT THE THRUST OF YOUR INQUIRY IN THE AREA OF POLICE
10 BRUTALITY, HOW RESPONSIVE IS THE INTERNAL AFFAIRS BUREAU, AND
11 DOES THE PUBLIC UNDERSTAND THEY ARE OR ARE NOT RESPONSIVE. I
12 AM NOT FAMILIAR ENOUGH WITH INTERNAL AFFAIRS CASES, ALL
13 INTERNAL AFFAIRS CASES. I KNOW THE CASES WHICH HAVE COME
14 ACROSS MY PURVIEW. THEY SEEMED VERY AGGRESSIVE. OF COURSE,
15 THOSE CASES WERE THE ONES APPROVED BY THE INTERNAL AFFAIRS
16 BUREAU FOR FURTHER PROSECUTION TO GENERATE AN ATTORNEY INTO
17 THE CASE. I CAN'T SAY --

18 CHAIRMAN RHODES: AND ALL THE CASES THAT WERE
19 DEFLECTED, AS WAS TESTIFIED TO BEFORE, WAS NOT BINDING
20 ENOUGH?

21 MR. ROSE: THAT'S CORRECT.

22 CHAIRMAN RHODES: WE ASKED FOR THE CITY, AND
23 THE CITY WOULDN'T COME. ANY FURTHER QUESTIONS, MR. DUMAS?

24 REPRESENTATIVE DUMAS: NO.

25 CHAIRMAN RHODES: MR. BRASWELL, OUR SPECIAL

1 COUNSEL.

2 MR. BRASWELL:

3 Q. IT IS MY UNDERSTANDING FROM YOUR TESTIMONY,
4 THAT YOU DO HAVE ACCESS TO INTERNAL FILES OF THE POLICE
5 DEPARTMENT?

6 A. NO, ONLY IF THERE ARE CRIMINAL CASES
7 COMMENCED. THEN WE WOULD BY VIRTUE OF CRIMINAL DISCOVERY.

8 Q. GIVEN THE TESTIMONY BY MR. RENDELL AND ALSO
9 MY DISCUSSIONS WITH THE U. S. ATTORNEY'S OFFICE, THEY LACK
10 COOPERATION IN GETTING FILES FROM THE POLICE DEPARTMENT.

11 A. I HAVE HEARD THAT.

12 Q. DO YOU HAVE ANY OPINION ON THAT; IS THAT THE
13 CASE, AND IF THEY DON'T GET IT FROM THE POLICE DEPARTMENT, DO
14 YOU PROVIDE THOSE FILES IN ORDER THAT JUSTICE BE DONE?

15 A. AS FAR AS WHAT WE DO, OUR INTEREST IS TO
16 REPRESENT OUR CLIENT. WE STAND ON THE FACT ONCE OUT OF THE
17 COURTROOM, WE DON'T TURN OVER ANYTHING THAT WILL HURT OUR
18 CLIENT. I AM SURE YOU AS AN ATTORNEY, WOULD AGREE WITH THAT.
19 AS FAR AS MY OPINION OF THE COOPERATION BETWEEN THE DISTRICT
20 ATTORNEY'S OFFICE AND THE POLICE, I THINK IT IS A LOT OF
21 POLITICAL INTERPLAY. MR. RENDELL HAS HIS AMBITIONS; MR.
22 RIZZO HAS HIS. I DON'T THINK IT IS A LEGAL QUESTION. THE
23 POLITICAL OVERTONES ARE MORE IN CONTRL AND I DON'T KNOW TOO
24 MUCH ABOUT THAT.

25 Q. DO YOU BELIEVE THAT LOCAL COURT ACTION OR

1 INACTION IN THIS AREA OF CONVICTING OFFICERS, DO YOU BELIEVE
2 THEY ARE ADEQUATE FORUMS OF THIS SORT OF PROBLEM?

3 A. ABSOLUTELY.

4 Q. YOU WERE AWARE THAT THE FEDERAL COURT, I
5 THINK THE SANTIAGO FIRE BOMBING CASE, WAS A VERY EXCEPTIONAL
6 CASE FROM MY EXPERIENCE IN WASHINGTON JUSTICE DEPARTMENT, IN
7 WHICH I HAVE SEEN ALL OVER THE COUNTRY, FEDERAL PROGRAMS HERE
8 AND SPECIFICALLY THE CIVIL RIGHTS DEPARTMENT IN WASHINGTON,
9 HAS A LOSING RECORD AS FAR AS CONVICTING POLICE OFFICERS ALL
10 OVER THE COUNTRY IN THESE SORTS OF CASES. LOCAL JURIES ARE
11 NOT WILLING TO SAY GUILTY WHEN THERE ARE POLICE OFFICERS
12 INVOLVED.

13 A. THERE IS A CASE IN HOUSTON WHERE THE
14 OFFICERS THERE WERE CONVICTED IN FEDERAL COURT.
15 FEDERAL JURIES CONVICTED THE SANTIAGO DEFENDANTS. FEDERAL
16 JURIES ACQUITTED THE CRADLE POLICE OFFICER. I THINK IT
17 DEPENDS ON THE MERITS OF THE PARTICULAR CASE.

18 Q. WHO DO YOU BELIEVE IS BETTER TO HANDLE THOSE
19 CASES?

20 A. WE HAVE HAD CASES, I MIGHT ADD, WHERE THE
21 POLICE ARE HAPPY. OTHER THAN THE SANTIAGO CASE --

22 Q. PERUTO HASN'T LOST.

23 A. HE IS AN EXCEPTIONAL LAWYER. THERE HAVE
24 BEEN A LOT OF CASES THAT HAVE BEEN LOST BY THE ATTORNEYS. I
25 AM NOT HERE TO CRITICIZE THEM, BUT I WANT YOU TO KNOW THERE

1 IS MORE TO IT THAN JUSTICE. THERE ARE A LOT OF CASES THAT
2 HAVE BEEN LOST, AND POLICEMEN HAVE BEEN SENTENCED TO JAIL,
3 CONVICTED, ON PROBATION, WHATEVER. THERE HAVE BEEN CASES
4 THAT THEY HAVE BEEN CONVICTED -- MANY, MANY.

5 Q. WHAT IS THE USUAL DEPARTMENTAL PUNISHMENT
6 FROM YOUR EXPERIENCE THAT YOU HAVE SEEN?

7 A. FOR WHAT?

8 Q. FOR POLICE OFFICERS ACCUSED OF A VIOLATION
9 OF SOMEONE'S CIVIL RIGHTS.

10 A. WE HAVEN'T LOST ANY; I DON'T KNOW.

11 CHAIRMAN RHODES: FOLLOWING UP YOUR VOLUNTARY
12 INFORMATION, THERE HAVE BEEN OTHER CASES?

13 MR. ROSE: YES.

14 CHAIRMAN RHODES: THERE HAVE BEEN OTHER CASES
15 WHERE POLICE OFFICERS HAD BEEN CONVICTED.

16 MR. ROSE: OF VARIOUS CRIMES.

17 CHAIRMAN RHODES: GIVEN YOUR BOTTOM LINE
18 PERCEPTION ABOUT THE DIFFICULTY OF OBTAINING CRIMINAL
19 CONVICTIONS IN FEDERAL OR LOCAL COURT AGAINST POLICE
20 OFFICERS, WHICH YOU SAID IS NOT UNIQUELY DIFFICULT, BY YOUR
21 ORIGINAL TESTIMONY IT IS NOT UNIQUELY DIFFICULT.

22 MR. ROSE: MY TESTIMONY WAS THAT THE CASES
23 BROUGHT SO FAR DID NOT MERIT PROSECUTION IF THE COURT
24 RESULTS WERE ACCURATE.

25 CHAIRMAN RHODES: YOU ALSO SAID PROSECUTION CAN

1 BE SUCCESSFUL IF THE CASES MERIT; THAT IT IS NOT UNIQUELY
2 DIFFICULT TO SUCCESSFULLY PROSECUTE POLICE OFFICERS IN CASES
3 OF ALLEGED BRUTALITY.

4 MR. ROSE: IF IT IS IMPORTANT TO THE
5 PROSECUTOR.

6 CHAIRMAN RHODES: WELL, THAT'S A THROW-AWAY,
7 THAT IS LIKE SAYING, IT'S A NICE DAY OUT IF IT IS NOT RAINING
8 OR SNOWING.

9 MR. ROSE: THAT'S TRUE.

10 CHAIRMAN RHODES: IT HAPPENS TO BE A HO LISTIC
11 STATEMENT; IT DOESN'T REALLY HELP US ANY. THE WHOLE THRUST
12 OF OUR CRIMINAL JUSTICE SYSTEM IS PRECISELY TO AVOID, IN MY
13 OPINION, PEOPLE DRAWING CONCLUSIONS LIKE THAT. IT ISN'T A
14 QUESTION OF SOME OBJECTIVE THIRD PARTY PERSON JUDGING THE
15 FACTS TO MERIT A CONVICTION. IT IS A PROCESS WHICH BY ITS
16 VERY NATURE TAKES AWAY THAT ABILITY, TAKES AWAY YOUR ABILITY
17 OR MY ABILITY TO SAY THIS IS CLEARLY A CASE WHERE THIS GUY
18 WAS GUILTY OF MURDER OR KILLING THIS GUY, THIS NON-POLICE
19 OFFICER.

20 MY IMPRESSION IS THAT YOU TAKE THAT AWAY AND
21 YOU CREATE A PROCESS, TO THE JURY, AND EVERYTHING ELSE IS DUE
22 PROCESS, SO THAT YOU HAVE TO BELIEVE IN THE OUTCOME; YOU HAVE
23 TO BELIEVE. YOU ALL HAVE TO BELIEVE, IF YOU BELIEVE IN
24 DEMOCRACY, YOU HAVE TO BELIEVE IN THE OUTCOME ONCE A CRIMINAL
25 PROCESS PROCEDURE IS OVER.

1 MR. ROSE: THAT'S RIGHT.

2 CHAIRMAN RHODES: SO THE BOTTOM LINE PREMISE
3 THAT YOU HAVE SEEMS TO COME THROUGH WHEN YOU SAY, IN OTHER
4 CASES THERE HAVE BEEN CONVICTIONS. IF YOU SAY THERE ARE
5 OTHER CASES IN PHILADELPHIA WHERE THERE HAVE BEEN
6 CONVICTIONS.

