

**EXPERT WITNESS REPORT**  
**OF**  
**CHRISTOPHER CHAPMAN, PH.D.**

**COURT OF COMMON PLEAS**  
**OF PHILADELPHIA COUNTY PENNSYLVANIA**  
**POST CONVICTION RELIEF**

Commonwealth of Pennsylvania

vs.

Anthony S. Williams  
Petitioner

**CASE NUMBER: CP-51-CR-07651-2009**  
**CASE NUMBER: CP-51-CR-12877-2009**

**DATE: January 7, 2024**

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Commonwealth v. Anthony Williams  
 Court of Common Pleas – Philadelphia County Pennsylvania  
 Post-Conviction Relief  
 Dr. Chapman: Expert Report  
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I have been retained by the Law Office of Teri B. Himebaugh on behalf of the Petitioner Anthony Williams to review the action of the Philadelphia Police Homicide Division, Philadelphia Police Homicide Detectives/Members and former Philadelphia Police Homicide Detective James Pitts in connection with the standard of care associated with police practices and procedures, to determine if Detective Pitts and/or other Homicide Division Detectives engaged in interviews and/or interrogations contrary to constitutional policing standards (as instructed to police officers) and to render opinions where appropriate to a reasonable degree of professional certainty based upon police training/standards.

## **2.0 Qualifications**

I, Christopher Chapman, state the following:

2.1 I am a retired Sergeant of Police with the Township of Cranford Police Department, Cranford, New Jersey (1988-2008) where I held various law enforcement positions including but not limited to patrol officer, investigator, police supervisor, police trainer, and police policy developer.

2.2 While employed by the Cranford Police Department, I was released from my normal responsibilities on numerous occasions to serve as a police investigator, national and international police subject matter expert, and police academy and in-service instructor. In addition, I was assigned to the Union County New Jersey Prosecutor's Office and the United States Department of Homeland Security, where I provided law enforcement training and participated in, assisted, and/or conducted numerous investigations.

2.3 I am a full-time tenured Associate Professor and Founding Director of the Criminal Justice Degree Program within the City University of New York (CUNY), at Kingsborough, Brooklyn, New York. I conduct original scholarly research in the field of criminal justice, police use of force and policing investigations. I serve on the John Jay College of Criminal Justice - CUNY Justice Academy Education Committee (2008-current). In addition, I have served as an adjunct faculty member within the criminal justice departments of Kean University, Union, New Jersey, and New Jersey City University, Jersey City, New Jersey where I have instructed policing and investigation courses of instruction.

2.4 I keep informed and stay current on developments in police training, practices and procedures, best practices, and professional standards through communications, education, membership and/or participation in various organizations, including but not limited to the Department of State, International Law Enforcement Organizations, Black Criminologist Forum, National Excessive Force Institute, Police Benevolence Associations, the Academy of Criminal Justice Sciences, the International Police Association, the American Society of Criminology – Division on Critical Criminology, National Association for the Advancement of Colored People, Black Cops Against Police Brutality and Not Just Blacks and Jews in Conversation (a.k.a. Blacks and Jews in Conversation).

2.5 My real-world policing/law enforcement experience, formal higher education, training, and background are more fully described in my curriculum vitae (C.V.), attached as Appendix 'B'.



### **3.0 Foundation & Methodology Utilized in Developing Opinions**

3.1 The basis of my opinions expressed within this report is the education I have acquired through behavioral and social science research (qualitative and quantitative), teaching, training, professional development, experiences in criminal justice, law enforcement, police operations/investigations and police management/supervision regarding standards of care in police administration, investigations and procedures.

- a) As a researcher (criminologist), police practices expert, and police practitioner, I have conducted numerous case reviews that included conducting and/or reviewing Police Investigation Procedures, Investigation Techniques, Police Officer Conduct, and Excessive Force Investigations and routinely review and consider evidence-based research, other subject matter expert reports, and police/law enforcement investigative records and training standards.

3.2 My analysis and conclusions are based upon sufficient facts and/or data provided to me by the Law Office of Teri B. Himebaugh and comparing the facts and/or data to police training/standards, professional standards, practices, principles, judicial guidance, and protocols recognized, relied upon, and employed in policing and the law enforcement profession in 1993 through 2017, which forms the basis of this Post-Conviction Relief (PCR) action. More specifically, I considered standards of the Philadelphia Police Department (PPD), publications from the International Association of Chiefs of Police (IACP), Pennsylvania Municipal Police Officers' Education and Training Commission (PMPOEDTC), and other scholarly publications which are identified within footnotes of this report.

3.3 Section '10.0' of this report contains additional data, standards, and other information I considered in formulating my opinions in connection with this report.

3.4 The methodology I use in this case is one that I have utilized for over twenty-five (25) years. This methodology has previously been accepted by judges (Federal and State) in other cases throughout the United States, by police and law enforcement organizations, and within scholarly and/or peer-reviewed publications and organizations.

- a) As a criminologist and expert, it is not my role nor within my capacity to assess any individual's 'credibility' or decide issues in dispute. However, I also do not accept versions of events as true if they are blatantly contradicted by reliable units of analysis. Within this case, where appropriate, I have accepted all assertions as true for the purpose of analysis and have commented on pertinent/substantial consistencies and judicial findings which exist in the records.
  - i. Credibility within this report relates to a person's integrity, honesty, or ability to observe or recall events and may affect the weight given to the witness' testimony by a trier of fact.

3.5 The terminology used within this report is not meant to invade the purview of the Court. The terminology utilized within this report is not based upon legal definitions but reflects criminological and police training/standards definitions and police/law enforcement terms of art.

a) Terminology specific to this report:

- i. Former Homicide Detective Pitts will be referred to as Detective Pitts as he was an active City of Philadelphia Homicide Detective during the activities attributed to him within this report.
- ii. The term 'City of Philadelphia' includes 'police officers,' 'police detectives,' 'police supervisors,' 'police administrative aids,' and the 'Philadelphia Police Department.'
- i. The terms 'police officer,' 'homicide detective' and 'detective' are used interchangeably within this report. In addition the terms 'police training' and 'investigation standards' are also used interchangeably within this report.
- ii. The term 'reasonable officer' refers to a police officer placed in the subject officers' position(s) that reasonably believed their actions during the investigation/incident were proper, consistent with police training/standards, and objectively reasonable.
- iii. The term 'police training/standards' incorporates accepted police/law enforcement practices, national standards, Pennsylvania Municipal Police Officer's Education and Training Commission standards, Philadelphia Police Department standards, references to policies, guidelines, protocols, the law as instructed to police officers, and police/law enforcement procedures.
- iv. The term 'objectively reasonable' refers to the *objective factors* reasonably perceived during an investigation, detention, arrest, and/or incident (not facts learned after the incident) and/or the police officer's conduct/actions which were consistent with police training/standards.
- v. The terms 'statement,' 'interview' and 'interrogation', are used interchangeably within the Philadelphia Police Department's instructions to detectives regarding taking statements from witnesses and as such within this report the same will be utilized unless specifically indicated.

#### 4.0 Compensation & Publications

4.1 My professional compensation associated within this case is paid for my time and not for any analysis or opinions, and payment is not contingent upon my rendering of any specific opinions.

- a) The preparation of this report has consisted of 20 billable hours at \$300.00 per hour.
- b) In the event this action proceeds to a hearing and/or trial I will be compensated \$4,500.00 for time and not for my opinions.

4.2 Publications which I have authored within the preceding ten 10 years and cases in which I have testified are contained within my attached C.V. (Appendix ‘B’).

## 5.0 Materials Reviewed

5.1 The materials (files) I reviewed in this case which were provided to me by the Law Office of Teri B. Himebaugh are identified in-text. Other cases which I considered that support an unconstitutional pattern and practice within the Philadelphia Police Department Homicide Unit are identified in Appendix ‘A’. In addition, within this report I utilize the Latin abbreviation for ‘Ibidem’ (Ibid) to indicate the reference is from the same source of a previously provided reference. The footnote numbers associated with specific documents are intended to provide a general location as to where the reference is sourced.

## 6.0 Summary of Incident

The assertions that I have considered and/or relied upon are contextualized to address specific salient issues of police and law enforcement training/standards, procedures as well as the basis for the Post Conviction Relief requested within this case. I understand that there are additional assertions beyond which are set forth below and I reserve the right to rely on those assertions during my testimony. The assertions set forth below are not to the exclusion of any other assertions in the records and are included for context only.

### Mr. Anthony Williams Conviction

1. On Tuesday, March 1, 2011, Mr. Anthony Williams [Also Known As ‘Slice’] (age 16 at the time) was found guilty by a jury of 3<sup>rd</sup> degree murder and possession of an instrument of a crime.
  - a) Mr. Williams was sentenced to 18-to-36 years of incarceration for the murder conviction and 2<sup>1/2</sup>-to- 5 years of incarceration for the possession of an instrument of a crime conviction.
2. On Wednesday, November 5, 2008, Officer Joseph McCabe (Officer McCabe) asserts that while in the 4200 block of Parrish Street, Philadelphia conducting surveillance along with his partner Officer Thomas Kelly (Officer Kelly), they observed:
  - a) A white Buick parked on the corner of Brooklyn and Parrish Street.
    - i. Mr. Bruce Hollman (Mr. Hollman) was standing by the driver’s door of the vehicle along with three (3) other men, Mr. Harum Ulmer, Mr. Taylor James and an unidentified male described as wearing a multicolored hoodie.
  - b) A black Toyota Sports Utility Vehicle (SUV) was parked on the north side of Parrish Street directly across from the white Buick and Mr. Williams was observed standing to the rear of the vehicle according to Officer McCabe.
  - c) Mr. Hollman, Mr. Ulmer and Mr. James walk towards Mr. Williams, then Mr. Ulmer and Mr. Jams walked across the street away from the black SUV.
    - i. The unidentified male wearing the multicolored hoodie walked down Parrish street where Officer McCabe lost sight of him.

- d) A few moments after Officer McCabe lost sight of the unidentified male, Officer McCabe observed Mr. Williams chasing Mr. Hollman:
  - i. Officer McCabe then heard five (5) gunshots.
    - After the second gunshot Mr. Hollman fell to the ground.
  - ii. Officer McCabe did not observe anything in Mr. Hollman's hands.
  - iii. Officer McCabe was unable to identify Mr. Williams as the shooter of Mr. Hollman.
- e) Mr. Gerard Butler (Mr. Butler) sitting in the backseat of the Buick, then jump into the driver's seat and attempted to drive away.

3. Alleged eyewitnesses of the shooting of Mr. Hollman asserted the following:

- a) Mr. Butler testified that Mr. Williams was the shooter of Mr. Hollman.
- b) Mr. James asserts that during his interrogation conducted by Detective Santamala, Detective Gaines and Detective Pitts, he (Mr. James) advised the detectives that he did not actually see who shot Mr. Holloman.
  - The detectives put false information in Mr. James' statement and former Detective Pitts forced Mr. James to sign the statement by hitting him and threatening him.
  - At trial Mr. James recanted the false information contained within his statement wherein he identified Mr. Williams as the shooter and testified that Mr. Williams was not the shooter of Mr. Hollman.

**Evidence Not Disclosed and/or Newly Discovered**

**Khayree Reid**

1. Mr. Reid asserts that on November 5, 2008, while in the area of 42<sup>nd</sup> Street he observed the face (dark brown) of the male who shot Mr. Hollman (Mr. Williams was not the man observed).
2. Mr. Reid was stopped by the police and transported to the Roundhouse where he was interrogated by former Detective Pitts.
  - a) Former Detective Pitts advised Mr. Reid that Mr. Williams (Slice) was responsible for shooting and killing Mr. Holloman. In response Mr. Reid advised former Detective Pitts that Mr. Williams did not do it.
  - b) Former Detective Pitts according to Mr. Reid threatened and attempted to coerce him into implicating Mr. Williams as the shooter of Mr. Holloman.

- i. Former Detective Pitts ‘gripped’ Mr. Reid up a few times and threatened to arrest and lock him up.
- c) Former Detective Pitts failed to document his interview with Mr. Reid wherein Mr. Reid indicated that Mr. Williams was not the shooter.

## 7.0 Operationalization of Words

7.1 To assist the reader in fully understanding the basis of the opinions contained within this report, operational words are provided. Similar to police terminology, the operational words utilized are based upon criminological and policing standards and not legalistic definitions even though the words may also have a specific legal definitions:

Coercion:	The use or threat of illegal physical means to induce an individual to provide information and/or an admission or confession.
Constitutional Policing:	Policing conducted within the parameters of the U.S. Constitution, Pennsylvania State Constitution and Federal and State Court decisions. <sup>1</sup>
Democratic Policing:	Policing strategies which are Constitutionally permissible, void of torture/abuse and preserve the dignity of citizens.
Due Process:	Laws and procedures that conform to the rules and principles established in our system of justice for the enforcement and protection of individual rights. The Fourteenth Amendment Section 1 of the Constitution, (‘nor shall any State deprive any person of life, liberty, or property, without due process of law’) makes the Fifth Amendment applicable to the Commonwealth of Pennsylvania.
Duress:	The use of physical force (physical violence or extreme torture) and/or psychological pressure such as threats of prison, adverse actions against children, family members, friends, loss of employment and/or the imposition of restrictions on physical behavior such as prolonged interrogation, isolation, deprivation of water, food or sleep. <sup>2</sup>

<sup>1</sup> National Policing Institute (See: The Law Enforcement Knowledge Lab).

<sup>2</sup> Hopkins, Ernest Jerome (1931). Our lawless police: A study of the unlawful enforcement of the law. New York: Viking Press.

False Confessions/Statements:

A statement made by an individual who has no reliable knowledge of the incident and/or are not guilty. The confession/statement may be a product of psychological coercion.<sup>3</sup>

**Compliant:** Given in response to police induced stress or pressure in order to achieve some instrumental benefit such as the termination of the interrogation process, to take advantage of a perceived suggestion or promise of leniency, or to avoid an anticipated harsh punishment.<sup>4</sup>

**Persuaded:** Given in response to police tactics which cause an individual to doubt their own memory thus becoming temporarily persuaded that the suggestions advanced by the police are more likely than not, despite having no memory of suggestions advanced by police.<sup>5</sup>

Interrogation:

Adversarial questioning of a suspect with the goal of soliciting an admission or confession of guilt.

Interview:

A non-accusatory conversation with a witness within a non-custodial atmosphere where the witness feels as if they are free to end or terminate the interview and leave at any time.

- The statement, 'Interviewee was advised that they are not in custody and free to stop the interview and leave at any time' must appear on the Investigation Interview Record Form (75-483) at the beginning of every interview.

Interview/Statement:

A formal oral or written declaration or assertion or conversation conducted for the purpose of obtaining information.

Misconduct:

Violations of an individual's Constitutional Rights.

<sup>3</sup> Kassin, Saul, (2006), Internalized False Confessions, *Williams College Journal*, Volume 111, pages 207 – 228.

<sup>4</sup> Ofshe, Richard, and Leo, Richard A. (1997a). The social psychology of police interrogation:

The theory and classification of true and false confessions. *Studies in Law, Politics and Society*, 16, 189–251.

<sup>5</sup> *Ibid*, Unlike the compliant false confession/statement who knows they are innocent, the persuaded individual is in an uncertain belief state about their observations and/or guilt.

- Noble Cause Corruption:** Corruption committed in the name of good ends,<sup>6</sup> governmental actors utilizing unjust coercion to bring about a perceived good outcome and<sup>7</sup> the extent to which it is reasonable to use ‘dirty’ means to achieve ‘noble ends’.<sup>8</sup>
- Psychological Coercion:** Police methods that sequentially manipulate an individual’s perception of a situation, expectations for the future, and motivation to shift from one position to another.
- Psychological Restraint:** The creation of an atmosphere wherein an individual believes they are not free to leave (isolation, accusations of lying, confrontation with false or misleading statement, taking advantage of individual’s insecurities and other detective tactics).
- Reid Interview/Interrogation:** Techniques utilized by police to generate witness statements and/or suspect confessions.
- Retroactive Interference:** Occurs when a subject overhears others discussing their observations and/or beliefs and then the subject takes on some, if not all of others information as their own.<sup>9</sup>
- Seizure of Person:** When a police officer restricts an individual’s freedom to leave (when the individual is restrained either through submission to a show of legal authority or physical restraint).
- Suggestive Lineup:** An identification technique that unduly narrows down an individual’s options so that a particular suspect is chosen.
- Third Degree:** The infliction of suffering (physical and/or psychological) within a custodial detention with the purpose of generating duress in order to extort admissions or confessions.<sup>10/11</sup>

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<sup>6</sup> FBI Law Enforcement Bulletin, vol. 68 (8) Noble Cause Corruption and the Police Ethic; & Police Chief Magazine, 2014, Unconstitutional Policing: The Ethical Challenges in Dealing with Noble Cause Corruption.

<sup>7</sup> FBI Law Enforcement Bulletin Vol. 68 Issue 8 1999: Noble Cause Corruption and Police Ethics  
<https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=178331>

<sup>8</sup> John P. Crank and Michael A. Caldero, Police Ethics, The Corruption of Noble Cause - Cincinnati: Anderson Publishing Company, 2000.

<sup>9</sup> Danaher, L. (2003). The Investigative Paradigm. *LAW AND ORDER-WILMETTE THEN DEERFIELD-*, 51(6), 133-134

<sup>10</sup> Wickersham Commission Report (1931). National Commission on Law Observance and Law Enforcement (1931). Report on lawlessness in law enforcement. Washington, DC: U.S. Government Printing Office.

<sup>11</sup> Hopkins, Ernest Jerome (1931). Our lawless police: A study of the unlawful enforcement of the law. New York: Viking Press.

## 8.0 Global Opinions Supported within Report

**Note:** *As a reminder this Expert is not providing any opinions regarding the law or legal standard, but rather advising how police officers are trained regarding the application of the law. The opinions provided are strictly confined to former Detective Pitts', other Homicide Detectives and the City of Philadelphia Police Department and its Homicide Unit. complained about actions and/or inactions as compared to national, state, and local police standards, procedures, and criminological research.*

### Pattern and Practice of Unconstitutional Interview/Interrogation Techniques of Detective Pitts

1. Based upon a review of qualitative and quantitative evidence Detective James Pitts had a history of engaging in patterns and practices of unlawful/unconstitutional interviews/interrogations of witnesses and suspects as well as engaging in interview/interrogations practices which were contrary to police training/standards and democratic policing.<sup>12/13</sup>
  - a) The interview/interrogation techniques utilized by Detective Pitts within Mr. William's case when viewed in isolation and in connection with the broader scope of Detective Pitts history clearly reflects that his actions violated democratic police standards, general police training/standards and legal standards (as indicated by the District Attorney's Office).<sup>14</sup>
  - b) While there is general agreement within policing and criminological research that interviews/interrogations of witnesses/suspects where physical abuse is utilized, prolonged multi-hour detentions where the witness/suspect is deprived of food, sleep, access to bathrooms and/or requested legal representation are not permissible, coercive and contrary to democratic policing standards.<sup>15</sup> The question of does the conduct/practices some PPD detectives and specifically Detective Pitts engaged in between 2007-2017, during interviews/interrogations of witnesses/suspects (offering to provide benefits to witness/suspects for making statements/confessions and/or threatening witness/suspects with negative consequences if they refuse to make/sign statements/confessions) are coercive is best answered by examining the totality of the individual circumstances while considering:<sup>16</sup>
    - i. Philadelphia police officers were trained that they may not use physical force of any kind or psychologic abuse to compel a witness to provide information and are required to provide the witness a clear notification that they are free to leave at any time.<sup>17</sup> In addition, police are generally trained and know that it is impermissible to detain a citizen not suspected of having engaged in any criminal activity, yet alone

<sup>12</sup> As instructed to police officers and determined by the

<sup>13</sup> The Honorable Teresa Sarmina found that Detective Pitts had an unconstitutional 'pattern and practice' of holding suspects and witnesses in isolation for prolonged periods for purpose of interrogation, coercing false statements from suspects and witnesses and physically and psychologically threatening and abusing suspects and witnesses in order to inculcate a preordained suspect (See Commonwealth v. Thorpe (CP-51-CR-0011433-2008).

<sup>14</sup> Commonwealth v. Brandon Sawyer (1990) T.157-160.

<sup>15</sup> See F/N 13 above.

<sup>16</sup> Police have been advised for years that they are free to mislead witnesses and suspects about everything from the existence of physical evidence, results of polygraphs to incriminating statements made by other so-called witnesses and cohorts.

<sup>17</sup> PPD: Interviews and Interrogations – Rights of Individuals and Duties of Law Enforcement Directive 5.23 (05.29.20).



compel the citizen to be detained/seized within a holding facility/Homicide Unit for extended periods of time and/or to utilize physical abuse and/or psychological coercion for the purpose of obtaining probable cause to support an arrest of a suspect and utilize the information gained in a criminal prosecution.

- The documents associated with Detective Pitts as well as several other homicide detectives indicates that Detective Pitts engaged in the custom and practice of *identifying* individuals whom he subjected to custodial detentions/seizures (such as Mr. Anthony White and his mother ) as ‘*witnesses*’ possibly so as to avoid having to provide the ‘witness’ with certain constitutional protections (*See Mr. John White & His Mother’s Contact with Detective Pitts*) .<sup>18</sup> In addition, Detective Pitts failed within several cases to comply with police training/standards and Philadelphia police policy which required detectives to advise witnesses that they were free to stop an interview and leave at any time. Detective Pitts also failed to place the following statement on each Investigation Interview Record Form 75-483 as required:

***‘Interviewee was advised that they are not in custody and free to stop the interview and leave at any time.’***

- ◊ It is reasonable to consider that ‘*witnesses*’ who were handcuffed and/or locked within a secured room within the Homicide Unit would not reasonably believe they were free to leave. This opinion is supported by police training as well as accounts provided of detainees/witnesses within the records associated with Detective Pitts as well as other homicide detectives.
- Detective Pitts does not only fail to place the required statement on the interview form, he also does not complete the required interview form, memorialize all of his interviews of so-called ‘*witnesses*’ or record his interviews.
  - ◊ Detective Pitts custom and practice of not recording and/or memorializing each witness/suspect statement is consistent with the 2001<sup>c</sup>, *Police Law Institute* two-stage interview/interrogation tactics wherein detectives were trained to conduct pre-interrogations of witnesses/suspects without recording the interview/interrogation or advising the suspect of their Miranda rights.<sup>19/20</sup> The custom and practice of the two-stage interview/interrogation were for the detective(s) to leave the

<sup>18</sup> The application of the term witness as applied to Anthony White and his mother are not consistent with police training standards, inasmuch as Mr. White (murder) as well as his mother (withholding information) were both suspected of having engaged in criminal activity.

<sup>19</sup> Crain, L. R. (2013). The legality of deliberate Miranda violations: How two-step national security interrogations undermine Miranda and destabilize Fifth Amendment protections. *Michigan Law Review*, 453-488.

<sup>20</sup> Jiang, F. (2013). Dancing the Two-Step Abroad: Finding a Place for Clean Team Evidence in Article III Courts. *Colum. JL & Soc. Probs.*, 47, 453.

witness/suspect alone in the interrogation room for 30-to-40 minutes, upon the detective(s) return they commences a conversation/interrogation without recording or Mirandizing the witness/suspect. After the witness/suspect provides incriminating information and/or admits to the crime the detective(s) then gives the suspect a 20-minute coffee, cigarette, or other activity break. The detective(s) then returns activates a recording device and gives the suspect Miranda warnings. The suspect signs the waiver of rights, and the detective resumes the interrogation, starting by confronting the suspect with the pre-Miranda admissions. If the suspect refuses to sign the waiver of rights and/or refuses to accept the detectives theory of the case the witness/suspect continues to be detained/seized.<sup>21</sup>

- ii. A reasonable officer placed in Detective Pitts' position would have reasonably know that the use of statements derived from witnesses during involuntary detention/seizure, the use of physical abuse and/or psychological coercion should not be used during a criminal trial as a result of violating democratic policing standards and police training/standards.
- iii. Police are also trained that even when they have reasonable suspicion or probable cause that an individual may have engaged in criminal activity, physical and/or psychological abuse of a suspect is impermissible because it is coercive.
  - The cases of Anthony White, Jovan White, Keven Devine, Derrick White, Jerome Brown, and Obi Oniyah individually and collectively support the opinion that Detective Pitts as well as other Homicide Unit Detectives have a history of engaging in coercive activities to compel false accusations and confessions (See Additional Notifications of Detective Pitts Unconstitutional Policing, Untrustworthiness and Need for Closer Supervision).
- c) While police training/standards instruct that it is permissible for police officers and detectives such as Detective Pitts to utilize deception when conducting witness/suspect interviews/interrogations, police officers are also instructed that their interview/interrogation techniques must be within the confines of the law and that they may not utilize techniques which encamps 'third degree' (physical abuse and/or psychological techniques which are contrary to democratic policing standards) practices of the past (See Interview/Interrogation Techniques, Standards and Impacts).

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<sup>21</sup> See: Missouri v. Seibert 542 U.S. 600 (2004).

### **Mr. Jovan White & His Mother's Contact with Detective Pitts**

1. Mr. White who voluntarily agreed to be taken to the Homicide Unit for questioning was handcuffed during his 'voluntary' ride to the Homicide Unit (it is reasonable to consider that once handcuffs were applied to Mr. White he was not free to leave and he was being seized/detained).
2. Prior to Mr. White being suspected of the murder of Mr. Gary Kelly, Mr. Grant had been identified as a possible suspect and had been questioned for 17 hours (the prolonged interrogation could be considered psychological coercion).
3. Mr. White asserts that he repeatedly advised Detective Pitts that he wanted to speak with his attorney (Fred Harrison) during his 30-hour seizure/detention. However, Detective Pitts refused Mr. White's request (Detective Pitts actions were contrary to the law as instructed to police officers, a violation of democratic policing and a form of psychological coercion).
4. Mr. White gave three (3) statements within his case, the first of which was given directly to Detective Pitts who failed to record or memorialize the statement because Detective Pitts did not believe Mr. White and the third statement Mr. White simply signed without reading because he was exhausted, not thinking clearly and emotionally distraught (which resulted in him having to be examined by a psychiatrist).
5. Detective Pitts utilized both physical abuse and psychological threats to coerce Mr. White as well as witnesses to provide false incriminating statements/confession.<sup>22</sup>
  - a) Detective Pitts advised Mr. White that his mother was going to be arrested, her day care was going to be shut down and her house taken away if he did not confess.
6. Detective Pitts also detained Mr. White's mother for withholding evidence and had her transported to the Homicide Unit where he questioned her (and also failed to memorialize her statement) screamed at her and threatened to have her licensed day care business shut down.

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<sup>22</sup> Commonwealth of Pennsylvania v. Jovan white (CP-51-CR-0008267-2009).

**Additional Notifications of Detective Pitts Unconstitutional Policing, Untrustworthiness and Need for Closer Supervision**

1. Philadelphia Police Department Misconduct Investigation findings:

IAD No:	Charge
PBI 02-1009 Domestic Violence	Article 1.00 - Unspecified
PBI 12-0041/P2012-0518	Abuse of Authority Improper Detention Damage to Property
PBI 13-0592/P2015-0411	Abuse of Authority Improper Detention (47 hours) Improper Procedures (Failure to Comply with Orders/Directives)

2. Philadelphia Police Department Investigations No.: 17-1549 and 17-1573 (On-going investigation notations).
3. The PPD (2001), determined the Detective Pitts lied and attempted to cover up his involvement in a domestic violence incident between he and his wife.
4. The PPD (2001), were notified that Detective Pitts engaged in a distinct pattern of behavior during the majority of his career while assigned to the Homicide Unit which included but not limited to:<sup>23</sup>
  - a) Making unreasonable threats of imprisonment or threats targeting a subject's specific vulnerabilities, such as family members, children, or housing.
  - b) Employing physical abuse.
  - c) Engaging in prolong detentions of subjects to an unreasonable degree without probable cause and/or not permit witnesses or suspects to review or correct statements before signing them.
5. The Philadelphia Police Department had reason to believe Detective Pitts engaged in misconduct, unconstitutional policing and was untrustworthy prior to 2008, wherein they had knowledge that:<sup>24</sup>
  - a) Detective Pitts had been placed on the District Attorney's Office 'Do Not Call List' and not allowed to testify during criminal trials because of his misconduct and that he could not be trusted to honor an oath to tell the truth.
6. The individual and/or collective witness/suspect assertions of physical and/or psychological abuse perpetrated upon them by Detective Pitts demonstrates that Detective Pitts' actions were not

<sup>23</sup> Commonwealth v. Brandon Sawyer (CP-51-CR-012941-2001) PCRA Stipulations.

<sup>24</sup> Commonwealth v. Brandon Sawyer (1990) T.157-160.

isolated to Mr. Williams' case (See Sampling of Physical and/or Psychological Abuse of Detective Pitts).

**Sampling of Physical and/or Psychological Abuse of Detective Pitts**

Witness/Suspect	Assertions
Bradley, Ronnie	Detective Pitts in an attempt to obtain a statement, handcuffed him (Mr. Bradley) to a chair for two (2) hours, slapped him in the mouth and intimidated him into believing that he was going to be assaulted (by Pitts) if he (Mr. Bradley) did not say what Detective Pitts wanted him to say.
Chamberlain, Allen	Detective Pitts in an attempt to get him (Mr. Chamberlain) to sign a false statement punched him in the face, stomach and threatened him.
Drayton, Unique	Detective Pitts assaulted her during a four (4) hour interrogation, had her handcuffed to a chair and refused to allow her access to a lawyer, all in an attempt to have her sign a false statement.
Mooney, Richard	Detective Pitts held him for over 13 hours, punched him and threatened him in an attempt to have him (Mr. Mooney) provide false information (while he was age 16).
Parkhurst, Richard	Detective Pitts smacked him over the head, threw him into a wall and threatened to arrest him, if he did not sign a false statement (Mr. Parkhurst is deaf).
Pinkney, Nafis	While held for over 24 hours Detective Pitts punched and was threatening to him (Mr. Pinkney) in order to coerce him to provide a statement.
Scruggs, Samuel	Detective Pitts held him in a holding room for about 10 hours, while he (Mr. Scruggs) was in a wheelchair with an open gunshot wound to his abdomen in an attempt to have Mr. Scruggs confess to committing a murder.
Thomas, Jaeneya	Detective Pitts held her for three (3) days within the Homicide Unit (without food or bathroom) and threatened to have her children taken away along with her governmental housing if she did not sign a false statement. Ms. Thomas was handcuffed to a chair within an interview room which was bolted to the floor.
Wright, Anthony	Mr. Wright was interrogated for four (4) hours and his life was threatened if he did not sign a false confession.

**Interview/Interrogation Techniques, Standards and Impacts**

Police Technique <sup>25/26</sup>		Suspect Impacts			Witness Impacts						
		Permissible	Not Permissible	Coercive	Not Coercive	Debatable	Permissible	Not Permissible	Coercive	Not Coercive	Debatable
<b>Impersonation</b> Expressions of sympathy and pretending to be witness/suspects' friend.		✓			✓				✓		
<b>Rationalization</b> Suggestions that an admission and/or confession: 1) will make the witness/suspect feel better and/or that they will appear honorable in the eyes of the community.		✓			✓				✓		
<b>Evidence Fabrication</b> False statements that there is evidence (fingerprints, witness statements, etc.) which incriminated the suspect.		✓				✓					✓
<b>Negotiation<sup>27</sup></b> Suggestions that if suspect confesses they will receive a more lenient punishment.			✓ <sup>28</sup>								
Suggestions that if witness/suspect <b>does not</b> provide an incriminating false statement/confession they:	Will not be released from the detention.			✓			✓		✓		
	Will have criminal charges filed against them without probable cause.		✓ <sup>29</sup>	✓				✓			
	Will lose housing privileges.			✓				✓			
	Will lose ability to make money.			✓				✓			
	Will lose custody of children.			✓				✓			
	Will be assaulted/tortured.		✓	✓			✓		✓		

<sup>25</sup> Gohara, M. S. (2005). Lie for a Lie: False Confessions and the Case for Reconsidering the Legality of Deceptive Interrogation Techniques, *A. Fordham Urb. LJ*, 33, 791.

<sup>26</sup> Slobogin, C. (2017). Manipulation of suspects and unrecorded questioning: After fifty years of Miranda jurisprudence, still two (or maybe three) burning issues. *BUL Rev.*, 97, 1157.

<sup>27</sup> Police are instructed that pre-plea bargaining is unconstitutional because of the implicit or explicit message it sends that if counsel is consulted, the deal is off the table and it undercuts both the right to silence and to counsel. In addition plea-bargaining is generally dependent on participation from suspects attorney, the prosecutor and a judge.

<sup>28</sup> Even a mild promise of leniency is sufficient to bar a confession, not because the promise was an illegal act, but because a detainee/arrestee who is alone and unrepresented by an attorney are sensitive to inducements such as leniency to promises of leniency.

<sup>29</sup> Police have been instructed (Fifth Amendment) that the imposition of legal sanctions for an individual refusing to make a self-incriminating statement is prohibited.

**Pattern and Practice of Unconstitutional Interview/Interrogation Techniques of Detective Pitts & Other Homicide Detectives**

2. The use of unlawful, improper and undemocratic interview/interrogation techniques (such as targeting vulnerable populations, use of physical abuse, isolation and psychological threats) (See Examples of Detective Pitts Physical and Psychological Coercive Interview and Interrogation History) used against witnesses/suspects were not isolated to Detective Pitts inasmuch as Detective Bass, Detective Golphin, Detective Jenkins, Detective Judge as well as 14 other Homicide Detectives have been identified as having engaged in unconstitutional, improper and undemocratic interview/interrogation techniques while assisting Detective Pitts and/or functioning with other Homicide Detectives (See Examples of Detective Pitts' and other Homicide Detectives Coercive Interview and Interrogation History).
  - a) Detective Pitts' as well as other Homicide Detectives' interview/interrogation conduct were contrary to constitutional policing standards (as instructed to police officers) Philadelphia police policy as well as democratic policing standards in part because Detective Pitts and other Homicide Detectives engaged in:
    - i. Failing to disclose exculpatory evidence (such as all witness/suspect statements).
      - The Investigation supervisor(s) were required to ensure that copies of all formal statements and/or interviews were turned over to the District Attorney's Office as part of the 'Discovery Package'.
    - ii. Seizures and detentions of **witnesses** not suspected of criminal activity (void of reasonable suspicion and probable cause).
    - iii. Objectively unreasonable and excessive physical abuse/force.
    - iv. Psychological coercion.
      - Prolonged seizures and isolation of witnesses and suspects.
      - Restraining witnesses and suspects in handcuffs affixed to chairs for prolonged periods of time.
      - Manipulation of juveniles, the injured, drug addicted intellectually challenged, mentally ill, the elderly, and parents.
      - Threats of charging witnesses and suspects with crime(s).
      - Threats of children being taken away.
      - Threats of governmental housing being taken away.
      - Denial of food, sleep, use of restrooms and legal representation.
      - Verbal abuse.
    - v. Providing witnesses/suspects with a benefit (money, drugs, no criminal charges, etc.).