7 MR. ROSE: I AM SAYING IT SHOWS THAT THE COURT
8 SYSTEM CAN BE AN EFFECTIVE MEANS OF DEALING WITH THE
9 SITUATION.

10 CHAIRMAN RHODES:

11 Q. YOU SAID THAT?

12 A. YES.

13 Q. WOULD YOU ACCEPT THAT IF A PERSON BELIEVED
14 THE TESTIMONY OF ALL THE PROFESSIONALS IN LAW ENFORCEMENT
15 THAT COME BEFORE THIS COMMITTEE, AND I'M A POOR COUNTRY
16 POLITICIAN WHO TENDS TO BELIEVE EXPERT WITNESS TESTIMONY,
17 THE WEIGHT OF THAT CAME FORWARD AND CONVINCED ME THAT THE
18 PREMISE WAS CORRECT, THAT IT IS DIFFICULT TO CONVICT POLICE
19 OFFICERS OF CRIMINAL CHARGES OF BRUTALITY CASES LOCALLY AND
20 FEDERALLY. WOULD IT BE LOGICAL FOR ME TO CONCLUDE FROM YOUR
21 TESTIMONY THAT THERE HAVE BEEN CONVICTIONS IN PHILADELPHIA
22 OTHER THAN YOUR ABLE CO-COUNSEL HAVE DEFENDED TO INDICATE
23 THAT THERE IS AN EXTRAORDINARY BRUTALITY PROBLEM IN
24 PHILADELPHIA?

25 A. NO.

1 Q. GIVEN MY PREMISE.

2 A. NO, THE NUMBER OF CONVICTIONS I AM SPEAKING
3 OF, I AM REFERRING TO IN ANSWER TO COUNSEL'S QUESTIONS, IS
4 NOT A LARGE ENOUGH NUMBER TO INDICATE ANYTHING. IT ALMOST
5 SHOWS -- THE REMARK WAS THE PROSECUTION IN WASHINGTON AND
6 OTHER PLACES, IN PHILADELPHIA, IN COMMON PLEAS OR FEDERAL
7 COURT, THERE HAVE BEEN CASES THAT HAVE GONE TO TRIAL AGAINST
8 POLICE, HAVE RESULTED IN CONVICTIONS. I ONLY OFFERED THIS IN
9 RESPONSE TO HIS SUGGESTION IT IS ALMOST -- VERY DIFFICULT OR
10 IMPOSSIBLE TO COME UP WITH CONVICTION AGAINST POLICE
11 OFFICERS.

12 Q. ARE THESE CASES BRUTALITY CASES?

13 A. SOME.

14 Q. WOULD IT BE LOGICAL FOR ME OR ANY MEMBER OF
15 THIS COMMITTEE WHO HAPPENS TO BELIEVE THE TESTIMONY OF
16 PROFESSIONALS THAT IT IS DIFFICULT TO OBTAIN CONVICTIONS IN
17 CRIMINAL COURT AGAINST POLICE OFFICERS IN CASES OF
18 BRUTALITY? WOULD IT BE LOGICAL FOR ME WHO BELIEVES THAT, TO
19 CONCLUDE THAT IF THERE ARE CASES WHERE THERE HAVE BEEN
20 SUCCESSFUL PROSECUTION IN PHILADELPHIA, A NUMBER OF CASES, I
21 AM NOT GOING TO ASK THE QUESTION HOW MANY -- THERE MIGHT BE A
22 PROBLEM OF BRUTALITY IN PHILADELPHIA?

23 A. I DON'T SEE THAT IS A PROBLEM.

24 Q. YOU DON'T. I WOULD STATE FOR THE RECORD, IT
25 IS LOGICAL, AND I THANK YOU FOR YOUR TESTIMONY. EXCUSE ME,

1 MR. BRASWELL.

2 MR. BRASWELL:

3 Q. JUST ONE MORE QUESTION, MR. ROSE. THERE HAS
4 BEEN TESTIMONY GIVEN TO THIS COMMITTEE THAT THE DEFENSE OF
5 POLICE OFFICERS INVOLVED IN CRIMES SUCH AS VIOLATIONS OF
6 CIVIL RIGHTS, POLICE BRUTALITY, EXCESSIVE FORCE, WHATEVER YOU
7 WANT TO CALL IT, IN THE CITY, ARE COSTING THE CITY OF
8 PHILADELPHIA A CONSIDERABLE SUM OF MONEY. DO YOU HAVE ANY
9 THOUGHTS IN THIS AREA? IS THIS TRUE, AND WOULD IT BE CHEAPER
10 IF THERE WAS SOME SORT OF INTERNAL REVIEW OF THE
11 ADMINISTRATIVE MECHANISM?

12 A. WHAT DID YOU SAY?

13 Q. THERE HAS BEEN EVIDENCE, AND IT WAS I
14 BELIEVE PILCOP WHO GAVE US THE EVIDENCE, OF WHAT THE CITY
15 SPENDS IN DEFENDING --

16 A. THE CITY?

17 Q. WHAT THE CITY HAS PAID OUT IN DAMAGE SUITS
18 -- CIVIL, IN LEGAL EXPENSES AND CIVIL ACTIONS. I UNDERSTAND
19 THAT TO BE A CONSIDERABLE AMOUNT OF MONEY. THAT ITSELF WOULD
20 SEEM TO ME WOULD INDICATE WE HAVE A PROBLEM HERE IN
21 PHILADELPHIA.

22 A. YOU CAN'T GO BY THAT FOR SEVERAL REASONS.
23 THE CHIEF REASON IS THAT THE POLICY OF THE PRESENT CITY
24 SOLICITOR, WHICH IS VERY MUCH IN DISPUTE WITH THE POLICY OF
25 THE F.O.P., IS TO SETTLE THE CASE RATHER THAN GO TO COURT.

1 THE CLAIM IS INCOLORABLE BECAUSE THEY DON'T WANT THE EXPENSE
2 OF TRIAL. THE NUMBER OF COMPLAINTS IS VERY LARGE. NOW YOU
3 AS AN ATTORNEY WILL AGREE WITH ME, THE MERE NUMBER OF CASES,
4 IF SITUATIONS ARE TRUE, BUT IT COULD BE MOTIVATED BY MONEY.
5 PEOPLE RECOGNIZE THAT IS A POLICY OF THE CITY SOLICITOR TO
6 SETTLE THOSE CASES. WHEN THAT POLICY BECAME KNOWN, I CAN
7 TELL YOU THAT THE NUMBER OF ATTORNEYS WHO ALL OF A SUDDEN
8 HAVE TAKEN POLICE BRUTALITY CASES IN ADDITION TO AUTOMOBILE
9 ACCIDENTS QUADRUPLED, AND GREATER. AND THE CITY HAS BEEN
10 FOLLOWING THIS POLICY.

11 SO THESE SUMS REFLECT MANY MANY SMALL
12 SETTLEMENTS. YOU CAN MAKE THE SAME INFERENCE, IF THE
13 PLAINTIFF IS AGREEABLE, TO TAKE A THOUSAND OR FIVE HUNDRED
14 DOLLARS FOR THIS CLAIM. IT IS AN INDICATION OF FACTS. THE
15 CITY REALIZES IF THE DEFENSE IS WEAK, IT COULD GO EITHER WAY,
16 BUT THE F.O.P. FEELS VERY STRONGLY THE CASE SHOULD GO TO
17 TRIAL, BUT AGAIN YOU HAVE THE EXPENSE OF DEFENSE.

18 Q. DO YOU BELIEVE IT WOULD BE CHEAPER FOR THE
19 CITY IF THEY HAD A BETTER -- OR IN THE POLICE DEPARTMENT, IF
20 THEY HAD A BETTER INTERNAL AFFAIRS UNIT, SOME SORT OF PROGRAM
21 WHEREBY THE PUBLIC WILL HAVE MORE CONFIDENCE THAT THE
22 POLICEMAN WILL GET HIS DAY IN COURT, OR DUE PROCESS WILL BE
23 METED OUT IN THE ADMINISTRATIVE BODY WITHIN THE POLICE
24 DEPARTMENT? I WOULD IMAGINE THAT WOULD BE CHEAPER, WOULDN'T
25 IT?

1 A. I DON'T KNOW WHAT WOULD BE CHEAPER OR WHAT
2 WOULDN'T BE CHEAPER. WE FEEL IF THEY TRIED THE CIVIL CASES
3 AND RAN JURIES, AND BORE THAT EXPENSE, WON VERDICTS FOR THE
4 POLICE, IT WOULD BE CHEAPER IN THE LONG RUN BECAUSE THEN
5 THERE WOULD BE A DETERRENT, A DISCOURAGEMENT BECAUSE THE
6 DEFENDANT WOULD HAVE TO PAY FOR THE ATTORNEY, UNLESS IT IS A
7 CONTINGENCY BASIS OR PILCOP OR SOMETHING. IF THESE CASES
8 WERE NOT SO COMMONLY SETTLED, I THINK IT WOULD DISCOURAGE
9 FROM BRINGING SO MANY RANDOM SUITS.

10 Q. IN YOUR EXPERIENCE IN THIS AREA, HAVE YOU
11 ENCOUNTERED A SITUATION WHERE A POLICEMAN WAS ACCUSED OR
12 CONVICTED OF PERJURY?

13 A. YES, ACCUSED BUT NOT CONVICTED.

14 Q. DO YOU KNOW THE CIRCUMSTANCES OF THAT CASE?

15 A. I WON'T MENTION THE NAMES. I DO REMEMBER A
16 CASE WHERE WE REPRESENTED TWO POLICE OFFICERS FOR PERJURY IN
17 COMMON PLEAS COURT. THAT WAS UNDER DISTRICT ATTORNEY
18 SPECTER, NOT THE PRESENT ADMINISTRATION, OR NOT THE ONE
19 BEFORE THAT.

20 Q. WHAT WERE THE CIRCUMSTANCES?

21 A. BEFORE A STATE INVESTIGATING GRAND JURY, WE
22 WERE CALLED. SPECTER HAD A GRAND JURY INVESTIGATING THE
23 SEVENTEENTH POLICE DISTRICT. I AM NOT SURE IF THAT WAS
24 BRUTALITY OR CORRUPTION. I THINK IT WAS CORRUPTION. TWO
25 OFFICERS WERE EVENTUALLY ACQUITTED.

1 Q. AS AN OFFICER OF THE COURT, AND AS AN
2 ATTORNEY MYSELF, AND HAVING EXAMINED NUMEROUS CASES AS AN
3 INVESTIGATOR IN PHILADELPHIA FOR SEVERAL MONTHS, IT SEEMED TO
4 ME THAT THERE ARE NUMEROUS INCIDENCES OF PERJURY BY POLICE
5 OFFICERS IN CASES THAT GO TO TRIAL.

6 A. ALL CRIMINAL CASES?

7 Q. I AM NOT SAYING ALL; I AM SAYING SUBSTANTIAL
8 AMOUNTS OF CASES. IT WOULD BE MY OPINION AS AN OFFICER OF
9 THE COURT, AND HAVING LOOKED AT THE FACTS I HAD AVAILABLE TO
10 ME, THAT THERE IS A CONSIDERABLE AMOUNT OF PERJURY BY POLICE
11 OFFICERS IN THESE SORTS OF CASES.

12 A. IN THOSE SORTS OF CASES, ANY CRIMINAL CASE
13 COMES TO CITY HALL, MOST OF THEM HAVE PERJURY.

14 Q. YOU KNOW WHAT CASES I AM TALKING ABOUT. I
15 AM TALKING ABOUT CASES INVOLVING COMPLAINTS AGAINST POLICE
16 OFFICERS FOR EXCESSIVE USE OF FORCE.

17 A. I DISAGREE. I THINK THERE IS A GREAT DEAL
18 OF PERJURY ON THE PART OF THE COMPLAINANTS.

19 Q. THAT IS POSSIBLE. I THINK POLICE OFFICERS
20 HAVE TO HAVE MORE RESPECT FOR THE LAW. THANK YOU, MR. ROSE.

21 CHAIRMAN RHODES: ONE LAST QUESTION FROM
22 REPRESENTATIVE CIANCIULLI.

23 REPRESENTATIVE CIANCIULLI:

24 Q. I HAVE ONE OTHER QUESTION. I HAVE SEEN
25 THIS PRACTICE, BUT IT WOULD LIKE TO KNOW, IN FACT, HOW

1 WIDE-SPREAD, YOU MIGHT KNOW. WHEN AN OFFICER CHARGES A
2 CULPRIT, FOR WHATEVER, WITH ASSAULT AND BATTERY ON A POLICE
3 OFFICER, ISN'T IT IN FACT THE PRACTICE FOR THAT CULPRIT TO
4 TURN AROUND AND CHARGE THE POLICE OFFICER WITH BRUTALITY, AND
5 THEN GO INTO COURT AND BOTH CHARGES ARE DROPPED?

6 A. VERY COMMON.

7 Q. SO THAT THEY DON'T PROSECUTE THE OFFICER FOR
8 BRUTALITY AND HE IN TURN --

9 A. THE OFFICER GETS SCARED, DOESN'T WANT TO GET
10 CIVILLY SUED, AND THE DEFENDANT WILL AGREE NOT TO CIVILLY SUE
11 THE OFFICER, AND HE ALSO DROPS THE CHARGES. THEN IT'S BLOWN
12 OUT.

13 Q. HAVE YOU SEEN THIS HAPPEN ON NUMEROUS
14 OCCASIONS?

15 A. YES.

16 Q. THANK YOU.

17 CHAIRMAN RHODES: THANK YOU VERY MUCH, MR.
18 ROSE.

19 (WITNESS EXCUSED.)

20 CHAIRMAN RHODES: THE REPORTER NEEDS A BREAK,
21 AND WE WILL TAKE A FIVE MINUTE BREAK AT THIS TIME AND COME
22 BACK.

23 (BRIEF RECESS.)

24 CHAIRMAN RHODES: THE LAST WITNESS BEFORE THE
25 SUBCOMMITTEE TODAY IS MR. IAN LENNOX, EXECUTIVE DIRECTOR OF

1 THE CITIZENS CRIME COMMISSION OF PHILADELPHIA. MR. LENNOX,
2 DO YOU OBJECT TO BEING SWORN?

3 MR. LENNOX: NO.

4 IAN LENNOX, SWORN.

5 CHAIRMAN RHODES: THANK YOU. WOULD YOU STATE
6 YOUR NAME AND YOUR POSITION FOR THE RECORD?

7 THE WITNESS: MY NAME IS IAN LENNOX; I AM THE
8 EXECUTIVE VICE PRESIDENT OF THE CITIZENS CRIME COMMISSION OF
9 PHILADELPHIA.

10 CHAIRMAN RHODES: YOU MAY PROCEED, MR. LENNOX.

11 THE WITNESS: MR. CHAIRMAN, IN THE INTEREST OF
12 TIME I WOULD LIKE -- YOU HAVE MY PREPARED TESTIMONY BEFORE
13 YOU -- I WOULD LIKE TO JUST GO THROUGH AND HIGHLIGHT A FEW
14 POINTS, AND THEN WE CAN GET TO THE QUESTIONING IF YOU SO
15 CHOOSE.

16 CHAIRMAN RHODES: THANK YOU.

17 THE WITNESS: I WOULD LIKE TO JUST STATE AT
18 THIS POINT THAT THE CRIME COMMISSION HAS LOOKED INTO THE
19 MATTER OF CIVILIAN COMPLAINTS AGAINST POLICE SINCE 1963. WE
20 DO HAVE A STUDY COMPLETED IN --

21 CHAIRMAN RHODES: MR. LENNOX, TO CLARIFY THE
22 RECORD, IS IT YOUR TESTIMONY THAT YOU HAVE CONDUCTED AN
23 INVESTIGATION SINCE 1963, OR YOU HAVE INVESTIGATED
24 ALLEGATIONS THAT GO BACK TO 1963?

25 THE WITNESS: SINCE 1963 WE HAVE BEEN

1 INTERESTED IN THE PHYSICAL PROCEDURE FOR HANDLING CIVILIAN
2 COMPLAINTS. OUR ORGANIZATION GOES BACK MUCH EARLIER THAN
3 THAT, BUT I CAN STATE AT THAT POINT WE STARTED TO GET
4 INTERESTED IN THIS SUBJECT.

5 I AM STATING THAT ONLY FROM THE STANDPOINT
6 OF OUR CREDENTIALS AND INTEREST IN THE MATTER. I DO HAVE
7 AVAILABLE TO THE COMMITTEE, I CAN PROVIDE TO YOU A STUDY WE
8 COMPLETED, MADE PUBLIC IN 1974 IN WHICH WE INCLUDED ALL THE
9 STATISTICS ON ACTIONS BY THE POLICE DEPARTMENT IN ALL
10 CIVILIAN COMPLAINTS AGAINST THEM.

11 SO, IF THAT IS OF INTEREST TO THE COMMITTEE
12 I WOULD BE HAPPY TO SEND THAT TO YOU; IF NOT, WHY ALL RIGHT.

13 CHAIRMAN RHODES: WE WOULD VERY MUCH APPRECIATE
14 THAT, MR. LENNOX.

15 THE WITNESS: I JUST WANT TO READ A SECTION ON
16 THE SECOND PAGE, THIRD PARAGRAPH, 'WE HAVE FOUND THAT THE
17 CRITICS OF POLICE BY CONCENTRATING ALMOST ENIIRELY ON
18 INSTANCES OF ALLEGED MISCONDUCT, DO NOT FULLY COMPREHEND THE
19 ADVERSARY NATURE OF THE POLICE FUNCTION. TENSION AND
20 HOSTILITY ARE AN INEVITABLE PART OF POLICING. POLICE
21 OFFICERS AS PART OF THEIR JOB, MUST ISSUE ORDERS TO PEOPLE,
22 CATCH THEM IN VIOLATION OF LAWS, DEPRIVE THEM OF THEIR
23 FREEDOM, AND BRING CHARGES THAT MAY LEAD TO THE IMPOSITION OF
24 SEVERE PUNISHMENT. CONTACTS BETWEEN OFFICERS AND CITIZENS
25 ARE OFTEN INITIATED UNDER CONDITIONS THAT ARE EMOTIONALLY

1 CHARGED. HOWEVER, SCRUPULOUS THE POLICE MAY BE IN CARRYING
2 OUT THEIR RESPONSIBILITIES, THEY ARE BOUND TO INCUK THE WRATH
3 OF SOME OF THOSE AGAINST WHOM THEY MUST PROCEED. THIS
4 HOSTILITY MANIFESTS ITSELF IN VARIOUS FORMS -- SOMETIMES
5 IMMEDIATELY BY VERBAL ABUSE, OR PHYSICAL RESISTANT; SOMETIMES
6 LATER BY ALLEGING THAT THE OFFICER'S ACTIONS WERE IMPROPER OR
7 ILLEGAL. UNDER SUCH CIRCUMSTANCES AN OFFICER MUST BE ABLE TO
8 COUNT ON SUPPORT WHEN JUSTIFIED FOR ACTIONS TAKEN IN THE LINE
9 OF DUTY.

10 POLICE RESIST CIVILIAN CONTROLS AND REVIEWS,
11 STUDIES SHOW, BECAUSE AMONG OTHER REASONS, THEY ARE OFFENDED
12 BY THE NOTION THAT THEIR ACTIONS ARE JUDGED BY INDIVIDUALS
13 REMOVED FROM THE SITUATIONS THEY CONFRONTED. IT IS ALSO
14 UNDERSTANDABLE THAT THE POLICE SHOULD TIRE OF THE CONTINUED
15 EMPHASIS ON ABUSES, FEELING THAT QUALITY POLICE PERFORMANCE
16 DESERVES A PROPORTIONATE SHARE OF PUBLIC ATTENTION."

17 MR. CHAIRMAN, WITHOUT COMMENTING AT THIS
18 POINT ON THE NEWSPAPER COVERAGE OF INSTANCES OF ALLEGED
19 POLICE BRUTALITY IN PHILADELPHIA, ONE OF OUR CONCERNS HAS
20 BEEN A RELUCTANCE ON THE PART OF THE NEWS MEDIA TO STRESS
21 THOSE INSTANCES WHERE POLICE OFFICERS HAVE DONE A COMMENDABLE
22 JOB, RESCUING SOMEONE OUT OF A FIRE, COMMITTING SOME OTHER
23 HEROIC ACT. WE HAD ONE EXCEPTION TO THAT RECENTLY AND WE DID
24 COMMEND THE PHILADELPHIA INQUIRER FOR THAT. THAT WAS AN
25 OFFICER WHO DIED, I BELIEVE IT WAS IN AN ACCIDENT, SOMETHING

1 LIKE THAT, NOT UNDER CRIMINAL CIRCUMSTANCES, IN THE
2 KENSINGTON AREA OF PHILADELPHIA, AND HE WAS EULOGIZED BY THE
3 NEIGHBORHOOD FOR HIS MANY ACTS OF KINDNESS AND HEROISM IN
4 THAT COMMUNITY, TO THOSE PEOPLE.