**Examples of Detective Pitts’ Physical and Psychological Coercive Interview and Interrogation History**

Year	Target	Targeting Vulnerable	Isolation	Threats	Physical Abuse
2001	Brandon Sawyer				
2007	Samuel Scruggs	✓	✓	✓	
2007	Jaeneya Thomas	✓	✓	✓	✓
2007	Ebony Sawyer	✓	✓	✓	
2008	Taylor James		✓	✓	✓
2008	Richard Parkhurst	✓	✓	✓	✓
2008	Raffinee Taylor		✓	✓	
2008	Khayree Reid			✓	✓
2008	Ronnie Bradley	✓	✓	✓	✓
2009	Darrin White		✓	✓	
2009	Jovan White		✓	✓	
2009	Terrelli White		✓	✓	
2009	Sean Griffith	✓	✓		
2009	Tiera Hinson	✓	✓		
2009	Bijah Freeman	✓	✓	✓	
2009	Sharif Copeland	✓	✓	✓	✓
2010 & 2014	Patricia Brown		✓	✓	✓
2010	V.C	✓	✓		✓
2010	India Spellman		✓		✓
2010	Obina Onyiah		✓	✓	✓
2010	Derrick White		✓		✓
2011	Andre Cunningham		✓	✓	✓
2011	Aaron Respes		✓	✓	✓
2012	Leroy Cook	✓	✓		
	Tanisha Scarvers <sup>30</sup>	✓	✓		

<sup>30</sup> Commonwealth v. Devine, Wynne, Scruggs, et al.



**Continuation of Examples of Detective Pitts’ Physical and Psychological Coercive Interview and Interrogation History**

Year	Target	Targeting Vulnerable	Isolation	Threats	Physical Abuse
2013	Rosalind Wood	✓	✓	✓	
2013	Keith Tolbert		✓	✓	✓
2013	Tyesha Johnson		✓	✓	
2013	Zashani Al-Rasul		✓	✓	
	Nafis Pinkney		✓	✓	✓
	Allan Chamberlain		✓	✓	✓
2014	Francheska Quinones	✓	✓		
2014	Michael Benjamin	✓	✓	✓	✓
2016	Shaquilla Rainey	✓	✓	✓	✓
	Stibbins <sup>31</sup>		✓	✓	
	Raymond Mooney	✓	✓	✓	✓
	Anthony Torres		✓		✓
	Niamah Fisher		✓	✓	
	Raymond Johnson		✓	✓	
	Unique Drayton		✓		✓
	Christopher Goodwin		✓	✓	✓

<sup>31</sup> Commonwealth v. Brandon Sawyer, CP-51-CR-0012941-2011.

**Examples of Detective Pitts' and other Homicide Detectives Coercive Interview and Interrogation History**

Year	Target	Pitts	Bass	Buckley	Golphin	Jenkins	Judge	Toliver	Baker	Devlin	Rock	Rossiter	Gaines	Gaul	Glenn	Nodiff	Peterman	Santarnal	Santiago	Verrecchio	Worrell
1990	John Stallworth									✓											✓
1990	Quiana Mosley									✓											
1990	Atiya Nelson									✓											
1990	Dana Williams									✓											
1991	Anthony Wright									✓									✓		
1991	Carl Toney									✓											✓
1992	Sharon Fahy									✓						✓					✓
1992	Willie Veasy									✓	✓										✓
2007	Steven Lazar								✓			✓									
2007	Ebony Sawyer	✓	✓	✓																	
2008	Taylor James	✓				✓							✓					✓			
2008	Khayree Reid	✓				✓															
2008	Ronnie Bradley	✓																			
2009	Sharif Copeland	✓				✓															
2010	India Spellman	✓													✓						
2010	Obina Onyiah	✓				✓															
2010	Derrick White	✓				✓															
2011	Andre Cunningham	✓												✓							✓
2011	Aaron Respes	✓												✓							✓
	Tanisha Scarvers <sup>32</sup>	✓																			✓
2013	Keith Tolbert	✓															✓				

<sup>32</sup> Commonwealth v. Devine, Wynne, Scruggs, et al.

Commonwealth v. Anthony Williams  
 Court of Common Pleas – Philadelphia County Pennsylvania  
 Post-Conviction Relief  
 Dr. Chapman: Expert Report

Year	Target	Pitts	Bass	Buckley	Golphin	Jenkins	Judge	Toliver	Baker	Devlin	Rock	Rossiter	Gaines	Gaul	Glenn	Nodiff	Peterman	Santamal	Santiaeo	Verrecchio	Worrell	
	Nafis Pinkney	✓				✓																
2016	Shaquilla Rainey	✓				✓																
2017	Tyera Chapman				✓		✓	✓														
	Anthony Torres	✓				✓																
	Niamah Fisher	✓													✓							
	Raymond Johnson	✓													✓							
	Ogrod									✓												✓

- b) The individuals identified within ‘Examples of Detective Pitts’ Physical and Psychological Coercive Interview and Interrogation History’ as well as ‘Detective Pitts’ and other Homicide Detectives Coercive Interview and Interrogation History’ are associated with Complainants and Petitioners within other cases wherein there are assertions that Detective Pitts and other Homicide Detectives engaged in physical and/or psychological abuse (which included isolation, physical force, threats, verbal abuse, targeting of the vulnerable, manipulation of evidence, etc.) and other improper policing techniques to obtain false statements/confessions. The specific cases include but are not limited:

**Complainants’ in Civil Actions**

Canady, James v. Mason	Thomas, Shaurn v. City of Philadelphia
Goodwin, Christopher v. Wetzel	Wright, Anthony v. City of Philadelphia
Lazar Steven v. Attorney General	

**Petitioners in Commonwealth Cases (Commonwealth vs).**

Cunningham, Derrill	Sawyer, Brandon
Daniel, Allen	Shelton, Siddiq
Holmes, Joseph	Spellman, India
King, Jerome	Thorpe, Dwane
Ogrod, Walter	Veasy, Willie
Onyiah, Obina	White, Jovan

**City of Philadelphia Police Blind Eye to Identifiable Patterns and Practice of Unconstitutional Interview/Interrogation Techniques Utilized by Homicide Detectives**

- When a police department such as the Philadelphia Police Department refuses to, holding officers such as Detective Pitts accountable for allegations of investigatory misconduct, Constitutional violations and other citizen complaints, they are providing the offending officer inappropriate power and influence over others within the department, meaning the moral influence in a police department depends on the extent of influence exerted by members of the department, insomuch as if an officer who uses inappropriate investigatory practices or engages in other prohibited activities is not appropriately disciplined, other officers may begin to imitate the negative behavior.<sup>33</sup>
- There was more than sufficient information available to the Philadelphia Police Department which alerted them to officers engaging in unconstitutional policing activities as well as specific information regarding Homicide Detective Pitts and other Homicide Detectives engaging in unconstitutional interview/interrogations practices prior to Mr. Williams arrest and after (See Examples of Detective Pitts Physical and Psychological Coercive Interview and Interrogation History and See Examples of Detective Pitts’ and other Homicide Detectives Coercive Interview and Interrogation History). However, the City of Philadelphia Police Department (PPD) had and continued to turn a blind eye to Detective Pitts’ and other PPD Homicide Detective’s unconstitutional policing practices and conduct which violate democratic policing in order to obtain incriminating witness statements and/or suspect

<sup>33</sup> U.S. Department of Justice – Police Integrity 1997

confessions in order to clear homicide cases (a homicide is ruled cleared when a suspect is identified and arrested or dies. The disposition of the prosecution is irrelevant to the clearance).<sup>34/35</sup>

- a) In addition to the specific individual notification associated with Detective Pitts identified (within Pattern and Practices of Unconstitutional Interview/Interrogation Techniques of Detective Pitts). Additional notifications of pattern and practices of unconstitutional policing included but are not limited to the following:
  - i. 1997, four-part series of the Philadelphia Inquirer entitled 'The Homicide Files' which documented 433 homicide cases from 1974 to 1977 which involved homicide detectives alleged deviations from police training/standards and democratic policing. The reports noted that, 'there is a pattern of beatings, threats of violence, intimidation, coercion, and knowing disregard for the constitutional rights in the interrogation of homicide suspects and witnesses'.<sup>36</sup>
  - ii. 1979, civil action commenced by the Justice Department in *United States v. City of Philadelphia*, which claimed widespread institutionalized acceptance of constitutional misconduct.<sup>37/38</sup>
  - iii. 1985, finding of District Court judge Newcomer that Homicide Detectives engaged in persistent and ongoing unconstitutional practices of detaining, handcuffing and questioning individuals suspected of having information regarding the murder of Officer Trench without the required probable cause, reasonable suspicion, or a warrant.<sup>39</sup>
  - iv. The District Attorney's Conviction Integrity Unit in *Commonwealth v. William Veasy* stipulated that as far back as 1992, Philadelphia Homicide Detectives utilized coercive techniques during interrogations.
  - v. 1996, the NAACP filed a class action claiming that the PPD engaged in Constitutional violations, and in response the City entered into a Consent Decree wherein it agreed amongst other things to provide integrity training to all officers with a special focus on perjury (particularly in the context of court testimony).<sup>40/41</sup>
  - vi. 2003, City of Philadelphia Police Department Integrity and Accountability Office's Report advised the PPD that Homicide Detectives were using physical and/or

<sup>34</sup> There is anecdotal evidence which suggest the PPD was more concern with homicide clearance rate than the manner in which the cases were closed. In addition, it is reasonable to consider that the PPD as well as Detective Pitts engaged in Noble Corruption.

<sup>35</sup> Tierney, J. P., McClanahan, W. S., & Hangle, B., Jr. (2001). *Murder Is No Mystery: An Analysis of Philadelphia Homicide, 1996-1999*. *Murder Is No Mystery: An Analysis of Philadelphia Homicide, 1996-1999*.

<sup>36</sup> NEUMANN, J., MARIMOW, W., Philadelphia Inquirer, & United States of America. (1977). *HOMICIDE FILES. PHILADELPHIA INQUIRER Dated: (APRIL, 24(27), 1-16*.

<sup>37</sup> *United States v. City of Philadelphia*, 482 F. Supp. 1248 (E.D. Pa. 1979).

<sup>38</sup> *United States v. City of Philadelphia (1980) Brief for the U.S. as Appellant*.

<sup>39</sup> *Spring Garden United v. City of Philadelphia*, 614 F. Supp. 1350 (E.D. pa. 1985) Bench Opinion.

<sup>40</sup> NAACP, et al. v. City of Philadelphia, No. 96-6045

<sup>41</sup> *Litigation & Trial: The Law Blog of Plaintiff's Attorney Max Kennerly*.

psychological abuse to coerce individuals into giving fabricated and/or fictitious statement. The psychological abuse included detectives offering improper incentives such as sex, drugs, non-prosecution and reductions in sentences.

5. The Philadelphia Police Department by failing to require all witness/suspect interviews/interrogations be audio and/or video recorded in their entirety allowed Detective Pitts and other Homicide Detectives to violate police training/standards and PPD policy when statements/interrogations were taken without being recorded. It is reasonable to consider that because the PPD had a history of witnesses/suspects claiming Homicide Detectives inaccurately and/or falsely attributed statements and/or utilized coercion to obtain a statement/confession, that former Detective Pitts and other detectives would have been required audio and/or video recorded all statements which included Mr. Butler's and Mr. James' statements to Detective Pitts and/or other detectives and to be compliant with police training/standards and PPD policy.
- a) The Philadelphia Police Department (PPD) in 1999, within Defendant's Answers to Mr. Whitaker's Amended Complaint, indicated that videotaping was available and utilized within the PPD.
  - b) Philadelphia Police Department Homicide Unit Supervisor failed to properly supervise Detective Pitts and other Homicide Detectives and allowed the Homicide Detectives to violate witnesses/suspects Constitutional rights and PPD policy.
    - i. Homicide Unit Supervisors failed to review the Victim/Witness Log at the beginning of every shift, check on the wellbeing of witnesses being interviewed or initial the Victim/Witness Log as proof as to when the wellbeing check was conducted as per PPD policy.
    - ii. Homicide Unit Supervisor after being advised that witnesses/suspects were claiming that statements contributed to them were inaccurate and/or not given voluntarily commenced to engage in the practice of not reviewing witness/suspect statements so as to allow detective such as Detective Pitts to continue to secure witness/suspect statement/confessions with physical and/or psychological abuse, to allow for false information to be placed within the statements/confessions and to allow exculpatory evidence to be withheld.<sup>42</sup>

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<sup>42</sup> Commonwealth v. Brandon Sawyer (1990) T.185-192.

## 9.0 Physical and Psychological Coercion Possible Ramifications, Opinions and Standards

### Possible Ramifications of Physical and/or Psychological Coercion During Interviews/Interrogations

Policing interview/interrogations through the 1930's relied on police utilizing 'third degree' methods such as beating, kicking, mauling, holding under water, burning with cigars or pokers, solitary confinement, sleep and food deprivation, shining blinding lights in face, coercive questioning, threats, and promises of related leniency because of the absence of laws governing interviews/interrogations.<sup>43/44</sup> Police practitioners and criminologist have long known that coercive interview and interrogation techniques unnecessarily increase the risk of false information being obtained and that some detectives wrongly believe that in order to obtain information; physical force, deception, trickery, and/or manipulation are appropriate techniques to obtain incriminating information. Detectives are generally instructed that courts often will admit information elicited from deception, trickery and/or manipulation (which do not clearly violate the law) and may bar information obtained as a result of physical force and/or psychological coercion.<sup>45</sup>

### Physical Coercive Tactics

**Physical Abuse:** Punching, slapping, throwing of an individual as well as the unwanted touching of an individuals' genital (all of which Detective Pitts is accused of engaging in within the documents).

1. PPD officers may not use force of any kind, threats of force, threats of deportation, or conduct any other form of abusive coercion directed toward a witness or any family member thereof to make a witness provide information.<sup>46</sup>
2. The use of Physical Abuse associated with Detective Pitts and other Homicide Detectives in connection with obtaining witness/suspect statements/confessions were objectively unreasonable, and not consistent with police training/standards, democratic policing standards or Constitutional policing.
  - a) Police officers within the United States are instructed that their decision to use force requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight and that the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. In addition, police officers are trained that physical force should not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury and that officers have a duty to intervene to prevent or stop the use of excessive force utilized by another officer when it is safe and reasonable to do so.

<sup>43</sup> Saul M. Kassin, Why Confessions Trump Innocence, AM. Psychologist (April 30, 2012).

<sup>44</sup> Pérez-Sales, P. (2017). *Psychological torture. Definition, evaluation and measurement*. London: Routledge.

<sup>45</sup> The use of physical force by detectives came to light within the (1931) Wickersham Commission Report.

<sup>46</sup> PPD: Interviews and Interrogations – Rights of Individuals and Duties of Law Enforcement Directive 5.23 (05.29.20).

## Psychological Coercive Tactics

The use of psychological coercive strategies are commonplace, and such strategies have long been recognized to carry the risk of inducing involuntary, false witness statements and/or false suspect confessions.<sup>47/48/49/50/51</sup>

- a) Psychological coercive techniques include but are not limited to:<sup>52/53/54/55/56</sup>
- i. Prolonged detainment/confinement and isolation.
  - ii. Denial of basic needs such as sleep, food, medication, water, toilet, etc.
  - iii. Threats of:
    - Harsh punishment.
    - Consequences to third party individuals who the subject holds in positive regard (family, friends, etc.)
    - Financial or professional consequences.
  - iv. Providing a benefit in exchange for information.
    - May leave after providing information.
    - Reduced charges.
    - No criminal charges.
    - Sentencing reduction.
  - v. Exercising undue influence over minors or the cognitively impaired.

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<sup>47</sup> Kassin, S. M. (2015). The social psychology of false confessions. *Social Issues and Policy Review*, 9, 25– 51.  
doi:10.1111/sipr.12009

<sup>48</sup> Leo, R. A. (2008). *Police interrogation and American justice*. Cambridge, MA: Harvard University Press.

<sup>49</sup> Munsterberg, H. (1908). *On the witness Stand*. New York, NY: Doubleday. O'Donnell, C. M., & Safer, M. A. (2017). Jury instructions and mock-juror sensitivity to confession evidence in a simulated criminal case. *Psychology, Crime & Law*, 23, 946–966. doi:10.1080/1068316X.2017.1351965

<sup>50</sup> Mindthoff, A., Evans, J. R., Perez, G., Woestehoff, S. A., Olaguez, A. P., Klemfuss, J. Z., ... Woody, W. D. (2018). A survey of potential jurors' perceptions of interrogations and confessions. *Psychology, Public Policy, and Law*, 24, 430–448.  
doi:10.1037/law0000182

<sup>51</sup> The use of psychological coercive techniques is as likely to produce false information as the use of physical force (violence)  
See: Leo, R. A. (2008). *Police interrogation and American justice*. Cambridge, MA: Harvard University Press.

<sup>52</sup> Davis, D., & Leo, R. A. (2012). Interrogation-related regulatory decline: Ego depletion, failures of self-regulation, and the decision to confess. *Psychology, Public Policy, and Law*, 18, 673–704. doi:10.1037/a0027367

<sup>53</sup> Moore, T. E., & Fitzsimmons, C. L. (2011). Justice imperiled: False confessions and the Reid technique. *Criminal Law Quarterly*, 57, 509–542.

<sup>54</sup> Clare, I. C., & Gudjonsson, G. H. (1995). The vulnerability of suspects with intellectual disabilities during police interviews: A review and experimental study of decision-making. *Mental Handicap Research*, 8, 110–128. doi:10.1111/j.1468-3148.1995.tb00149.x

<sup>55</sup> Redlich, A. D., & Goodman, G. S. (2003). Taking responsibility for an act not committed: The influence of age and suggestibility. *Law and Human Behavior*, 27, 141–156. doi:10.1023/A:102254301285

<sup>56</sup> Redlich, A. D., Kulish, R., & Steadman, H. J. (2011). Comparing true and false confessions among persons with serious mental illness. *Psychology, Public Policy, and Law*, 17, 394–419.



Over the last 75 years police have developed specialized psychological techniques designed to obtain witness statements and suspect confessions. Instead of beating and torturing individuals, detectives now rely on a variety of techniques to influence, deceive, persuade, cajole, pressure, and/or trick individuals into providing information. Detectives also attempt to manipulate the perceptions of those who may evaluate the propriety of the detectives' procedures so that the information obtained may be used to prosecute and convict a suspected offender.<sup>57</sup>

Police interviews and interrogations are often wrongly portrayed as a give and take 'interview' which involves little pressure that results in 'voluntary' information being provided to a detective who is a neutral information collector that is concerned only with discovering the truth about a given incident. Unfortunately this perceptions of interviews and interrogations are defective, inasmuch as some interviews and interrogations are not a simple or unbiased information collecting activity but rather a strategic, multistage, goal-directed, stress-driven exercise in persuasion and deception, designed to produce a very specific set of psychological effects and reactions in order to move an individual into accepting the detectives' theory of the incident.<sup>58/59/60</sup>

1. The following individual and collective interview/interrogation activities are contrary to constitutional policing and police training/standards for the following reasons:
  - a) **Isolation:** To hold individuals for long periods of time in interrogation rooms, and to deny them access to family and legal representation.

According to the Wickersham Commission, the most common form of coercive interview/interrogation consisted of prolonged incommunicado questioning under conditions of extreme psychological pressure. The purpose of incommunicado interviews/interrogations are to elicit information while hiding the witness/suspect from friends, family and often and especially their attorney.

The Wickersham Commission report identified conduct similar to allegations made against Detective Pitts, wherein individuals were housed within the police department without any formal documentation or reports being generated thus allowing individuals to be detained and questioned for days without knowledge of anyone other than the offending detectives.

It is clearly established within policing and criminological research that detentions not based upon reasonable suspicion and prolonged confinement of witnesses absent probable cause is a violation of the individuals' Constitutional rights and it is argued that isolation is a form of psychological coercion inasmuch as, 1) the basic human feelings of belonging are exploited, wherein the witness/suspect is left with their own fears and uncertainty, 2) prolonged isolation increases the need for contact with the

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<sup>57</sup> Detectives are trained how to shape witness statements and suspect confessions so that they will be deemed 'voluntary' and therefore legally admissible.

<sup>58</sup> Kassin, Saul, and Wrightsman, Lawrence (1985). Confession evidence. In Saul Kassin and Lawrence Wrightsman (Eds.), *The psychology of evidence and trial procedure* (pp. 67–94). Beverly Hills: Sage Publications.

<sup>59</sup> Ofshe, Richard, and Leo, Richard A. (1997a). The social psychology of police interrogation: The theory and classification of true and false confessions. *Studies in Law, Politics and Society*, 16, 189–251.

<sup>60</sup> Davis, Deborah, and O'Donahue, William (2003). The road to perdition: Extreme influence tactics in the interrogation room. In William O'Donahue and Erick Levinsky (Eds.), *Handbook of forensic psychology* (pp. 897–996). San Diego: Academic Press.

detective, increasing the witnesses/suspects need to talk, 3) over time emotional dependance on the detective may occur, 4) the witness/suspect is likely to repeatedly go over in their mind the detective's theory of the case thus increasing the likelihood of memory problems and confusion and 5) the lack of basic stimulation reduces the mental strength to resist suggestions.<sup>61</sup>

- i. Interviews/Interrogations within the PPD is an almost entirely detective-manipulated process, insomuch as detectives such as Detective Pitts had a virtual monopoly of unchecked power in the interview/interrogation room, wherein he had the power to isolate, trick, deceive, and utilize psychological coercion through inducements which he knew, he could deny without fear of contradiction or impeachment as a result of not recording interviews/interrogations and often not having another detective within the interview/interrogation room with him.
- ii. Police officers are instructed that an investigatory detention must be reasonable in time and circumstances and that exigent circumstances may allow a suspect to be transported from the point of the initial detention to another. However, when Detective Pitts and other detectives arrange for the detention and transportation of a witness against their will (without telling the witness they are free to leave) to the Homicide Unit for an interview/interrogation this is considered a violation of the witnesses Fourth Amendment right.<sup>62</sup> Police officers are required to know:<sup>63</sup>
  - The proper procedures for interviewing witnesses and complainants.
  - The proper procedures for obtaining written statements from witnesses and complainants.
  - The proper procedures for recording a confession in writing or on video or audiotape.
- iii. A reasonable officer placed in Detective Pitt's position who were engaging in the investigation of the murder of Mr. Hollman would have audio and/or videotaped witness statements. However, within this case as well as others Detective Pitts failed to record witness and suspect interviews/interrogations even though PPD detectives are instructed:<sup>64</sup>
  - That an investigator may record a witness statement if the investigator believes the witness may later recant a statement or will otherwise be unavailable if requested by the District Attorney's Office.
  - The best form of interview record is audio visual recordings or audio recordings of the interview.
  - Custodial interrogations shall be recorded in their entirety, from the time the suspect first enters the interview/interrogation room until the suspect leaves

<sup>61</sup> Pérez-Sales, P. (2017). *Psychological torture. Definition, evaluation and measurement*. London: Routledge.

<sup>62</sup> See commonwealth v. Revere, 814 A.2d 197 (P.A. Superior Court).

<sup>63</sup> Municipal Police Officers' of Pennsylvania Education and Training Commission Course No.: 99-315.

<sup>64</sup> PPD: Electronic Recording of Custodial Interrogations Directive 5.23.

the interview/interrogation room.

- The purpose of recording interview/interrogations are to:
  - ◇ Create an exact record of what occurred during the course of a interview/interrogation.
  - ◇ Refute allegations of police distortion, coercion, misconduct, or misrepresentation.

iv. It is objectively unreasonable that Detective Pitts did not audio and/or video statements he asserts came from witnesses and suspects in 2008, in part because there was a history of individuals prior to Mr. Williams' case claiming that Detective Pitts and other detectives contributed false statements to them and that Detective Pitts and other detectives threatened, and assaulted witnesses and suspects in order to obtain statements and/or confessions. In addition, the PPD as far back as 1999 and 2000 had interview/interrogation rooms equipped with electronic recording equipment which could have been utilized to facilitate the recording of witness/suspect statements.

b) **Deprivations of Basic Needs:** Denial of basic needs such as sleep, food, medication, water, toilet, etc.

The denial of basic necessities of life are clearly instructed to police officers as things which should not be withheld and/or denied to witnesses or suspects. The denial of things such as food, sleep and medications are known to induce individuals into agreeing with the detectives' theory of the incident so that the witness/suspect could obtain sleep, food, water and/or medications (studies have shown that sleep deprivation increases suggestibility and the longer sleep deprived the more suggestible individuals will become).<sup>65</sup> There are allegations within the records associated with Detective Pitts that he engaged in preventing witnesses/suspects from obtaining, sleep, food, medication, water and use of toilets.

c) **Threats:** To send individuals and/or their family members to jail, prison, take away their children, their homes and their businesses.

Threats of death and/or severe bodily harm to a witness/suspect and/or their family, friends and significant others are known to be a violation of police training/standards and the law. In addition, threats to have witness/suspects children removed from their custody as well as threats of adverse working and business arrangements and the filing of criminal charges would reasonably cause a witness/suspect to adopt the detectives' theory of the incident even though it was inconsistent with the witnesses/suspects understanding, if any of the incident. The records associated with Detective Pitts reflect that he engaged in threats to both witnesses and suspects.

d) **Verbal Abuse:** Referring to individuals and their family members and friends with vulgarity and utilizing demeaning terms, invade the individuals personal space so close so as to spit on the

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<sup>65</sup> Blagrove, M., & Akehurst, L. (2000). Effects of sleep loss on confidence-accuracy relationships for reasoning and eyewitness memory. *Journal of Experimental Psychology: Applied*, 6, 59-73.

individuals.

The Wickersham Commission report asserted that detectives would engage in severe verbal bullying in attempts to obtain information for witnesses and suspects. The records associated with Detective Pitts also assert that he engaged in verbally abusive communications directed at witnesses and suspects. While police verbal bullying is not clearly established as a violation of an individual's Constitutional rights, the verbal abuse and other coercive conduct contributed to psychological coercion.

- e) **Supplying Material Information to Witnesses/Suspects:** To provide blank or pre-written statements to witnesses/suspects, providing witnesses/suspects with information and/or statements of other witnesses or information which support an important component of the investigation. The records associated with Detective Pitts assert that he provided witnesses and suspects with material information about the case.
- f) **Manipulated to Sign a False Witness/Suspect Statement:** Demands that the witness/suspect sign a false statement in order to be released, not charged, and/or in order to receive other benefits. Again, there are records which indicate that Detective Pitts engaged in manipulation of witnesses and suspects in order to obtain false statements and/or confessions.

### **Detective Pitts Use of Reid Interview Like Techniques as a Form of Psychological Coercion**

- 2. Police Detectives (such as Detective Pitts) often based upon Reid Interview Techniques<sup>66</sup> and viewing themselves as agents of the prosecution (witness/suspect adversary) wrongly believe that individuals being interviewed and/or interrogated often lie, withhold information and/or guilt of the crime of which they are being interviewed and/or interrogated and as a result psychological coercive techniques are permissible if they fulfill the goal of obtaining incriminating evidence for an arrest and/or a conviction.<sup>67</sup>
  - a) It is objectively reasonable to consider that Detective Pitts has a history of utilizing psychological coercive tactics (Reid Interview Techniques)<sup>68</sup> and to accept the Honorable Judge Sarmina's opinions advanced within Mr. Dwayne Thorpe's case that when a witness asserts that they know nothing about a given incident or fails to answer questions to Detective Pitts' apparent satisfaction Detective Pitts habitually:<sup>69</sup>

<sup>66</sup> A two (2) stage interview process; 1) non accusatory interview where a determination is made if the individual is lying and 2) an interrogation wherein a three (3) part techniques of custody/detention, isolation and confrontation is utilized (See: Inbau, Fred, Reid, John, Buckley, Joseph, and Jayne, Brian (2001). Criminal interrogation and confessions (4th ed.). Gaithersburg, MD: Aspen. ).

<sup>67</sup> Moore, T. E., & Fitzsimmons, C. L. (2011). Justice imperiled: False confessions and the Reid technique. *Criminal Law Quarterly*, 57, 509–542.

<sup>68</sup> Detective Pitts asserted that while he was employed by the PPD he was aware of the Reid Interview Techniques and that he utilized some of the Reid Techniques (See: Detective Pitts, Dep., T. 76-111:15-17., in connection with Nafis Pinkney v. Detective James Pitts No.: 655).

<sup>69</sup> Commonwealth v. Dwayne Thorpe (CP-51-CR-0011433-2008).

- i. *Makes unreasonable threats of imprisonment or threats targeting an interrogation subject's specific vulnerabilities, such as family members, children, or housing.*
  - ii. *Prolongs detentions or interrogation of subjects to an unreasonable degree and without probable cause.*
  - iii. *Does not permit witnesses or suspects to review or correct statements before signing them.*
- b) Police psychological coercive tactics and Reid Interview Techniques instruct detectives in how to be skillful in the practice of manipulation and deception during interview and interrogations.<sup>70</sup> At a 2004, conference on police interrogation, Joseph Buckley, who is the president of John E. Reid and Associates, presented the Reid technique to the audience. Mr. Buckley was asked if certain interrogation techniques, such as techniques from Reid, could elicit confessions from innocent suspects. Buckley replied that innocent people were never interrogated.<sup>71/72</sup> Mr. Buckley's statement underlines the fact that often the whole interrogation process has nothing to do with truth seeking and the only goal is to obtain incriminating information and/or a confession. In addition, it cements the idea that some detectives such as Detective Pitts believe they have an intrinsic guide (human lie detection)<sup>73</sup> to determine honesty, deception, guilt and innocence. Criminological research has shown that detectives are not adroit at evaluating the difference between truth and deception and are no better than chance levels at detecting truth from an individual witness' and/or suspects' gestures or mannerisms during an interview/interrogation.<sup>74/75/76/77</sup>
- c) Detectives are instructed as follows (as applicable to Detective Pitts' conduct) in connection with Interview/Interrogation Techniques:

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<sup>70</sup> Leo, Richard, (1996), Miranda's Revenge: Police Interrogation as a Confidence Game. *Law and Society Review*; Volume 30, Issue 2, p259-288.

<sup>71</sup> Kassin, Saul, (2005, April), On the Psychology of Confessions: Does Innocence Put Innocence at Risk?, *American Psychologist*, Volume 60, Number 3, 215 – 228.

<sup>72</sup> Kassin, Saul, (2005), True Crimes False Confessions, *Scientific American Mind*, 15552284, Volume 16, Issue 2.

<sup>73</sup> See Commonwealth v. Levar Brown (CP-51-CR-0407441-2004), Regarding what 'better detectives' do in connection with statements (Do not take them if they think the individual is not truthful).

<sup>74</sup> Kassin, S.M., Meissner, C.A., Norwick, R.J., (April 2005), I'd Know a False Confession if I Saw One: A Comparative Study of College Students and Police Investigators, *Law and Human Behavior*, Volume 29, Number 2, Pages 211 – 227.

<sup>75</sup> Kassin, Saul, (2008), False Confessions: Causes, Consequences, and implications for Reform, *Association for Psychological Science*, Volume 17, Number 4, Pages 249-253.

<sup>76</sup> Kassin, Saul, (2005, April), On the Psychology of Confessions: Does Innocence Put Innocence at Risk?, *American Psychologist*, Volume 60, Number 3, 215 – 228.

<sup>77</sup> Kassin, Saul, (2005), True Crimes False Confessions, *Scientific American Mind*, 15552284, Volume 16, Issue 2.

- i. An interview/interrogation is not a fact-finding endeavor, it is a technique utilized to get an individual to conform to the theory advanced by the detective.<sup>78/79</sup>
  - The detective should present an outline of the crime that they believe to be true along with supporting evidence of their theory regardless of whether the evidence is factual or not and how the evidence leads to the suspect.
- ii. The interview/interrogation room should be rudimentary with scant furnishing to promote feelings of social isolation, sensory deprivation and helplessness on the part of the individual being interviewed/interrogated.<sup>80/81</sup>
- iii. Have the individual being interviewed/interrogated seated in an uncomfortable chair so as to exacerbate their discomfort during the interview/interrogation.<sup>82</sup>
- iv. A common pitfall or mistake associated with an interview/interrogation is the detectives' failure to move into the intimate space of the interviewee during key phases of the interrogation, or the detective moves into the interviewee's intimate space too soon.<sup>83</sup>
- v. An individual's gestures and mannerisms are indicators of dishonesty on the part of an individual as a result of anxiety.<sup>84/85/86/87</sup>
  - The detective should consistently restate their position and keep up the confrontation of the individual all the while observing the individual's reactions and behaviors.<sup>88/89</sup>

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<sup>78</sup> Zulawski, D.E., Wicklander, D.E., (1998), *Practical Aspects of Interview and Interrogation*, Wayne State University Press, 1 pg.

<sup>79</sup> Zulawski, D.E., Wicklander, D.E., (1992), *Practical Aspects of Interview and Interrogation*, Boca Raton: CRC Press, 337.

<sup>80</sup> Kassin, S.M., Fong, C.T., (1999), "I'm Innocent!": Effects of Training on Judgments of Truth and Deception in the Interrogation Room, *Law and Human Behavior*, Vol. 23, No. 5, 499 – 514 .

<sup>81</sup> Kassin, S.M., Gudjonsson, G., Psychology of Confessions, (November 2004), *Psychological Science in the Public Interest*, Volume 5, Number 2, pages 35-61.

<sup>82</sup> Ibid.

<sup>83</sup> Municipal Police Officers' of Pennsylvania Education and Training Commission Course No.: 99-315.

<sup>84</sup> Kassin, S.M., Meissner, C.A., Norwick, R.J., (April 2005), I'd Know a False Confession if I Saw One: A Comparative Study of College Students and Police Investigators, *Law and Human Behavior*, Volume 29, Number 2, Pages 211 – 227.

<sup>85</sup> Kassin, Saul, (2008), False Confessions: Causes, Consequences, and implications for Reform, *Association for Psychological Science*, Volume 17, Number 4, Pages 249-253.

<sup>86</sup> Kassin, Saul, (2005, April), On the Psychology of Confessions: Does Innocence Put Innocence at Risk?, *American Psychologist*, Volume 60, Number 3, 215 – 228.