5 THAT STORY FOUND ITSELF IN THE INQUIRER, BUT
6 ON ONE OF THE BACK PAGES, SO AT THIS PARTICULAR POINT WE ARE
7 NOT SAYING THAT THE NEWSPAPERS DO NOT HAVE A RIGHT TO
8 HIGHLIGHT INSTANCES OF ALLEGED POLICE BRUTALITY, TELL THE
9 FACTS AS THEY ARE, BUT WE DO BELIEVE WHERE THERE IS NOT A
10 BALANCING OF THIS WITH THE POSITIVE THINGS THAT THE POLICE
11 DO, IT CREATES THE IMAGE IN THE MINDS OF PEOPLE THAT THE
12 POLICE DO NOTHING GOOD, EXCEPT THAT I, AS A CITIZEN HAVE
13 PERSONALLY BEEN INVOLVED WHERE THEY HAVE HELPED ME, AND THEY
14 DO A LOT OF BAD, SO I JUST WANT TO STRESS THAT PARTICULAR
15 POINT.

16 'DO POLICE OFFICIALS BURY THEIR HEADS IN THE
17 SAND AND MAINTAIN THAT THERE SIMPLY ARE NO PROBLEMS? BASED
18 ON THE CRIME COMMISSION'S LONG YEARS OF EXPERIENCE IN WORKING
19 WITH POLICE DEPARTMENT OFFICIALS, THE ANSWER IS 'NO.'

20 THE MOST RECENT -- AND NOW I AM AT THE
21 BOTTOM OF PAGE THREE -- 'THE MOST RECENT INTEREST THAT THE
22 CRIME COMMISSION HAD IN THIS WHOLE QUESTION OF ALLEGED POLICE
23 BRUTALITY WAS WHEN WE BROUGHT TO THE ATTENTION OF THE POLICE
24 COMMISSIONER AND THE MANAGING DIRECTOR OF THE CITY,
25 RECOMMENDATIONS WE HAD MADE ON OUR 1974 STUDY, SUGGESTING

1 WAYS TO IMPROVE THE POLICE DEPARTMENT'S INTERNAL
2 DISCIPLINARY SYSTEM. THE SERIES OF THESE RECOMMENDATIONS
3 WERE MADE AND SUBMITTED TO THE PROPER OFFICIALS INCLUDING THE
4 POLICE COMMISSIONER. EARLY LAST DECEMBER WE MET WITH HIM,
5 WITH THE MANAGING DIRECTOR, AND PRESENTED THOSE THINGS
6 FORMALLY. AS A MATTER OF FACT, THEREAFTER, THE POLICE
7 DEPARTMENT ANNOUNCED THE ADOPTION OF A NEW SYSTEM FOR
8 INVESTIGATING CITIZENS COMPLAINTS OF VIOLENCE OR VERBAL ABUSE
9 BY POLICE OFFICERS, AND WE WERE PLEASED TO NOTE THAT OUR
10 RECOMMENDATIONS HAD BEEN CONSIDERED AND SOME OF THESE
11 ADOPTED.

12 I AM REFERRING NOW TO POLICE DEPARTMENT
13 DIRECTIVE 127 A COPY OF WHICH I HAVE AND WILL BE HAPPY TO
14 MAKE AVAILABLE TO THE COMMITTEE SINCE IT SEEMS TO ME THIS IS
15 ONE OF THE DIRECTIVES THAT IS HARD TO COME BY. I DO HAVE A
16 COPY AND I WILL BE HAPPY TO PROVIDE THE COMMITTEE WITH A
17 PHOTOSTAT. IT IS DATED FEBRUARY 15, 1978. IT STATES AS
18 POLICY THAT ALL CITIZENS COMPLAINTS OF VERBAL OR PHYSICAL
19 ABUSE SHALL BE RECEIVED, INVESTIGATED AND DISPOSED OF IN
20 ACCORDANCE WITH PRESCRIBED PROCEDURES. IT ALSO ESTABLISHED
21 THAT INVESTIGATIONS OF COMPLAINTS ARE TO BE SUPERVISED BY THE
22 INTERNAL AFFAIRS BUREAU RATHER THAN AS PREVIOUSLY BY THE
23 COMMANDING OFFICER OF THE DISTRICT IN WHICH THEY ORIGINATE.
24 COMPLAINT FORMS ARE NOW MADE AVAILABLE AT
25 ALL POLICE STATIONS AND ARE NUMBERED. A COPY OF THE

1 COMPLAINT IS GIVEN TO THE COMPLAINANT AS RECEIPT OF
2 COMPLAINT.'

3 THIS IS ONE OF OUR RECOMMENDATIONS. 'NEW
4 PROCEDURES ALSO CALL FOR THE STAFF INSPECTOR TO REVIEW THE
5 COMPLAINT, EVERY COMPLAINT, DETERMINE WHO WILL CONDUCT THE
6 INVESTIGATION, SUPERVISE THE INVESTIGATION AND COMPLETE IT
7 WITHIN FORTY-FIVE DAYS. FURTHERMORE, THE COMPLAINANT IS
8 NOTIFIED OF THE FINDINGS AND RESULTS OF THE INVESTIGATION.

9 THESE NEW PROCEDURES IN CONTRAST TO THOSE IN
10 THE PAST, PROVIDE A SYSTEMATIC, HIGH LEVEL REVIEW OF CITIZENS
11 COMPLAINTS, AND ASSURES THE COMPLAINANT THE RIGHT TO KNOW
12 THE OUTCOME OF HIS COMPLAINT. IT ALSO SUGGESTS THAT THE
13 POLICE DEPARTMENT IS CAPABLE OF RESOLVING ITS INTERNAL
14 PROBLEMS.'

15 I WOULD LIKE NOW TO JUST DIGRESS HERE FOR A
16 MOMENT, MR. CHAIRMAN, TO INDICATE THAT ONE OF OUR
17 RECOMMENDATIONS THAT WAS NOT CARRIED OUT BY THE POLICE
18 COMMISSIONER WAS THE PUBLICATION OF A BROCHURE DISTRIBUTED
19 WIDELY IN THE CITY, WHICH SPELLS OUT THE PROCEDURES A
20 CIVILIAN SHOULD FOLLOW IN MAKING A COMPLAINT AGAINST THE
21 POLICE DEPARTMENT. ALSO, WE WANTED THIS LITTLE BOOKLET TO
22 SHOW THE APPELLATE PROCEDURES THAT WERE AVAILBLE TO THE
23 CITIZEN IF HE WAS DISSATISFIED WITH THE DISPOSITION OF HIS
24 COMPLAINT. THIS WAS NOT DONE. WE FEEL THIS IS ONE OF THE
25 STEPS THAT COULD BE TAKEN TO AT LEAST ACQUAINT THE PUBLIC

1 WITH WHAT THEIR RIGHTS ARE WHEN THESE SITUATIONS COME UP.

2 I WOULD LIKE TO DROP DOWN NOW TO THE BOTTOM
3 OF PAGE, ADD FOUR, WHICH WOULD BE THE FIFTH PAGE. "MUCH
4 CIVILIAN CRITICISM CENTERS ON THE POINT THAT POLICE
5 LEADERSHIP ALLEGEDLY GIVES TOTAL SUPPORT TO ITS OFFICERS
6 CHARGED WITH EXCESSIVE PHYSICAL FORCE." I WOULD LIKE TO
7 RAISE THIS POINT, AND THAT CONCERNS THE RELATIONSHIP BETWEEN
8 OFFICERS AND LEADERS IN THE PURSUIT OF THEIR DUTIES. HOW
9 SUBORDINATES VIEW THEIR LEADERS IS IMPORTANT IN A POLICE
10 DEPARTMENT, FOR IT HAS A MAJOR INFLUENCE ON MORALE, AND I
11 THINK IT IS SOMETHING THE COMMITTEE MUST ADDRESS ITSELF TO,
12 BECAUSE THE ULTIMATE PURPOSE OF THE POLICE DEPARTMENT IS TO
13 DEAL WITH CRIMES AND PROVIDE SERVICES TO ITS CITIZENRY.

14 YOU HAVE TO MAKE A DISTINCTION, WOULD THE
15 CITIZENRY RATHER HAVE AN AGGRESSIVE POLICE FORCE, WHICH ARE
16 BOUND TO HAVE MORE INCIDENTS OF BRUTALITY OR WOULD YOU RATHER
17 HAVE A COMPLACENT APATHETIC FORCE AS NEW YORK CITY WAS IN
18 TIMES PAST, WHEN OFFICERS WERE FOUND TO BE SLEEPING ON DUTY,
19 ALSO A CHOICE THAT HAS TO BE MADE.

20 I AM AFRAID THERE IS NOT TOO MUCH OF A
21 MIDDLE GROUND. MORALE, IT IS USUALLY AGREED IS OF CENTRAL
22 CONCERN IN AN AGENCY WHERE MUCH OF ITS WORK IS FRUSTRATING
23 ROUTINE AND SEEMINGLY ENDLESS, WHERE THE QUALITY DEPENDS ON
24 THE INITIATIVE OF THE INDIVIDUAL, AND WHERE THE AUTHORITY AND
25 CAPACITY OF OPERATING PERSONNEL ARE SO OFTEN CHALLENGED.

1 MOREOVER, IF POLICE LEADERS ARE TO CARRY OUT NEW PROGRAMS,
2 SUCH AS DIRECTIVE 127 , THEY CAN DO SO ONLY WITH THE RESPECT
3 AND SUPPORT OF THEIR SUBORDINATES. A POLICE ADMINISTRATOR
4 WHO WANTS TO TAKE APPROPRIATE ACTION AGAINST A WRONGDOER
5 MUST NOT ONLY BE CONCERNED WITH THE IMPACT THAT THOSE ACTIONS
6 WILL HAVE ON THE ATTITUDE OF SUBORDINATES TOWARD THEIR WORK,
7 THE ADMINISTRATOR MUST ALSO BE PREPARED TO DO BATTLE IN THE
8 PUBLIC FORUM IN RESPONSE TO THE CHARGE THAT PERSONNEL ARE
9 UNHAPPY AND MORALE IS LOW."

10 NOW, I THINK HERE YOU CAN READ AT YOUR
11 LEISURE SOME OF THE POSITIVE PROGRAMS THAT THE POLICE
12 DEPARTMENT HAS UNDERTAKEN WITH THE CRIME COMMISSION, DEALING
13 WITH CRIME PROBLEMS IN THE COMMUNITY.

14 "TO CONCLUDE OUR TESTIMONY, THE CRIME
15 COMMISSION WOULD LIKE TO OFFER SEVERAL RECOMMENDATIONS FOR
16 THE COMMITTEES' CONSIDERATION. FOR ONE, THE CRIME COMMISSION
17 DOES NOT RECOMMEND THE ESTABLISHMENT OF A CIVILIAN POLICE
18 REVIEW BOARD. WE BELIEVE THAT THERE ARE ADEQUATE AVENUES OF
19 REDRESS OPEN NOW FOR CIVILIANS WITH COMPLAINTS THROUGH
20 EXISTING POLICE DEPARTMENT PROCEDURES, PARTICULARLY WITH
21 ADOPTION OF DIRECTIVE 127, AND THROUGH FEDERAL AND STATE
22 COURTS. NO CIVILIAN BODY BASED OUTSIDE THE POLICE AGENCY,
23 CAN POSSIBLY PROVIDE THE KIND OF DAY-TO-DAY DIRECTION THAT IS
24 ESSENTIAL IF THE BEHAVIOR OF POLICE OFFICERS AT THE OPERATING
25 LEVEL IS TO BE EFFECTIVELY CONTROLLED.

1 SECONDLY, WE DO NOT RECOMMEND IMPOSITION OF
2 EXTERNAL CONTROLS ON POLICE THROUGH LEGISLATION OR OTHER
3 MEANS. THE COMPLEXITY OF THE POLICE FUNCTIONS AND THE
4 REALITIES OF CRIME FIGHTING ARE SUCH THAT STATUTES -- IF
5 INTERPRETED LITERALLY -- IMPOSE UNREALISTIC AND OFTEN
6 CONFLICTING RESPONSIBILITIES ON POLICE AGENCIES AND UPON
7 INDIVIDUAL POLICE OFFICERS. STUDIES SHOW THAT THEIR LANGUAGE
8 LEAVES NO ROOM FOR DISCRETION. WE BELIEVE THAT ONLY BY
9 MAKING THE ADMINISTRATIVE SYSTEM WORK BY KEEPING
10 RESPONSIBILITY IN THE HANDS OF POLICE ADMINISTRATORS, WILL
11 POLICE CONDUCT BE CONTROLLED EFFECTIVELY.

12 WE DO RECOMMEND THAT THE POLICE
13 ADMINISTRATION CONTINUE TO CONCENTRATE ON EFFORTS OF A
14 POSITIVE NATURE TO ACHIEVE CONFORMITY TO DESIRED STANDARDS OF
15 CONDUCT. THIS IS NOT MEANT TO IMPLY THAT POLICE LEADERSHIP
16 IS NOT WORKING IN THIS DIRECTION, BUT EVEN GREATER EFFORTS
17 SHOULD BE EXERTED TO ACHIEVE A QUALITY OF POLICE SERVICE THAT
18 IS MORE RESPONSIVE TO THE DIVERSE NEEDS OF THE COMMUNITY,
19 THAT IS MORE SENSITIVE TO CIVILIAN CONCERNS AND THAT REFLECTS
20 A FULL AWARENESS OF THE DELICATE NATURE OF THE POLICE
21 FUNCTION IN A DEMOCRACY.

22 MR. CHAIRMAN, I WILL BE HAPPY TO ANSWER ANY
23 QUESTIONS YOU MIGHT HAVE.

24 CHAIRMAN RHODES: THANK YOU VERY MUCH, MR.
25 LENNOX. ON PAGE FOUR OF YOUR TESTIMONY YOU INDICATED THAT

1 STATISTICS ABOUT POLICE INTERNAL DISCIPLINARY DISPOSITION --

2 THE WITNESS: YES.

3 CHAIRMAN RHODES: WHERE DID YOU OBTAIN THESE
4 STATISTICS?

5 THE WITNESS: WE OBTAINED THESE STATISTICS, AND
6 I MIGHT SAY MR. CHAIRMAN, I TOOK THE LIBERTY WHEN I CAME INTO
7 THE ROOM, SINCE I WAS NOT HERE ALL AFTERNOON, I
8 DOUBLE-CHECKED -- THOSE ARE THE SAME STATISTICS THAT WERE
9 INTRODUCED BY THE FRATERNAL ORDER OF POLICE. THEY HAVE
10 ALREADY BEEN INTRODUCED. WE RECEIVED OURS BY LETTER FROM
11 CHIEF INSPECTOR FRANK SCAFIDI. WE REQUESTED THE STATISTICS
12 FOR THIS TIME PERIOD AND THIS IS WHAT HE SENT.

13 CHAIRMAN RHODES: SO FAR AS YOU CAN TESTIFY,
14 THESE ARE STATISTICS SUPPLIED BY PHILADELPHIA CITY POLICE
15 DEPARTMENT?

16 THE WITNESS: YES.

17 CHAIRMAN RHODES: YOU HAVE NO PERSONAL
18 KNOWLEDGE AS TO--

19 THE WITNESS: I DO NOT, NO.

20 CHAIRMAN RHODES: QUESTIONS FROM THE COMMITTEE?
21 REPRESENTATIVE DUMAS.

22 REPRESENTATIVE DUMAS:

23 Q. YES. YOU MENTIONED THAT YOU WOULD NOT
24 RECOMMEND A CITIZENS ADVISORY BOARD FOR THE POLICE
25 DEPARTMENT, BECAUSE YOU DON'T THINK IT WOULD WORK. IS IT

1 POSSIBLE THAT YOU COULD HAVE A MIXTURE OF CITIZENS AND POLICE
2 OFFICERS ON THE BOARD THAT CAN HANDLE COMPLAINTS?

3 A. MR. DUMAS, I WOULD SUGGEST IF YOU ARE GOING
4 THE ROUTE OF CIVILIAN CONTROLS FOR POLICE, WE WOULD CONSIDER
5 SOMETHING ALONG THE LINE LOS ANGELES HAS, WHERE YOU ACTUALLY
6 HAVE A BOARD OF COMMISSIONERS WHO ARE CIVILIANS, WHO RUN THE
7 POLICE DEPARTMENT. THE POLICE CHIEF IS RESPONSIBLE TO THEM.
8 I WOULD SAY IF YOU ARE GOING TO INVOLVE -- I HAVE NO ARGUMENT
9 TO THIS KIND OF APPROACH -- IF YOU ARE GOING TO INVOLVE
10 CIVILIANS IN DEALING WITH MATTERS OF POLICE CONDUCT, THEN I
11 THINK THOSE CIVILIANS MUST HAVE SOME OFFICIAL, BE OPERATING
12 IN AN OFFICIAL CAPACITY WITHIN THE POLICE DEPARTMENT.

13 Q. AS YOU KNOW HERE IN PHILADELPHIA, THE
14 CITIZENS ARE VERY SKEPTICAL WHEN IT COMES TO TAKING THEIR
15 CLIENTS TO THE POLICE DEPARTMENT. I UNDERSTAND FROM
16 TESTIMONY IN THE PAST FROM CITIZENS THAT ONE TAKING A
17 COMPLAINT ABOUT ONE POLICEMAN TO ANOTHER POLICEMAN GIVES YOU
18 NO OPPORTUNITY TO GET JUSTICE. THIS COP IS GOING TO PROTECT
19 HIS FELLOW OFFICER IN ANY WAY THAT HE CAN.

20 I DON'T KNOW WHETHER YOU FEEL THAT WAY OR
21 NOT; WHAT DO YOU THINK ABOUT THAT STATEMENT?

22 A. ONE OF OUR CONCERNS IS WHEN WE ORIGINALLY
23 LOOKED AT THIS INTERNAL DISCIPLINARY PROCEDURE, WAS THE
24 CIVILIAN WHO GOES TO THE LOCAL POLICE DISTRICT TO MAKE A
25 COMPLAINT AGAINST AN OFFICER OF THAT DISTRICT. WE FELT THERE

1 WAS THE POSSIBILITY OF INTIMIDATION, AND ESPECIALLY WHEN
2 THERE WAS NO WAY, NO RECEIPT GIVEN OF THE COMPLAINTS JUST A
3 7548 FILLED OUT, A COMPLAINT FORM, THE CIVILIAN NEVER HAD ANY
4 RECORD AND I HAD NO WAY OF EVER KNOWING WHETHER THAT WAS JUST
5 TOSSED INTO THE WASTE BASKET AFTER HE LEFT. ONE OF THE
6 SUGGESTIONS WE HAD FOR THE PRODUCTION OF THIS LITTLE BOOKLET
7 WAS TO INDICATE WHERE IN THOSE CASES WHERE A CIVILIAN FEELS
8 APPREHENSIVE ABOUT GOING TO THE DISTRICT IN FIRST INSTANCE TO
9 MAKE THE COMPLAINT, THAT IT BE SPELLED OUT, PHONE NUMBERS
10 WHERE THE STAFF INSPECTOR CAN BE CALLED DIRECTLY. WE ARE NOT
11 TOO SURE THAT THAT INFORMATION IS AVAILABLE TO THE PUBLIC.

12 THAT IF YOU ARE AFRAID TO GO FOR WHATEVER
13 REASON, TO THE LOCAL POLICE DISTRICT, THERE IS A NUMBER YOU
14 CAN CALL WHICH DIRECTLY TO THE STAFF INSPECTOR HEADQUARTERS,
15 AND MAKE YOUR COMPLAINT THAT WAY, OVER THE PHONE. WE HAVE
16 FOUND, AND ARE LOOKING AT THIS, THAT WHERE THE COMPLAINT GETS
17 IN THE HANDS OF THE INTERNAL DISCIPLINARY BUREAU, EVEN BEFORE
18 THE POLICE REVIEW BOARD, THEY ARE HANDLED VERY DIRECTLY.

19 Q. YOU FEEL THE POLICE OFFICERS ON THE REVIEW
20 BOARD, WOULD BE FAIR TO THE CITIZEN -- MORE FAIR TO THE
21 CITIZEN, THAN THE CITIZEN WOULD TO THE POLICE?

22 A. YES, SIR, I HAVE OBSERVED MANY POLICE
23 BOARDS OF INQUIRY HEARINGS MYSELF. WE RECEIVE THE DUCKET
24 ALMOST DAILY WHEN THE HEARINGS ARE BEING HELD, AND WE HAVE
25 HAD MEMBERS, CIVILIAN MEMBERS, LAY MEMBERS OF OUR BOARD,

1 ATTEND THESE HEARINGS. WE HAVE MADE RECOMMENDATIONS SUCH AS
2 WE FEEL, THE ROOM SHOULD BE MADE A LARGER ROOM. RIGHT NOW,
3 THE POLICE BOARD OF INQUIRY IS IN A VERY CONFINED SPACE. WE
4 HAVE MADE RECOMMENDATIONS THAT WITNESSES, POLICE WITNESSES,
5 NOT BE ARMED. WE FEEL THAT IS INTIMIDATING TO THE CIVILIAN
6 TO BE SITTING THERE AND THE PERSON HE IS GIVING A COMPLAINT
7 TO IS SITTING THERE ARMED WITH A WEAPON. WE THINK THAT IS
8 INTIMIDATING. THAT WAS NOT ACCEPTED.