<sup>87</sup> Kassin, Saul, (2005), True Crimes False Confessions, *Scientific American Mind*, 15552284, Volume 16, Issue 2.

<sup>88</sup> Zulawski, D.E., Wicklander, D.E., (1998), *Practical Aspects of Interview and Interrogation*, Wayne State University Press, 1 pg.

<sup>89</sup> Zulawski, D.E., Wicklander, D.E., (1992), *Practical Aspects of Interview and Interrogation*, Boca Raton: CRC Press, 337.

3. A reasonable officer placed in Detective Pitts' position who utilized psychological interview/interrogation techniques would reasonably believe that the information, and/or confessions they produce would raise issues of reliability throughout the legal process, from interview/interrogation to potential conviction.

## 10.0 Additional Standards Considered

### Importance of Audio and/or Video Recorded Statements/Confessions

1. Officers are instructed that witness statements and offender confessions carry tremendous weight at trial, and that audio and/or video recordings of witness statements are a reliable method to accurately memorialize facts surrounding criminal offenses in order to correctly identify perpetrators so that they may be punished.
2. Custodial interrogations of persons suspected of committing a crime of violence shall be recorded in their entirety, from the time the suspect first enters the PPD interrogation room until the suspect leaves the interrogation room.<sup>90</sup>
3. Audio and video recorded statements associated with Homicide investigations are required to be retained for 75 years.<sup>91</sup>
4. Audio and/or video recordings of witness statements and interrogations serve the Criminal Justice System as a whole by allowing triers of fact to accurately assess the credibility and voluntariness of witness statements and/or confessions, thus helping to prevent false accusations of police abuse and wrongful convictions.
  - a) The best record of an interview/confession is an audio and/or audio-visual recording of the interview/confession.
  - b) The PPD asserts that during the investigation of all felony crimes occurring in the City of Philadelphia where an individual's freedom of movement has been restricted (to the degree associated with an arrest) are required to have their interrogation digitally recorded.
    - i. A Digital Recording System is the collection of hardware, software, firmware, and other components to create a digital audio/video recording of events that transpire within an interrogation room.

### Search and Seizure, Interviewing and Interrogation

1. Police officers are instructed that there are four (4) sources of law which govern a police officer's power to engage in a search and seizure:<sup>92</sup>
  - a) U.S. Constitution - 4<sup>th</sup> Amendment.

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<sup>90</sup> PPD: Electronic Recording of Custodial Interrogations Directive 5.23 (Effective 05.29.20).

<sup>91</sup> Local Government Records Committee: Bureau of the Pennsylvania State Archives (March 28, 2019).

<sup>92</sup> Municipal Police Officers' of Pennsylvania Education and Training Commission Course No.: 99-315.

- b) PA. Constitution - Article I Section 8.
  - c) U.S. & P.A. Court Decisions.
  - d) P.A. Rules of Criminal Procedure<sup>93</sup>
2. PPD officers are required to comply with the Interview and Interrogation policy during the course of any interview to protect the constitutional rights of the persons being questioned, to avoid the appearance of any improprieties, and to guard against any charges of police coercion or intimidation during the questioning process.<sup>94</sup>
  3. When a witness enters any police facility to be interviewed, the assigned investigator shall record the name of the witness on the detective division or investigative unit's Witness Log (75-640A) along with the investigator's name, signature, and time of arrival and departure of the witness.<sup>95</sup>
    - a) All formal statements taken from defendants will be recorded on form 75-483.<sup>96</sup>
    - b) A summary of what witnesses indicated are required to be placed on a Homicide Case Summary Form No.: 75-294.<sup>97</sup>
  4. Officers are required to be able to identify the legal and ethical considerations and special problems associated with arrest transportation, care, and release of juvenile offenders.<sup>98</sup>
  5. The Investigative Unit supervisors on duty shall:<sup>99</sup>
    - a) Review the Victim/Witness Log (75-640A) at the beginning of every shift and check on the well-being of any persons in the police facility being interviewed or waiting to be interviewed to determine if they need any special accommodations or assistance with any family or job-related issues.
    - b) Periodically, at least once during a tour of duty, in addition to the initial review, check on the well-being of any persons in the police facility being interviewed or waiting to be interviewed. This is done to determine if they need any special additional accommodations or assistance with any family or job-related issues.
    - c) Initial the Victim/Witness Log (75-640A) indicating the date and time that each check was performed.
    - d) Make the proper notification upon change of shift to ensure the oncoming supervisors are made aware of any witnesses being interviewed.

### **Concealment of Exculpatory Evidence**

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<sup>93</sup> Ibid., These are written to reflect compliance with Constitutional Law and Case Law

<sup>94</sup> PPD: Interviews and Interrogations – Rights of Individuals and Duties of Law Enforcement Directive 5.23 (05.29.20).

<sup>95</sup> Ibid.

<sup>96</sup> PPD: Rules of Discovery Directive 135 (05.12.00).

<sup>97</sup> PPD: Interviews and Interrogations – Rights of Individuals and Duties of Law Enforcement Directive 5.23 (05.29.20).

<sup>98</sup> Municipal Police Officers' of Pennsylvania Education and Training Commission Course No.: 99-315.

<sup>99</sup> PPD: Interviews and Interrogations – Rights of Individuals and Duties of Law Enforcement Directive 5.23 (05.29.20).



1. The disclosure of exculpatory evidence from police to criminal defendants has been an accepted police training/standard commencing in about 1979. In September of 1997, the NAACP reminded the City of Philadelphia Police Department of its duty to disclose any information which includes impeachment materials which supports a claim of innocence or a lesser degree of guilt. The PPD within Directive 135 (Rules of Discovery) incorporated the disclosure of exculpatory evidence standard on April 13, 1981. Unfortunately, within this case and many others the PPD has continued its custom and practice which is equivalent to an official policy of not to disclose exculpatory evidence.
  - a) The disclosure of evidence before trial in criminal cases is governed by the Rules of Criminal Procedure as promulgated by the Pennsylvania Rule of Criminal Procedure 305 and Municipal Court Criminal Procedure Rule 558.
2. Exculpatory evidence is any evidence which could be favorable to an accused individual (within this case Mr. Williams). Favorable evidence includes information which would demonstrate that witnesses against the accused such as Detective Pitts, Mr. James and Mr. Butler are not credible or have a motive to lie.
  - a) Police training/standards dictate that officers disclose to the defendant if a testifying witness has a motivation to lie and/or if the witness is receiving some benefit which could include, but not be limited to, being offered the possibility of a lighter sentence on pending criminal charges, promise of non-prosecution, and/or financial compensation.
  - b) Exculpatory evidence cannot be kept out of the hands of the defense just because the prosecutor does not have it when an investigating agency does. This would undermine Brady by allowing the investigating agency to prevent production by keeping a report out of the prosecutor's hands until the agency decided the prosecutor ought to have it, and by allowing the prosecutor to tell the investigators not to give them certain materials unless asked for them.<sup>100</sup>
3. The obligation to turn over exculpatory evidence is ongoing and extends beyond a finding of guilt in a criminal trial and extends into the post-trial motions, the appeals process, sentencing, and during habeas relief.

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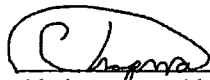
<sup>100</sup> Civil Liability for Police Failure to Disclose Exculpatory Evidence, 2009 (9) AELE Mo. L.J. 101 (ISSN 1935-0007) citing United States v. Blanco, #03-10390, 2004 U.S. App. Lexis 26815, 392 F.3d 382 (9<sup>th</sup> Cir. 2004).

## 11.0 Ongoing Evaluation

I reserve the right to amend and/or supplement this report and/or my opinion(s) prior to and/or during trial based upon the receipt and examination of additional information. I may be using video/audio clips, case scenarios, posters and demonstrative aids during my testimony based upon the content of this 'Expert Report'. However, the exact format has not been decided as of this date.

This report is signed on this, day 7th of January 2024.

Professionally submitted,



Christopher Chapman, Ph.D.

Commonwealth v. Anthony Williams  
Court of Common Pleas – Philadelphia County Pennsylvania  
Post-Conviction Relief Act  
Dr. Chapman: Expert Report

# Appendix 'A'

**Mr. Andrew Swainson – Exoneree<sup>101/102</sup>**

1. Mr. Swainson was arrested, convicted, and sentenced to life in prison without the possibility of parole in connection with the January 17, 1988, murder of Mr. Stanley Opher.
2. PPD Officer Kay captured three (3) men that were fleeing from the robbery which took place at a drug house one of which was Mr. Paul Presley.
3. Rather than considering Mr. Presley and his two companions as suspects, the PPD took Mr. Presley's assertion that Mr. Swainson was responsible for the death of Mr. Opher.
  - a) On June 10, 1988, Mr. Presley provided a statement to Detective Santiago which the DAO asserts, *a reasonable person might conclude that the statement was dictated or suggested by the police.*
4. Mr. Swainson was arrested and at his preliminary hearing (April 14, 1988) Mr. Presley failed to identify Mr. Swainson.
  - a) On June 10, 1988, Mr. Presley gave a statement to Mr. Swainson's investigators indicating that he had incorrectly identified Mr. Swainson.
  - b) One month before Mr. Swainson's trial, Mr. Presley was brought in for two (2) (February 15 and 17, 1989) interviews at the DA's office and he recanted his identification of Mr. Swainson and afterwards Mr. Swainson recanted his prior recantation.
    - i. Mr. Presley's February 15, 1989, and February 17, 1989, statements were tape recorded by Detective Santiago. However, Detective Santiago denied that he recorded Mr. Presley's February 15, 1989, statement at Mr. Swainson's trial.
  - c) On July 28, 1988, Mr. Presley was charged with felony drug charges (possession with the intent to deliver) and was held for seven (7) months prior to Mr. Swainson's trial.
  - d) On March 17, 1989, during Mr. Swainson's trial, Mr. Presley identified Mr. Swainson as the shooter.
  - e) On March 21, 1989, Mr. Swainson was convicted of first-degree murder, criminal conspiracy, and possessing an instrument of a crime.
5. On October 13, 2008, Mr. Presley advised that he had been pressured into identifying Mr. Swainson and was promised leniency on open charges if he testified.
  - a) The charges against Mr. Presley were dismissed (nolle prossed) immediately following Mr. Swainson's conviction.

<sup>101</sup> Commonwealth v. Andrew Swainson Petition for Post-Conviction Relief.



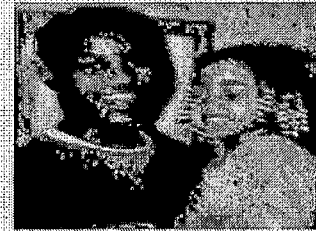

<sup>102</sup> Commonwealth v. Andrew Swainson Joint Stipulation of Fact of Petitioner.


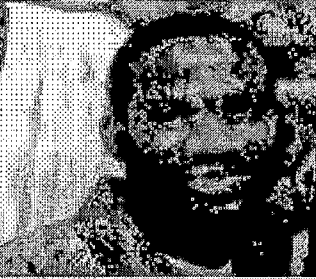
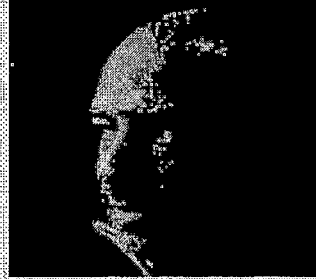

6. The historic and continuing documentation of Homicide Detectives' alleged deviations from police training/standards and the law as instructed to police officers are similar and consistent with the types of misconduct alleged by Mr. Outlaw which led to his arrest, prosecution, and incarceration. Examples of widespread and ongoing PPD Homicide Detectives' alleged practices as reported include the April 1977, four-part series of The Philadelphia Inquirer entitled 'The Homicide Files'.<sup>103</sup>
- a) The investigative reporters noted that, 'there is a pattern of beatings, threats of violence, intimidation, coercion, and knowing disregard for the constitutional rights in the interrogation of homicide suspects and witnesses' (*See Case Examples*).
  - b) The articles assert that local judges heard 433 homicide cases from 1974 to 1977, 80 of which involved police misconduct in the questioning of suspects and witnesses. In addition, the articles charge that, 'top officials know of and tolerate the coercive measures'.

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<sup>103</sup> NEUMANN, J., MARIMOW, W., Philadelphia Inquirer, & United States of America. (1977). HOMICIDE FILES. *PHILADELPHIA INQUIRER* Dated: (APRIL, 24(27)), 1-16.


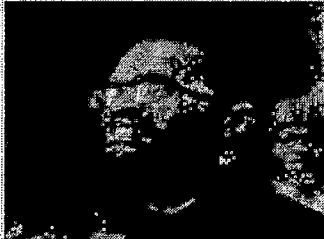
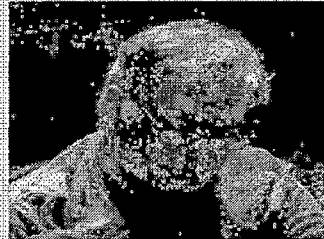


*Case Examples Exoneration Timeline<sup>104</sup>*


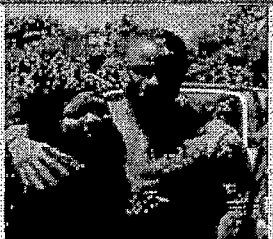


2018		2019		
May	December	March	April	May
				No Photo Available
<b>Dontia Patterson</b> Years in Prison: 11 Vacated: May 2018	<b>Jamaal Simmons</b> Years in Prison: 9 Vacated: Dec. 2018	<b>Dwayne Thorpe</b> Years in Prison: 11 Vacated: March 2019	<b>James Frazier</b> Years in Prison: 7 Vacated: April 2019	<b>Sherman McGoy</b> Years in Prison: 6 Vacated: May 2019

June	July	July	October
			
<b>Terrance Lewis</b> Years in Prison: 22 Vacated: May 2019	<b>Johnny Berry</b> Years in Prison: 25 Vacated: June 2019	<b>Chester Hollman III</b> Years in Prison: 28 Vacated: July 2019	<b>Willie Veasy</b> Years in Prison: 27 Vacated: Oct. 2019

<sup>104</sup> Overturing Convictions and an Era

Exoneration Timeline Continuation<sup>105</sup>

2020				
December	January	June		October
				
<b>Christopher Williams</b> Years in Prison: 30 Vacated: Dec. 2019	<b>Theophalis Wilson</b> Years in Prison: 28 Vacated: Jan. 2020	<b>Walter Ograd</b> Years in Prison: 28 Vacated: June 2020	<b>Andrew Swainson</b> Years in Prison: 32 Vacated: June 2020	<b>Antonio Martinez</b> Years in Prison: 31 Vacated: Oct. 2020

2021					
December	February	March	May	June	
				<i>No Photo Available</i>	<i>No Photo Available</i>
<b>Termaine Hicks</b> Years in Prison: 20 Vacated: Dec. 2020	<b>Robert Donald Outlaw</b> Years in Prison: 20 Vacated: Dec. 2020	<b>Christopher Williams</b> Years in Prison: 30 Vacated: Feb. 2021	<b>Jahmir Harris</b> Years in Prison: 8 Vacated: March 2021	<b>Obina Onyiah</b> Years in Prison: 11 Vacated: May 2021	<b>Arkel Garcia</b> Years in Prison: 8 Vacated: June 2021

<sup>105</sup> Ibid.

**Major Gregory Tillery (1976)<sup>106</sup>**  
**William Franklin (Alleged co-conspirator)**

1. Mr. Tillery alleges that the government manufactured and presented false evidence and suppressed impeachment and exculpatory evidence in order to convict Mr. Tillery of a murder he did not commit.
2. In 1985, Mr. Tillery was convicted of first-degree murder for the shooting of Joseph Hollins and John Pickens on October 22, 1976, in North Philadelphia and sentenced to life imprisonment without the possibility of parole based entirely upon the testimony of Mr. Emanuel Claitt.

a) Mr. Claitt and Mr. Mickens in sworn declarations assert that:

- i. Their trial testimony was entirely false.
- ii. Their testimony was scripted and coached by the Commonwealth.
- iii. PPD detectives obtained and used false/perjured statements at Mr. Tillery's trial.
- iv. The detectives allowed them to have sex with their girlfriends in the Police Administration Building.
  - It is believed that the detectives (Detective Gerrard and Detective Gilbert) had previously been found to have engaged in identical misconduct in connection with Commonwealth v. Lester, 572 A.2d 694 (Pa. Super. 1990) which was a voluntary manslaughter case which resulted in a reversal and new trial.

b) Mr. Claitt within his sworn declaration asserts the following in part:



- i. I was in prison in 1980 on serious charges and I was approached by Philadelphia detectives Larry Gerrard and Ernest Gilbert. They threatened to charge me with the murder of Samuel Goodwin. I had eight or nine open cases, at least three of them were felonies with a lot of years of prison time.
- ii. Detectives and prosecutors ADA Lynn Ross and Barbara Christie promised if I said that Major Tillery and William Franklin were the shooters in the 1976 murder of Joseph Hollis and the attempted murder of John Pickens I wouldn't get state time in my many pending criminal charges and I wouldn't be charged in the murder of Samuel Goodwin, that I had nothing to do with (See letters from

<sup>106</sup> George Tillery Writ of Habeas Corpus: Ref Criminal Docket No.: CR-51-CR-0305681-1984



ADA Leonard N. Ross, DA Edward Rendell and Chief of Homicide Arhold Gordon to The Court).

- iii. I was also allowed to have sex with my girlfriends (four of them) in the homicide interview rooms and in hotel rooms, in exchange for my cooperation.
- iv. Detectives Larry Gerrard and Ernest Gilbert, and Lt. Bill Shelton with the knowledge and direction of ADAs Lynn Ross, Roger King, and Barbara Christie promised me leniency, threatened me, and allowed me private time for sex with girlfriends in the homicide interview rooms and hotel rooms.
- v. Everything I testified to at Major Tillery's trial and William Franklin's trial about witnessing an argument between Alfred Clark and Joseph Hollis, threats made by Major Tillery against John Pickens, and the shootings at the pool hall a few days later was false.
- vi. My testimony was made up while being questioned by homicide detectives Gerrard and Gilbert and being prepped by ADAs Ross, Christie, and King to testify against Major Tillery and William Franklin.
- vii. Detectives Larry Gerrard, Ernest Gilbert and ADAs Barbara Christie, Len Ross, Roger King interviewed me, and worked over my testimony to make sure Major Tillery and William Franklin were convicted of murder and attempted murder.
- viii. In exchange for my false testimony many of my cases were not prosecuted. I got probation. I was sentenced to just 18 months for firebombing and was protected when I was arrested between the time of Franklin's and Tillery's trials.
- ix. It was clear they knew I didn't have any direct knowledge of the shootings at the poolroom on October 22, 1976, that I wasn't there then or at the argument at Dana Goodman's house or meetings before the October 22, 1976, shootings.
  - For example: In our meetings I said [""]you know I wasn't there - you have to fill in the blanks.[""] Detectives Gerard [sic], Gilbert, Lubiejewski, Lt. Shelton and ADA Ross would tell me, "you've got to say it this way." I was told "we've got to bring him down - you've got to help us." That meant I should lie.

Barbara Christie told me: "You're the best. You should have been a lawyer." That meant I knew how to lie.

- x. Back in 1980 when I testified at Franklin's trial I lied when I said that the only plea agreement was that my sentences on three cases would run concurrently. But I had been promised the DA's recommendation to receive no more than 10 years. In fact, I got one and a half-years [sic].
- c) Mr. Mickens within his sworn declaration asserts the following in part:
- i. In May 1985 I falsely testified as a witness for the Philadelphia County District Attorney in the prosecution of Major George Tillery (CP-51-CR- 0305681-1984) on murder charges.
  - ii. I was coerced and promised favors if I falsely testified against Major Tillery.
    - I was arrested on February 28, 1984, on charges of robbery and rape and faced twenty-five years of imprisonment if convicted.
  - iii. ADA Christie told me that if I 'worked with [her] on the Major Tillery case' she 'guaranteed' I wouldn't be sent upstate on my robbery and rape case and would be "protected".
    - When I was sentenced on October 10, 1985, after my guilty plea of rape and criminal conspiracy, I didn't get prison time. I was sentenced to five years' probation.
  - iv. I told detectives Cimino and McNeshy that I missed my girlfriend Judy Faust. I was given an hour and a half private visit with her in an interview room in the police headquarters so that we could have sex.

**Aaron Fox (1978)<sup>107</sup>**

1. Mr. Fox alleges that the government presented false evidence and suppressed impeachment and exculpatory evidence in order to convict Mr. Fox of a murder he did not commit.

<sup>107</sup> Aaron Fox v. Donald T. Vaughn, et al., Memorandum and Order Ref: Civil Action No.: 03-3090.

2. In 1979, Mr. Fox was convicted of first-degree murder and possession of an instrument of a crime in connection with the shooting of Paul Lynch and was sentenced to an aggregate term of life imprisonment based primarily upon the testimony of Mr. Robinson.
  - a) The PPD asserts that Mr. Fox killed Mr. Lynch in connection with his (Mr. Fox's) association with the 'Black Mafia'. However, the United States Department of Justice: Federal Bureau of Investigation asserts that there is no indication that Mr. Fox was a member of the 'Black Mafia'.<sup>108</sup>
  - b) Mr. Robinson within his Affidavit asserted that:<sup>109</sup>
    - i. When Mr. Robinson was taken to the Homicide Unit for questioning, he was, 'on both wine and crank'.
    - ii. The first question asked by the detective was, 'where were you standing when Mr. Fox shot Mr. Lynch?'
      - Mr. Robinson assumed that the police knew that Mr. Fox shot Mr. Lynch so Mr. Robinson went along with the detectives thinking (knowing) that if he did he would be released.
    - iii. Mr. Robinson knew that he lied when he went along with the police and signed a statement saying he observed Mr. Fox shoot Mr. Lynch.
    - iv. Mr. Robinson avoided the police for almost a year. However, eventually he was caught prior to Mr. Fox's trial. During a pre-trial conference DA King promised Mr. Robinson:
      - That he would take care of Mr. Robinson's parole problem in Michigan (Mr. Robinson jumped parole in 1977).
      - That he would help Mr. Robinson with a rape conviction (DA King told Mr. Robinson that he would come to court on the day of Mr. Robinson's sentencing and speak to the ADA on his behalf [Mr. King kept his promise and came to court on the day of Mr. Robinson's sentencing and spoke with the DA and public defender])

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<sup>108</sup> FBI July 17, 1975 Anti-Racketeering Report – Philadelphia Office.

<sup>109</sup> Mr. Warren Robinson Affidavit

- v. Mr. Robinson asserts that he did not see Mr. Fox shoot Mr. Lynch.<sup>110</sup>

**Willie Stokes (1980)** <sup>111/112</sup>

1. Mr. Stokes alleges that the government manufactured and presented false evidence and suppressed impeachment and exculpatory evidence in order to convict Mr. Stokes of a murder he did not commit.
2. In 1984, Mr. Stokes was arrested and found guilty of the October 1, 1980, shooting death of Ms. Leslie Campbell. Mr. Stokes was sentenced to life imprisonment without the possibility of parole based on the testimony of Mr. Franklin Lee.<sup>113</sup>
  - a) During Mr. Stokes' trial Mr. Lee was called to testify for the state. However, Mr. Lee claimed that he was forced to make false statements by the police. Mr. Lee asserted that:
    - i. Detective Gerrard and Detective Gilbert fabricated his statement which he signed after the detectives promised to 'make deals'.
    - ii. Mr. Lee did not read the statement he signed (Mr. Lee was in jail in connection with the murder of Lorenzo Walker when he signed the statement).
    - iii. Mr. Lee during his testimony indicated that he had an agreement for his testimony in connection with three or four other murders.
  - b) As a result of Mr. Lee recanting his testimony, he was cross-examined about his prior statement and pre-trial testimony and the statement was read during the trial.

**Andre Harvey (1982)** <sup>114/115</sup>

1. Mr. Harvey alleges that the government manufactured and presented false evidence and suppressed impeachment and exculpatory evidence in order to convict Mr. Harvey of a murder he did not commit.
2. On May 9, 1984, Mr. Harvey was found guilty of first-degree murder, conspiracy, and violations of the Uniform Firearm Act 1984, in connection with the death of Mr. Fred Rainey. Mr. Harvey was sentenced to life imprisonment and 5-to-10 years for conspiracy.

<sup>110</sup> Mr. Warren Robinson Affidavit-II (July 13, 2005).

<sup>111</sup> Mr. Willie Stokes Application for Leave to File Second or Successive Habeas Petition.

<sup>112</sup> Commonwealth v. Willie Stokes Trial Testimony.

<sup>113</sup> Commonwealth v. Andre Harvey Opinion and Order.

<sup>114</sup> Commonwealth v. Andre Harvey Criminal Trial Division (02.18. 1997)

<sup>115</sup> Commonwealth v. Andre Harvey Appeal from PCRA Order Entered on April 15, 2019.

- a) Mr. Charles Atwell asserted that he was an eyewitness to the crime and asserted that he was threatened by Mr. Harvey not to reveal what he had seen.
  - i. Mr. Atwell was arrested on May 17, 1983 and charged with two (2) counts of aggravated assault in an unrelated case. The charges against Mr. Atwell were nolle prossed on December 12, 1983.
  - ii. Mr. Atwell entered into an agreement to give false testimony against Mr. Harvey.
  - iii. While in custody, Mr. Atwell gave a statement to detectives indicating that Mr. Harvey shot Mr. Rainey.
  - iv. Detective Gerrard gave drugs to individuals to give to Mr. Atwell in exchange for his false testimony against Mr. Harvey.
- b) Mr. Harvey claims that Mr. Atwell like Mr. Lee was allowed to have sex in the Police Administration Building with his girlfriend in exchange for false testimony.

**Curtis Crosland (1984)**<sup>116/117</sup>

1. Mr. Crosland alleges that the government withheld critical impeachment and exculpatory evidence which included evidence that another person committed the murder of Mr. Il Man Heo, in order to convict Mr. Crosland of a murder he did not commit.
2. In 1991, Mr. Crosland was wrongfully convicted of second-degree murder, robbery, and possessing an instrument of crime in connection with the December 5, 1984, shooting death of Mr. Heo, based upon the testimony of Delores Tilghman and Rodney Everett. Mr. Crosland was sentenced to life imprisonment.
  - a) Mr. Everett, who had been previously convicted of homicide and robbery, contacted retired probation officer William Massey after he was arrested in March of 1987, claiming to have information about the murder of Mr. Heo.
    - i. Detective Mangoni, who interviewed Mr. Everett, asserts that Mr. Everett came to them with information in hopes that they could help him with his parole violation.
  - b) Ms. Tilghman asserted that she heard Mr. Crosland confess to her cousin Mr. Everett about killing Mr. Heo.
    - i. Mr. Everett asserted his Fifth Amendment privilege against self-incrimination during Mr. Crosland's first trial and was declared unavailable to testify, and as a result, his preliminary hearing

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<sup>116</sup> Commonwealth v. Crosland Nolle Prosequi Order.

<sup>117</sup> Mr. Crosland's Memorandum in Support of Petitioner's Motion for Writ of Habeas Corpus.

testimony was read to the jury. During Mr. Crosland's second trial Mr. Everett was given immunity and he denied making a statement to the police in connection with Mr. Crosland and that he signed in an April 15, 1987, statement.

- ii. Ms. Tilghman testified at Mr. Crosland's first trial but was declared unavailable at Mr. Crosland's second trial. Her testimony from the first trial was read to the jury. Ms. Tilghman later indicated that she does not know who made the statement about killing Mr. Heo.
  - c) During Mr. Crosland's appeal proceedings it was discovered that the PPD and Commonwealth had information which would impeach the credibility of Ms. Tilghman and Mr. Everett and their false implication of Mr. Crosland.
3. The Commonwealth asserts it violated the provisions of Brady v. Maryland, and that Mr. Crosland, 'may very well be actually innocent'.
- a) The Commonwealth failed to turn over the following:
    - i. The February 4 and February 26, 1988, grand jury testimony of Ms. Tilghman where she initially reported that Michael Turner was responsible for the murder but admitted that she was lying and had only implicated Mr. Turner because she was angry with him.
    - ii. Ms. Tilghman also made a statement implicating both Frank and Michael Turner while she was hospitalized after a suicide attempt.
    - iii. Ms. Tilghman asserts, in response to police coercion and threats and threats of jail, she gave the statement about Mr. Crosland.
    - iv. The police had information from several individuals that Mr. Michael Ransom was the person who shot and killed Mr. Heo.
    - v. Several documents in the homicide file call Rodney Everett's credibility into question. Mr. Everett had been arrested for serious domestic violence and weapons offenses against his girlfriend, Louise Woods, on March 19, 1987, just a few days before he contacted William Massey with information about the murder of Mr. Heo and while he was on parole.
    - vi. Mr. Everett later testified at Frank Turner's trial for the murder of John Lamb and stated that he lied in his July 1987 statement and lied at the preliminary hearing for the John Lamb case, which took place the same day as the preliminary hearing in the instant case. He said he only testified at the hearing to help himself because he heard he was going to be charged with murder.

**Antonio Martinez (1985)** <sup>118/119/120</sup>

1. Mr. Martinez alleges that the government manufactured and presented false evidence and suppressed impeachment and exculpatory evidence which included evidence that another person committed the murders of the Camacho brothers in order to convict Mr. Martinez of a murder he did not commit.
2. On February 19, 1985, two (2) brothers, Hector Camacho and Luis Camacho, were murdered. In January of 1989, the PPD had not made an arrest in connection with the murders.
  - a) In mid-January 1989, Mr. Angle Fuentes contacted PPD Detective Miguel Deyne and advised that he had information regarding the murders of the Camacho brothers.
  - b) Mr. Fuentes gave a statement indicating that Mr. Martinez shot both Hector and Luis Camacho. In addition, Mr. Renaldo Velez indicated that Mr. Martinez shot the Camacho brothers in self-defense.
    - i. Mr. Fuentes at the time of his statement was a fugitive from justice. Detective Deyne asserts that Mr. Fuentes received a benefit for his testimony against Mr. Martinez (Detective Deyne and the ADA contacted the judge overseeing Mr. Fuentes fugitive status and Mr. Fuentes was reinstated to work release as a direct result of the conviction of Mr. Martinez).
    - ii. Mr. Velez asserts that when he was interviewed by the police, they threatened to charge him with the murder if he did not identify Mr. Martinez as the shooter.
3. On July 18, 1991, Mr. Martinez was convicted of the brothers' murder and voluntary manslaughter based upon eyewitness testimony of Mr. Fuentes and Mr. Velez and sentenced to life imprisonment.
4. Mr. Martinez asserts that:
  - a) The PPD failed to turn over information they compiled between 1985 and 1986 which pointed to Mr. Wilson Santiago and his brother Miguel Santiago as the suspects.
    - i. In 1985, police conducted a sealed grand jury investigation targeting Wilson and Miguel Santiago.

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<sup>118</sup> Commonwealth v. Antonio Martinez Petition for Post-Conviction Relief.

<sup>119</sup> Commonwealth v. Antonio Martinez Answer to Petition for Post-Conviction Relief.

<sup>120</sup> Commonwealth v. Antonio Martinez Joint Stipulations of Facts.

- b) The PPD failed to turn over information that Mr. Ramirez indicated that he observed a man named Freddy and a man named Ray shoot the Camacho brothers.
  - c) The PPD did not turn over information to the DAO provided by Ms. Torres who advised the police that she observed Mr. Santiago and his brother Manuel execute the Camacho brothers.
5. The Commonwealth asserts:
- a) The PPD withheld nearly all of the evidence collected during the original investigation from Mr. Martinez.
  - b) The PPD had information that the murder of the Camacho brothers was committed by at least two (2) individuals.
  - c) Mr. Martinez's right to due process as set forth in Brady v. Maryland were violated.

**Bobby Harris (1989)** <sup>121</sup>

1. Mr. Harris alleges that Detective Augustine threatened him to sign a confession regarding the murder of Mr. Smith and as a result Mr. Harris was sentenced to life in prison without parole before he was resentenced in 2017 under the Supreme Court decision banning life terms for minors.
2. Mr. Harris alleges that Detective Augustine:
  - a) Got into his face and screamed at him.
  - b) Held him in a room for a long time.
  - c) Indicated that Mr. Harris was going to be raped while in prison (Graterford).

**Don Adams Jr. (1990)** <sup>122</sup>

1. Mr. Adams alleges that Detective Clark failed to turn over exculpatory evidence and coerced and threatened Ms. Benjamin with jail if she did not give a statement implicating Mr. Adams as killer of Mr. Patterson and Mr. Winn. In addition, he alleges that Detective Clark provided Ms. Benjamin with money, food, and clothing for her testimony against Mr. Adams.
  - a) Mr. Adams was sentenced to life imprisonment.
2. Mr. Adams asserts that:

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<sup>121</sup> Affidavit of Bobby Harris.

<sup>122</sup> Civil Action of Don Adams v. Detective Clark.



- a) When Ms. Benjamin was first questioned she indicated that Mr. Bennett had committed the murders and refused to identify Mr. Adams as the shooter.
- b) Two weeks later, Detective Clark took Ms. Benjamin into custody and threatened to arrest her on outstanding warrants unless she provided a statement implicating Mr. Adams.
  - i. In June of 1991, Ms. Benjamin advised Detective Clark that she observed Mr. Don Adams shoot Mr. Patterson and Mr. Winn. However, during Mr. Adams' trial she testified that Mr. Adams was not the shooter.
- c) Detective Clark advised Ms. Benjamin that if she testified against Mr. Adams all charges against her would be dismissed.

**Shaurn Thomas (1990)** <sup>123/124</sup>

1. Mr. Thomas alleges that Detective Devlin and Detective Worrell fabricated evidence against him in connection with the November 13, 1990, murder of Mr. Domingo Martinez and did not follow up on eyewitness information which provided a description of the shooter and vehicles associated with the murder.
  - a) Three (3) days after Mr. Martinez's murder, Mr. Walthour and two (2) other individuals were stopped by police (vehicle stop) six (6) blocks from the crime scene and a gun was found in their vehicle.
    - i. Mr. Walthour and the two (2) others admitted that they knew Mr. Martinez.
    - ii. Mr. Walthour advised police that a Mr. Lewis may have murdered Mr. Martinez because Mr. Lewis advised Mr. Walthour that he had robbed an old Puerto Rican man.
      - Mr. Lewis had access to the vehicle.
      - Mr. Lewis was flashing around a lot of money.
  - b) The affidavit of probable cause failed to indicate that Mr. Thomas, who was 16 years of age at the time of the murder, may have been at a Youth Study Center at the time Mr. Martinez was murdered. In addition, they failed to indicate:

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<sup>123</sup> Thomas v. City of Philadelphia, et al., Civil Action No.: 17-cv-04196 and Memorandum of August 23, 2019.

<sup>124</sup> NBC10 Philadelphia News Report: Former Philly Police Detective Connected to 4 Wrongful Convictions.

- i. That Mr. Stallworth gave conflicting statements then recanted the statements.
  - ii. Physical evidence (white paint) on Mr. Martinez's vehicle rather than the blue paint which would have been expected.
- c) Mr. Walthour asserts that his statement to Detective Devlin was false, and that he gave a false statement because he was afraid that Detective Devlin was going to charge him with the murder.
- d) Mr. Walthour in 1991, then advised Detective Devlin that he had heard that Mr. Thomas killed Mr. Martinez.

### **Jimmy Dennis (1991)<sup>125</sup>**

1. Mr. Dennis alleges Detective Santiago fabricated and withheld evidence, presented false testimony, and utilized unlawful investigative techniques which resulted in his 1992, conviction for the murder of Ms. Williams. Mr. Dennis was sentenced to death.<sup>126</sup>
  - a) Federal Judge Anita Brody reversed Mr. Dennis' conviction and indicated that Mr. Dennis, 'was wrongly convicted of murder and sentenced to die for a crime in all probability he did not commit'.<sup>127</sup>
    - i. Police failed to follow up on important leads which would have made Mr. Frazier a suspect.
    - ii. Police failed to turn over a series of documents relating to the credibility of Mr. Frazier, Ms. Cason, and Mr. Howard (witnesses).
    - iii. Police had numerous statements implicating three (3) other individuals as the killer of Ms. Williams.

### **Pedro Reynoso (1991)<sup>128</sup>**

1. Mr. Reynoso alleges that Detective Bentham failed to turn over exculpatory evidence relating to Mr. Wilkerson and Ms. Robinson. Detective Bentham promised to give Ms. Robinson and Mr. Wilkerson a benefit for their statements implicating Mr. Reynoso as the shooter of Mr. Torres which occurred on July 23, 1991. Mr. Reynoso was arrested on March 23, 1994, at Newark, N.J., Airport upon his return from the Dominican Republic and sentenced to life in prison without the possibility of parole on July 8, 1996.

<sup>125</sup> Dennis v. City of Philadelphia, et al Memorandum of Federal Judge Eduardo Robreno.

<sup>126</sup> Dennis v. City of Philadelphia, et al.

<sup>127</sup> Dennis v. Wetzel, et al., Memorandum of Federal Judge Anita B. Brody.

<sup>128</sup> Reynoso v. Link: Petitioner's Writ of Habeas Corpus.

- a) On October 1, 2010, Ms. Robinson recanted her trial testimony identifying Mr. Reynoso as the shooter.<sup>129/130</sup>
  - i. At the time when Ms. Robinson gave her statement identifying Mr. Reynoso as the shooter, she was advised that if she implicated Mr. Reynoso she would not have to worry about her open criminal cases or go to jail.
- b) On September 24, 2011, Mr. Wilkerson recanted his trial testimony identifying Mr. Reynoso as the shooter.
  - i. At the time when Mr. Wilkerson gave his original statement identifying Mr. Reynoso as the shooter, Mr. Wilkerson had pending aggravated assault charges and was on probation for simple assault.
  - ii. Mr. Wilkerson was arrested two (2) weeks after his statement on drug charges.
  - iii. On September 25, 1991, Mr. Wilkerson plead guilty to drug possession, aggravated assault, and simple assault. The Commonwealth nolle prossed the charges. However, Mr. Wilkerson, who was on probation and in possession of two (2) firearms in connection with his aggravated and simple assault charge, received a sentence of only 10-to-23 months for all counts regarding all charges.

2. Mr. Reynoso asserts:

- a) The PPD had information from five (5) witnesses that Mr. Rafael Vidal aka: Chuito, was the shooter as well as information from a witness specifically who indicated that Mr. Reynoso was not present at the time of the shooting.

**Chester Hollman (1993)<sup>131</sup>**

1. On August 20, 1991, 24-year-old Tae Jung Ho was robbed and shot to death as he was walking home. A friend of Ho advised police that the perpetrators were two (2) Black men, one wearing red shorts, and one wearing a blue hooded sweatshirt.
  - a) A taxi driver advised police that he observed a man wearing a blue hooded sweatshirt shoot Ho. The man then entered a white SUV with four other people. A partial license plate of 'YZA' was obtained by the taxi driver.

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<sup>129</sup> Reynoso v. Superintendent, Graterford-SCI: Joint Appendix-Volume 1.

<sup>130</sup> Circuit Judge Thomas L. Ambro Memorandum.

<sup>131</sup> Pennsylvania Innocence Project: Chester Hollman Story

- b) About four minutes after receiving the information from the taxi driver and about six (6) blocks away from the crime scene, police pulled over a white SUV with a partial license plate of 'YZA'. The driver of the vehicle was Chester Hollman.
    - i. Mr. Hollman was wearing green pants, glasses, and a hat.
    - ii. The vehicle which Mr. Hollman was operating was a rental which he borrowed from his roommate.
  - c) Police transported Mr. Hollman back to the scene of the crime where a homeless drug addicted individual named Andre Dawkins who also had a history of mental illness identified Mr. Hollman as one of the perpetrators. Of the eight (8) eyewitnesses Mr. Dawkins was the only one who identified Mr. Hollman as being involved.
2. Mr. Hollman was interrogated and continually denied his involvement in the crime. However, detectives advised Ms. Jones (who was a passenger in the vehicle with Mr. Hollman) during his interrogation that Mr. Hollman had confessed to being involved in the crime.
    - a) The detectives advised Ms. Jones that if she implicated Mr. Hollman in the crime that she would not be charged. Thereafter, Ms. Jones gave a statement where she stated that she was in the getaway car with another woman while Mr. Hollman and another man committed the crime.
  3. Mr. Hollman was tried in April of 1993. Ms. Jones and Mr. Dawkins both testified against Mr. Hollman and on May 4, 1993, Mr. Hollman was found guilty of second-degree murder and robbery.
    - a) Before Mr. Hollman's sentencing he learned that Mr. Dawkins' full criminal history was withheld from him. The criminal history included convictions for:
      - i. Robbery.
      - ii. Conspiracy.
      - iii. Filing a false report of incriminating evidence with the police.
  4. In 2001, Mr. Dawkins recanted his trial testimony and indicated that he never observed Mr. Hollman at the scene and only identified Mr. Hollman because of threats he received from the police.
    - a) In 2005, Ms. Jones also recanted her testimony and indicated that she gave the false testimony because police had refused her request for a lawyer and threatened to charge her with a crime.

Mr. Dawkins 2001 Deposition



The Philadelphia Inquirer: Testilying Swearing to tell a lie

Mr. Dawkins 2016 Interview



The Philadelphia Inquirer: Testilying Swearing to tell a lie

5. The Pennsylvania Innocence Project asserted that:
  - a) Substantial evidence had been withheld from the defense, including proof that the Commonwealth knew about Mr. Dawkins' full criminal record before he testified at trial.

- b) There was information regarding another credible suspect (Denise Combs) that the police had investigated. 24 hours after the crime an anonymous caller advised the police that Mr. Combs was involved in the murder.
    - i. The police knew that Ms. Combs had rented/leased a white SUV which has a partial plate of 'YZA', and that Mr. Combs had returned the SUV four (4) hours after the murder.
    - ii. A Jeffrey Green was listed as an additional driver on Ms. Combs' rental/lease contract.
      - Mr. Green had a prior criminal record which included violent crimes.
    - iii. Ms. Combs' brother had two (2) separate third degree murder convictions.
  - c) The police interviewed Ms. Combs. However, there was no follow up.
6. On July 30, 2019, all charges against Mr. Hollman were dismissed and CIU Director Patricia Cummins stated, 'I apologize to Chester Hollman. I apologize because he was failed, and in failing him, we failed the victim, and we failed the community of the city of Philadelphia'.

**Eugene Gilyard (1995)<sup>132/133</sup>**

1. Mr. Gilyard alleges that Detective Dusak and Detective Benham intimidated witnesses, provided false testimony, refused to record interviews, and failed to provide exculpatory evidence in the affidavit of probable cause.
  - a) On August 31, 1995, Mr. Welborne shot and killed Mr. Thomas Keal. However, law enforcement did not know this at the time, insomuch as the investigation of the murder which was witnessed by Mr. Keal's daughter ended with no suspects or an arrest.
    - i. Mr. Welborne did not admit to killing Mr. Keal until 2011.
  - b) In 1997, the murder case of Mr. Keal was reopened and as a result of re-interviewing select witnesses which included Ms. Keal, Detective Dusak swore out an affidavit of probable cause.
2. On January 6, 1998, Detective Dusak and Detective Benham's affidavit for probable cause and issuance of an arrest warrant for Mr. Gilyard was approved and bail was set by a magistrate judge or bail commissioner.

<sup>132</sup> Gilyard, et al v. Dusak Civil Action No.: 16-cv-2986-Memorandum (May 8, 2018).

<sup>133</sup> Gilyard, et al v. Dusak Civil Action No.: 16-cv-2986-Memorandum (June 29, 2017).

3. Mr. Gilyard was subsequently arrested (January 8, 1998), tried, and convicted for the murder of Mr. Keal and sentenced to life.
  - a) On October 8, 2013, Mr. Gilyard's sentence was vacated and an order for a new trial was issued.
  - b) On June 18, 2014, The District Attorney nolle prossed the charges against Mr. Gilyard and he was released from prison after serving about 16 years.

**John Miller (1996)**<sup>134/135/136</sup>

1. Mr. Miller was imprisoned for 22 years for the murder of Anthony Mullen, which occurred on October 8, 1996.
2. In February 1997, David Williams was arrested for a string of violent gunpoint robberies throughout Philadelphia.
  - a) Mr. Williams, the actual perpetrator of the murder, advised police that Mr. Miller committed the murder, and the police used his statement to convict Mr. Miller.
    - i. The detectives had reason to know that the statement was false from the beginning.
      - Mr. Williams told the detectives that a Mark Manigault also witnessed Mr. Miller commit the murder. However, when police spoke with Mr. Manigault it was determined that he was incarcerated when the murder occurred and had no information about the murder.
      - Mr. Williams also provided the detectives with information regarding another murder, wherein Mr. Williams claimed that a Jack Williams had admitted to the killing. It is believed that Mr. Williams' claims regarding this murder were demonstrably false and as a result the prosecutors declined to call Mr. Williams as a witness in Mr. Jack Williams' trial.
    - ii. The detectives hid critical information that would have proven Mr. Williams' claims were false regarding Mr. Miller.
    - iii. The Conviction Integrity Unit of the Philadelphia District Attorney's Office reviewed the detective's investigation files after Mr. Miller's conviction was vacated and found documents confirming that the detectives had in fact interviewed Mr. Manigault and that the detectives

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<sup>134</sup> Miller v. City of Philadelphia, et al., Civil Action No: 2:20-cv-03054

<sup>135</sup> Defendants Partial Motion to Dismiss

<sup>136</sup> Detective Piree is associated and a defendant within this case: Miller v. City of Philadelphia, et al., Case No.: 2:20-cv-03054 - Complaint

knew with certainty that Mr. Williams' statement about Mr. Manigault were false.

3. On September 29, 1998, Mr. Miller was convicted of second-degree murder and subsequently sentenced to life in prison without the possibility of parole.
  - a) The jury relied principally on police testimony concerning Mr. Williams' original statement that Mr. Miller had confessed to Mr. Williams about the murder.
    - i. Mr. Williams admitted at Mr. Miller's preliminary hearing and trial that he had given a false statement to police and that Mr. Miller never confessed to the murder of Mr. Mullen.
    - ii. The detectives did not disclose the exculpatory information which would have proven the falsity of Mr. William's initial statement.
4. Mr. Williams wrote to Mr. Miller's mother after the conviction and admitted that he was the actual perpetrator of the murder. However, the detectives failed to disclose this information to the prosecutors or Mr. Miller.

**Mark Whitaker (1999)<sup>137</sup>**

1. On October 29, 2003, Mr. Whitaker was sentenced to life in prison without the possibility of parole as a result of being found guilty of the January 26, 1999, murder of Mario Lim.
  - a) On May 3, 2019, Mr. Whitaker was found not guilty by a jury (Court of Common Pleas, Philadelphia County) for the murder of Mr. Lim.
2. On January 26, 1999, Mr. Abdul Steward and Mr. Stephen Shakuur entered Happy Days Bar where Ms. Mesticelli (bartender) was after her shift along with her boyfriend Thomas Cenevivia and brother Thomas Zingani.
  - a) Mr. Steward sometime there after produced a gun and went behind the bar, struck Mr. Lim repeatedly, shot Mr. Lim in the head, then stole cash from the register.
    - i. Mr. Shakurr held Ms. Mesticelli, Mr. Zingani and Mr. Cenevivia at gunpoint during the robbery.
    - ii. Mr. Zingani was shot in the right side by Mr. Shakuur.
  - b) Detective John McDermott and Detective Stephen Vivarina interviewed Ms. Mesticelli and Mr. Ceneviva after the robbery.

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<sup>137</sup> Whitaker v. City of Philadelphia, et al., Civil Action No.: 20-cv-03413 Amended Complaint.



Commonwealth v. Anthony Williams  
Court of Common Pleas – Philadelphia County Pennsylvania  
Post-Conviction Relief  
Dr. Chapman: Expert Report

- i. Mr. Ceneviva provided Detective McDermott and Detective Vivarina with two (2) statements, both indicating that there were two (2) robbers and that he could not identify either.
    - ii. Ms. Mestichelli advised the detectives that there were three (3) robbers, none of which she could identify. However, during Mr. Whitaker's trial Ms. Mestichelli positively identified Mr. Whitaker for the first time (five years had passed since the robbery).
  - c) Mr. Steward and Mr. Shakuur were identified by eyewitnesses based upon photo arrays and arrested.
    - i. Mr. Steward provided a written and videotaped confession to Detective McDermott and Detective Vivarina. During the confession the detectives persisted that Mr. Whitaker was involved in the murder and robbery.
      - During Mr. Whitaker's subsequent trial (April 2019) Mr. Steward testified that Detective McDermott and Detective Vivarina provided the name Mark to him, and that Mr. Whitaker was not involved in the robbery or murder.
    - ii. Mr. Ceneviva asserted that he and Mr. Steward were the only individuals who participated in the robbery and murder. However, on April 4, 2002, the detectives assert that Mr. Ceneviva identified Mr. Whitaker from a photo array as the third individual who assisted with the robbery.
    - iii. Mr. Whitaker was charged with second-degree murder, robbery, criminal conspiracy, and other crimes.
3. Mr. Whitaker asserts:
  - a) Detective John McDermott and Detective Stephen Vivarina improperly used their power and position to coerce witnesses into making false statements and identifications, and to offer sworn testimony that they knew to be false.
  - b) Detective John McDermott and Detective Stephen Vivarina withheld exculpatory evidence that would have demonstrated Mr. Whitaker's innocence.
    - i. The detectives deliberately disregarded information and evidence that would have demonstrated flaws in the case against Mr. Whitaker.
4. Mr. Whitaker spent 17 years in prison for the murder of Mario Lim which he did not commit.

**Termaine Hicks (2001)** <sup>138/139/140/141</sup>

1. On November 27, 2001, Mr. Hicks attempted to aid a woman (W.L.) who had just been raped.
2. PPD Officer Martin Vinson repeatedly shot (three times) Mr. Hicks in the back then and Officer Robert Ellis and Officer Dennis Zungolo attempted to cover up Officer Vinson's actions by planting a gun on Mr. Hicks.
  - a) The officers not only planted a gun on Mr. Hicks, but they also framed Mr. Hicks with the rape of the woman he was attempting to aid.
3. Mr. Hicks asserts that PPD officers:
  - a) Filed false police reports indicating that they observed Mr. Hicks in the act of raping the woman.
  - b) Falsely asserted that he was just about to pull a gun from his pocket when Officer Vinson shot him.
    - i. Officer Vinson asserted that Mr. Hicks lunged at him, struck his arm, and pulled out a gun and pointed at him before he (Officer Vinson) shot Mr. Hicks in the front of his body.
    - ii. Forensic evidence from Dr. Michael Baden proved that Mr. Hicks was not lunging at Officer Vinson, but rather his back was to the officer when he was shot.
  - c) The gun which the officers asserted Mr. Hicks pulled was registered to PPD officer Valerie Brown (Mr. Hicks asserts that the gun was planted).
4. Mr. Hicks asserts that he was wrongfully convicted of rape, aggravated assault, possession of an instrument of crime, and terroristic threats based upon fabricated evidence of PPD officers.
  - a) Mr. Hicks was sentenced to 12½ to 25 years in prison.
  - b) The District Attorney's Office stated that, 'false testimony was used, and I believe that it is impossible to say that that did not contribute to the conviction'.

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<sup>138</sup> Hicks v. City of Philadelphia, et al., Civil Action No.: 2:22-cv-00977 Complaint & Jury Demand.

<sup>139</sup> Mr. Hicks assertions.

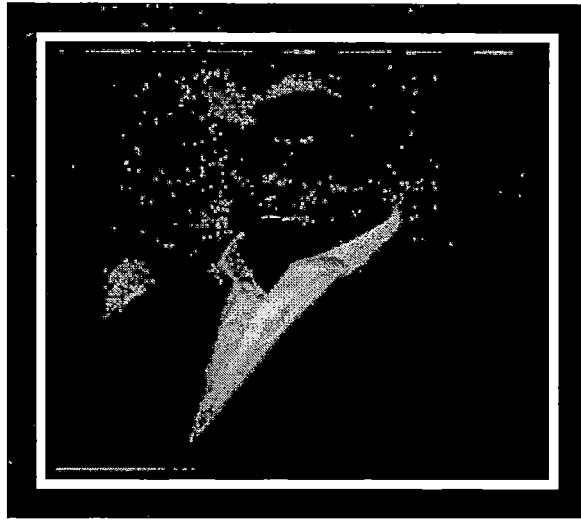
<sup>140</sup> Innocent Project: Termaine Hicks, Shot in the Back by Philadelphia Police, Is Exonerated After 19-Year Cover Up.

<sup>141</sup> Joint Stipulations of Fact of Petitioner Joseph Termaine Hicks and Respondent Commonwealth of Pennsylvania; CP-51-0306311-2001

Commonwealth v. Anthony Williams  
Court of Common Pleas – Philadelphia County Pennsylvania  
Post-Conviction Relief Act  
Dr. Chapman: Expert Report

# Appendix 'B'

# CURRICULUM VITAE



**Christopher Chapman, Ph.D.**

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Cranford, NJ 07016

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Email: [Dr.Chapman@PoliceExpert.us](mailto:Dr.Chapman@PoliceExpert.us)

Webpage: [www.PoliceExpert.us](http://www.PoliceExpert.us)

## **SHORT SYNOPSIS OF EXPERIENCES:**

### **City University of New York at Kingsborough**

2001 Oriental Boulevard

Brooklyn, New York 11235

Office (718) 368-4640

Tenure Notification – November 2015<sup>1</sup>

Director of Criminal Justice Degree Program – Service from August 2009 – March 2018

Associate Professor – September 2013 - Present

Assistant Professor – Service from August 2008 to 2013

### **New Jersey City University**

2039 Kennedy Boulevard

Jersey City, New Jersey 07305

Office (201) 200-3492

Adjunct Professor of Criminal Justice - Service from September 2004 to 2019

### **Kean University**

1000 Morris Avenue

Union, New Jersey 07083

Adjunct Professor of Criminal Justice - Service from September 2005 to 2007

### **Township of Cranford Police Department**

8 Springfield Avenue

Cranford, New Jersey 07016

January 1988 – January 2008

Retired 2008 as Sergeant of Police

Size of Department: 56 Officers

Population: 22,000 – 25,000

Patrol Officer – 1988 – 1992

### **Union County Prosecutor's Office<sup>6</sup>**

10 Elizabethtown Plaza

Elizabeth, NJ 07207

Narcotics Investigator and Police Academy Instructor Trainer 1988 - 2002

Size of Department: over 100

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<sup>1</sup> The tenure decision is one of the most important that the CUNY makes. It is an acknowledgement of the value of my work as a scholar, excellence in teaching and service to the college.

**U.S. Department of Homeland Security – Immigration and Customs Enforcement**

Customs and Border Protection<sup>1</sup>

Officer 614 Frelinghuysen Ave., 3 Fl.

Newark, NJ 07112

Rank: 2007 - 2008 as Task Force Officer

CBP Officer: July of 2011

**SUMMARY OF QUALIFICATIONS:**

I am a recognized subject matter expert in Police Practices, Law Enforcement, Security Procedures, Pre-Hospital Emergency Care (PHTLS & EMD) and Emergency Communications. While employed by the Cranford Police Department, I was assigned to various law enforcement agencies such as the Plainfield Police Department (NJ), Roselle Police Department (NJ), Linden Police Department (NJ), Union County Prosecutor's Office (NJ), and the New Jersey Division of Criminal Justice where I participated in numerous investigations regarding violent crimes, narcotics and other criminal activities. In addition, I have previously been assigned (2007) to and subsequently employed (2011) by the U.S. Department of Homeland Security (DHS) assigned to the Newark, New Jersey field office (Federal Task Force Officer and Customs and Border Protection Officer). While serving with DHS, I participated in numerous investigations within, Connecticut, New Jersey, New York, and Pennsylvania.

My expertise in law enforcement procedures has been gained while functioning within local, county, state and federal law enforcement organizations where I obtained real world police experiences, and my years as a professor within the discipline of criminal justice at the college and university level.

My distinguished career in law enforcement, encompassing two decades of successful and diversified experience, is represented by the following:

Ten years as a police academy instructor, certified by the New Jersey Division of Criminal Justice Police Training Commission; providing law enforcement training for police academy recruits throughout New Jersey in the areas of:

**Sampling of Courses Instructed:**

Street Encounters Unarmed Defense Telephone Communications Police Radio Communications	Incident Command System Cultural Diversity Racially Influenced Policing First Responder Training
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I have managed large-scale criminal incidents, served as a confidential aid to police chiefs, conducted internal affairs investigations, disciplined personnel, supervised sworn and civilian personnel, participated in over 1,000 indictable (felony) arrests, and testified in over 800 criminal trials and/or hearings. I have functioned as a law enforcement officer within the City of New York (NY), Elizabeth (NJ), East Orange (NJ), Jersey City (NJ), Roselle (NJ), Paterson (NJ), Plainfield (NJ), and Newark (NJ) just to name a few. I have trained law enforcement administrators in policy development, internal affairs investigations as well as supervision, leadership and management.

<sup>1</sup> Assigned to this police organization by the CPD then employed by CBP.

The Township of Cranford Police Department frequently released me from normal patrol and/or supervisory responsibilities to serve as a national and international police academy instructor in the areas of:

<p><b>Sampling of Courses Instructed:</b></p> <p>Methods of Instruction - (NJ PTC Certification)</p> <p>Unarmed Defense Tactics</p> <p>Police Supervision</p> <p>Policy Development</p> <p>Police Organization and Administration</p> <p>Management of Public Safety Agencies</p> <p>Knife Defense</p> <p>Command &amp; Control of Events</p> <p>Tactical Police Communications</p> <p>International Terrorism Awareness</p> <p>Chemical Aerosol Projection</p> <p>Police Baton</p> <p>Clinical Blood Alcohol Methodology</p> <p>Police Phlebotomy Technician</p> <p>Incident Command Systems</p> <p>Use of Force Understanding</p> <p>Police Policy Development</p>	<p>High Risk Street Encounters</p> <p>Best Practices in Internal Affairs Investigations</p> <p>Leadership Theories</p> <p>Ethics</p> <p>Domestic Terrorism Awareness</p> <p>Ground Fighting</p> <p>Emergency Medical Technician</p> <p>Emergency Vehicle Operations</p> <p>Defensive Driving</p> <p>Tactical Handcuffing</p> <p>Police Bicycle Patrol</p> <p>Driving Under the Influence</p> <p>Basic Life Support (CPR)</p> <p>Emergency Medical Dispatch</p> <p>Emergency 9-1-1 Communications</p> <p>Tactical EMS</p> <p>Law Enforcement Situation Issues</p>
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I have provided professional instructional training to the following organizations:

**Sampling of Organizations:**

Union County Police Academy, Scotch Plains, NJ	Morris County Public Safety Academy, Parsippany NJ
Northern Illinois Training Advisory Board, Rockford IL	U.S. Defense Intelligence Agency, Washington DC
State of Connecticut Office of State Police	Yale University, New Haven CT
Alexandria Police Department, Alexandria VA	Sparta Police Department, Sparta NJ
Jersey City Police Department, NJ	Mesa Police Department, Mesa AZ
Mohegan Tribal Police, Uncasville CT	Union County Prosecutor's Office, NJ
State of Vermont Office of State Police	U.S. Department of Homeland Security, Newark NJ
Union County Police Departments, NJ	Mexico Federal Police, Mexico City, Mexico.
West Orange Police Department, NJ	Seoul Metropolitan Police, Seoul, Korea
Ak-Chin Tribal Police Department, Maricopa AZ	Mendoza City Police Department, Mendoza, Argentina
Linden Police Department, NJ	Hudson County Public Safety Training Center, Jersey City, NJ

I have served as a national instructor for the National Communications Institute in Atlanta, Georgia. My responsibilities included teaching courses on security, security protection, public safety management, developing 9-1-1 quality assurance programs, and working with the Commission on Accreditation for Law Enforcement – Law Enforcement Program Standards.

I am a Criminologist, and the founding Director of Criminal Justice within the City University of New York at Kingsborough, where I am/was responsible for the coordination of all courses in the Criminal Justice Degree Program, which includes course content and course development, faculty evaluations, and selection and nominations of faculty employment. In addition, I provide authoritative guidance to the criminal justice faculty, and serve on the criminal justice educational committee with the City University of New York at John Jay College of Criminal Justice.

**Sampling of Courses Instructed:**

Policing		Corrections
American Legal Systems		Constitutional Law
Professional Security Operations		Asset Protection
Introduction to Criminal Justice		Crime and Punishment
Minorities and the Criminal Justice System		Law Enforcement
Security Officer Training		Security Operations within Retail and Hospitals
Police Organization and Administration	Crime and Delinquency	Introduction to Criminal Justice
Criminal Procedure	White Collar Crime	Crime Prevention
Deviant Theories	Middle Eastern Terrorism Awareness	Leadership Theories
Court Systems	Crisis Management	Police Supervision
Emergency Medical Technician	Minorities and Criminal Justice	Ethics
Community Policing	Juvenile Justice	Police & Security Technology

Experiences supported with a Doctor of Philosophy Degree (Ph.D.) in Criminal Justice; continue to update professional knowledge through numerous classes and seminars, active participation in professional organizations and through research for books and articles on various phases of Policing and Law Enforcement.



**Formal Education:<sup>7</sup>**

- Doctor of Philosophy:** Criminal Justice Concentration  
**Northcentral University** (2009)  
Accredited by: The North Central Association of Colleges and Schools
- Masters of Science:** Criminal Justice Concentration  
**Boston University** (2004)  
Accredited by: The New England Association of Schools and Colleges
- Bachelor of Science:** Criminal Justice Concentration  
**New Jersey City University** (2001)  
Accredited by: The Middle States Association of Colleges and Schools
- Associate in Arts:** Criminal Justice Concentration  
**Union County College** (1999)  
Accredited by: The Middle States Commission on Higher Education

**Continuing Professional Development:**

- Federal Bureau of Investigation: Advanced Criminal Investigations
- Penn State University: Police Supervision and Field Training Officer
- Northwestern University: Supervision of Police Personnel  
Internal Affairs Investigations
- New Jersey Attorney General: Internal Affairs Investigations Program
- New Jersey Department of Education: Teacher of Law Enforcement

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<sup>7</sup> Each of the conferred degrees are from a Regionally Accredited College or University (See: <https://www.chea.org/search-institutions>)

## **Sampling of Research Courses and Training Received<sup>8/9/10</sup>**

U.S. Department of Health and Human Services, National Research Institutes, Office of Human Research Protections, College or University and/or Collaborative Institutional Training Initiative Training Courses Completed:

- Research Methods
- Operational Research
- Research Mentoring
- Research Peer Review
- Research Misconduct
- Data Analysis
- Data Management
- Human Subjects Research
- Animal Subjects Research
- Research Ethics and Society
- Research Conflicts of Interest
- Research Responsible Conduct
- Export Controls and National Security
- Environmental & Social Dimensions of Engineering Research

### **Professional Organizations:**

- New Jersey Police Benevolence Association
- Academy of Criminal Justice Sciences
- International Police Association
- International Police Executive Symposium
- International Law Enforcement Trainers Association
- American Society of Criminology (ASC), Division on Critical Criminology
- National Emergency Medical Services Association
- National Association of Emergency Medical Technicians

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<sup>8</sup> Code of Federal Regulations Title 45 Part 46.

<sup>9</sup> Federal Policy for the Protection of Human Subjects.

<sup>10</sup> Biomedical Research Alliance of New York.

### **Publications:**

Racism Masked by Authority, Gothic Press (2004)

Supervision of Police Personnel, International Police Association (2006)

Emergency Communication Center Liability, Emergency Dispatch (2007)

Analysis Interpretation of Racial Profiling Data, Gothic Press (2008)

Examination of Relationship Between Police Education and Perceptions on Use of Force in Minority Communities. ProQuest (2011)

Trends in Policing: Interviews with American Police Leaders – Police Corruption, Use of Force, Best Practices in Policing, and Future of Policing in America, CRC Press (2012)

Factors that Predict Citizen Support for Aggressive Policing, Police Practices & Research (2012-reviewer)

Use of Force in Minority Communities is Related to Police Education, Age, and Experience - International Journal of Police Practices & Research (2012)

Tactical Emergency Medical Services: Not A Basic Skill (2012)

What Police Administrators Need to Know About Use of Force Liability (2013)

Supervision of Police Internal Affairs, PF IA – Policia Federal-Mexico (2014)

An Introduction to Police Use of Force (2015)

A Civic Engagement Graduation Requirement on an Urban College Campus, International Journal of Civic Engagement and Social Change (2015)

Microaggressions, Marginality, Prejudice, and Discrimination - Book Chapter (2015)

Jive Turkey Judgment Day: Minorities and the Criminal *Justus* System (2016)

Feminevil: The Chechen Black Widows Symbolic Terrorism, Crime, Law and Social Change (2016-reviewer)

Student Acceptance of a Civic Engagement Graduation Requirement in an Urban Community College, Handbook of Research on Civic Engagement and Social Change in Contemporary Society (2018)

Citizen's Perception of Police Practice" An Exploration of Causes, U.S. Journal of Police Use of Force and Practices (2019).

The Courts Encourage It, So We Do It: Police Excessive Force Against Minorities, African Journal of Criminology and Justice Studies (2020)

**Audio Interviews/Publications with-Subject Matter Experts:**

Nassau NY County Police Commissioner Lawrence Mulvey (01/29/2011) – Police Supervision/Training

Newark NJ Police Director Gary McCarthy (03/10/2011) – Police Minority Relations/Police Administration-Use of Force - Supervision and Promotions

Philadelphia PA Police Commissioner Charles Ramsey (06/06/2011) – Police Minority Relations/Police Administration – Supervision and Promotions

New Jersey State Police Superintendent/Colonel Rich Fuentes (10/27/2011) – Police Supervision/Training-Minority Relations

### **Sampling of Conferences and Presentations:<sup>11</sup>**

- 2004 "Why Do Black Officers Brutalize their Own?" Tucson, AZ
- 2004 "Racism Masked by Authority", New Haven, CT
- 2004 "Supervision of Police Personnel", New Haven, CT
- 2004 "Emergency Communication Center Liability", Erie, KS
- 2004 "Certifications do not Equal Qualifications", Rockford, IL
- 2005 "Subordinates Remember You When", Burlington, MA
- 2005 "Minority Officers and Suburban Policing", New Haven CT
- 2005 "Analysis and Interpretation of Racial Profiling Data", Union, NJ
- 2005 "Explaining Racial Differences in Violent Victimization", Union, NJ
- 2005 "Over the Wall Medical Instructions", Logansport, IN
- 2005 "Measuring What Really Matters", Union, NJ
- 2005 "Surviving Police Encounters," Jersey City, NJ
- 2005 "When Seconds Count", Poughkeepsie, NY
- 2008 Appeared on Press TV (Iran's TV Network), "Police Use of Force & Gun Violence in the U.S."
- 2009 "Hate Conference", Brooklyn, NY
- 2009 Appeared on Channel 56 – "Blacks and Jews in Conversation"
- 2010 "Legal or Illegal", Brooklyn, NY
- 2011. "Cell Block Management and Suicide Awareness", NY, NY
- 2011. "Relationship Between the Jewish Holocaust Police Racial Profiling", Brooklyn, NY
- 2012. "Criminal Justice Ethics and a Democratic Society", Brooklyn, NY
- 2012. "Confinement of Juvenile Offenders", Jersey City, NJ
- 2012. "Police Use of Force in a Democratic Society", United Nations, International Police Executive Symposium, NY, NY
- 2014. 'Police Supervision and Internal Affairs Investigations for Organizational Leaders' Mexico City, Mexico.
- 2015 "Police Citizen Encounters within a Democratic Society", Roselle, NJ

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<sup>11</sup> Stopped listing after 2016, due to applicability and repetitiveness.

- 2015 "Citizens Encounters with the Criminal Justice System", Brooklyn, NY
- 2015 "Emergency Services, Critical v. Clerical Information", Somerset, NJ
- 2015 "Best Practices in U.S. Internal Affairs Investigations", NY, NY
- 2015 "What Went Wrong in McKinney, Texas?" America's First News with Gordon Deal
- 2016 "You May Be Right, They May Be Wrong, You May Be Dead", Roselle, NJ
- 2016 "EMS Response to Mental Health Dispatches", Metuchen, NJ

### **Expert Consultation:**

I have consulted with attorneys (state and federal) and have given expert opinions while active as a law enforcement practitioner. After my retirement from the Cranford Police Department, and separation from the U.S. Department of Homeland Security I served as a disclosed expert within the following courts:

**Federal Court Testimony:**

**Adam Kuhn v. Jason Vance.**

U.S.D.C. for the Western District of Kentucky at Louisville Case No. 3:16-cv-816  
Action: Case review, Consultation, Opinion Report and Deposition

**Xavier Ingram v. Camden County, et al.**

U.S.D.C. for the District of New Jersey Case No. 1:14-cv-05519  
Action: Case review, Consultation, Opinion Report, Deposition and Court Testimony.