9 WE QUESTION WHETHER -- LET'S PUT IT THIS
10 WAY, WE QUESTIONED WHETHER THE ADEQUACY OF THE POLICE BOARD
11 OF INQUIRY IS RUN BY LIEUTENANT BIRILLO, WHO IS NOT A LAWYER,
12 AND AT THE TIME WE WONDERED WHETHER NOT BEING A LAWYER
13 WHETHER HE WAS REALLY ADEQUATELY PREPARED TO PROTECT THE
14 RIGHTS OF A CIVILIAN COMPLAINANT. AFTER SEEING LIEUTENANT
15 BIRILLO IN OPERATION FOR A NUMBER OF YEARS, I AM PLEASED TO
16 SAY THAT THIS MAN HAS MADE A CAREER OUT OF THIS SORT OF
17 THING, THAT HE HAS BEEN MORE THAN FAIR. IN FACT, IT WAS OUR
18 CONCERN THERE FOR A WHILE, THAT THE BOARD OF INQUIRY MIGHT
19 HAVE BEEN A HANGING JUDGE, A HANGING COURT, AND REALLY THAT
20 THE POLICE OFFICER, THE DEFENDANT IN THAT CASE, WAS NOT
21 GETTING THE PROPER JUSTICE, AND WE WONDERED BECAUSE OUR
22 STATISTICS SHOW THAT IF ANY CASE GOES BEFORE THE BOARD OF
23 INQUIRY, ALMOST NINETY PERCENT OF THE OFFICERS ARE FOUND
24 GUILTY.

25 Q. WHAT IS YOUR OPINION ABOUT POLICE BRUTALITY

1 IN THE CITY, DO YOU THINK IT IS WIDE-SPREAD AS HAS BEEN
2 ALLEGED?

3 A. I WOULD SAY MY GUT REACTION IS NOT AS
4 WIDE-SPREAD. I HAVE TAUGHT FOR YEARS. I AM TRAINED AS A
5 CRIMINOLOGIST WITH A MASTERS IN CRIMINOLOGY. I HAVE HAD
6 EIGHTEEN YEARS MILITARY POLICE RESERVIST TRAINING. I RETIRED
7 FROM THE ARMY WITH A RANK OF MAJOR IN THE MILITARY POLICE, SO
8 I HAVE SOME FAMILIARITY WITH THE POLICE TRAINING FROM THE
9 BOOK, NOT AN ACTUAL STREET EXPERIENCE, BUT POLICE TRAINING
10 FROM THE BOOK.

11 I ALSO TEACH GRADUATE COURSES IN WEST
12 CHESTER IN POLICE PROBLEMS. MY STUDY OF THE LITERATURE, I
13 HAVE LEARNED THAT APPROXIMATELY TEN PERCENT, THAT IS A RULE
14 OF THUMB IN ANY MAJOR POLICE DEPARTMENT, YOU CAN EXPECT
15 APPROXIMATELY TEN PERCENT OF THAT DEPARTMENT TO BE GUILTY OF
16 EXCESSIVE USE OF FORCE AT ONE TIME OR ANOTHER. I HAVE BEEN
17 INTERESTED IN THE CHAIRMAN'S COMMENTS TO OTHERS ABOUT WHAT
18 EXTENT OF BRUTALITY YOU WOULD BE SATISFIED WITH. I WOULDN'T
19 BE SATISFIED WITH ONE CASE OF BRUTALITY. IF THERE IS ONE
20 INSTANCE THAT HAS TO BE DEALT WITH FAIRLY AND PROPERLY, BUT
21 TO SAY HOW MUCH BRUTALITY THERE IS IN PHILADELPHIA, WELL YOU
22 HAVE TO SAY WE HAVE EIGHTY-THREE HUNDRED POLICE OFFICERS, AND
23 THAT MANY OF THESE OFFICERS DO NOT SEE STREET DUTY, SO YOU
24 GET DOWN TO A NUMBER OF WHAT -- TWENTY- FIVE HUNDRED, THREE
25 THOUSAND POLICE OFFICERS. I WOULD SAY THAT IN ANY GIVEN

1 PERIOD OF TIME, THERE MAY BE THREE HUNDRED INSTANCES OF
2 EXCESSIVE USE OF FORCE. I HAVE BEEN IN THIS BUSINESS FOR
3 SIXTEEN YEARS, AND I KNOW ALL YOU HAVE TO DO IS TO GO DOWN TO
4 SOME OF OUR HIGH CRIME DISTRICTS ON A FRIDAY NIGHT, AND JUST
5 RECORD WHAT HAPPENS.

6 WHAT IS EXCESSIVE USE OF FORCE? YOU MIGHT
7 SAY TO SUBDUE THIS PERSON TWO BLOWS ON THE HEAD WITH A
8 NIGHTSTICK IS ADEQUATE. WHAT HAPPENS WHEN THERE IS THAT
9 THIRD BLOW OR THE FOURTH BLOW. I COULD SAY THAT ANY REPORTER
10 COULD SIT DOWN THERE AND MERELY DOCUMENT WHAT GOES ON IN ANY
11 ONE OF OUR POLICE DISTRICTS ON ANY FRIDAY NIGHT IN THE HIGH
12 CRIME AREA, AND HE COULD WIN ALL SORTS OF PULLITZER PRIZES
13 AND HE COULD CLEARLY DEMONSTRATE TO THE MINDS OF THE PUBLIC
14 THERE ARE SERIOUS PROBLEMS. THAT IS THE NATURE OF POLICE
15 WORK, BUT IS IT BRUTALITY.

16 I SAY CERTAINLY THERE IS BRUTALITY, AND
17 CERTAINLY IT HAS TO BE DEALT WITH. IS IT EXCESSIVE? I DON'T
18 KNOW.

19 Q. WELL, I AM NOT IN A POSITION TO ANSWER YOU,
20 BUT I COULD. WHAT I WANT TO KNOW, IT IS MY OPINION FROM
21 LISTENING TO YOUR STATEMENT THAT YOU FEEL THAT THE CITY
22 ADMINISTRATION AND THE POLICE COMMISSIONER IS DOING AN
23 ADEQUATE JOB IN PUBLIC RELATIONS AS FAR AS THE POLICE ARE
24 CONCERNED, POLICE PUBLIC RELATIONS, AND THEY ARE DOING
25 EVERYTHING TO CURB POLICE BRUTALITY THAT THEY SHOULD DO,

1 EXCEPT ISSUE SOME DATA ON WHERE THEY COULD GO IF THEY ARE NOT
2 SATISFIED WITH THE DECISION OF THE POLICE DEPARTMENT. IS
3 THAT CORRECT?

4 A. SIR, THERE ARE TWO QUESTIONS THERE. I WILL
5 ANSWER THE FIRST ONE DECIDEDLY IN THE NEGATIVE. THIS IS ONE
6 OF THE FAILURES OF THE PROBLEM, THAT IS THE FAILURE OF THE
7 CITY ADMINISTRATION AND THE POLICE DEPARTMENT TO STATE
8 EXACTLY WHAT IS BEING DONE. ONE OF OUR RECOMMENDATIONS WAS
9 THAT THERE SHOULD BE AT LEAST QUARTERLY, A REPORT IN THE
10 PRESENCE OF A NUMBER OF OFFICERS THAT HAVE BEEN HANDLED ON
11 DISCIPLINARY CHARGES, AND WHAT THE RESULTS ARE. WE DON'T SAY
12 THE OFFICERS NAMES SHOULD BE MENTIONED, BUT THE STATISTICS,
13 JUST AS WE HAVE STATISTICS IN THE PAPER ABOUT HOW THE COURTS
14 ACT. THAT IS ONE OF OUR RECOMMENDATIONS, THE PUBLIC HAS A
15 RIGHT TO KNOW WHAT THE PROCEDURES ARE, WHAT THE POLICE ARE
16 DOING, AND WHAT THE POLICY OF THE CITY IS.

17 IN ANSWER TO YOUR SECOND QUESTION, DO I
18 THINK THE POLICE DEPARTMENT HAS BEEN AGGRESSIVE IN FERRETING
19 OUT THESE CASES, I WOULD SAY YES.

20 Q. YOU WOULD SAY THE GENERAL ATTITUDE IS
21 ACCEPTABLE TO YOU?

22 A. THE ATTITUDE OF THE POLICE DEPARTMENT IN ITS
23 HANDLING OF POLICE BRUTALITY CASES WHEN IT IS BROUGHT TO ITS
24 ATTENTION, YES, I SAY THAT IS ADEQUATE. THE PUBLIC DOES NOT
25 KNOW WHAT IS BEING DONE, I SAY NO. THAT IS ONE OF THE THINGS

1 THAT IS VERY, VERY UNFORTUNATE.

2 REPRESENTATIVE DUMAS: THANK YOU.

3 CHAIRMAN RHODES:

4 Q. MR. LENNOX, ON PAGE FOUR AGAIN STATISTICS
5 CITED BY YOURSELF AND THE F.O.P. WHICH APPARENTLY EMANATE
6 FROM THE CITY POLICE DEPARTMENT, SUGGESTS THAT 59 POLICE
7 OFFICERS, ALLEGED 59 POLICE OFFICERS, WERE CHARGED WITH
8 PHYSICAL OR VERBAL ABUSE BETWEEN '71 AND '77.

9 A. MR. CHAIRMAN --

10 Q. LET ME FINISH MY QUESTION.

11 A. THAT IS READING IT WRONG.

12 Q. I THINK 351 COMPLAINTS WERE RAISED, I AM NOT
13 TALKING ABOUT HOW MANY COMPLAINTS WERE MADE. FIFTY-NINE
14 POLICE OFFICERS TO WHOM COMPLAINTS WERE RAISED WERE ALSO
15 ARRESTED AND PROSECUTED.

16 A. AND PROSECUTED.

17 Q. PLEASE LET ME FINISH MY QUESTION.

18 A. AND PROSECUTED BY THE COURTS.

19 Q. LET ME FINISH MY QUESTION. IS IT YOUR
20 UNDERSTANDING OF THESE STATISTICS THAT THAT MEANS THEY WERE
21 LITERALLY CHARGED WITH A CRIMINAL OFFENSE?