**Darren Dickerson v. Camden County, et al.**

U.S.D.C. for the District of New Jersey Case No. 1:14-cv-06905  
Action: Case review, Consultation with Opinion Report (*Deposition*).

**Anthony Smith, et al. v. John Wilson-Police Chief & Town of Beloit**

U.S.D.C. for the Western District of Wisconsin Case No. 3:10-cv-00062-WMC  
Action: Case review, Consultation with Opinion Report and Court Testimony.

**Jamie Becker v. City of Evansville, et al.**

U.S.D.C. for the Southern District of Indiana Case No. 12-cv-00182  
Action: Case review, Consultation with Opinion Report, Deposition and Court Testimony.

**Robin A. Burkhart v. Ryan Dickel (County of Baltimore Police Officer**

U.S.D.C. for the District of Maryland Case No. CCB-12-cv-3320  
Action: Case review, Consultation with Opinion Report, Deposition and Court Testimony.

**Tariq Alquanawi v. City of Paterson, et al.**

U.S.D.C. for the District of New Jersey Case No. 13-1578 (FSH)  
Action: Case review, Consultation with Opinion Report and Deposition.

**Carlos Rodrigues v. City of Paterson, et al.**

U.S.D.C. for the District of New Jersey Case No. 13-1664 (ES)  
Action: Case review, Consultation with Opinion Report and Deposition.

**John & Sheri Panarello v. City of Vineland, et al.**

U.S.D.C. for the District of New Jersey – Camden Vicinage Case No. 12-cv-7294 (JEI-JS) Action: Case review, Consultation with Opinion Report and Deposition.

**John Newsome v. City of Newark, et al.**

U.S.D.C. for the District of New Jersey – Newark Vicinage Case No. 13-cv-06234 Action: Case review, Consultation with Opinion Report and Deposition.

**Woods/Wilson v. Borough of Bellmawr and Brooklawn, et al.**

U.S.D.C. for the District of New Jersey –Case No. 13-cv-05437  
Action: Case review, Consultation with Opinion Report and Deposition.

**Keith Loving v. Code 3 Security & Protection Services, Inc., et al.** *Superior Court for the District of Columbia – Case No. 2014-CA-8043-BA* Action: Case review, Consultation with Opinion Report and Deposition.

**J.N.J.C. v. City of Kenosha, WI, et al.**

U.S.D.C. for the Eastern District of Wisconsin - Case No 16-cv-00301  
Action: Case review, Consultation with Opinion Report, Deposition and Court Testimony.

**Eric Jones v. City of Baltimore, et al.**

U.S.D.C. for the Northern District of Maryland - Case No. 16-cv-02662  
Action: Case review, Consultation with Opinion Report and Deposition.

**Fernando Lopez v. Cook County, et al.**

U.S.D.C. for the Northern District of Illinois Eastern Division – Case No. 16-cv-10931  
Action: Case review, Consultation, Opinion Report and Deposition.

**Amy Crockett, as Administrator, v. Charles Blackwood, et al.**

U.S.D.C. for the District of North Carolina – Case No. 18-00809  
Action: Case review, Consultation, Opinion Report and Deposition .

**Ylovy Fleurant v. City of Port Saint Lucie, Florida, et al.**

U.S.D.C. for the District of Southern Florida (Fort Pierce Division) Case No. 19-14032  
Action: Case review, Consultation, Opinion Report and Deposition.

**David Carpenter, et al , v. City of Millville, et al.**

U.S.D.C. for the District of New Jersey (Camden Vicinage) – Case No. 18-10959  
Action: Case review, Consultation, Opinion Report and Deposition.

**Taharqa Dean , v. Borough of Glassboro, et al.**

U.S.D.C. for the District of New Jersey – Case No. 17-07344

Action: Case review, Consultation, Opinion Report and Deposition.

**Rafael Cendan , v. Jose Truj, et al.**

U.S.D.C. for the District of Southern Florida – Case No. 16-21775

Action: Case review, Consultation, Opinion Report, Deposition and Court Testimony.

**Yaishali Gonzalez , v. Florida City et al.**

U.S.D.C. for the District of Southern Florida – Case No. 1:20-cv-23306

Action: Case review, Consultation, Opinion Report and Deposition.

**Steve More , v. Officer Justin Trojan et al.**

U.S.D.C. for the District of Maryland – Case No. 1:17-cv-01331

Action: Case review, Consultation, Opinion Report and Court Testimony.

**Donald Outlaw , v. City of Philadelphia et al.**

U.S.D.C. for the District of Eastern Pennsylvania – Case No. 21-1290

Action: Case review, Consultation, Opinion Report and Deposition.

**Anthony Ewell , v. City of Fort Lauderdale et al.**

U.S.D.C. for the Southern District of Florida – Case No. 22-60826

Action: Case review, Consultation, Opinion Report and Deposition.

**Christopher Johnson v. City of Providence et al.**

U.S.D.C. for the District of Rhode Island – Case No. 19-00283

**Action: Case review, Consultation, Opinion Report and Deposition.**

**Derek S. Thome (Administrator) v. Trooper Jay D. Splain et al.**

U.S.D.C. for the Middle District of Pennsylvania – Case No. 20-02167

Action: Case review, Consultation, Opinion Report and Deposition.

**Johnny Miles, et al v. City of Hazelhurst, et al**

U.S.D.C. for the Southern District of Georgia – Case No. 22-00030

Action: Case review, Consultation, Opinion Report and Deposition.

**Sophia Pheap v. City of Knoxville, et al.**

U.S.D.C. for the Eastern District of Tennessee – Northern Division

Case No. 3:20-CV-00387

Action: Case review, Consultation, Opinion Report and Court Testimony.

**Federal Court Consultations:**

**Gary Yates v. Paul Thiel, et al.**

U.S.D.C. for the Middle District of Pennsylvania Case No. 3:15-cv-1505

Action: Case review, Consultation with Opinion Report.

**Lavida Clarkv. Officer Miguel Ortiz (Coatesville Police Department), et al.**

U.S.D.C. for the Eastern District of Pennsylvania Case No. 2:16-cv-0315

Action Case review, Consultation with Opinion.

**Marcus Jeter v. Township of Bloomfield, et al.**

U.S.D.C. for the District of New Jersey Case NO. 1:14-cv-05387

Action: Case review, Consultation with Opinion Report

**Xavier Hempstead v. City of Cleveland, et al.**

U.S.D.C. for the Northern District of Ohio - Case No 15-cv-2528

Action: Case review, Consultation with Opinion Report.

**Lori A. Carron v. Cameron Coltharp (Hinesburg Community Police), et al.**

U.S.D.C. for the District of Vermont Case No. 1:16-cv-161

Action: Case review, Consultation with Opinion.

**Jarrett Chambers, et. al. v. City of Newark, et. al.**

U.S.D.C. for the State of New Jersey Case No. 2:11-cv-06994

Action Case review, Consultation with Opinion Report.

**Robert Heyward v. City of East Orange, et. al.**

U.S.D.C. for the State of New Jersey Case No. 2:11-cv-03526

Action Case review, Consultation with Opinion Report.

**Martese Johnson v. Virginia Department of Alcoholic Beverage Control, et al.**

U.S.D.C. for the Western District of Virginia Case No. 3:15-cv-00055

Action Case review, Consultation with Opinion.

**Charles Pratt v. Port Authority of New York & New Jersey, et. al.**

U.S.D.C. for the State of New Jersey Case No. 2:11-cv-04880

Action Case review, Consultation with Opinion Report.

**James R. Black v. Lindenwold Township, et. al.**

U.S.D.C. for the State of New Jersey, Camden Vicinage Case No. 1:11-cv-1183

Action: Case review, Consultation with Opinion Report.



**Erin Walsh v. City of Orange, et. al.**

U.S.D.C. for the District of New Jersey Case No. 2:11-cv-00712

Action: Case review, Consultation with Opinion Report.

**Diano Morgan v. City of Paterson, et. al.**

U.S.D.C. for the District of New Jersey Case No. 12-6914 (SDW) (MCA)

Action: Case review, Consultation with Opinion Report.

**Margarete E. Semiz v. Borough of Hopatcong, et al.**

U.S.D.C. for the District of New Jersey –Case No. 13-cv-3343

Action: Case review, Consultation with Opinion Report.

**Donald Farrar v. Township of Teaneck, et al.**

U.S.D.C. for the District of New Jersey Case No. 12-cv-03096

Action: Case review, Consultation with Opinion Report.

**Peter Vazquez v. Harrah's Atlantic City Propoco, LLC & City of Atlantic**

U.S.D.C. for the District of New Jersey – Camden Vicinage Case No. 12-cv-01752 (RMB)

Action: Case review, Consultation with Opinion Report.

**Edward M. Smalls v. Township of Englewood, et al.**

U.S.D.C. for the District of New Jersey Case No. 11-cv-7210

Action: Case review, Consultation with Opinion Report.

**Fata Sakoc v. Trooper Timothy Carlson**

U.S.D.C. for the District of Vermont Case No. 5:11-cv-290

Action: Case review, Consultation with Opinion Report and Deposition.

**Jose Colone v. City of Paterson, et. al.**

U.S.D.C. for the District of New Jersey Case No. 2:12-cv-01653

Action: Case review, Consultation with Opinion Report.

**J.G., A Disabled Minor, By and Through His Mother Wendy Koss v. City of SunPrairie Police**

U.S.D.C. for the Western District of Wisconsin Case No 13:cv-00414

Action: Case review, Consultation with Opinion Report.

**Elizabeth Goodwin, et al. v. City of Cleveland, et al.**

U.S.D.C. for the Northern District of Ohio - Case No 13-cv-02651 (DAP)

Action: Case review, Consultation with Opinion Report.

**Ralph Lezin v. City of Asbury Park, et al.**

U.S.D.C. for the District of New Jersey Case No. 12-6524

Action: Case review, Consultation with Opinion Report.

**Darrell K. Haze v. Tieranie Marchant (City of West Allis Police Officer)**

U.S.D.C. for the Eastern District of Wisconsin Case No. 2:13-cv-01448-WEC

Action: Case review, Consultation with Opinion Report.

**Anthony Ferraioli, Aldren Lamboy & Dawn Fray v. City of Hackensack, et al.**

U.S.D.C. for the District of New Jersey Case No. 2:09-cv-02663-SRC-MAS

Action: Case review, Consultation with Opinion Report.

**Edison A. Brooks v. City of Vineland, et al.**

U.S.D.C. for the District of New Jersey – Camden Vicinage Case No. 12-cv-5885 (JEI-JS)

Action: Case review, Consultation with Opinion Report.

**David G. McKay, et al v. Agent Steven Soo Hoo of the U.S. DEA Administration**

U.S.D.C. for the Southern District of New York – Case No. 14-cv-0154

Action: Case review, Consultation with Opinion Report.

**Martez Robinson v. City of Ypsilanti, et al.**

U.S.D.C. for the Eastern District of Michigan – Case No. 14-cv-14039

Action: Case review, Consultation with Opinion Report.

**Mark Soldo v. The Village of Monticello, et al.**

U.S.D.C. for the Southern District of New York – Case No. 14-cv-03881 (VLB)

Action: Case review, Consultation with Opinion Report.

**Walther M. Rivera v. Sergeant C. Zweigle**

U.S.D.C. for the District of New Jersey – Case No. 13-cv-3024

Action: Case review, Consultation with Opinion Report.

**Haydn Zeis, Administrator of the Estate of Jordan Miller v. Township of Springfield, et al.**

U.S.D.C. for the Northern District of Ohio Eastern Division – Case No. 16-cv-02331

Action: Case review, Consultation with Opinion Report.

**Ashley Zuess v. City of Newark, et al.**

U.S.D.C. for the Southern District of Ohio Eastern Division – Case No. 17-cv-866

Action: Case review and Consultation.

**Tanya Brown, et al., v. City of Cleveland, et al.**

U.S.D.C. for the Northern District of Ohio Eastern Division - Case No. 16-cv-00921

Action: Case review, Consultation with Opinion Report.

**T.H., by his parent and guardian Tiesha Shepherd (ACLU) v. City of Syracuse, et al.**

U.S.D.C. for the Northern District of New York – Case No. 17-cv-1081

Action: Case review, Consultation with Plaintiff and Defendants and Oral Opinions.

**Bobbie L. Mael v. Erie County, et al.**

U.S.D.C. for the Western District of New York – Case No. 18-cv-378

Action: Case review, Consultation and Opinion Report.

**Monica Nash, et al v. Mercer County Sheriff's Office, et al.**

U.S.D.C. for the District of New Jersey – Case No. 17-3648

Action: Case review, Consultation and Opinion Report.

**Sterling D. Brown v. City of Milwaukee, et al.**

U.S.D.C. for the Eastern District of Wisconsin Case No. 18-922

Action: Case review, Consultation, Opinions.

**Commonwealth of Virginia v. Alejandro Amaya and Lucas Vinyard**

U.S.D.C. for the Eastern District of Virginia – Alexandria Division

Case No. 1:21-CR-00091 & 1:21:CR-00092

Action: Case review, Consultation, Opinion Report.

**Antwan Smith, et al. v. City of Port Saint Lucie, Florida, et al.**

U.S.D.C. for the District of Southern Florida Case No. 20-14252-cv-Middlebrooks

Action: Case review, Consultation, Opinion Report and Deposition.

**Cyprian Luke v. Town of Dover, et al.**

U.S.D.C. for the District of New Jersey – Case No. 21-cv-11233

Action: Case review, Consultation and Opinions.

**Raheem Bryant vs. City of Newark, et al.**

U.S.D.C. for the District of New Jersey – Case No.: 19-cv-17592

Action: Case Review, Consultation with Opinion Report.

**State Court Testimony:**

**State of Florida v. Nounam Khan Raja**

In the Circuit Court of the Fifteenth Judicial Circuit,  
Criminal Division in and for Palm Beach County, FL  
Case No. 2016CF005507AXXMB - Division: 'X'  
Action: Case review, Consultation with Opinions, Deposition and Stand Your Ground Testimony.

**7-Eleven, Inc., v. Borough of River Edge et. al.**

Bergen County – Law Division, Newark, New Jersey Docket No: BER-L-009220-15  
Action: Case review, Consultation with Opinion Report and Deposition.

**Starr Neal, et al., v. City of Baltimore, et. al.**

Circuit Court for Baltimore City – Baltimore, Maryland Case No: 24-C-16-002208  
Action: Case review, Consultation with Opinions and Court Testimony.

**Nancy Velasquez v. City of Newark, et. al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-9943-13  
Action: Case review, Consultation with Opinion Report and Court Testimony.

**Elliot Hodges v. City of Orange Township et. al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-9426-1  
Action: Case review, Consultation with Opinion Report and Deposition.

**People of the State of Colorado v. Margarita Stokes**

El Paso County, Colorado Springs, Colorado Case No. 13-CR-63 Division No. 12  
Action: Case review, Consultation with oral opinion and Court Testimony.

**Harold Michael Burrowes v. Walmart Stores Texas, LLC**

Dallas County – Law Division, Dallas, Texas Cause No: CC-12-01913-C  
Action: Case review, Consultation with Opinion Report and Deposition.

**Candida Alvarado, et. al. v. City of East Orange, et. al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-9316-10  
Action: Case review, Consultation with Opinion Report and Deposition.

**Sinexis Chique v. City of Newark, et al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-9032-12  
Action: Case review, Consultation, Opinion Report and Court Testimony.

**Antoinette Martin v. SMG, et al.**

Denver County – District Court of the State of Colorado Docket No: 2013-cv-31185

Action: Case Review, Consultation with Opinion Report, Deposition, and Court Testimony.

**Robert Croonquist & Brian Hamilton v. Borough of River Edge**

Bergen County – Law Division – New Jersey Docket No: BER-L-5761-14

Action: Case Review, Consultation with Opinion Report, and Deposition.

**Estate of Darroll E. Morris v. City of East Orange, et al.**

Essex County – Law Division – New Jersey Docket No: ESX-L-3896-13

Action: Case Review, Consultation with Opinion Report, and Deposition.

**Chandra Ganesh v. City of Jersey City, et al.**

Hudson County – Law Division – New Jersey Docket No: HUD-L-4245-14

Action: Case Review, Consultation with Opinion Report, and Deposition.

**Isabelle Parham, Individually, Per Quod, and Administratrix ad Prosequendum of the Estate of John E. Parham v. City of Hackensack, et al.**

Bergen County – Law Division – New Jersey Docket No: BER-L-1527-17

Action: Case Review, Consultation with Opinion Report, and Deposition

**Gretchen Shaub v. Sergeant Smith, et al. (Maryland Transit Administration)**

Circuit Court of Maryland for Baltimore City – Case No. 24-c-18-5657

Action: Case Review, Consultation with Opinion Report, and Deposition

**State of Colorado v. John G. Stokes**

El Paso County – District Court – Case No.: 2019-CR007180 Action:

Case Review, Consultation with Opinion Report and Court Testimony

**Marshawn Love v City of Asbury Park**

Monmouth County – Law Division – New Jersey Docket No.: L-2767-17

Case Review, Consultation with Opinion Report and Deposition.

**Commonwealth of Virginia vs. Wesley Shifflett**

Fairfax County District Court – Law Division

Action: Case Review, Consultation and Testimony

**State Court Consultations:**

**Salvador Espinoza, et. al. v. Township of Irvington, et. al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-7249-17

Action: Case review, Consultation with Opinion Report.

**Michael J. Gadaleta, et. al. v. Township of Teaneck, et. al.**

Bergen County – Law Division, New Jersey Docket No: BER-L-5840-17

Action: Case review, Consultation with Opinion Report.

**Michael Wall, et. al. v. City of East Orange, et. al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-8785-14

Action: Case review, Consultation with Opinion Report.

**E/O Jahqui Graham v. City of East Orange, et. al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-5595-10

Action: Case review, Consultation with Opinion Report.

**Luis Velasco v. City of Newark, et. al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-2561-10

Action: Case review, Consultation with Opinion Report.

**Estate of Andrew Murnieks by Administrator Ad Prosequendum Renee Murnieks v.**

**State of New Jersey (Middlesex County Prosecutor's Office), et al.**

Middlesex County – Law Division, New Jersey Docket No: MID-L-6227-14

Action: Case review, Consultation with Opinion Report.

**Jane E. Costantino v. Michael E. Jones, et al.**

**and Underwood Memorial Hospital, et al. v. City of Vineland.**

Gloucester County – Law Division, New Jersey Docket No: L-1654-11

Action: Case review, Consultation with Opinion Report.

**Patricia Waller v. City of Newark, et al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-917-12

Action: Case review, Consultation with Opinion Report.

**Andre Egberongbe, et. al. v. City of East Orange, et. al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-814-15

Action: Case review, Consultation with Opinion Report.

**D.D., A Minor, by and through his Guardian, M.D. v. Township of Manalapan, et al.**

Monmouth County – Law Division - New Jersey Docket No: MON-L-2188-11

Action: Case review, Consultation with Opinion Report.

**Estate of Timothy Wall v. Township of Irvington, et al.**

Essex County – Law Division – New Jersey Docket No: ESX-L-10372-11

Action: Case Review, Consultation with Opinion Report.

**Adam J. Trosko v. Church of the Incarnation, The Diocese of Trenton, et al.**

Mercer County – Law Division – New Jersey Docket No: MER-L-1335-14

Action: Case Review, Consultation with Opinion Report.

**Andrea L. Dellorto v. Officer Anthony Gardner (Mount Olive Police Department)**

Morris County – Law Division – New Jersey Docket No: MOR-L-1540-17

Action: Case Review, Consultation with Opinion Report.

**State of New Jersey v. Jovanny Crespo**

Essex County Superior Court – Law Division – Indictment No.: 2019-05-1401

Action: Case Review, Consultation with Opinion Report

**Khari M. Gardner vs. City of East Orange, et al.**

Essex County Superior Court – Law Division – Docket No.: ESX-L-641-18

Action: Case Review, Consultation with Opinion Report.

**Sherrie Chappman vs. City of Cleveland, et al.**

Cuyahoga County in the Court of Common Pleas – Case No.: cv-20-932880

Action: Case Review, Consultation with Opinion Report.

**Keith Russell vs. Borough of Roselle, et al.**

Superior Court of New Jersey Law Division Union County – Civil Action No.: UNN-L -2291-21

Action: Case Review, Consultation with Opinion Report.

**EXPERT WITNESS REPORT**  
**OF**  
**CHRISTOPHER CHAPMAN, PH.D.**

**COURT OF COMMON PLEAS**  
**OF PHILADELPHIA COUNTY PENNSYLVANIA**  
**POST CONVICTION RELIEF**

Commonwealth of Pennsylvania

vs.

Anthony S. Williams  
Petitioner

**CASE NUMBER: CP-51-CR-07651-2009**  
**CASE NUMBER: CP-51-CR-12877-2009**

**DATE: January 7, 2024**

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I have been retained by the Law Office of Teri B. Himebaugh on behalf of the Petitioner Anthony Williams to review the action of the Philadelphia Police Homicide Division, Philadelphia Police Homicide Detectives/Members and former Philadelphia Police Homicide Detective James Pitts in connection with the standard of care associated with police practices and procedures, to determine if Detective Pitts and/or other Homicide Division Detectives engaged in interviews and/or interrogations contrary to constitutional policing standards (as instructed to police officers) and to render opinions where appropriate to a reasonable degree of professional certainty based upon police training/standards.

## **2.0 Qualifications**

I, Christopher Chapman, state the following:

2.1 I am a retired Sergeant of Police with the Township of Cranford Police Department, Cranford, New Jersey (1988-2008) where I held various law enforcement positions including but not limited to patrol officer, investigator, police supervisor, police trainer, and police policy developer.

2.2 While employed by the Cranford Police Department, I was released from my normal responsibilities on numerous occasions to serve as a police investigator, national and international police subject matter expert, and police academy and in-service instructor. In addition, I was assigned to the Union County New Jersey Prosecutor's Office and the United States Department of Homeland Security, where I provided law enforcement training and participated in, assisted, and/or conducted numerous investigations.

2.3 I am a full-time tenured Associate Professor and Founding Director of the Criminal Justice Degree Program within the City University of New York (CUNY), at Kingsborough, Brooklyn, New York. I conduct original scholarly research in the field of criminal justice, police use of force and policing investigations. I serve on the John Jay College of Criminal Justice - CUNY Justice Academy Education Committee (2008-current). In addition, I have served as an adjunct faculty member within the criminal justice departments of Kean University, Union, New Jersey, and New Jersey City University, Jersey City, New Jersey where I have instructed policing and investigation courses of instruction.

2.4 I keep informed and stay current on developments in police training, practices and procedures, best practices, and professional standards through communications, education, membership and/or participation in various organizations, including but not limited to the Department of State, International Law Enforcement Organizations, Black Criminologist Forum, National Excessive Force Institute, Police Benevolence Associations, the Academy of Criminal Justice Sciences, the International Police Association, the American Society of Criminology – Division on Critical Criminology, National Association for the Advancement of Colored People, Black Cops Against Police Brutality and Not Just Blacks and Jews in Conversation (a.k.a. Blacks and Jews in Conversation).

2.5 My real-world policing/law enforcement experience, formal higher education, training, and background are more fully described in my curriculum vitae (C.V.), attached as Appendix 'B'.

### **3.0 Foundation & Methodology Utilized in Developing Opinions**

3.1 The basis of my opinions expressed within this report is the education I have acquired through behavioral and social science research (qualitative and quantitative), teaching, training, professional development, experiences in criminal justice, law enforcement, police operations/investigations and police management/supervision regarding standards of care in police administration, investigations and procedures.

- a) As a researcher (criminologist), police practices expert, and police practitioner, I have conducted numerous case reviews that included conducting and/or reviewing Police Investigation Procedures, Investigation Techniques, Police Officer Conduct, and Excessive Force Investigations and routinely review and consider evidence-based research, other subject matter expert reports, and police/law enforcement investigative records and training standards.

3.2 My analysis and conclusions are based upon sufficient facts and/or data provided to me by the Law Office of Teri B. Himebaugh and comparing the facts and/or data to police training/standards, professional standards, practices, principles, judicial guidance, and protocols recognized, relied upon, and employed in policing and the law enforcement profession in 1993 through 2017, which forms the basis of this Post-Conviction Relief (PCR) action. More specifically, I considered standards of the Philadelphia Police Department (PPD), publications from the International Association of Chiefs of Police (IACP), Pennsylvania Municipal Police Officers' Education and Training Commission (PMPOEDTC), and other scholarly publications which are identified within footnotes of this report.

3.3 Section '10.0' of this report contains additional data, standards, and other information I considered in formulating my opinions in connection with this report.

3.4 The methodology I use in this case is one that I have utilized for over twenty-five (25) years. This methodology has previously been accepted by judges (Federal and State) in other cases throughout the United States, by police and law enforcement organizations, and within scholarly and/or peer-reviewed publications and organizations.

- a) As a criminologist and expert, it is not my role nor within my capacity to assess any individual's 'credibility' or decide issues in dispute. However, I also do not accept versions of events as true if they are blatantly contradicted by reliable units of analysis. Within this case, where appropriate, I have accepted all assertions as true for the purpose of analysis and have commented on pertinent/substantial consistencies and judicial findings which exist in the records.
  - i. Credibility within this report relates to a person's integrity, honesty, or ability to observe or recall events and may affect the weight given to the witness' testimony by a trier of fact.

3.5 The terminology used within this report is not meant to invade the purview of the Court. The terminology utilized within this report is not based upon legal definitions but reflects criminological and police training/standards definitions and police/law enforcement terms of art.

a) Terminology specific to this report:

- i. Former Homicide Detective Pitts will be referred to as Detective Pitts as he was an active City of Philadelphia Homicide Detective during the activities attributed to him within this report.
- ii. The term 'City of Philadelphia' includes 'police officers,' 'police detectives,' 'police supervisors,' 'police administrative aids,' and the 'Philadelphia Police Department.'
- i. The terms 'police officer,' 'homicide detective' and 'detective' are used interchangeably within this report. In addition the terms 'police training' and 'investigation standards' are also used interchangeably within this report.
- ii. The term 'reasonable officer' refers to a police officer placed in the subject officers' position(s) that reasonably believed their actions during the investigation/incident were proper, consistent with police training/standards, and objectively reasonable.
- iii. The term 'police training/standards' incorporates accepted police/law enforcement practices, national standards, Pennsylvania Municipal Police Officer's Education and Training Commission standards, Philadelphia Police Department standards, references to policies, guidelines, protocols, the law as instructed to police officers, and police/law enforcement procedures.
- iv. The term 'objectively reasonable' refers to the *objective factors* reasonably perceived during an investigation, detention, arrest, and/or incident (not facts learned after the incident) and/or the police officer's conduct/actions which were consistent with police training/standards.
- v. The terms 'statement,' 'interview' and 'interrogation', are used interchangeably within the Philadelphia Police Department's instructions to detectives regarding taking statements from witnesses and as such within this report the same will be utilized unless specifically indicated.

#### 4.0 Compensation & Publications

4.1 My professional compensation associated within this case is paid for my time and not for any analysis or opinions, and payment is not contingent upon my rendering of any specific opinions.

- a) The preparation of this report has consisted of 20 billable hours at \$300.00 per hour.
- b) In the event this action proceeds to a hearing and/or trial I will be compensated \$4,500.00 for time and not for my opinions.

4.2 Publications which I have authored within the preceding ten 10 years and cases in which I have testified are contained within my attached C.V. (Appendix 'B').

## 5.0 Materials Reviewed

5.1 The materials (files) I reviewed in this case which were provided to me by the Law Office of Teri B. Himebaugh are identified in-text. Other cases which I considered that support an unconstitutional pattern and practice within the Philadelphia Police Department Homicide Unit are identified in Appendix 'A'. In addition, within this report I utilize the Latin abbreviation for 'Ibidem' (Ibid) to indicate the reference is from the same source of a previously provided reference. The footnote numbers associated with specific documents are intended to provide a general location as to where the reference is sourced.

## 6.0 Summary of Incident

The assertions that I have considered and/or relied upon are contextualized to address specific salient issues of police and law enforcement training/standards, procedures as well as the basis for the Post Conviction Relief requested within this case. I understand that there are additional assertions beyond which are set forth below and I reserve the right to rely on those assertions during my testimony. The assertions set forth below are not to the exclusion of any other assertions in the records and are included for context only.

### Mr. Anthony Williams Conviction

1. On Tuesday, March 1, 2011, Mr. Anthony Williams [Also Known As 'Slice'] (age 16 at the time) was found guilty by a jury of 3<sup>rd</sup> degree murder and possession of an instrument of a crime.
  - a) Mr. Williams was sentenced to 18-to-36 years of incarceration for the murder conviction and 2<sup>1/2</sup>-to- 5 years of incarceration for the possession of an instrument of a crime conviction.
2. On Wednesday, November 5, 2008, Officer Joseph McCabe (Officer McCabe) asserts that while in the 4200 block of Parrish Street, Philadelphia conducting surveillance along with his partner Officer Thomas Kelly (Officer Kelly), they observed:
  - a) A white Buick parked on the corner of Brooklyn and Parrish Street.
    - i. Mr. Bruce Hollman (Mr. Hollman) was standing by the driver's door of the vehicle along with three (3) other men, Mr. Harum Ulmer, Mr. Taylor James and an unidentified male described as wearing a multicolored hoodie.
  - b) A black Toyota Sports Utility Vehicle (SUV) was parked on the north side of Parrish Street directly across from the white Buick and Mr. Williams was observed standing to the rear of the vehicle according to Officer McCabe.
  - c) Mr. Hollman, Mr. Ulmer and Mr. James walk towards Mr. Williams, then Mr. Ulmer and Mr. Jams walked across the street away from the black SUV.
    - i. The unidentified male wearing the multicolored hoodie walked down Parrish street where Officer McCabe lost sight of him.

- d) A few moments after Officer McCabe lost sight of the unidentified male, Officer McCabe observed Mr. Williams chasing Mr. Hollman:
  - i. Officer McCabe then heard five (5) gunshots.
    - After the second gunshot Mr. Hollman fell to the ground.
  - ii. Officer McCabe did not observe anything in Mr. Hollman's hands.
  - iii. Officer McCabe was unable to identify Mr. Williams as the shooter of Mr. Hollman.
- e) Mr. Gerard Butler (Mr. Butler) sitting in the backseat of the Buick, then jump into the driver's seat and attempted to drive away.

3. Alleged eyewitnesses of the shooting of Mr. Hollman asserted the following:

- a) Mr. Butler testified that Mr. Williams was the shooter of Mr. Hollman.
- b) Mr. James asserts that during his interrogation conducted by Detective Santamala, Detective Gaines and Detective Pitts, he (Mr. James) advised the detectives that he did not actually see who shot Mr. Hollman.
  - The detectives put false information in Mr. James' statement and former Detective Pitts forced Mr. James to sign the statement by hitting him and threatening him.
  - At trial Mr. James recanted the false information contained within his statement wherein he identified Mr. Williams as the shooter and testified that Mr. Williams was not the shooter of Mr. Hollman.

**Evidence Not Disclosed and/or Newly Discovered**

**Khayree Reid**

1. Mr. Reid asserts that on November 5, 2008, while in the area of 42<sup>nd</sup> Street he observed the face (dark brown) of the male who shot Mr. Hollman (Mr. Williams was not the man observed).
2. Mr. Reid was stopped by the police and transported to the Roundhouse where he was interrogated by former Detective Pitts.
  - a) Former Detective Pitts advised Mr. Reid that Mr. Williams (Slice) was responsible for shooting and killing Mr. Hollman. In response Mr. Reid advised former Detective Pitts that Mr. Williams did not do it.
  - b) Former Detective Pitts according to Mr. Reid threatened and attempted to coerce him into implicating Mr. Williams as the shooter of Mr. Hollman.

- i. Former Detective Pitts ‘gripped’ Mr. Reid up a few times and threatened to arrest and lock him up.
- c) Former Detective Pitts failed to document his interview with Mr. Reid wherein Mr. Reid indicated that Mr. Williams was not the shooter.

## 7.0 Operationalization of Words

7.1 To assist the reader in fully understanding the basis of the opinions contained within this report, operational words are provided. Similar to police terminology, the operational words utilized are based upon criminological and policing standards and not legalistic definitions even though the words may also have a specific legal definitions:

Coercion:	The use or threat of illegal physical means to induce an individual to provide information and/or an admission or confession.
Constitutional Policing:	Policing conducted within the parameters of the U.S. Constitution, Pennsylvania State Constitution and Federal and State Court decisions. <sup>1</sup>
Democratic Policing:	Policing strategies which are Constitutionally permissible, void of torture/abuse and preserve the dignity of citizens.
Due Process:	Laws and procedures that conform to the rules and principles established in our system of justice for the enforcement and protection of individual rights. The Fourteenth Amendment Section 1 of the Constitution, (‘nor shall any State deprive any person of life, liberty, or property, without due process of law’) makes the Fifth Amendment applicable to the Commonwealth of Pennsylvania.
Duress:	The use of physical force (physical violence or extreme torture) and/or psychological pressure such as threats of prison, adverse actions against children, family members, friends, loss of employment and/or the imposition of restrictions on physical behavior such as prolonged interrogation, isolation, deprivation of water, food or sleep. <sup>2</sup>

<sup>1</sup> National Policing Institute (See: [The Law Enforcement Knowledge Lab](#)).

<sup>2</sup> Hopkins, Ernest Jerome (1931). Our lawless police: A study of the unlawful enforcement of the law. New York: Viking Press.



False Confessions/Statements:

A statement made by an individual who has no reliable knowledge of the incident and/or are not guilty. The confession/statement may be a product of psychological coercion.<sup>3</sup>

**Compliant:** Given in response to police induced stress or pressure in order to achieve some instrumental benefit such as the termination of the interrogation process, to take advantage of a perceived suggestion or promise of leniency, or to avoid an anticipated harsh punishment.<sup>4</sup>

**Persuaded:** Given in response to police tactics which cause an individual to doubt their own memory thus becoming temporarily persuaded that the suggestions advanced by the police are more likely than not, despite having no memory of suggestions advanced by police.<sup>5</sup>

**Interrogation:** Adversarial questioning of a suspect with the goal of soliciting an admission or confession of guilt.

**Interview:** A non-accusatory conversation with a witness within a non-custodial atmosphere where the witness feels as if they are free to end or terminate the interview and leave at any time.

- The statement, 'Interviewee was advised that they are not in custody and free to stop the interview and leave at any time' must appear on the Investigation Interview Record Form (75-483) at the beginning of every interview.

**Interview/Statement:** A formal oral or written declaration or assertion or conversation conducted for the purpose of obtaining information.

**Misconduct:** Violations of an individual's Constitutional Rights.

<sup>3</sup> Kassin, Saul, (2006), Internalized False Confessions, *Williams College Journal*, Volume 111, pages 207 – 228.

<sup>4</sup> Ofshe, Richard, and Leo, Richard A. (1997a). The social psychology of police interrogation: The theory and classification of true and false confessions. *Studies in Law, Politics and Society*, 16, 189–251.

<sup>5</sup> *Ibid*, Unlike the compliant false confession/statement who knows they are innocent, the persuaded individual is in an uncertain belief state about their observations and/or guilt.

- Noble Cause Corruption:** Corruption committed in the name of good ends,<sup>6</sup> governmental actors utilizing unjust coercion to bring about a perceived good outcome and<sup>7</sup> the extent to which it is reasonable to use ‘dirty’ means to achieve ‘noble ends’.<sup>8</sup>
- Psychological Coercion:** Police methods that sequentially manipulate an individual’s perception of a situation, expectations for the future, and motivation to shift from one position to another.
- Psychological Restraint:** The creation of an atmosphere wherein an individual believes they are not free to leave (isolation, accusations of lying, confrontation with false or misleading statement, taking advantage of individual’s insecurities and other detective tactics).
- Reid Interview/Interrogation:** Techniques utilized by police to generate witness statements and/or suspect confessions.
- Retroactive Interference:** Occurs when a subject overhears others discussing their observations and/or beliefs and then the subject takes on some, if not all of others information as their own.<sup>9</sup>
- Seizure of Person:** When a police officer restricts an individual’s freedom to leave (when the individual is restrained either through submission to a show of legal authority or physical restraint).
- Suggestive Lineup:** An identification technique that unduly narrows down an individual’s options so that a particular suspect is chosen.
- Third Degree:** The infliction of suffering (physical and/or psychological) within a custodial detention with the purpose of generating duress in order to extort admissions or confessions.<sup>10/11</sup>

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<sup>6</sup> FBI Law Enforcement Bulletin, vol. 68 (8) Noble Cause Corruption and the Police Ethic; & Police Chief Magazine, 2014, Unconstitutional Policing: The Ethical Challenges in Dealing with Noble Cause Corruption.

<sup>7</sup> FBI Law Enforcement Bulletin Vol. 68 Issue 8 1999: Noble Cause Corruption and Police Ethics

<https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=178331>

<sup>8</sup> John P. Crank and Michael A. Caldero, Police Ethics, The Corruption of Noble Cause - Cincinnati: Anderson Publishing Company, 2000.

<sup>9</sup> Danaher, L. (2003). The Investigative Paradigm. *LAW AND ORDER-WILMETTE THEN DEERFIELD-*, 51(6), 133-134

<sup>10</sup> Wickersham Commission Report (1931). National Commission on Law Observance and Law Enforcement (1931). Report on lawlessness in law enforcement. Washington, DC: U.S. Government Printing Office.

<sup>11</sup> Hopkins, Ernest Jerome (1931). Our lawless police: A study of the unlawful enforcement of the law. New York: Viking Press.

## 8.0 Global Opinions Supported within Report

**Note:** *As a reminder this Expert is not providing any opinions regarding the law or legal standard, but rather advising how police officers are trained regarding the application of the law. The opinions provided are strictly confined to former Detective Pitts', other Homicide Detectives and the City of Philadelphia Police Department and its Homicide Unit. complained about actions and/or inactions as compared to national, state, and local police standards, procedures, and criminological research.*

### Pattern and Practice of Unconstitutional Interview/Interrogation Techniques of Detective Pitts

1. Based upon a review of qualitative and quantitative evidence Detective James Pitts had a history of engaging in patterns and practices of unlawful/unconstitutional interviews/interrogations of witnesses and suspects as well as engaging in interview/interrogations practices which were contrary to police training/standards and democratic policing.<sup>12/13</sup>
  - a) The interview/interrogation techniques utilized by Detective Pitts within Mr. William's case when viewed in isolation and in connection with the broader scope of Detective Pitts history clearly reflects that his actions violated democratic police standards, general police training/standards and legal standards (as indicated by the District Attorney's Office).<sup>14</sup>
  - b) While there is general agreement within policing and criminological research that interviews/interrogations of witnesses/suspects where physical abuse is utilized, prolonged multi-hour detentions where the witness/suspect is deprived of food, sleep, access to bathrooms and/or requested legal representation are not permissible, coercive and contrary to democratic policing standards.<sup>15</sup> The question of does the conduct/practices some PPD detectives and specifically Detective Pitts engaged in between 2007-2017, during interviews/interrogations of witnesses/suspects (offering to provide benefits to witness/suspects for making statements/confessions and/or threatening witness/suspects with negative consequences if they refuse to make/sign statements/confessions) are coercive is best answered by examining the totality of the individual circumstances while considering:<sup>16</sup>
    - i. Philadelphia police officers were trained that they may not use physical force of any kind or psychologic abuse to compel a witness to provide information and are required to provide the witness a clear notification that they are free to leave at any time.<sup>17</sup> In addition, police are generally trained and know that it is impermissible to detain a citizen not suspected of having engaged in any criminal activity, yet alone

<sup>12</sup> As instructed to police officers and determined by the

<sup>13</sup> The Honorable Teresa Sarmina found that Detective Pitts had an unconstitutional 'pattern and practice' of holding suspects and witnesses in isolation for prolonged periods for purpose of interrogation, coercing false statements from suspects and witnesses and physically and psychologically threatening and abusing suspects and witnesses in order to inculcate a preordained suspect (See Commonwealth v. Thorpe (CP-51-CR-0011433-2008).

<sup>14</sup> Commonwealth v. Brandon Sawyer (1990) T.157-160.

<sup>15</sup> See F/N 13 above.

<sup>16</sup> Police have been advised for years that they are free to mislead witnesses and suspects about everything from the existence of physical evidence, results of polygraphs to incriminating statements made by other so-called witnesses and cohorts.

<sup>17</sup> PPD: Interviews and Interrogations – Rights of Individuals and Duties of Law Enforcement Directive 5.23 (05.29.20).

compel the citizen to be detained/seized within a holding facility/Homicide Unit for extended periods of time and/or to utilize physical abuse and/or psychological coercion for the purpose of obtaining probable cause to support an arrest of a suspect and utilize the information gained in a criminal prosecution.

- The documents associated with Detective Pitts as well as several other homicide detectives indicates that Detective Pitts engaged in the custom and practice of *identifying* individuals whom he subjected to custodial detentions/seizures (such as Mr. Anthony White and his mother ) as ‘*witnesses*’ possibly so as to avoid having to provide the ‘witness’ with certain constitutional protections (*See Mr. John White & His Mother’s Contact with Detective Pitts*) .<sup>18</sup> In addition, Detective Pitts failed within several cases to comply with police training/standards and Philadelphia police policy which required detectives to advise witnesses that they were free to stop an interview and leave at any time. Detective Pitts also failed to place the following statement on each Investigation Interview Record Form 75-483 as required:

***‘Interviewee was advised that they are not in custody and free to stop the interview and leave at any time.’***

- ◊ It is reasonable to consider that ‘*witnesses*’ who were handcuffed and/or locked within a secured room within the Homicide Unit would not reasonably believe they were free to leave. This opinion is supported by police training as well as accounts provided of detainees/witnesses within the records associated with Detective Pitts as well as other homicide detectives.
- Detective Pitts does not only fail to place the required statement on the interview form, he also does not complete the required interview form, memorialize all of his interviews of so-called ‘*witnesses*’ or record his interviews.
  - ◊ Detective Pitts custom and practice of not recording and/or memorializing each witness/suspect statement is consistent with the 2001<sup>c</sup>, *Police Law Institute* two-stage interview/interrogation tactics wherein detectives were trained to conduct pre-interrogations of witnesses/suspects without recording the interview/interrogation or advising the suspect of their Miranda rights.<sup>19/20</sup> The custom and practice of the two-stage interview/interrogation were for the detective(s) to leave the

<sup>18</sup> The application of the term witness as applied to Anthony White and his mother are not consistent with police training standards, inasmuch as Mr. White (murder) as well as his mother (withholding information) were both suspected of having engaged in criminal activity.

<sup>19</sup> Crain, L. R. (2013). The legality of deliberate Miranda violations: How two-step national security interrogations undermine Miranda and destabilize Fifth Amendment protections. *Michigan Law Review*, 453-488.

<sup>20</sup> Jiang, F. (2013). Dancing the Two-Step Abroad: Finding a Place for Clean Team Evidence in Article III Courts. *Colum. JL & Soc. Probs.*, 47, 453.

witness/suspect alone in the interrogation room for 30-to-40 minutes, upon the detective(s) return they commences a conversation/interrogation without recording or Mirandizing the witness/suspect. After the witness/suspect provides incriminating information and/or admits to the crime the detective(s) then gives the suspect a 20-minute coffee, cigarette, or other activity break. The detective(s) then returns activates a recording device and gives the suspect Miranda warnings. The suspect signs the waiver of rights, and the detective resumes the interrogation, starting by confronting the suspect with the pre-Miranda admissions. If the suspect refuses to sign the waiver of rights and/or refuses to accept the detectives theory of the case the witness/suspect continues to be detained/seized.<sup>21</sup>

- ii. A reasonable officer placed in Detective Pitts' position would have reasonably know that the use of statements derived from witnesses during involuntary detention/seizure, the use of physical abuse and/or psychological coercion should not be used during a criminal trial as a result of violating democratic policing standards and police training/standards.
- iii. Police are also trained that even when they have reasonable suspicion or probable cause that an individual may have engaged in criminal activity, physical and/or psychological abuse of a suspect is impermissible because it is coercive.
  - The cases of Anthony White, Jovan White, Keven Devine, Derrick White, Jerome Brown, and Obi Oniyah individually and collectively support the opinion that Detective Pitts as well as other Homicide Unit Detectives have a history of engaging in coercive activities to compel false accusations and confessions (See Additional Notifications of Detective Pitts Unconstitutional Policing, Untrustworthiness and Need for Closer Supervision).
- c) While police training/standards instruct that it is permissible for police officers and detectives such as Detective Pitts to utilize deception when conducting witness/suspect interviews/interrogations, police officers are also instructed that their interview/interrogation techniques must be within the confines of the law and that they may not utilize techniques which encamps 'third degree' (physical abuse and/or psychological techniques which are contrary to democratic policing standards) practices of the past (See Interview/Interrogation Techniques, Standards and Impacts).

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<sup>21</sup> See: Missouri v. Seibert 542 U.S. 600 (2004).

**Mr. Jovan White & His Mother's Contact with Detective Pitts**

1. Mr. White who voluntarily agreed to be taken to the Homicide Unit for questioning was handcuffed during his 'voluntary' ride to the Homicide Unit (it is reasonable to consider that once handcuffs were applied to Mr. White he was not free to leave and he was being seized/detained).
2. Prior to Mr. White being suspected of the murder of Mr. Gary Kelly, Mr. Grant had been identified as a possible suspect and had been questioned for 17 hours (the prolonged interrogation could be considered psychological coercion).
3. Mr. White asserts that he repeatedly advised Detective Pitts that he wanted to speak with his attorney (Fred Harrison) during his 30-hour seizure/detention. However, Detective Pitts refused Mr. White's request (Detective Pitts actions were contrary to the law as instructed to police officers, a violation of democratic policing and a form of psychological coercion).
4. Mr. White gave three (3) statements within his case, the first of which was given directly to Detective Pitts who failed to record or memorialize the statement because Detective Pitts did not believe Mr. White and the third statement Mr. White simply signed without reading because he was exhausted, not thinking clearly and emotionally distraught (which resulted in him having to be examined by a psychiatrist).
5. Detective Pitts utilized both physical abuse and psychological threats to coerce Mr. White as well as witnesses to provide false incriminating statements/confession.<sup>22</sup>
  - a) Detective Pitts advised Mr. White that his mother was going to be arrested, her day care was going to be shut down and her house taken away if he did not confess.
6. Detective Pitts also detained Mr. White's mother for withholding evidence and had her transported to the Homicide Unit where he questioned her (and also failed to memorialize her statement) screamed at her and threatened to have her licensed day care business shut down.

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<sup>22</sup> Commonwealth of Pennsylvania v. Jovan white (CP-51-CR-0008267-2009).

**Additional Notifications of Detective Pitts Unconstitutional Policing, Untrustworthiness and Need for Closer Supervision**

1. Philadelphia Police Department Misconduct Investigation findings:

IAD No:	Charge
PBI 02-1009 Domestic Violence	Article 1.00 - Unspecified
PBI 12-0041/P2012-0518	Abuse of Authority Improper Detention Damage to Property
PBI 13-0592/P2015-0411	Abuse of Authority Improper Detention (47 hours) Improper Procedures (Failure to Comply with Orders/Directives)

2. Philadelphia Police Department Investigations No.: 17-1549 and 17-1573 (On-going investigation notations).
3. The PPD (2001), determined the Detective Pitts lied and attempted to cover up his involvement in a domestic violence incident between he and his wife.
4. The PPD (2001), were notified that Detective Pitts engaged in a distinct pattern of behavior during the majority of his career while assigned to the Homicide Unit which included but not limited to:<sup>23</sup>
  - a) Making unreasonable threats of imprisonment or threats targeting a subject's specific vulnerabilities, such as family members, children, or housing.
  - b) Employing physical abuse.
  - c) Engaging in prolong detentions of subjects to an unreasonable degree without probable cause and/or not permit witnesses or suspects to review or correct statements before signing them.
5. The Philadelphia Police Department had reason to believe Detective Pitts engaged in misconduct, unconstitutional policing and was untrustworthy prior to 2008, wherein they had knowledge that:<sup>24</sup>
  - a) Detective Pitts had been placed on the District Attorney's Office 'Do Not Call List' and not allowed to testify during criminal trials because of his misconduct and that he could not be trusted to honor an oath to tell the truth.
6. The individual and/or collective witness/suspect assertions of physical and/or psychological abuse perpetrated upon them by Detective Pitts demonstrates that Detective Pitts' actions were not

<sup>23</sup> Commonwealth v. Brandon Sawyer (CP-51-CR-012941-2001) PCRA Stipulations.

<sup>24</sup> Commonwealth v. Brandon Sawyer (1990) T.157-160.

isolated to Mr. Williams' case (See Sampling of Physical and/or Psychological Abuse of Detective Pitts).

**Sampling of Physical and/or Psychological Abuse of Detective Pitts**

Witness/Suspect	Assertions
Bradley, Ronnie	Detective Pitts in an attempt to obtain a statement, handcuffed him (Mr. Bradley) to a chair for two (2) hours, slapped him in the mouth and intimidated him into believing that he was going to be assaulted (by Pitts) if he (Mr. Bradley) did not say what Detective Pitts wanted him to say.
Chamberlain, Allen	Detective Pitts in an attempt to get him (Mr. Chamberlain) to sign a false statement punched him in the face, stomach and threatened him.
Drayton, Unique	Detective Pitts assaulted her during a four (4) hour interrogation, had her handcuffed to a chair and refused to allow her access to a lawyer, all in an attempt to have her sign a false statement.
Mooney, Richard	Detective Pitts held him for over 13 hours, punched him and threatened him in an attempt to have him (Mr. Mooney) provide false information (while he was age 16).
Parkhurst, Richard	Detective Pitts smacked him over the head, threw him into a wall and threatened to arrest him, if he did not sign a false statement (Mr. Parkhurst is deaf).
Pinkney, Nafis	While held for over 24 hours Detective Pitts punched and was threatening to him (Mr. Pinkney) in order to coerce him to provide a statement.
Scruggs, Samuel	Detective Pitts held him in a holding room for about 10 hours, while he (Mr. Scruggs) was in a wheelchair with an open gunshot wound to his abdomen in an attempt to have Mr. Scruggs confess to committing a murder.
Thomas, Jaeneya	Detective Pitts held her for three (3) days within the Homicide Unit (without food or bathroom) and threatened to have her children taken away along with her governmental housing if she did not sign a false statement. Ms. Thomas was handcuffed to a chair within an interview room which was bolted to the floor.
Wright, Anthony	Mr. Wright was interrogated for four (4) hours and his life was threatened if he did not sign a false confession.



**Interview/Interrogation Techniques, Standards and Impacts**

Police Technique <sup>25/26</sup>	Suspect Impacts			Witness Impacts		
	Permissible	Permissible Not	Coercive	Coercive	Not Coercive	Debatable
<b>Impersonation</b> Expressions of sympathy and pretending to be witness/suspects friend.	✓				✓	
<b>Rationalization</b> Suggestions that an admission and/or confession: 1) will make the witness/suspect feel better and/or that they will appear honorable in the eyes of the community.	✓				✓	
<b>Evidence Fabrication</b> False statements that there is evidence (fingerprints, witness statements, etc.) which incriminated the suspect.	✓			✓		✓
<b>Negotiation<sup>27</sup></b> Suggestions that if suspect confesses they will receive a more lenient punishment.		✓ <sup>28</sup>				
Suggestions that if witness/suspect <b>does not</b> provide an incriminating false statement/confession they:	Will not be released from the detention.		✓			✓
	Will have criminal charges filed against them without probable cause.		✓ <sup>29</sup>			✓
	Will lose housing privileges.		✓			✓
	Will lose ability to make money.		✓			✓
	Will lose custody of children.		✓			✓
	Will be assaulted/tortured.		✓	✓		

<sup>25</sup> Gohara, M. S. (2005). Lie for a Lie: False Confessions and the Case for Reconsidering the Legality of Deceptive Interrogation Techniques, *A. Fordham Urb. LJ*, 33, 791.  
<sup>26</sup> Slobogin, C. (2017). Manipulation of suspects and unrecorded questioning: After fifty years of Miranda jurisprudence, still two (or maybe three) burning issues. *BUL Rev.*, 97, 1157.  
<sup>27</sup> Police are instructed that pre-plea bargaining is unconstitutional because of the implicit or explicit message it sends that if counsel is consulted, the deal is off the table and it undercuts both the right to silence and to counsel. In addition plea-bargaining is generally dependent on participation from suspects attorney, the prosecutor and a judge.  
<sup>28</sup> Even a mild promise of leniency is sufficient to bar a confession, not because the promise was an illegal act, but because a detainee/arrestee who is alone and unrepresented by an attorney are sensitive to inducements such as leniency to promises of leniency.  
<sup>29</sup> Police have been instructed (Fifth Amendment) that the imposition of legal sanctions for an individual refusing to make a self-incriminating statement is prohibited.

**Pattern and Practice of Unconstitutional Interview/Interrogation Techniques of Detective Pitts & Other Homicide Detectives**

2. The use of unlawful, improper and undemocratic interview/interrogation techniques (such as targeting vulnerable populations, use of physical abuse, isolation and psychological threats) (See Examples of Detective Pitts Physical and Psychological Coercive Interview and Interrogation History) used against witnesses/suspects were not isolated to Detective Pitts inasmuch as Detective Bass, Detective Golphin, Detective Jenkins, Detective Judge as well as 14 other Homicide Detectives have been identified as having engaged in unconstitutional, improper and undemocratic interview/interrogation techniques while assisting Detective Pitts and/or functioning with other Homicide Detectives (See Examples of Detective Pitts' and other Homicide Detectives Coercive Interview and Interrogation History).
  - a) Detective Pitts' as well as other Homicide Detectives' interview/interrogation conduct were contrary to constitutional policing standards (as instructed to police officers) Philadelphia police policy as well as democratic policing standards in part because Detective Pitts and other Homicide Detectives engaged in:
    - i. Failing to disclose exculpatory evidence (such as all witness/suspect statements).
      - The Investigation supervisor(s) were required to ensure that copies of all formal statements and/or interviews were turned over to the District Attorney's Office as part of the 'Discovery Package'.
    - ii. Seizures and detentions of **witnesses** not suspected of criminal activity (void of reasonable suspicion and probable cause).
    - iii. Objectively unreasonable and excessive physical abuse/force.
    - iv. Psychological coercion.
      - Prolonged seizures and isolation of witnesses and suspects.
      - Restraining witnesses and suspects in handcuffs affixed to chairs for prolonged periods of time.
      - Manipulation of juveniles, the injured, drug addicted intellectually challenged, mentally ill, the elderly, and parents.
      - Threats of charging witnesses and suspects with crime(s).
      - Threats of children being taken away.
      - Threats of governmental housing being taken away.
      - Denial of food, sleep, use of restrooms and legal representation.
      - Verbal abuse.
    - v. Providing witnesses/suspects with a benefit (money, drugs, no criminal charges, etc.).

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**Examples of Detective Pitts’ Physical and Psychological Coercive Interview and Interrogation History**

Year	Target	Targeting Vulnerable	Isolation	Threats	Physical Abuse
2001	Brandon Sawyer				
2007	Samuel Scruggs	✓	✓	✓	
2007	Jaeneya Thomas	✓	✓	✓	✓
2007	Ebony Sawyer	✓	✓	✓	
2008	Taylor James		✓	✓	✓
2008	Richard Parkhurst	✓	✓	✓	✓
2008	Raffinee Taylor		✓	✓	
2008	Khayree Reid			✓	✓
2008	Ronnie Bradley	✓	✓	✓	✓
2009	Darrin White		✓	✓	
2009	Jovan White		✓	✓	
2009	Terrelli White		✓	✓	
2009	Sean Griffith	✓	✓		
2009	Tiera Hinson	✓	✓		
2009	Bijah Freeman	✓	✓	✓	
2009	Sharif Copeland	✓	✓	✓	✓
2010 & 2014	Patricia Brown		✓	✓	✓
2010	V.C	✓	✓		✓
2010	India Spellman		✓		✓
2010	Obina Onyiah		✓	✓	✓
2010	Derrick White		✓		✓
2011	Andre Cunningham		✓	✓	✓
2011	Aaron Respes		✓	✓	✓
2012	Leroy Cook	✓	✓		
	Tanisha Scarvers <sup>30</sup>	✓	✓		

<sup>30</sup> Commonwealth v. Devine, Wynne, Scruggs, et al.

**Continuation of Examples of Detective Pitts’ Physical and Psychological Coercive Interview and Interrogation History**

Year	Target	Targeting Vulnerable	Isolation	Threats	Physical Abuse
2013	Rosalind Wood	✓	✓	✓	
2013	Keith Tolbert		✓	✓	✓
2013	Tyesha Johnson		✓	✓	
2013	Zashani Al-Rasul		✓	✓	
	Nafis Pinkney		✓	✓	✓
	Allan Chamberlain		✓	✓	✓
2014	Francheska Quinones	✓	✓		
2014	Michael Benjamin	✓	✓	✓	✓
2016	Shaquilla Rainey	✓	✓	✓	✓
	Stibbins <sup>31</sup>		✓	✓	
	Raymond Mooney	✓	✓	✓	✓
	Anthony Torres		✓		✓
	Niamah Fisher		✓	✓	
	Raymond Johnson		✓	✓	
	Unique Drayton		✓		✓
	Christopher Goodwin		✓	✓	✓

<sup>31</sup> Commonwealth v. Brandon Sawyer, CP-51-CR-0012941-2011.

**Examples of Detective Pitts' and other Homicide Detectives Coercive Interview and Interrogation History**

Year	Target	Pitts	Bass	Buckley	Golphin	Jenkins	Judge	Toliver	Baker	Devlin	Rock	Rossiter	Gaines	Gaul	Glenn	Nodiff	Peterman	Santamni	Santiago	Verrechio	Worrell
1990	John Stallworth									✓											✓
1990	Quiana Mosley									✓											
1990	Atiya Nelson									✓											
1990	Dana Williams									✓											
1991	Anthony Wright									✓									✓		
1991	Carl Toney									✓											✓
1992	Sharon Fahy									✓						✓					✓
1992	Willie Veasy									✓	✓										✓
2007	Steven Lazar								✓			✓									
2007	Ebony Sawyer	✓	✓	✓																	
2008	Taylor James	✓				✓							✓					✓			
2008	Khayree Reid	✓				✓															
2008	Ronnie Bradley	✓																			
2009	Sharif Copeland	✓				✓															
2010	India Spellman	✓													✓						
2010	Obina Onyiah	✓				✓															
2010	Derrick White	✓				✓															
2011	Andre Cunningham	✓												✓						✓	
2011	Aaron Respes	✓												✓						✓	
	Tanisha Scarvers <sup>32</sup>	✓																		✓	
2013	Keith Tolbert	✓															✓				

<sup>32</sup> Commonwealth v. Devine, Wynne, Scruggs, et al.

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Year	Target	Pitts	Bass	Buckley	Golphin	Jenkins	Judge	Toliver	Baker	Devlin	Rock	Rossiter	Gaines	Gaul	Glenn	Nodiff	Peterman	Santamial	Santiao	Verrecchio	Worrell	
	Nafis Pinkney	✓				✓																
2016	Shaquilla Rainey	✓				✓																
2017	Tyera Chapman				✓		✓	✓														
	Anthony Torres	✓				✓																
	Niamah Fisher	✓													✓							
	Raymond Johnson	✓													✓							
	Ogrod									✓												✓

- b) The individuals identified within ‘Examples of Detective Pitts’ Physical and Psychological Coercive Interview and Interrogation History’ as well as ‘Detective Pitts’ and other Homicide Detectives Coercive Interview and Interrogation History’ are associated with Complainants and Petitioners within other cases wherein there are assertions that Detective Pitts and other Homicide Detectives engaged in physical and/or psychological abuse (which included isolation, physical force, threats, verbal abuse, targeting of the vulnerable, manipulation of evidence, etc.) and other improper policing techniques to obtain false statements/confessions. The specific cases include but are not limited:

**Complainants’ in Civil Actions**

Canady, James v. Mason	Thomas, Shaurn v. City of Philadelphia
Goodwin, Christopher v. Wetzel	Wright, Anthony v. City of Philadelphia
Lazar Steven v. Attorney General	

**Petitioners in Commonwealth Cases (Commonwealth vs).**

Cunningham, Derrill	Sawyer, Brandon
Daniel, Allen	Shelton, Siddiq
Holmes, Joseph	Spellman, India
King, Jerome	Thorpe, Dwane
Ogrod, Walter	Veasy, Willie
Onyiah, Obina	White, Jovan

**City of Philadelphia Police Blind Eye to Identifiable Patterns and Practice of Unconstitutional Interview/Interrogation Techniques Utilized by Homicide Detectives**

- When a police department such as the Philadelphia Police Department refuses to, holding officers such as Detective Pitts accountable for allegations of investigatory misconduct, Constitutional violations and other citizen complaints, they are providing the offending officer inappropriate power and influence over others within the department, meaning the moral influence in a police department depends on the extent of influence exerted by members of the department, insomuch as if an officer who uses inappropriate investigatory practices or engages in other prohibited activities is not appropriately disciplined, other officers may begin to imitate the negative behavior.<sup>33</sup>
- There was more than sufficient information available to the Philadelphia Police Department which alerted them to officers engaging in unconstitutional policing activities as well as specific information regarding Homicide Detective Pitts and other Homicide Detectives engaging in unconstitutional interview/interrogations practices prior to Mr. Williams arrest and after (See Examples of Detective Pitts Physical and Psychological Coercive Interview and Interrogation History and See Examples of Detective Pitts’ and other Homicide Detectives Coercive Interview and Interrogation History). However, the City of Philadelphia Police Department (PPD) had and continued to turn a blind eye to Detective Pitts’ and other PPD Homicide Detective’s unconstitutional policing practices and conduct which violate democratic policing in order to obtain incriminating witness statements and/or suspect

<sup>33</sup> U.S. Department of Justice – Police Integrity 1997

confessions in order to clear homicide cases (a homicide is ruled cleared when a suspect is identified and arrested or dies. The disposition of the prosecution is irrelevant to the clearance).<sup>34/35</sup>

- a) In addition to the specific individual notification associated with Detective Pitts identified (within Pattern and Practices of Unconstitutional Interview/Interrogation Techniques of Detective Pitts). Additional notifications of pattern and practices of unconstitutional policing included but are not limited to the following:
  - i. 1997, four-part series of the Philadelphia Inquirer entitled ‘The Homicide Files’ which documented 433 homicide cases from 1974 to 1977 which involved homicide detectives alleged deviations from police training/standards and democratic policing. The reports noted that, ‘there is a pattern of beatings, threats of violence, intimidation, coercion, and knowing disregard for the constitutional rights in the interrogation of homicide suspects and witnesses’.<sup>36</sup>
  - ii. 1979, civil action commenced by the Justice Department in *United States v. City of Philadelphia*, which claimed widespread institutionalized acceptance of constitutional misconduct.<sup>37/38</sup>
  - iii. 1985, finding of District Court judge Newcomer that Homicide Detectives engaged in persistent and ongoing unconstitutional practices of detaining, handcuffing and questioning individuals suspected of having information regarding the murder of Officer Trench without the required probable cause, reasonable suspicion, or a warrant.<sup>39</sup>
  - iv. The District Attorney’s Conviction Integrity Unit in *Commonwealth v. William Veasy* stipulated that as far back as 1992, Philadelphia Homicide Detectives utilized coercive techniques during interrogations.
  - v. 1996, the NAACP filed a class action claiming that the PPD engaged in Constitutional violations, and in response the City entered into a Consent Decree wherein it agreed amongst other things to provide integrity training to all officers with a special focus on perjury (particularly in the context of court testimony).<sup>40/41</sup>
  - vi. 2003, City of Philadelphia Police Department Integrity and Accountability Office’s Report advised the PPD that Homicide Detectives were using physical and/or

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<sup>34</sup> There is anecdotal evidence which suggest the PPD was more concern with homicide clearance rate than the manner in which the cases were closed. In addition, it is reasonable to consider that the PPD as well as Detective Pitts engaged in Noble Corruption.

<sup>35</sup> Tierney, J. P., McClanahan, W. S., & Hangle, B., Jr. (2001). *Murder Is No Mystery: An Analysis of Philadelphia Homicide, 1996-1999*. *Murder Is No Mystery: An Analysis of Philadelphia Homicide, 1996-1999*.

<sup>36</sup> NEUMANN, J., MARIMOW, W., Philadelphia Inquirer, & United States of America. (1977). HOMICIDE FILES. *PHILADELPHIA INQUIRER Dated: (APRIL, 24(27))*, 1-16.

<sup>37</sup> *United States v. City of Philadelphia*, 482 F. Supp. 1248 (E.D. Pa. 1979).

<sup>38</sup> *United States v. City of Philadelphia* (1980) Brief for the U.S. as Appellant.

<sup>39</sup> *Spring Garden United v. City of Philadelphia*, 614 F. Supp. 1350 (E.D. pa. 1985) Bench Opinion.

<sup>40</sup> NAAPC, et al. v. City of Philadelphia, No. 96-6045

<sup>41</sup> Litigation & Trial: The Law Blog of Plaintiff’s Attorney Max Kennerly.



psychological abuse to coerce individuals into giving fabricated and/or fictitious statement. The psychological abuse included detectives offering improper incentives such as sex, drugs, non-prosecution and reductions in sentences.

5. The Philadelphia Police Department by failing to require all witness/suspect interviews/interrogations be audio and/or video recorded in their entirety allowed Detective Pitts and other Homicide Detectives to violate police training/standards and PPD policy when statements/interrogations were taken without being recorded. It is reasonable to consider that because the PPD had a history of witnesses/suspects claiming Homicide Detectives inaccurately and/or falsely attributed statements and/or utilized coercion to obtain a statement/confession, that former Detective Pitts and other detectives would have been required audio and/or video recorded all statements which included Mr. Butler's and Mr. James' statements to Detective Pitts and/or other detectives and to be compliant with police training/standards and PPD policy.
- a) The Philadelphia Police Department (PPD) in 1999, within Defendant's Answers to Mr. Whitaker's Amended Complaint, indicated that videotaping was available and utilized within the PPD.
  - b) Philadelphia Police Department Homicide Unit Supervisor failed to properly supervise Detective Pitts and other Homicide Detectives and allowed the Homicide Detectives to violate witnesses/suspects Constitutional rights and PPD policy.
    - i. Homicide Unit Supervisors failed to review the Victim/Witness Log at the beginning of every shift, check on the wellbeing of witnesses being interviewed or initial the Victim/Witness Log as proof as to when the wellbeing check was conducted as per PPD policy.
    - ii. Homicide Unit Supervisor after being advised that witnesses/suspects were claiming that statements contributed to them were inaccurate and/or not given voluntarily commenced to engage in the practice of not reviewing witness/suspect statements so as to allow detective such as Detective Pitts to continue to secure witness/suspect statement/confessions with physical and/or psychological abuse, to allow for false information to be placed within the statements/confessions and to allow exculpatory evidence to be withheld.<sup>42</sup>

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<sup>42</sup> Commonwealth v. Brandon Sawyer (1990) T.185-192.

## 9.0 Physical and Psychological Coercion Possible Ramifications, Opinions and Standards

### Possible Ramifications of Physical and/or Psychological Coercion During Interviews/Interrogations

Policing interview/interrogations through the 1930's relied on police utilizing 'third degree' methods such as beating, kicking, mauling, holding under water, burning with cigars or pokers, solitary confinement, sleep and food deprivation, shining blinding lights in face, coercive questioning, threats, and promises of related leniency because of the absence of laws governing interviews/interrogations.<sup>43/44</sup> Police practitioners and criminologist have long known that coercive interview and interrogation techniques unnecessarily increase the risk of false information being obtained and that some detectives wrongly believe that in order to obtain information; physical force, deception, trickery, and/or manipulation are appropriate techniques to obtain incriminating information. Detectives are generally instructed that courts often will admit information elicited from deception, trickery and/or manipulation (which do not clearly violate the law) and may bar information obtained as a result of physical force and/or psychological coercion.<sup>45</sup>

### Physical Coercive Tactics

**Physical Abuse:** Punching, slapping, throwing of an individual as well as the unwanted touching of an individuals' genital (all of which Detective Pitts is accused of engaging in within the documents).

1. PPD officers may not use force of any kind, threats of force, threats of deportation, or conduct any other form of abusive coercion directed toward a witness or any family member thereof to make a witness provide information.<sup>46</sup>
2. The use of Physical Abuse associated with Detective Pitts and other Homicide Detectives in connection with obtaining witness/suspect statements/confessions were objectively unreasonable, and not consistent with police training/standards, democratic policing standards or Constitutional policing.
  - a) Police officers within the United States are instructed that their decision to use force requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight and that the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. In addition, police officers are trained that physical force should not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury and that officers have a duty to intervene to prevent or stop the use of excessive force utilized by another officer when it is safe and reasonable to do so.

<sup>43</sup> Saul M. Kassin, Why Confessions Trump Innocence, AM. Psychologist (April 30, 2012).

<sup>44</sup> Pérez-Sales, P. (2017). *Psychological torture. Definition, evaluation and measurement*. London: Routledge.

<sup>45</sup> The use of physical force by detectives came to light within the (1931) Wickersham Commission Report.