22 A. YES, SIR.

23 Q. AND BROUGHT TO TRIAL?

24 A. YES, SIR.

25 Q. DO YOU HAVE ANY IDEA WHAT THEY WERE CHARGED

1 WITH? I MEAN, THE INFORMATION YOU RECEIVED, IS IT AS SKETCHY
2 AS WHAT WE HAVE IN FRONT OF US?

3 A. YES, IT IS.

4 Q. YOU HAVE NO WAY OF KNOWING --

5 A. I HAVE NO WAY OF KNOWING. IT JUST SAYS
6 THESE ARE ABUSE CASES ONLY. IT DOES NOT INCLUDE AN OFFICER
7 ARRESTED FOR LARCENY, BURGLARY, ROBBERY, HOMICIDE, WHATEVER.
8 THESE ARE ABUSE CASES.

9 Q. WELL, DO YOU KNOW THAT? YOU DREW A
10 CONCLUSION.

11 A. THE LETTER SAID TO ME --

12 Q. THAT IS WHAT YOU CONCLUDED, THAT IS WHAT IS
13 MEANT BY NOT ABUSING -- IS THAT WHAT THE LETTER SAID?

14 A. THAT IS WHAT THE LETTER STATED.

15 Q. SAID LARCENY?

16 A. NO, IT DID NOT.

17 Q. YOU ARE TALKING ABOUT CONCLUSIONS. WHAT
18 DOES THE LETTER SAY?

19 A. THE LETTER SAID, THERE WERE 59 POLICE
20 OFFICERS INVOLVED IN CHARGES OF PHYSICAL AND VERBAL ABUSE WHO
21 WERE PROSECUTED IN THESE CASES.

22 Q. IT DIDN'T TELL YOU WHAT THEY WERE CHARGED
23 WITH OR WHAT THEY WERE NOT CHARGED WITH?

24 A. NO.

25 Q. NOW, YOUR CONCLUDING STATEMENT WHICH --

1 BEING SOMEONE WITH SUCH HIGH REGARD, HELD IN SUCH HIGH
2 REGARD, HAS SOME TELLING EFFECT ON THE COMMITTEE, THAT YOU
3 ARE SATISFIED THAT THERE IS AN AGGRESSIVE, FAIR, INTERNAL
4 INVESTIGATION OF COMPLAINTS CURRENTLY BROUGHT BEFORE THE
5 POLICE DEPARTMENT. IN YOUR ACTUAL TEXT, IT IMPLIES THAT PART
6 OF THAT CONCLUSION IS BASED ON THESE STATISTICS, IS THAT
7 CORRECT?

8 A. THESE AND THE RESULTS OF OUR STUDY IN 1974.
9 IT WAS DONE IN THE SAME ADMINISTRATION. WE DON'T BELIEVE
10 THAT THINGS HAVE CHANGED THAT MUCH SINCE THEN. WE WERE
11 ACTUALLY GIVEN COMPLETE ACCESS TO POLICE FILES. WE WENT
12 THROUGH THE CASES OURSELVES AND IT WAS OUR CONCLUSION AT THAT
13 TIME. THE ONLY LATER STATISTICS I HAD WERE THE ONES I
14 INCLUDED HERE. SO MY STATEMENT THAT I BELIEVE THE SITUATION
15 SATISFACTORY, THAT IS, MR. CHAIRMAN, DON'T MISUNDERSTAND ME.
16 I AM SAYING THAT THE PROCEDURES ARE THERE. WE DON'T NEED
17 MORE PROCEDURES. WE NEED TO IMPLEMENT THE PROCEDURES. I
18 HAVE NOT CHECKED, MR. CHAIRMAN, AS TO WHETHER THE PROCEDURES
19 ARE BEING FOLLOWED.

20 Q. THAT IS THE REAL QUESTION.

21 A. I CAN'T SAY.

22 Q. I WANT TO CLARIFY THAT FOR THE RECORD. ARE
23 YOU SATISFIED WITH THE PROCEDURES?

24 A. I AM SATISFIED WITH THE PROCEDURES AS THEY
25 ARE ON PAPER WITH THE EXCEPTION THAT I DO BELIEVE THERE

1 SHOULD BE THIS WRITTEN DOCUMENT WHICH IS MADE PUBLIC, WHICH
2 SPELLS OUT ALL OF THOSE PROCEDURES, PLUS PROCEDURES A PERSON
3 SHOULD TAKE WHO IS DISSATISFIED WITH THE DISPOSITION OF HIS
4 CASE.

5 Q. DO YOU HAVE THE PERSONAL KNOWLEDGE OR DOES
6 YOUR AGENCY HAVE THE PERSONAL KNOWLEDGE AS TO THE
7 THOROUGHNESS OF THE IMPLEMENTATION OF THESE PROCEDURES?

8 A. NO, MR. CHAIRMAN, I DO NOT.

9 Q. OKAY. AS AN ASIDE, ONE OF THE THINGS WE
10 NOTED AT ONE OF OUR INITIAL HEARINGS ON PHYSICAL -- ACTUALLY
11 ON OUR NATIONAL HEARINGS, WAS THAT THE PHYSICAL PROCEDURES,
12 OR AT LEAST THE GUIDELINES INCLUDED IN THE MANUAL OF THE
13 POLICE OFFICERS FOR USE OF FORCE WERE MORE THAN ADEQUATE, AND
14 CERTAINLY EQUIVALENT TO OTHERS IN MAJOR METROPOLITAN CITIES.
15 AND IT, I THINK AS A WHOLE, WAS QUITE SURPRISING CONSIDERING
16 THE ALLEGATIONS THAT WERE RAISED ABOUT THE IMPLEMENTATION OF
17 THOSE SHOOTING GUIDELINES, AND OUR CONCLUSION HAD TO BE THAT
18 THOSE SHOOTING GUIDELINES WERE NOT BEING ENFORCED BECAUSE OF
19 THE NUMEROUS INSTANCES WE HAVE WHERE CASES EXISTED WHERE
20 THOSE SHOOTING GUIDELINES HAD BEEN FLAGRANTLY VIOLATED AND
21 THERE WERE NOT PROSECUTIONS.

22 ON THE QUESTION OF PROCEDURES, HOWEVER,
23 SINCE THAT IS WHAT YOU HAVE PERSONAL KNOWLEDGE OF AND YOU CAN
24 TESTIFY TO, ARE YOU SATISFIED THAT THE DISCIPLINARY
25 PROCEDURE, THAT THERE IS AN INTERNAL, SEPARATE, FORMAL REVIEW

1 OF ANY INSTANCE OF USE OF DEADLY FORCE BY THE PHILADELPHIA
2 POLICE DEPARTMENT?

3 A. DO YOU MEAN BY DEADLY FORCE, THE TAKING OF A
4 HUMAN LIFE?

5 Q. NOT THE TAKING OF A HUMAN LIFE, NOT THE
6 TAKING. WHEN YOU SAY DEADLY FORCE, THE DISCHARGE OF A
7 WEAPON.

8 A. THE DISCHARGE OF A WEAPON. AS FAR AS THE
9 DIRECTIVES ON THAT, I AM SATISFIED.

10 Q. THAT THERE IS AN INDEPENDENT -- AND I MEAN
11 THIS -- INDEPENDENT AGGRESSIVE INTERNAL REVIEW OF EVERY
12 INSTANCE OF THE DISCHARGE OF A DEADLY WEAPON?

13 A. NO, I AM NOT PREPARED TO TESTIFY TO THAT.

14 Q. AS A PROCEDURAL QUESTION.

15 A. I AM HERE TALKING ABOUT THE GENERAL AREA OF
16 THE HANDLING OF CIVILIAN PHYSICAL AND VERBAL ABUSE. I DON'T
17 SEE THAT IN HERE. THERE ARE OTHER DIRECTIVES THAT DEAL WITH
18 THE DISCHARGE OF A WEAPON.

19 Q. THE REASON I ASKED THAT QUESTION, THE NEW
20 YORK POLICE DEPARTMENT WITNESS TESTIFIED THAT THESE TWO
21 PROCEDURES GO HAND IN GLOVE, A PROCEDURE OF REVIEW FOR
22 CRIMINAL COMPLAINTS AND AN ABSOLUTE PROCEDURE, REQUIRING
23 REVIEW BY SOMEBODY, INDEPENDENT BOARD OF INQUIRY, OF ANY
24 INSTANCE WHERE DEADLY FORCE WAS USED, WHETHER IT RESULTED IN
25 THE DEATH OF A CIVILIAN OR NOT. I WAS WONDERING WHETHER YOU

1 KNEW, EVEN THOUGH YOU ARE NOT THE POLICE DEPARTMENT, AND I
2 WISH WE HAD HAD THE POLICE DEPARTMENT COME FORWARD AND
3 TESTIFY TO US, WHETHER OR NOT THE PHILADELPHIA POLICE
4 DEPARTMENT HAS A PROCEDURE.

5 NOW, I AM NOT SURE WHETHER THEY IMPLEMENT A
6 PROCEDURE WHERE IN ANY INSTANCE OF THE USE OF DEADLY FORCE
7 THERE IS AN OBJECTIVE -- THERE IS AN INDEPENDENT, FORMAL
8 REVIEW BY AN INDEPENDENT BOARD OF INQUIRY.

9 A. YES, I AM AWARE THERE IS A PROCEDURE, BUT I
10 AM NOT AWARE TO THE EXTENT IT IS OBSERVED IN EVERY CASE.

11 Q. WHICH BODY CONDUCTS THAT INQUIRY?

12 A. I DON'T KNOW. I WOULD HAVE TO REFER TO MY
13 BOOK OF DIRECTIVES AND FIND THE PARTICULAR ONE.

14 Q. BUT TO YOUR KNOWLEDGE THERE IS A FORMAL
15 INQUIRY BY AN INDEPENDENT BOARD IN ANY INSTANCE WHERE THERE
16 IS A USE OF DEADLY FORCE?

17 A. TO MY UNDERSTANDING THERE IS, REALIZING THAT
18 I DID NOT COME PREPARED TO COMMENT ON THAT, BUT I WOULD BE
19 HAPPY TO RESEARCH THAT AND PROVIDE IT FOR THE COMMITTEE.

20 Q. ONE LAST QUESTION, MR. LENNOX, BEING AN OLD
21 SCIENTIST BEFORE I BECAME IN THIS GODFORSAKEN PROFESSION,
22 STATISTICS HAVE A FUNNY WAY OF BEING LOOKED AT YOU KNOW, TWO
23 WAYS. THE GLASS IS EITHER HALF EMPTY OR HALF FULL. I DON'T
24 KNOW IF THE CITY ADMINISTRATION OR POLICE ADMINISTRATION
25 HAVE RELEASED THOSE STATISTICS PRIOR TO THE DAY OF CLASS

1 PROSECUTION AND ACTION BROUGHT AGAINST POLICE OFFICERS; I
2 DON'T KNOW EITHER THEY HAVE OR HAVEN'T, SO THIS MAY BE
3 SOMETHING NEW, THEY HAVE RELEASED THE STATISTICS BETWEEN '71
4 AND '77 SAYING THEY HAVE ACTUALLY BROUGHT PROSECUTIONS AND
5 DISMISSED 57 POLICE OFFICERS. I DON'T RECALL THEM EVER
6 ANNOUNCING THEY DISMISSED 57 POLICE OFFICERS FOR ALLEGED
7 ABUSE. THAT CAN BE READ TWO WAYS. THAT CAN BE READ THAT
8 YOU ASSUME THAT THE PHILADELPHIA POLICE DEPARTMENT IS DOING A
9 BANG-UP JOB FERRETING OUT ANY PROBLEM OF ABUSE INSIDE,
10 INTERNALLY. YOU CAN CONCLUDE, ONLY 57 GOT DISMISSED,
11 PHILADELPHIA IS IN PRETTY GOOD SHAPE, AND THERE IS NOT A
12 SERIOUS PROBLEM WITH BRUTALITY. OR IF YOU COME FROM THE
13 DIRECTION THAT THE INTERNAL PROCEDURES OF THE PHILADELPHIA
14 POLICE DEPARTMENT ARE NOT BEING IMPLEMENTED OR ARE NOT
15 ADEQUATE, THAT THE CONCLUSION THAT 57 POLICE OFFICERS HAD
16 BEEN DISMISSED FOR ABUSE LEADS TO A DEVASTATING CONCLUSION
17 THAT ABUSE IS REMPANT IN THE CITY OF PHILADELPHIA. DO YOU
18 ACCEPT THAT AS THE TWO OPTIONS?

19 A. YES, I CAN CERTAINLY ACCEPT THAT AS THE TWO
20 OPTIONS.

21 Q. COULD YOU ADVISE THIS COMMITTEE AS TO HOW WE
22 MIGHT, GIVEN OUR LIMITED POWERS OF TIME, HOW WE MIGHT
23 DETERMINE WHICH OF THOSE IS THE CORRECT CONCLUSION?

24 A. I REALLY DON'T KNOW HOW YOU COULD DETERMINE
25 THAT, SINCE THE POLICE DEPARTMENT HAS CHOSEN NOT TO APPEAR

1 BEFORE YOU. ALL I CAN SAY IS THE PRESENT CHIEF OF INTERNAL
2 SECURITY HAS BEEN IN THAT POSITION FOR A NUMBER OF YEARS. I
3 HAVE KNOWN HIM PERSONALLY; I KNOW HE IS A MAN OF GREAT
4 COMPASSION, OF GREAT CONCERN, A MAN OF GREAT INNOVATION.
5 MANY OF HIS IDEAS I WOULD LIKE TO SEE IMPLEMENTED AND HAVE
6 NOT BEEN IMPLEMENTED FOR WHATEVER REASON THE HIERARCHY CHOSE,
7 SO I BASE A LOT OF MY FEELING ON THE KNOWLEDGE OF THIS MAN,
8 AND ALSO ON CONTACTS I HAVE MADE WITH AT LEAST ONE FORMER
9 MEMBER OF THE INTERNAL SECURITY UNIT, WHO IS NOW NOT A MEMBER
10 OF THE POLICE DEPARTMENT, WHO OPERATED UNDER THE DIRECTION OF
11 THIS COMMANDING OFFICER. SO MINE IS VERY SUBJECTIVE. AFTER
12 HAVING SPENT MANY HOURS DISCUSSING THIS MATTER, DISCUSSING
13 THE PROCEDURES, HOW CAN WE CHANGE IT, WHAT WOULD BE BETTER,
14 IT IS MY CONCLUSION THAT THE ANSWER TO YOUR QUESTION WOULD BE
15 THAT THEY ARE DOING A PRETTY GOOD JOB OF FERRETING OUT AND
16 ANSWERING THE COMPLAINTS THAT ARE BROUGHT TO THEIR
17 ATTENTION.

18 Q. THE QUESTION IS THE INTERVAL BETWEEN
19 INSTANCES OF ALLEGED ABUSE, AND CASES BROUGHT TO THE
20 ATTENTION OF THIS MAN WHOM YOU KNOW.

21 A. THAT'S RIGHT. NOW UNDER THE NEW PROCEDURE,
22 HIS UNIT NOW SINCE FEBRUARY, NOW HAS A HANDLE ON EVERY
23 COMPLAINT. BEFORE THAT THEY DID NOT. THERE WERE WAYS THAT
24 THOSE COMPLAINTS COULD BE BLOWN OUT DOWN HERE AT THE LOW END,
25 AT THE DISTRICT LEVEL. THAT IS WHY THIS NEW PROCEDURE IS SO

1 IMPORTANT. THERE WERE COMPLAINTS OF INSTANCES WHERE A PERSON
2 COULD COME IN AND MAKE A COMPLAINT, BUT IT NEVER GOT BEYOND
3 THE CORPORAL AT THE DESK, BUT NOW WITH THE NUMBERING, AND NOW
4 WITH THE FACT THAT THEY HAVE TO ACCOUNT FOR THOSE NUMBERS,
5 THEY ARE SEQUENTIALLY NUMBERED, YOU HAVE TO ACCOUNT FOR THEM,
6 AND I HAVE CONFIDENCE TO BELIEVE THAT CHIEF INSPECTOR SCAFIDI
7 IS FOLLOWING THIS, AND IS WATCH-DOGGING THIS. WHAT I AM
8 CONCERNED ABOUT THOUGH, ARE THOSE COMPLAINTS THAT ARE NOT
9 BROUGHT TO THE ATTENTION OF THE POLICE DEPARTMENT, PEOPLE OUT
10 THERE ARE SAYING, WE ARE NOT GOING TO BOTHER. WHAT IS GOING
11 TO HAPPEN?

12 IT IS THE SAME QUESTION WITH THE CRIME OF
13 BURGLARY, I AM NEVER GOING TO GET MY STUFF BACK SO I AM NOT
14 GOING TO REPORT THE CRIME.

15 Q. ARE YOU SAYING THAT PEOPLE MIGHT GET TO THE
16 POINT WHERE THEY ARE SO CYNICAL ABOUT THE PROCESS THAT THEY
17 WON'T GIVE IT A CHANCE TO WORK?

18 A. MR. CHAIRMAN, YOU TOUCHED ON SOMETHING TODAY
19 IN TESTIMONY IN QUESTIONING WITH OTHER PEOPLE, THAT IS THE
20 CLIMATE IN PHILADELPHIA TODAY. THAT IS THE THING THAT
21 DISTURBS ME MOST, THE CLIMATE. PUT ASIDE THE ACTUAL FACT OF
22 WHETHER THERE IS EXCESSIVE FORCE OR NOT. IT IS THE
23 POLARIZATION THAT IS OCCURRING IN THIS COMMUNITY THAT IS A
24 TRAGEDY, AND I DON'T KNOW HOW WE CAN ADDRESS THAT PROBLEM OF
25 RESTORING CONFIDENCE ON THE PART OF THE PEOPLE IN THEIR

1 POLICE DEPARTMENT. BELIEVE ME, IF WE CAN'T RESTORE
2 CONFIDENCE WE ARE IN SERIOUS TROUBLE.

3 REPRESENTATIVE DUMAS: I WOULD LIKE TO KNOW,
4 MR. CHAIRMAN, WHAT IS THE REASON FOR THIS POLARIZATION, IN
5 YOUR OPINION?

6 THE WITNESS: PART OF THE REASON FOR THE
7 POLARIZATION IS ON THE NEWSPAPERS FOR HIGHLIGHTING THIS; PART
8 OF IT ON THE ATTITUDE OF THE CITY ADMINISTRATION ON
9 STONEWALLING THIS, AND IT GETS INVOLVED IN POLITICS, AND YOU
10 GENTLEMEN ARE BETTER ABLE TO GAUGE WHAT POLITICAL MOTIVATIONS
11 ARE HERE, BUT I THINK YOU SEE TWO SIDES, NO MIDDLE GROUND.
12 THAT IS WHY I DEPLORE IRRESPONSIBLE REPORTING ON THE PART OF
13 THE NEWSPAPERS. I FEEL THERE IS A FAILURE THERE TO CHECK
14 THEMSELVES AS TO THE ACCURACY OF THEIR STORES. I HAVE TALKED
15 WITH JUDGES. ONE JUDGE WHO HANDLED THE REYES CASE -- NOT THE
16 REYES CASE -- THE ORTESE CASE, WHO SAT IN MUNICIPAL COURT. I
17 TALKED WITH HIM ABOUT THAT BEFORE I ARRIVED AT MY QUESTIONS
18 ABOUT THE ACCURACY OF THE NEWSPAPER ARTICLES.

19 I AM ALSO CONCERNED ABOUT THE FACT THAT THE
20 CITY ADMINISTRATION AND THE POLICE DEPARTMENT HERE, HAS NOT
21 HAD A BETTER PUBLIC RELATION ACTIVITY TO CONVINCe THE
22 CITIZENRY THAT THERE IS A POLICE DEPARTMENT HERE, THAT IT IS
23 A GOOD POLICE DEPARTMENT, ONE THAT IS TRYING TO DO ITS BEST.
24 IT IS THOSE TWO OPPOSITE POLES THAT I VERY FRANKLY DO NOT
25 ENVY THE POSITION THAT YOU HAVE THIS COMMITTEE PLACED IN, IN

1 TRYING TO FIND THE TRUTH OF WHAT HAPPENED BETWEEN THESE TWO
2 POLES.

3 CHAIRMAN RHODES: YOU COULDN'T HAVE STATED OUR
4 DILEMMA BETTER, MR. LENNOX. AND WE GREATLY APPRECIATE YOUR
5 TESTIMONY BEFORE US TODAY.

6 IF THERE ARE NO FURTHER QUESTIONS, WE THANK
7 YOU VERY MUCH FOR BEING WITH US; AND AS THERE IS NO PUBLIC
8 VOICE, WHICH I NOTE THERE IS NONE, THIS SUBCOMMITTEE ON
9 CRIMES AND CORRECTIONS OF THE HOUSE OF REPRESENTATIVES OF THE
10 COMMONWEALTH OF PENNSYLVANIA, IS HEREBY ADJOURNED.

11 ---

12 (CONCLUDED AT 6:21 O'CLOCK P. M.)

13 ---

14 *****

15 *****

16 ** COMPUTER TRANSCRIPTION SYSTEM **

17 ** DATE: SEPTEMBER 14, 1978 **

18 ** REPORTERS: BARBARA GREEN **

19 ** MILDRED MOY **

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25 *****