<sup>46</sup> PPD: Interviews and Interrogations – Rights of Individuals and Duties of Law Enforcement Directive 5.23 (05.29.20).

## Psychological Coercive Tactics

The use of psychological coercive strategies are commonplace, and such strategies have long been recognized to carry the risk of inducing involuntary, false witness statements and/or false suspect confessions. <sup>47/48/49/50/51</sup>

- a) Psychological coercive techniques include but are not limited to: <sup>52/53/54/55/56</sup>
- i. Prolonged detainment/confinement and isolation.
  - ii. Denial of basic needs such as sleep, food, medication, water, toilet, etc.
  - iii. Threats of:
    - Harsh punishment.
    - Consequences to third party individuals who the subject holds in positive regard (family, friends, etc.)
    - Financial or professional consequences.
  - iv. Providing a benefit in exchange for information.
    - May leave after providing information.
    - Reduced charges.
    - No criminal charges.
    - Sentencing reduction.
  - v. Exercising undue influence over minors or the cognitively impaired.

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<sup>47</sup> Kassin, S. M. (2015). The social psychology of false confessions. *Social Issues and Policy Review*, 9, 25– 51. doi:10.1111/sipr.12009

<sup>48</sup> Leo, R. A. (2008). *Police interrogation and American justice*. Cambridge, MA: Harvard University Press.

<sup>49</sup> Munsterberg, H. (1908). *On the witness Stand*. New York, NY: Doubleday. O'Donnell, C. M., & Safer, M. A. (2017). Jury instructions and mock-juror sensitivity to confession evidence in a simulated criminal case. *Psychology, Crime & Law*, 23, 946–966. doi:10.1080/1068316X.2017.1351965

<sup>50</sup> Mindthoff, A., Evans, J. R., Perez, G., Woestehoff, S. A., Olaguez, A. P., Klemfuss, J. Z., ... Woody, W. D. (2018). A survey of potential jurors' perceptions of interrogations and confessions. *Psychology, Public Policy, and Law*, 24, 430–448. doi:10.1037/law0000182

<sup>51</sup> The use of psychological coercive techniques is as likely to produce false information as the use of physical force (violence) See: Leo, R. A. (2008). *Police interrogation and American justice*. Cambridge, MA: Harvard University Press.

<sup>52</sup> Davis, D., & Leo, R. A. (2012). Interrogation-related regulatory decline: Ego depletion, failures of self-regulation, and the decision to confess. *Psychology, Public Policy, and Law*, 18, 673–704. doi:10.1037/a0027367

<sup>53</sup> Moore, T. E., & Fitzsimmons, C. L. (2011). Justice imperiled: False confessions and the Reid technique. *Criminal Law Quarterly*, 57, 509–542.

<sup>54</sup> Clare, I. C., & Gudjonsson, G. H. (1995). The vulnerability of suspects with intellectual disabilities during police interviews: A review and experimental study of decision-making. *Mental Handicap Research*, 8, 110–128. doi:10.1111/j.1468-3148.1995.tb00149.x

<sup>55</sup> Redlich, A. D., & Goodman, G. S. (2003). Taking responsibility for an act not committed: The influence of age and suggestibility. *Law and Human Behavior*, 27, 141–156. doi:10.1023/A:102254301285

<sup>56</sup> Redlich, A. D., Kulish, R., & Steadman, H. J. (2011). Comparing true and false confessions among persons with serious mental illness. *Psychology, Public Policy, and Law*, 17, 394–419.

Over the last 75 years police have developed specialized psychological techniques designed to obtain witness statements and suspect confessions. Instead of beating and torturing individuals, detectives now rely on a variety of techniques to influence, deceive, persuade, cajole, pressure, and/or trick individuals into providing information. Detectives also attempt to manipulate the perceptions of those who may evaluate the propriety of the detectives' procedures so that the information obtained may be used to prosecute and convict a suspected offender.<sup>57</sup>

Police interviews and interrogations are often wrongly portrayed as a give and take 'interview' which involves little pressure that results in 'voluntary' information being provided to a detective who is a neutral information collector that is concerned only with discovering the truth about a given incident. Unfortunately this perceptions of interviews and interrogations are defective, inasmuch as some interviews and interrogations are not a simple or unbiased information collecting activity but rather a strategic, multistage, goal-directed, stress-driven exercise in persuasion and deception, designed to produce a very specific set of psychological effects and reactions in order to move an individual into accepting the detectives' theory of the incident.<sup>58/59/60</sup>

1. The following individual and collective interview/interrogation activities are contrary to constitutional policing and police training/standards for the following reasons:
  - a) **Isolation:** To hold individuals for long periods of time in interrogation rooms, and to deny them access to family and legal representation.

According to the Wickersham Commission, the most common form of coercive interview/interrogation consisted of prolonged incommunicado questioning under conditions of extreme psychological pressure. The purpose of incommunicado interviews/interrogations are to elicit information while hiding the witness/suspect from friends, family and often and especially their attorney.

The Wickersham Commission report identified conduct similar to allegations made against Detective Pitts, wherein individuals were housed within the police department without any formal documentation or reports being generated thus allowing individuals to be detained and questioned for days without knowledge of anyone other than the offending detectives.

It is clearly established within policing and criminological research that detentions not based upon reasonable suspicion and prolonged confinement of witnesses absent probable cause is a violation of the individuals' Constitutional rights and it is argued that isolation is a form of psychological coercion inasmuch as, 1) the basic human feelings of belonging are exploited, wherein the witness/suspect is left with their own fears and uncertainty, 2) prolonged isolation increases the need for contact with the

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<sup>57</sup> Detectives are trained how to shape witness statements and suspect confessions so that they will be deemed 'voluntary' and therefore legally admissible.

<sup>58</sup> Kassin, Saul, and Wrightsman, Lawrence (1985). Confession evidence. In Saul Kassin and Lawrence Wrightsman (Eds.), *The psychology of evidence and trial procedure* (pp. 67–94). Beverly Hills: Sage Publications.

<sup>59</sup> Ofshe, Richard, and Leo, Richard A. (1997a). The social psychology of police interrogation: The theory and classification of true and false confessions. *Studies in Law, Politics and Society*, 16, 189–251.

<sup>60</sup> Davis, Deborah, and O'Donahue, William (2003). The road to perdition: Extreme influence tactics in the interrogation room. In William O'Donahue and Erick Levinsky (Eds.), *Handbook of forensic psychology* (pp. 897–996). San Diego: Academic Press.

detective, increasing the witnesses/suspects need to talk, 3) over time emotional dependence on the detective may occur, 4) the witness/suspect is likely to repeatedly go over in their mind the detective's theory of the case thus increasing the likelihood of memory problems and confusion and 5) the lack of basic stimulation reduces the mental strength to resist suggestions.<sup>61</sup>

- i. Interviews/Interrogations within the PPD is an almost entirely detective-manipulated process, insomuch as detectives such as Detective Pitts had a virtual monopoly of unchecked power in the interview/interrogation room, wherein he had the power to isolate, trick, deceive, and utilize psychological coercion through inducements which he knew, he could deny without fear of contradiction or impeachment as a result of not recording interviews/interrogations and often not having another detective within the interview/interrogation room with him.
- ii. Police officers are instructed that an investigatory detention must be reasonable in time and circumstances and that exigent circumstances may allow a suspect to be transported from the point of the initial detention to another. However, when Detective Pitts and other detectives arrange for the detention and transportation of a witness against their will (without telling the witness they are free to leave) to the Homicide Unit for an interview/interrogation this is considered a violation of the witnesses Fourth Amendment right.<sup>62</sup> Police officers are required to know:<sup>63</sup>
  - The proper procedures for interviewing witnesses and complainants.
  - The proper procedures for obtaining written statements from witnesses and complainants.
  - The proper procedures for recording a confession in writing or on video or audiotape.
- iii. A reasonable officer placed in Detective Pitt's position who were engaging in the investigation of the murder of Mr. Hollman would have audio and/or videotaped witness statements. However, within this case as well as others Detective Pitts failed to record witness and suspect interviews/interrogations even though PPD detectives are instructed:<sup>64</sup>
  - That an investigator may record a witness statement if the investigator believes the witness may later recant a statement or will otherwise be unavailable if requested by the District Attorney's Office.
  - The best form of interview record is audio visual recordings or audio recordings of the interview.
  - Custodial interrogations shall be recorded in their entirety, from the time the suspect first enters the interview/interrogation room until the suspect leaves

<sup>61</sup> Pérez-Sales, P. (2017). *Psychological torture. Definition, evaluation and measurement*. London: Routledge.

<sup>62</sup> See commonwealth v. Revere, 814 A.2d 197 (P.A. Superior Court).

<sup>63</sup> Municipal Police Officers' of Pennsylvania Education and Training Commission Course No.: 99-315.

<sup>64</sup> PPD: Electronic Recording of Custodial Interrogations Directive 5.23.

the interview/interrogation room.

- The purpose of recording interview/interrogations are to:
  - ◇ Create an exact record of what occurred during the course of a interview/interrogation.
  - ◇ Refute allegations of police distortion, coercion, misconduct, or misrepresentation.

iv. It is objectively unreasonable that Detective Pitts did not audio and/or video statements he asserts came from witnesses and suspects in 2008, in part because there was a history of individuals prior to Mr. Williams' case claiming that Detective Pitts and other detectives contributed false statements to them and that Detective Pitts and other detectives threatened, and assaulted witnesses and suspects in order to obtain statements and/or confessions. In addition, the PPD as far back as 1999 and 2000 had interview/interrogation rooms equipped with electronic recording equipment which could have been utilized to facilitate the recording of witness/suspect statements.

b) **Deprivations of Basic Needs:** Denial of basic needs such as sleep, food, medication, water, toilet, etc.

The denial of basic necessities of life are clearly instructed to police officers as things which should not be withheld and/or denied to witnesses or suspects. The denial of things such as food, sleep and medications are known to induce individuals into agreeing with the detectives' theory of the incident so that the witness/suspect could obtain sleep, food, water and/or medications (studies have shown that sleep deprivation increases suggestibility and the longer sleep deprived the more suggestible individuals will become).<sup>65</sup> There are allegations within the records associated with Detective Pitts that he engaged in preventing witnesses/suspects from obtaining, sleep, food, medication, water and use of toilets.

c) **Threats:** To send individuals and/or their family members to jail, prison, take away their children, their homes and their businesses.

Threats of death and/or severe bodily harm to a witness/suspect and/or their family, friends and significant others are known to be a violation of police training/standards and the law. In addition, threats to have witness/suspects children removed from their custody as well as threats of adverse working and business arrangements and the filing of criminal charges would reasonably cause a witness/suspect to adopt the detectives' theory of the incident even though it was inconsistent with the witnesses/suspects understanding, if any of the incident. The records associated with Detective Pitts reflect that he engaged in threats to both witnesses and suspects.

d) **Verbal Abuse:** Referring to individuals and their family members and friends with vulgarity and utilizing demeaning terms, invade the individuals personal space so close so as to spit on the

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<sup>65</sup> Blagrove, M., & Akehurst, L. (2000). Effects of sleep loss on confidence-accuracy relationships for reasoning and eyewitness memory. *Journal of Experimental Psychology: Applied*, 6, 59-73.

individuals.

The Wickersham Commission report asserted that detectives would engage in severe verbal bullying in attempts to obtain information for witnesses and suspects. The records associated with Detective Pitts also assert that he engaged in verbally abusive communications directed at witnesses and suspects. While police verbal bullying is not clearly established as a violation of an individual's Constitutional rights, the verbal abuse and other coercive conduct contributed to psychological coercion.

- e) **Supplying Material Information to Witnesses/Suspects:** To provide blank or pre-written statements to witnesses/suspects, providing witnesses/suspects with information and/or statements of other witnesses or information which support an important component of the investigation. The records associated with Detective Pitts assert that he provided witnesses and suspects with material information about the case.
- f) **Manipulated to Sign a False Witness/Suspect Statement:** Demands that the witness/suspect sign a false statement in order to be released, not charged, and/or in order to receive other benefits. Again, there are records which indicate that Detective Pitts engaged in manipulation of witnesses and suspects in order to obtain false statements and/or confessions.

### **Detective Pitts Use of Reid Interview Like Techniques as a Form of Psychological Coercion**

2. Police Detectives (such as Detective Pitts) often based upon Reid Interview Techniques<sup>66</sup> and viewing themselves as agents of the prosecution (witness/suspect adversary) wrongly believe that individuals being interviewed and/or interrogated often lie, withhold information and/or guilt of the crime of which they are being interviewed and/or interrogated and as a result psychological coercive techniques are permissible if they fulfill the goal of obtaining incriminating evidence for an arrest and/or a conviction.<sup>67</sup>

- a) It is objectively reasonable to consider that Detective Pitts has a history of utilizing psychological coercive tactics (Reid Interview Techniques)<sup>68</sup> and to accept the Honorable Judge Sarmina's opinions advanced within Mr. Dwayne Thorpe's case that when a witness asserts that they know nothing about a given incident or fails to answer questions to Detective Pitts' apparent satisfaction Detective Pitts habitually:<sup>69</sup>

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<sup>66</sup> A two (2) stage interview process; 1) non accusatory interview where a determination is made if the individual is lying and 2) an interrogation wherein a three (3) part techniques of custody/detention, isolation and confrontation is utilized (See: Inbau, Fred, Reid, John, Buckley, Joseph, and Jayne, Brian (2001). Criminal interrogation and confessions (4th ed.). Gaithersburg, MD: Aspen. ).

<sup>67</sup> Moore, T. E., & Fitzsimmons, C. L. (2011). Justice imperiled: False confessions and the Reid technique. *Criminal Law Quarterly*, 57, 509–542.

<sup>68</sup> Detective Pitts asserted that while he was employed by the PPD he was aware of the Reid Interview Techniques and that he utilized some of the Reid Techniques (See: Detective Pitts, Dep., T. 76-111:15-17., in connection with Nafis Pinkney v. Detective James Pitts No.: 655).

<sup>69</sup> Commonwealth v. Dwayne Thorpe (CP-51-CR-0011433-2008).

- i. *Makes unreasonable threats of imprisonment or threats targeting an interrogation subject's specific vulnerabilities, such as family members, children, or housing.*
  - ii. *Prolongs detentions or interrogation of subjects to an unreasonable degree and without probable cause.*
  - iii. *Does not permit witnesses or suspects to review or correct statements before signing them.*
- b) Police psychological coercive tactics and Reid Interview Techniques instruct detectives in how to be skillful in the practice of manipulation and deception during interview and interrogations.<sup>70</sup> At a 2004, conference on police interrogation, Joseph Buckley, who is the president of John E. Reid and Associates, presented the Reid technique to the audience. Mr. Buckley was asked if certain interrogation techniques, such as techniques from Reid, could elicit confessions from innocent suspects. Buckley replied that innocent people were never interrogated.<sup>71/72</sup> Mr. Buckley's statement underlines the fact that often the whole interrogation process has nothing to do with truth seeking and the only goal is to obtain incriminating information and/or a confession. In addition, it cements the idea that some detectives such as Detective Pitts believe they have an intrinsic guide (human lie detection)<sup>73</sup> to determine honesty, deception, guilt and innocence. Criminological research has shown that detectives are not adroit at evaluating the difference between truth and deception and are no better than chance levels at detecting truth from an individual witness' and/or suspects' gestures or mannerisms during an interview/interrogation.<sup>74/75/76/77</sup>
- c) Detectives are instructed as follows (as applicable to Detective Pitts' conduct) in connection with Interview/Interrogation Techniques:

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<sup>70</sup> Leo, Richard, (1996), Miranda's Revenge: Police Interrogation as a Confidence Game. *Law and Society Review*; Volume 30, Issue 2, p259-288.

<sup>71</sup> Kassin, Saul, (2005, April), On the Psychology of Confessions: Does Innocence Put Innocence at Risk?, *American Psychologist*, Volume 60, Number 3, 215 – 228.

<sup>72</sup> Kassin, Saul, (2005), True Crimes False Confessions, *Scientific American Mind*, 15552284, Volume 16, Issue 2.

<sup>73</sup> See Commonwealth v. Levar Brown (CP-51-CR-0407441-2004), Regarding what 'better detectives' do in connection with statements (Do not take them if they think the individual is not truthful).

<sup>74</sup> Kassin, S.M., Meissner, C.A., Norwick, R.J., (April 2005), I'd Know a False Confession if I Saw One: A Comparative Study of College Students and Police Investigators, *Law and Human Behavior*, Volume 29, Number 2, Pages 211 – 227.

<sup>75</sup> Kassin, Saul, (2008), False Confessions: Causes, Consequences, and implications for Reform, *Association for Psychological Science*, Volume 17, Number 4, Pages 249-253.

<sup>76</sup> Kassin, Saul, (2005, April), On the Psychology of Confessions: Does Innocence Put Innocence at Risk?, *American Psychologist*, Volume 60, Number 3, 215 – 228.

<sup>77</sup> Kassin, Saul, (2005), True Crimes False Confessions, *Scientific American Mind*, 15552284, Volume 16, Issue 2.



- i. An interview/interrogation is not a fact-finding endeavor, it is a technique utilized to get an individual to conform to the theory advanced by the detective.<sup>78/79</sup>
  - The detective should present an outline of the crime that they believe to be true along with supporting evidence of their theory regardless of whether the evidence is factual or not and how the evidence leads to the suspect.
- ii. The interview/interrogation room should be rudimentary with scant furnishing to promote feelings of social isolation, sensory deprivation and helplessness on the part of the individual being interviewed/interrogated.<sup>80/81</sup>
- iii. Have the individual being interviewed/interrogated seated in an uncomfortable chair so as to exacerbate their discomfort during the interview/interrogation.<sup>82</sup>
- iv. A common pitfall or mistake associated with an interview/interrogation is the detectives' failure to move into the intimate space of the interviewee during key phases of the interrogation, or the detective moves into the interviewee's intimate space to soon.<sup>83</sup>
- v. An individual's gestures and mannerisms are indicators of dishonesty on the part of an individual as a result of anxiety.<sup>84/85/86/87</sup>
  - The detective should consistently restate their position and keep up the confrontation of the individual all the while observing the individuals' reactions and behaviors.<sup>88/89</sup>

<sup>78</sup> Zulawski, D.E., Wicklander, D.E., (1998), *Practical Aspects of Interview and Interrogation*, Wayne State University Press, 1 pg.

<sup>79</sup> Zulawski, D.E., Wicklander, D.E., (1992), *Practical Aspects of Interview and Interrogation*, Boca Raton: CRC Press, 337.

<sup>80</sup> Kassin, S.M., Fong, C.T., (1999), "I'm Innocent!": Effects of Training on Judgments of Truth and Deception in the Interrogation Room, *Law and Human Behavior*, Vol. 23, No. 5, 499 – 514 .

<sup>81</sup> Kassin, S.M., Gudjonsson, G., Psychology of Confessions, (November 2004), *Psychological Science in the Public Interest*, Volume 5, Number 2, pages 35-61.

<sup>82</sup> Ibid.

<sup>83</sup> Municipal Police Officers' of Pennsylvania Education and Training Commission Course No.: 99-315.

<sup>84</sup> Kassin, S.M., Meissner, C.A.; Norwick, R.J., (April 2005), I'd Know a False Confession if I Saw One: A Comparative Study of College Students and Police Investigators, *Law and Human Behavior*, Volume 29, Number 2, Pages 211 – 227.

<sup>85</sup> Kassin, Saul, (2008), False Confessions: Causes, Consequences, and implications for Reform, *Association for Psychological Science*, Volume 17, Number 4, Pages 249-253.

<sup>86</sup> Kassin, Saul, (2005, April), On the Psychology of Confessions: Does Innocence Put Innocence at Risk?, *American Psychologist*, Volume 60, Number 3, 215 – 228.

<sup>87</sup> Kassin, Saul, (2005), True Crimes False Confessions, *Scientific American Mind*, 15552284, Volume 16, Issue 2.

<sup>88</sup> Zulawski, D.E., Wicklander, D.E., (1998), *Practical Aspects of Interview and Interrogation*, Wayne State University Press, 1 pg.

<sup>89</sup> Zulawski, D.E., Wicklander, D.E., (1992), *Practical Aspects of Interview and Interrogation*, Boca Raton: CRC Press, 337.

3. A reasonable officer placed in Detective Pitts' position who utilized psychological interview/interrogation techniques would reasonably believe that the information, and/or confessions they produce would raise issues of reliability throughout the legal process, from interview/interrogation to potential conviction.

## 10.0 Additional Standards Considered

### Importance of Audio and/or Video Recorded Statements/Confessions

1. Officers are instructed that witness statements and offender confessions carry tremendous weight at trial, and that audio and/or video recordings of witness statements are a reliable method to accurately memorialize facts surrounding criminal offenses in order to correctly identify perpetrators so that they may be punished.
2. Custodial interrogations of persons suspected of committing a crime of violence shall be recorded in their entirety, from the time the suspect first enters the PPD interrogation room until the suspect leaves the interrogation room.<sup>90</sup>
3. Audio and video recorded statements associated with Homicide investigations are required to be retained for 75 years.<sup>91</sup>
4. Audio and/or video recordings of witness statements and interrogations serve the Criminal Justice System as a whole by allowing triers of fact to accurately assess the credibility and voluntariness of witness statements and/or confessions, thus helping to prevent false accusations of police abuse and wrongful convictions.
  - a) The best record of an interview/confession is an audio and/or audio-visual recording of the interview/confession.
  - b) The PPD asserts that during the investigation of all felony crimes occurring in the City of Philadelphia where an individual's freedom of movement has been restricted (to the degree associated with an arrest) are required to have their interrogation digitally recorded.
    - i. A Digital Recording System is the collection of hardware, software, firmware, and other components to create a digital audio/video recording of events that transpire within an interrogation room.

### Search and Seizure, Interviewing and Interrogation

1. Police officers are instructed that there are four (4) sources of law which govern a police officer's power to engage in a search and seizure:<sup>92</sup>
  - a) U.S. Constitution - 4<sup>th</sup> Amendment.

<sup>90</sup> PPD: Electronic Recording of Custodial Interrogations Directive 5.23 (Effective 05.29.20).

<sup>91</sup> Local Government Records Committee: Bureau of the Pennsylvania State Archives (March 28, 2019).

<sup>92</sup> Municipal Police Officers' of Pennsylvania Education and Training Commission Course No.: 99-315.

- b) PA. Constitution - Article I Section 8.
  - c) U.S. & P.A. Court Decisions.
  - d) P.A. Rules of Criminal Procedure<sup>93</sup>
2. PPD officers are required to comply with the Interview and Interrogation policy during the course of any interview to protect the constitutional rights of the persons being questioned, to avoid the appearance of any improprieties, and to guard against any charges of police coercion or intimidation during the questioning process.<sup>94</sup>
  3. When a witness enters any police facility to be interviewed, the assigned investigator shall record the name of the witness on the detective division or investigative unit's Witness Log (75-640A) along with the investigator's name, signature, and time of arrival and departure of the witness.<sup>95</sup>
    - a) All formal statements taken from defendants will be recorded on form 75-483.<sup>96</sup>
    - b) A summary of what witnesses indicated are required to be placed on a Homicide Case Summary Form No.: 75-294.<sup>97</sup>
  4. Officers are required to be able to identify the legal and ethical considerations and special problems associated with arrest transportation, care, and release of juvenile offenders.<sup>98</sup>
  5. The Investigative Unit supervisors on duty shall:<sup>99</sup>
    - a) Review the Victim/Witness Log (75-640A) at the beginning of every shift and check on the well-being of any persons in the police facility being interviewed or waiting to be interviewed to determine if they need any special accommodations or assistance with any family or job-related issues.
    - b) Periodically, at least once during a tour of duty, in addition to the initial review, check on the well-being of any persons in the police facility being interviewed or waiting to be interviewed. This is done to determine if they need any special additional accommodations or assistance with any family or job-related issues.
    - c) Initial the Victim/Witness Log (75-640A) indicating the date and time that each check was performed.
    - d) Make the proper notification upon change of shift to ensure the oncoming supervisors are made aware of any witnesses being interviewed.

### **Concealment of Exculpatory Evidence**

<sup>93</sup> Ibid., These are written to reflect compliance with Constitutional Law and Case Law

<sup>94</sup> PPD: Interviews and Interrogations – Rights of Individuals and Duties of Law Enforcement Directive 5.23 (05.29.20).

<sup>95</sup> Ibid.

<sup>96</sup> PPD: Rules of Discovery Directive 135 (05.12.00).

<sup>97</sup> PPD: Interviews and Interrogations – Rights of Individuals and Duties of Law Enforcement Directive 5.23 (05.29.20).

<sup>98</sup> Municipal Police Officers' of Pennsylvania Education and Training Commission Course No.: 99-315.

<sup>99</sup> PPD: Interviews and Interrogations – Rights of Individuals and Duties of Law Enforcement Directive 5.23 (05.29.20).

1. The disclosure of exculpatory evidence from police to criminal defendants has been an accepted police training/standard commencing in about 1979. In September of 1997, the NAACP reminded the City of Philadelphia Police Department of its duty to disclose any information which includes impeachment materials which supports a claim of innocence or a lesser degree of guilt. The PPD within Directive 135 (Rules of Discovery) incorporated the disclosure of exculpatory evidence standard on April 13, 1981. Unfortunately, within this case and many others the PPD has continued its custom and practice which is equivalent to an official policy of not to disclose exculpatory evidence.
  - a) The disclosure of evidence before trial in criminal cases is governed by the Rules of Criminal Procedure as promulgated by the Pennsylvania Rule of Criminal Procedure 305 and Municipal Court Criminal Procedure Rule 558.
2. Exculpatory evidence is any evidence which could be favorable to an accused individual (within this case Mr. Williams). Favorable evidence includes information which would demonstrate that witnesses against the accused such as Detective Pitts, Mr. James and Mr. Butler are not credible or have a motive to lie.
  - a) Police training/standards dictate that officers disclose to the defendant if a testifying witness has a motivation to lie and/or if the witness is receiving some benefit which could include, but not be limited to, being offered the possibility of a lighter sentence on pending criminal charges, promise of non-prosecution, and/or financial compensation.
  - b) Exculpatory evidence cannot be kept out of the hands of the defense just because the prosecutor does not have it when an investigating agency does. This would undermine Brady by allowing the investigating agency to prevent production by keeping a report out of the prosecutor's hands until the agency decided the prosecutor ought to have it, and by allowing the prosecutor to tell the investigators not to give them certain materials unless asked for them.<sup>100</sup>
3. The obligation to turn over exculpatory evidence is ongoing and extends beyond a finding of guilt in a criminal trial and extends into the post-trial motions, the appeals process, sentencing, and during habeas relief.

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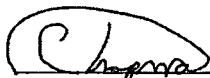
<sup>100</sup> Civil Liability for Police Failure to Disclose Exculpatory Evidence, 2009 (9) AELE Mo. L.J. 101 (ISSN 1935-0007) citing United States v. Blanco, #03-10390, 2004 U.S. App. Lexis 26815, 392 F.3d 382 (9<sup>th</sup> Cir. 2004).

### 11.0 Ongoing Evaluation

I reserve the right to amend and/or supplement this report and/or my opinion(s) prior to and/or during trial based upon the receipt and examination of additional information. I may be using video/audio clips, case scenarios, posters and demonstrative aids during my testimony based upon the content of this 'Expert Report'. However, the exact format has not been decided as of this date.

This report is signed on this, day 7th of January 2024.

Professionally submitted,



Christopher Chapman, Ph.D.

Commonwealth v. Anthony Williams  
Court of Common Pleas – Philadelphia County Pennsylvania  
Post-Conviction Relief Act  
Dr. Chapman: Expert Report

# Appendix 'A'

**Mr. Andrew Swainson – Exoneree**<sup>101/102</sup>

1. Mr. Swainson was arrested, convicted, and sentenced to life in prison without the possibility of parole in connection with the January 17, 1988, murder of Mr. Stanley Opher.
2. PPD Officer Kay captured three (3) men that were fleeing from the robbery which took place at a drug house one of which was Mr. Paul Presley.
3. Rather than considering Mr. Presley and his two companions as suspects, the PPD took Mr. Presley's assertion that Mr. Swainson was responsible for the death of Mr. Opher.
  - a) On June 10, 1988, Mr. Presley provided a statement to Detective Santiago which the DAO asserts, *a reasonable person might conclude that the statement was dictated or suggested by the police.*
4. Mr. Swainson was arrested and at his preliminary hearing (April 14, 1988) Mr. Presley failed to identify Mr. Swainson.
  - a) On June 10, 1988, Mr. Presley gave a statement to Mr. Swainson's investigators indicating that he had incorrectly identified Mr. Swainson.
  - b) One month before Mr. Swainson's trial, Mr. Presley was brought in for two (2) (February 15 and 17, 1989) interviews at the DA's office and he recanted his identification of Mr. Swainson and afterwards Mr. Swainson recanted his prior recantation.
    - i. Mr. Presley's February 15, 1989, and February 17, 1989, statements were tape recorded by Detective Santiago. However, Detective Santiago denied that he recorded Mr. Presley's February 15, 1989, statement at Mr. Swainson's trial.
  - c) On July 28, 1988, Mr. Presley was charged with felony drug charges (possession with the intent to deliver) and was held for seven (7) months prior to Mr. Swainson's trial.
  - d) On March 17, 1989, during Mr. Swainson's trial, Mr. Presley identified Mr. Swainson as the shooter.
  - e) On March 21, 1989, Mr. Swainson was convicted of first-degree murder, criminal conspiracy, and possessing an instrument of a crime.
5. On October 13, 2008, Mr. Presley advised that he had been pressured into identifying Mr. Swainson and was promised leniency on open charges if he testified.
  - a) The charges against Mr. Presley were dismissed (nolle prossed) immediately following Mr. Swainson's conviction.

<sup>101</sup> Commonwealth v. Andrew Swainson Petition for Post-Conviction Relief.

<sup>102</sup> Commonwealth v. Andrew Swainson Joint Stipulation of Fact of Petitioner.

6. The historic and continuing documentation of Homicide Detectives' alleged deviations from police training/standards and the law as instructed to police officers are similar and consistent with the types of misconduct alleged by Mr. Outlaw which led to his arrest, prosecution, and incarceration. Examples of widespread and ongoing PPD Homicide Detectives' alleged practices as reported include the April 1977, four-part series of The Philadelphia Inquirer entitled 'The Homicide Files'.<sup>103</sup>
  - a) The investigative reporters noted that, 'there is a pattern of beatings, threats of violence, intimidation, coercion, and knowing disregard for the constitutional rights in the interrogation of homicide suspects and witnesses' (*See Case Examples*).
  - b) The articles assert that local judges heard 433 homicide cases from 1974 to 1977, 80 of which involved police misconduct in the questioning of suspects and witnesses. In addition, the articles charge that, 'top officials know of and tolerate the coercive measures'.

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<sup>103</sup> NEUMANN, J., MARIMOW, W., Philadelphia Inquirer, & United States of America. (1977). HOMICIDE FILES. *PHILADELPHIA INQUIRER* Dated:(APRIL, 24(27), 1-16.


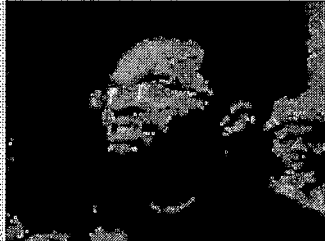
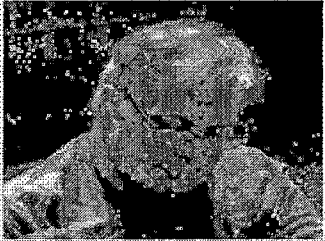
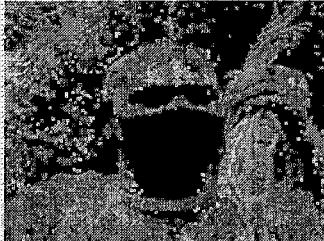
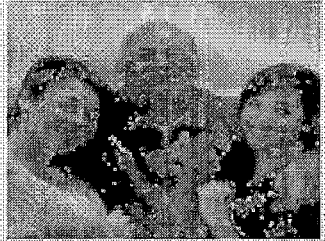




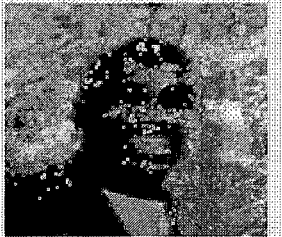
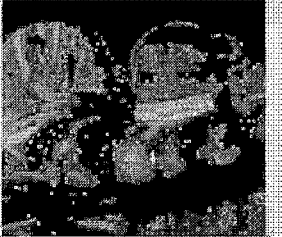
*Case Examples Exoneration Timeline<sup>104</sup>*

2018		2019		
May	December	March	April	May
				<i>No Photo Available</i>
<b>Dontia Patterson</b> Years in Prison: 11 Vacated: May 2018	<b>Jamaal Simmons</b> Years in Prison: 9 Vacated: Dec. 2018	<b>Dwayne Thorpe</b> Years in Prison: 11 Vacated: March 2019	<b>James Frazier</b> Years in Prison: 7 Vacated: April 2019	<b>Sherman McCoy</b> Years in Prison: 6 Vacated: May 2019
June		July	October	
				
<b>Terrance Lewis</b> Years in Prison: 22 Vacated: May 2019	<b>Johnny Berry</b> Years in Prison: 25 Vacated: June 2019	<b>Chester Hollman III</b> Years in Prison: 28 Vacated: July 2019	<b>John Miller</b> Years in Prison: 22 Vacated: July 2019	<b>Willie Veasy</b> Years in Prison: 27 Vacated: Oct. 2019

<sup>104</sup> Overturing Convictions and an Era

**Exoneration Timeline Continuation<sup>105</sup>**

<b>2020</b>				
<b>December</b>	<b>January</b>	<b>June</b>		<b>October</b>
				
<b>Christopher Williams</b> Years in Prison: 30 Vacated: Dec. 2019	<b>Theophalis Wilson</b> Years in Prison: 28 Vacated: Jan. 2020	<b>Walter Ograd</b> Years in Prison: 28 Vacated: June 2020	<b>Andrew Swainson</b> Years in Prison: 32 Vacated: June 2020	<b>Antonio Martinez</b> Years in Prison: 31 Vacated: Oct. 2020

<b>2021</b>					
<b>December</b>	<b>February</b>	<b>March</b>	<b>May</b>	<b>June</b>	
				<i>No Photo Available</i>	<i>No Photo Available</i>
<b>Termaine Hicks</b> Years in Prison: 20 Vacated: Dec. 2020	<b>Robert Donald Outlaw</b> Years in Prison: 20 Vacated: Dec. 2020	<b>Christopher Williams</b> Years in Prison: 30 Vacated: Feb. 2021	<b>Jahmir Harris</b> Years in Prison: 8 Vacated: March 2021	<b>Obina Onyiah</b> Years in Prison: 11 Vacated: May 2021	<b>Arkel Garcia</b> Years in Prison: 8 Vacated: June 2021

<sup>105</sup> Ibid.

**Major Gregory Tillery (1976)<sup>106</sup>**  
**William Franklin (Alleged co-conspirator)**

1. Mr. Tillery alleges that the government manufactured and presented false evidence and suppressed impeachment and exculpatory evidence in order to convict Mr. Tillery of a murder he did not commit.
2. In 1985, Mr. Tillery was convicted of first-degree murder for the shooting of Joseph Hollins and John Pickens on October 22, 1976, in North Philadelphia and sentenced to life imprisonment without the possibility of parole based entirely upon the testimony of Mr. Emanuel Claitt.

a) Mr. Claitt and Mr. Mickens in sworn declarations assert that:

- i. Their trial testimony was entirely false.
- ii. Their testimony was scripted and coached by the Commonwealth.
- iii. PPD detectives obtained and used false/perjured statements at Mr. Tillery's trial.
- iv. The detectives allowed them to have sex with their girlfriends in the Police Administration Building.
  - It is believed that the detectives (Detective Gerrard and Detective Gilbert) had previously been found to have engaged in identical misconduct in connection with Commonwealth v. Lester, 572 A.2d 694 (Pa. Super. 1990) which was a voluntary manslaughter case which resulted in a reversal and new trial.

b) Mr. Claitt within his sworn declaration asserts the following in part:



- i. I was in prison in 1980 on serious charges and I was approached by Philadelphia detectives Larry Gerrard and Ernest Gilbert. They threatened to charge me with the murder of Samuel Goodwin. I had eight or nine open cases, at least three of them were felonies with a lot of years of prison time.
- ii. Detectives and prosecutors ADA Lynn Ross and Barbara Christie promised if I said that Major Tillery and William Franklin were the shooters in the 1976 murder of Joseph Hollis and the attempted murder of John Pickens I wouldn't get state time in my many pending criminal charges and I wouldn't be charged in the murder of Samuel Goodwin, that I had nothing to do with (See letters from

<sup>106</sup> George Tillery Writ of Habeas Corpus: Ref Criminal Docket No.: CR-51-CR-0305681-1984

ADA Leonard N. Ross, DA Edward Rendell and Chief of Homicide Arhold Gordon to The Court).

- iii. I was also allowed to have sex with my girlfriends (four of them) in the homicide interview rooms and in hotel rooms, in exchange for my cooperation.
- iv. Detectives Larry Gerrard and Ernest Gilbert, and Lt. Bill Shelton with the knowledge and direction of ADAs Lynn Ross, Roger King, and Barbara Christie promised me leniency, threatened me, and allowed me private time for sex with girlfriends in the homicide interview rooms and hotel rooms.
- v. Everything I testified to at Major Tillery's trial and William Franklin's trial about witnessing an argument between Alfred Clark and Joseph Hollis, threats made by Major Tillery against John Pickens, and the shootings at the pool hall a few days later was false.
- vi. My testimony was made up while being questioned by homicide detectives Gerrard and Gilbert and being prepped by ADAs Ross, Christie, and King to testify against Major Tillery and William Franklin.
- vii. Detectives Larry Gerrard, Ernest Gilbert and ADAs Barbara Christie, Len Ross, Roger King interviewed me, and worked over my testimony to make sure Major Tillery and William Franklin were convicted of murder and attempted murder.
- viii. In exchange for my false testimony many of my cases were not prosecuted. I got probation. I was sentenced to just 18 months for firebombing and was protected when I was arrested between the time of Franklin's and Tillery's trials.
- ix. It was clear they knew I didn't have any direct knowledge of the shootings at the poolroom on October 22, 1976, that I wasn't there then or at the argument at Dana Goodman's house or meetings before the October 22, 1976, shootings.
  - For example: In our meetings I said ["]you know I wasn't there - you have to fill in the blanks.["] Detectives Gerard [sic], Gilbert, Lubiejewski, Lt. Shelton and ADA Ross would tell me, "you've got to say it this way." I was told "we've got to bring him down - you've got to help us." That meant I should lie.

Barbara Christie told me: "You're the best. You should have been a lawyer." That meant I knew how to lie.

- x. Back in 1980 when I testified at Franklin's trial I lied when I said that the only plea agreement was that my sentences on three cases would run concurrently. But I had been promised the DA's recommendation to receive no more than 10 years. In fact, I got one and a half-years [sic].

c) Mr. Mickens within his sworn declaration asserts the following in part:

- i. In May 1985 I falsely testified as a witness for the Philadelphia County District Attorney in the prosecution of Major George Tillery (CP-51-CR- 0305681-1984) on murder charges.
- ii. I was coerced and promised favors if I falsely testified against Major Tillery.
  - I was arrested on February 28, 1984, on charges of robbery and rape and faced twenty-five years of imprisonment if convicted.
- iii. ADA Christie told me that if I 'worked with [her] on the Major Tillery case' she 'guaranteed' I wouldn't be sent upstate on my robbery and rape case and would be "protected".
  - When I was sentenced on October 10, 1985, after my guilty plea of rape and criminal conspiracy, I didn't get prison time. I was sentenced to five years' probation.
- iv. I told detectives Cimino and McNeshy that I missed my girlfriend Judy Faust. I was given an hour and a half private visit with her in an interview room in the police headquarters so that we could have sex.

**Arron Fox (1978)<sup>107</sup>**

- 1. Mr. Fox alleges that the government presented false evidence and suppressed impeachment and exculpatory evidence in order to convict Mr. Fox of a murder he did not commit.

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<sup>107</sup> Aaron Fox v. Donald T. Vaughn, et al., Memorandum and Order Ref: Civil Action No.: 03-3090.

2. In 1979, Mr. Fox was convicted of first-degree murder and possession of an instrument of a crime in connection with the shooting of Paul Lynch and was sentenced to an aggregate term of life imprisonment based primarily upon the testimony of Mr. Robinson.
  - a) The PPD asserts that Mr. Fox killed Mr. Lynch in connection with his (Mr. Fox's) association with the 'Black Mafia'. However, the United States Department of Justice: Federal Bureau of Investigation asserts that there is no indication that Mr. Fox was a member of the 'Black Mafia'.<sup>108</sup>
  - b) Mr. Robinson within his Affidavit asserted that:<sup>109</sup>
    - i. When Mr. Robinson was taken to the Homicide Unit for questioning, he was, 'on both wine and crank'.
    - ii. The first question asked by the detective was, 'where were you standing when Mr. Fox shot Mr. Lynch?'
      - Mr. Robinson assumed that the police knew that Mr. Fox shot Mr. Lynch so Mr. Robinson went along with the detectives thinking (knowing) that if he did he would be released.
    - iii. Mr. Robinson knew that he lied when he went along with the police and signed a statement saying he observed Mr. Fox shoot Mr. Lynch.
    - iv. Mr. Robinson avoided the police for almost a year. However, eventually he was caught prior to Mr. Fox's trial. During a pre-trial conference DA King promised Mr. Robinson:
      - That he would take care of Mr. Robinson's parole problem in Michigan (Mr. Robinson jumped parole in 1977).
      - That he would help Mr. Robinson with a rape conviction (DA King told Mr. Robinson that he would come to court on the day of Mr. Robinson's sentencing and speak to the ADA on his behalf [Mr. King kept his promise and came to court on the day of Mr. Robinson's sentencing and spoke with the DA and public defender])

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<sup>108</sup> FBI July 17, 1975 Anti-Racketeering Report – Philadelphia Office.

<sup>109</sup> Mr. Warren Robinson Affidavit

v. Mr. Robinson asserts that he did not see Mr. Fox shoot Mr. Lynch.<sup>110</sup>

**Willie Stokes (1980)** <sup>111/112</sup>

1. Mr. Stokes alleges that the government manufactured and presented false evidence and suppressed impeachment and exculpatory evidence in order to convict Mr. Stokes of a murder he did not commit.
2. In 1984, Mr. Stokes was arrested and found guilty of the October 1, 1980, shooting death of Ms. Leslie Campbell. Mr. Stokes was sentenced to life imprisonment without the possibility of parole based on the testimony of Mr. Franklin Lee.<sup>113</sup>
  - a) During Mr. Stokes' trial Mr. Lee was called to testify for the state. However, Mr. Lee claimed that he was forced to make false statements by the police. Mr. Lee asserted that:
    - i. Detective Gerrard and Detective Gilbert fabricated his statement which he signed after the detectives promised to 'make deals'.
    - ii. Mr. Lee did not read the statement he signed (Mr. Lee was in jail in connection with the murder of Lorenzo Walker when he signed the statement).
    - iii. Mr. Lee during his testimony indicated that he had an agreement for his testimony in connection with three or four other murders.
  - b) As a result of Mr. Lee recanting his testimony, he was cross-examined about his prior statement and pre-trial testimony and the statement was read during the trial.

**Andre Harvey (1982)** <sup>114/115</sup>

1. Mr. Harvey alleges that the government manufactured and presented false evidence and suppressed impeachment and exculpatory evidence in order to convict Mr. Harvey of a murder he did not commit.
2. On May 9, 1984, Mr. Harvey was found guilty of first-degree murder, conspiracy, and violations of the Uniform Firearm Act 1984, in connection with the death of Mr. Fred Rainey. Mr. Harvey was sentenced to life imprisonment and 5-to-10 years for conspiracy.

<sup>110</sup> Mr. Warren Robinson Affidavit-II (July 13, 2005).

<sup>111</sup> Mr. Willie Stokes Application for Leave to File Second or Successive Habeas Petition.

<sup>112</sup> Commonwealth v. Willie Stokes Trial Testimony.

<sup>113</sup> Commonwealth v. Andre Harvey Opinion and Order.

<sup>114</sup> Commonwealth v. Andre Harvey Criminal Trial Division (02.18, 1997)

<sup>115</sup> Commonwealth v. Andre Harvey Appeal from PCRA Order Entered on April 15, 2019.

- a) Mr. Charles Atwell asserted that he was an eyewitness to the crime and asserted that he was threatened by Mr. Harvey not to reveal what he had seen.
  - i. Mr. Atwell was arrested on May 17, 1983 and charged with two (2) counts of aggravated assault in an unrelated case. The charges against Mr. Atwell were nolle prossed on December 12, 1983.
  - ii. Mr. Atwell entered into an agreement to give false testimony against Mr. Harvey.
  - iii. While in custody, Mr. Atwell gave a statement to detectives indicating that Mr. Harvey shot Mr. Rainey.
  - iv. Detective Gerrard gave drugs to individuals to give to Mr. Atwell in exchange for his false testimony against Mr. Harvey.
- b) Mr. Harvey claims that Mr. Atwell like Mr. Lee was allowed to have sex in the Police Administration Building with his girlfriend in exchange for false testimony.

**Curtis Crosland (1984)**<sup>116/117</sup>

1. Mr. Crosland alleges that the government withheld critical impeachment and exculpatory evidence which included evidence that another person committed the murder of Mr. Il Man Heo, in order to convict Mr. Crosland of a murder he did not commit.
2. In 1991, Mr. Crosland was wrongfully convicted of second-degree murder, robbery, and possessing an instrument of crime in connection with the December 5, 1984, shooting death of Mr. Heo, based upon the testimony of Delores Tilghman and Rodney Everett. Mr. Crosland was sentenced to life imprisonment.
  - a) Mr. Everett, who had been previously convicted of homicide and robbery, contacted retired probation officer William Massey after he was arrested in March of 1987, claiming to have information about the murder of Mr. Heo.
    - i. Detective Mangoni, who interviewed Mr. Everett, asserts that Mr. Everett came to them with information in hopes that they could help him with his parole violation.
  - b) Ms. Tilghman asserted that she heard Mr. Crosland confess to her cousin Mr. Everett about killing Mr. Heo.
    - i. Mr. Everett asserted his Fifth Amendment privilege against self-incrimination during Mr. Crosland's first trial and was declared unavailable to testify, and as a result, his preliminary hearing

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<sup>116</sup> Commonwealth v. Crosland Nolle Prosequi Order.

<sup>117</sup> Mr. Crosland's Memorandum in Support of Petitioner's Motion for Writ of Habeas Corpus.



testimony was read to the jury. During Mr. Crosland's second trial Mr. Everett was given immunity and he denied making a statement to the police in connection with Mr. Crosland and that he signed in an April 15, 1987, statement.

- ii. Ms. Tilghman testified at Mr. Crosland's first trial but was declared unavailable at Mr. Crosland's second trial. Her testimony from the first trial was read to the jury. Ms. Tilghman later indicated that she does not know who made the statement about killing Mr. Heo.
  - c) During Mr. Crosland's appeal proceedings it was discovered that the PPD and Commonwealth had information which would impeach the credibility of Ms. Tilghman and Mr. Everett and their false implication of Mr. Crosland.
3. The Commonwealth asserts it violated the provisions of Brady v. Maryland, and that Mr. Crosland, 'may very well be actually innocent'.
- a) The Commonwealth failed to turn over the following:
    - i. The February 4 and February 26, 1988, grand jury testimony of Ms. Tilghman where she initially reported that Michael Turner was responsible for the murder but admitted that she was lying and had only implicated Mr. Turner because she was angry with him.
    - ii. Ms. Tilghman also made a statement implicating both Frank and Michael Turner while she was hospitalized after a suicide attempt.
    - iii. Ms. Tilghman asserts, in response to police coercion and threats and threats of jail, she gave the statement about Mr. Crosland.
    - iv. The police had information from several individuals that Mr. Michael Ransom was the person who shot and killed Mr. Heo.
    - v. Several documents in the homicide file call Rodney Everett's credibility into question. Mr. Everett had been arrested for serious domestic violence and weapons offenses against his girlfriend, Louise Woods, on March 19, 1987, just a few days before he contacted William Massey with information about the murder of Mr. Heo and while he was on parole.
    - vi. Mr. Everett later testified at Frank Turner's trial for the murder of John Lamb and stated that he lied in his July 1987 statement and lied at the preliminary hearing for the John Lamb case, which took place the same day as the preliminary hearing in the instant case. He said he only testified at the hearing to help himself because he heard he was going to be charged with murder.

**Antonio Martinez (1985)** <sup>118/119/120</sup>

1. Mr. Martinez alleges that the government manufactured and presented false evidence and suppressed impeachment and exculpatory evidence which included evidence that another person committed the murders of the Camacho brothers in order to convict Mr. Martinez of a murder he did not commit.
2. On February 19, 1985, two (2) brothers, Hector Camacho and Luis Camacho, were murdered. In January of 1989, the PPD had not made an arrest in connection with the murders.
  - a) In mid-January 1989, Mr. Angle Fuentes contacted PPD Detective Miguel Deyne and advised that he had information regarding the murders of the Camacho brothers.
  - b) Mr. Fuentes gave a statement indicating that Mr. Martinez shot both Hector and Luis Camacho. In addition, Mr. Renaldo Velez indicated that Mr. Martinez shot the Camacho brothers in self-defense.
    - i. Mr. Fuentes at the time of his statement was a fugitive from justice. Detective Deyne asserts that Mr. Fuentes received a benefit for his testimony against Mr. Martinez (Detective Deyne and the ADA contacted the judge overseeing Mr. Fuentes fugitive status and Mr. Fuentes was reinstated to work release as a direct result of the conviction of Mr. Martinez).
    - ii. Mr. Velez asserts that when he was interviewed by the police, they threatened to charge him with the murder if he did not identify Mr. Martinez as the shooter.
3. On July 18, 1991, Mr. Martinez was convicted of the brothers' murder and voluntary manslaughter based upon eyewitness testimony of Mr. Fuentes and Mr. Velez and sentenced to life imprisonment.
4. Mr. Martinez asserts that:
  - a) The PPD failed to turn over information they compiled between 1985 and 1986 which pointed to Mr. Wilson Santiago and his brother Miguel Santiago as the suspects.
    - i. In 1985, police conducted a sealed grand jury investigation targeting Wilson and Miguel Santiago.

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<sup>118</sup> Commonwealth v. Antonio Martinez Petition for Post-Conviction Relief.

<sup>119</sup> Commonwealth v. Antonio Martinez Answer to Petition for Post-Conviction Relief.

<sup>120</sup> Commonwealth v. Antonio Martinez Joint Stipulations of Facts.

- b) The PPD failed to turn over information that Mr. Ramirez indicated that he observed a man named Freddy and a man named Ray shoot the Camacho brothers.
  - c) The PPD did not turn over information to the DAO provided by Ms. Torres who advised the police that she observed Mr. Santiago and his brother Manuel execute the Camacho brothers.
5. The Commonwealth asserts:
- a) The PPD withheld nearly all of the evidence collected during the original investigation from Mr. Martinez.
  - b) The PPD had information that the murder of the Camacho brothers was committed by at least two (2) individuals.
  - c) Mr. Martinez's right to due process as set forth in Brady v. Maryland were violated.

**Bobby Harris (1989) <sup>121</sup>**

1. Mr. Harris alleges that Detective Augustine threatened him to sign a confession regarding the murder of Mr. Smith and as a result Mr. Harris was sentenced to life in prison without parole before he was resentenced in 2017 under the Supreme Court decision banning life terms for minors.
2. Mr. Harris alleges that Detective Augustine:
  - a) Got into his face and screamed at him.
  - b) Held him in a room for a long time.
  - c) Indicated that Mr. Harris was going to be raped while in prison (Graterford).

**Don Adams Jr. (1990)<sup>122</sup>**

1. Mr. Adams alleges that Detective Clark failed to turn over exculpatory evidence and coerced and threatened Ms. Benjamin with jail if she did not give a statement implicating Mr. Adams as killer of Mr. Patterson and Mr. Winn. In addition, he alleges that Detective Clark provided Ms. Benjamin with money, food, and clothing for her testimony against Mr. Adams.
  - a) Mr. Adams was sentenced to life imprisonment.
2. Mr. Adams asserts that:

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<sup>121</sup> Affidavit of Bobby Harris.

<sup>122</sup> Civil Action of Don Adams v. Detective Clark.

- a) When Ms. Benjamin was first questioned she indicated that Mr. Bennett had committed the murders and refused to identify Mr. Adams as the shooter.
- b) Two weeks later, Detective Clark took Ms. Benjamin into custody and threatened to arrest her on outstanding warrants unless she provided a statement implicating Mr. Adams.
  - i. In June of 1991, Ms. Benjamin advised Detective Clark that she observed Mr. Don Adams shoot Mr. Patterson and Mr. Winn. However, during Mr. Adams' trial she testified that Mr. Adams was not the shooter.
- c) Detective Clark advised Ms. Benjamin that if she testified against Mr. Adams all charges against her would be dismissed.

**Shaurn Thomas (1990)** <sup>123/124</sup>

1. Mr. Thomas alleges that Detective Devlin and Detective Worrell fabricated evidence against him in connection with the November 13, 1990, murder of Mr. Domingo Martinez and did not follow up on eyewitness information which provided a description of the shooter and vehicles associated with the murder.
  - a) Three (3) days after Mr. Martinez's murder, Mr. Walthour and two (2) other individuals were stopped by police (vehicle stop) six (6) blocks from the crime scene and a gun was found in their vehicle.
    - i. Mr. Walthour and the two (2) others admitted that they knew Mr. Martinez.
    - ii. Mr. Walthour advised police that a Mr. Lewis may have murdered Mr. Martinez because Mr. Lewis advised Mr. Walthour that he had robbed an old Puerto Rican man.
      - Mr. Lewis had access to the vehicle.
      - Mr. Lewis was flashing around a lot of money.
  - b) The affidavit of probable cause failed to indicate that Mr. Thomas, who was 16 years of age at the time of the murder, may have been at a Youth Study Center at the time Mr. Martinez was murdered. In addition, they failed to indicate:

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<sup>123</sup> Thomas v. City of Philadelphia, et al., Civil Action No.: 17-cv-04196 and Memorandum of August 23, 2019.

<sup>124</sup> NBC10 Philadelphia News Report: Former Philly Police Detective Connected to 4 Wrongful Convictions.

- i. That Mr. Stallworth gave conflicting statements then recanted the statements.
  - ii. Physical evidence (white paint) on Mr. Martinez's vehicle rather than the blue paint which would have been expected.
- c) Mr. Walthour asserts that his statement to Detective Devlin was false, and that he gave a false statement because he was afraid that Detective Devlin was going to charge him with the murder.
- d) Mr. Walthour in 1991, then advised Detective Devlin that he had heard that Mr. Thomas killed Mr. Martinez.

**Jimmy Dennis (1991)<sup>125</sup>**

1. Mr. Dennis alleges Detective Santiago fabricated and withheld evidence, presented false testimony, and utilized unlawful investigative techniques which resulted in his 1992, conviction for the murder of Ms. Williams. Mr. Dennis was sentenced to death.<sup>126</sup>
  - a) Federal Judge Anita Brody reversed Mr. Dennis' conviction and indicated that Mr. Dennis, 'was wrongly convicted of murder and sentenced to die for a crime in all probability he did not commit'.<sup>127</sup>
    - i. Police failed to follow up on important leads which would have made Mr. Frazier a suspect.
    - ii. Police failed to turn over a series of documents relating to the credibility of Mr. Frazier, Ms. Cason, and Mr. Howard (witnesses).
    - iii. Police had numerous statements implicating three (3) other individuals as the killer of Ms. Williams.

**Pedro Reynoso (1991)<sup>128</sup>**

1. Mr. Reynoso alleges that Detective Bentham failed to turn over exculpatory evidence relating to Mr. Wilkerson and Ms. Robinson. Detective Bentham promised to give Ms. Robinson and Mr. Wilkerson a benefit for their statements implicating Mr. Reynoso as the shooter of Mr. Torres which occurred on July 23, 1991. Mr. Reynoso was arrested on March 23, 1994, at Newark, N.J., Airport upon his return from the Dominican Republic and sentenced to life in prison without the possibility of parole on July 8, 1996.

<sup>125</sup> Dennis v. City of Philadelphia, et al Memorandum of Federal Judge Eduardo Robreno.

<sup>126</sup> Dennis v. City of Philadelphia, et al.

<sup>127</sup> Dennis v. Wetzel, et al., Memorandum of Federal Judge Anita B. Brody.

<sup>128</sup> Reynoso v. Link: Petitioner's Writ of Habeas Corpus.

- a) On October 1, 2010, Ms. Robinson recanted her trial testimony identifying Mr. Reynoso as the shooter.<sup>129/130</sup>
  - i. At the time when Ms. Robinson gave her statement identifying Mr. Reynoso as the shooter, she was advised that if she implicated Mr. Reynoso she would not have to worry about her open criminal cases or go to jail.
- b) On September 24, 2011, Mr. Wilkerson recanted his trial testimony identifying Mr. Reynoso as the shooter.
  - i. At the time when Mr. Wilkerson gave his original statement identifying Mr. Reynoso as the shooter, Mr. Wilkerson had pending aggravated assault charges and was on probation for simple assault.
  - ii. Mr. Wilkerson was arrested two (2) weeks after his statement on drug charges.
  - iii. On September 25, 1991, Mr. Wilkerson plead guilty to drug possession, aggravated assault, and simple assault. The Commonwealth nolle prossed the charges. However, Mr. Wilkerson, who was on probation and in possession of two (2) firearms in connection with his aggravated and simple assault charge, received a sentence of only 10-to-23 months for all counts regarding all charges.

2. Mr. Reynoso asserts:

- a) The PPD had information from five (5) witnesses that Mr. Rafael Vidal aka: Chuito, was the shooter as well as information from a witness specifically who indicated that Mr. Reynoso was not present at the time of the shooting.

**Chester Hollman (1993)<sup>131</sup>**

1. On August 20, 1991, 24-year-old Tae Jung Ho was robbed and shot to death as he was walking home. A friend of Ho advised police that the perpetrators were two (2) Black men, one wearing red shorts, and one wearing a blue hooded sweatshirt.
  - a) A taxi driver advised police that he observed a man wearing a blue hooded sweatshirt shoot Ho. The man then entered a white SUV with four other people. A partial license plate of 'YZA' was obtained by the taxi driver.

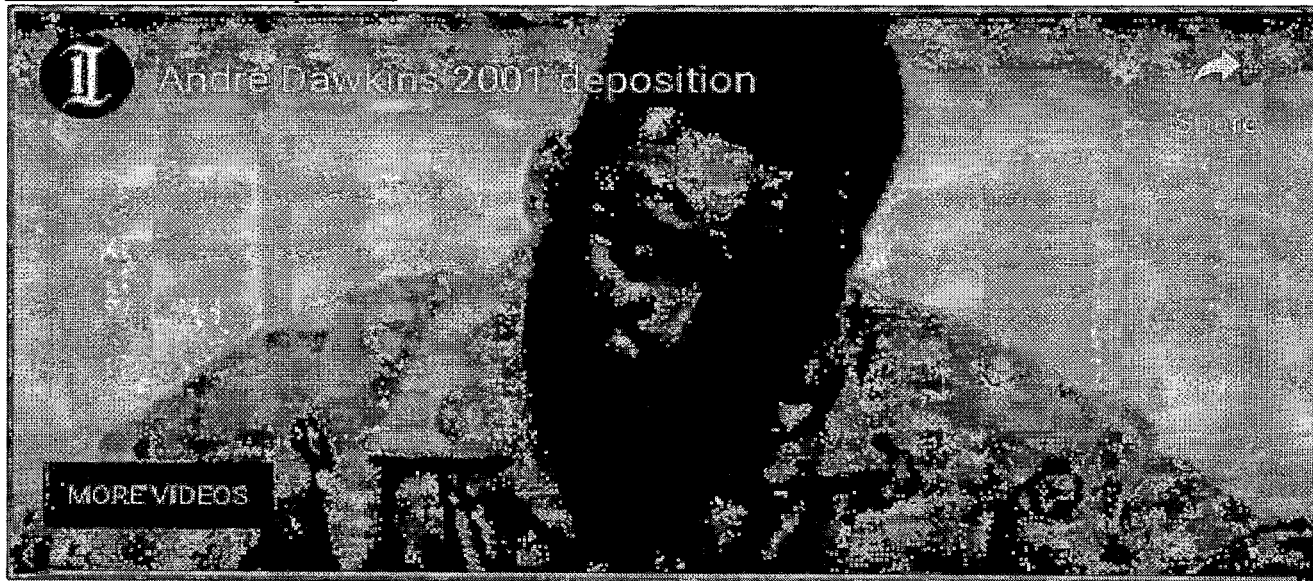
<sup>129</sup> Reynoso v. Superintendent, Graterford-SCI: Joint Appendix-Volume 1.

<sup>130</sup> Circuit Judge Thomas L. Ambro Memorandum.

<sup>131</sup> Pennsylvania Innocence Project: Chester Hollman Story

- b) About four minutes after receiving the information from the taxi driver and about six (6) blocks away from the crime scene, police pulled over a white SUV with a partial license plate of 'YZA'. The driver of the vehicle was Chester Hollman.
    - i. Mr. Hollman was wearing green pants, glasses, and a hat.
    - ii. The vehicle which Mr. Hollman was operating was a rental which he borrowed from his roommate.
  - c) Police transported Mr. Hollman back to the scene of the crime where a homeless drug addicted individual named Andre Dawkins who also had a history of mental illness identified Mr. Hollman as one of the perpetrators. Of the eight (8) eyewitnesses Mr. Dawkins was the only one who identified Mr. Hollman as being involved.
2. Mr. Hollman was interrogated and continually denied his involvement in the crime. However, detectives advised Ms. Jones (who was a passenger in the vehicle with Mr. Hollman) during his interrogation that Mr. Hollman had confessed to being involved in the crime.
    - a) The detectives advised Ms. Jones that if she implicated Mr. Hollman in the crime that she would not be charged. Thereafter, Ms. Jones gave a statement where she stated that she was in the getaway car with another woman while Mr. Hollman and another man committed the crime.
  3. Mr. Hollman was tried in April of 1993. Ms. Jones and Mr. Dawkins both testified against Mr. Hollman and on May 4, 1993, Mr. Hollman was found guilty of second-degree murder and robbery.
    - a) Before Mr. Hollman's sentencing he learned that Mr. Dawkins' full criminal history was withheld from him. The criminal history included convictions for:
      - i. Robbery.
      - ii. Conspiracy.
      - iii. Filing a false report of incriminating evidence with the police.
  4. In 2001, Mr. Dawkins recanted his trial testimony and indicated that he never observed Mr. Hollman at the scene and only identified Mr. Hollman because of threats he received from the police.
    - a) In 2005, Ms. Jones also recanted her testimony and indicated that she gave the false testimony because police had refused her request for a lawyer and threatened to charge her with a crime.

Mr. Dawkins 2001 Deposition



The Philadelphia Inquirer: Testilying Swearing to tell a lie

Mr. Dawkins 2016 Interview



The Philadelphia Inquirer: Testilying Swearing to tell a lie

5. The Pennsylvania Innocence Project asserted that:
  - a) Substantial evidence had been withheld from the defense, including proof that the Commonwealth knew about Mr. Dawkins' full criminal record before he testified at trial.



- b) There was information regarding another credible suspect (Denise Combs) that the police had investigated. 24 hours after the crime an anonymous caller advised the police that Mr. Combs was involved in the murder.
    - i. The police knew that Ms. Combs had rented/leased a white SUV which has a partial plate of 'YZA', and that Mr. Combs had returned the SUV four (4) hours after the murder.
    - ii. A Jeffrey Green was listed as an additional driver on Ms. Combs' rental/lease contract.
      - Mr. Green had a prior criminal record which included violent crimes.
    - iii. Ms. Combs' brother had two (2) separate third degree murder convictions.
  - c) The police interviewed Ms. Combs. However, there was no follow up.
6. On July 30, 2019, all charges against Mr. Hollman were dismissed and CIU Director Patricia Cummins stated, 'I apologize to Chester Hollman. I apologize because he was failed, and in failing him, we failed the victim, and we failed the community of the city of Philadelphia'.

**Eugene Gilyard (1995)**<sup>132/133</sup>

1. Mr. Gilyard alleges that Detective Dusak and Detective Benham intimidated witnesses, provided false testimony, refused to record interviews, and failed to provide exculpatory evidence in the affidavit of probable cause.
  - a) On August 31, 1995, Mr. Welborne shot and killed Mr. Thomas Keal. However, law enforcement did not know this at the time, insomuch as the investigation of the murder which was witnessed by Mr. Keal's daughter ended with no suspects or an arrest.
    - i. Mr. Welborne did not admit to killing Mr. Keal until 2011.
  - b) In 1997, the murder case of Mr. Keal was reopened and as a result of re-interviewing select witnesses which included Ms. Keal, Detective Dusak swore out an affidavit of probable cause.
2. On January 6, 1998, Detective Dusak and Detective Benham's affidavit for probable cause and issuance of an arrest warrant for Mr. Gilyard was approved and bail was set by a magistrate judge or bail commissioner.

<sup>132</sup> Gilyard, et al v. Dusak Civil Action No.: 16-cv-2986-Memorandum (May 8, 2018).

<sup>133</sup> Gilyard, et al v. Dusak Civil Action No.: 16-cv-2986-Memorandum (June 29, 2017).

3. Mr. Gilyard was subsequently arrested (January 8, 1998), tried, and convicted for the murder of Mr. Keal and sentenced to life.
  - a) On October 8, 2013, Mr. Gilyard's sentence was vacated and an order for a new trial was issued.
  - b) On June 18, 2014, The District Attorney nolle prossed the charges against Mr. Gilyard and he was released from prison after serving about 16 years.

**John Miller (1996)**<sup>134/135/136</sup>

1. Mr. Miller was imprisoned for 22 years for the murder of Anthony Mullen, which occurred on October 8, 1996.
2. In February 1997, David Williams was arrested for a string of violent gunpoint robberies throughout Philadelphia.
  - a) Mr. Williams, the actual perpetrator of the murder, advised police that Mr. Miller committed the murder, and the police used his statement to convict Mr. Miller.
    - i. The detectives had reason to know that the statement was false from the beginning.
      - Mr. Williams told the detectives that a Mark Manigault also witnessed Mr. Miller commit the murder. However, when police spoke with Mr. Manigault it was determined that he was incarcerated when the murder occurred and had no information about the murder.
      - Mr. Williams also provided the detectives with information regarding another murder, wherein Mr. Williams claimed that a Jack Williams had admitted to the killing. It is believed that Mr. Williams' claims regarding this murder were demonstrably false and as a result the prosecutors declined to call Mr. Williams as a witness in Mr. Jack Williams' trial.
    - ii. The detectives hid critical information that would have proven Mr. Williams' claims were false regarding Mr. Miller.
    - iii. The Conviction Integrity Unit of the Philadelphia District Attorney's Office reviewed the detective's investigation files after Mr. Miller's conviction was vacated and found documents confirming that the detectives had in fact interviewed Mr. Manigault and that the detectives

<sup>134</sup> Miller v. City of Philadelphia, et al., Civil Action No: 2:20-cv-03054

<sup>135</sup> Defendants Partial Motion to Dismiss

<sup>136</sup> Detective Piree is associated and a defendant within this case: Miller v. City of Philadelphia, et al., Case No.: 2:20-cv-03054 - Complaint

knew with certainty that Mr. Williams' statement about Mr. Manigault were false.

3. On September 29, 1998, Mr. Miller was convicted of second-degree murder and subsequently sentenced to life in prison without the possibility of parole.
  - a) The jury relied principally on police testimony concerning Mr. Williams' original statement that Mr. Miller had confessed to Mr. Williams about the murder.
    - i. Mr. Williams admitted at Mr. Miller's preliminary hearing and trial that he had given a false statement to police and that Mr. Miller never confessed to the murder of Mr. Mullen.
    - ii. The detectives did not disclose the exculpatory information which would have proven the falsity of Mr. William's initial statement.
4. Mr. Williams wrote to Mr. Miller's mother after the conviction and admitted that he was the actual perpetrator of the murder. However, the detectives failed to disclose this information to the prosecutors or Mr. Miller.

**Mark Whitaker (1999)<sup>137</sup>**

1. On October 29, 2003, Mr. Whitaker was sentenced to life in prison without the possibility of parole as a result of being found guilty of the January 26, 1999, murder of Mario Lim.
  - a) On May 3, 2019, Mr. Whitaker was found not guilty by a jury (Court of Common Pleas, Philadelphia County) for the murder of Mr. Lim.
2. On January 26, 1999, Mr. Abdul Steward and Mr. Stephen Shakuur entered Happy Days Bar where Ms. Mesticelli (bartender) was after her shift along with her boyfriend Thomas Ceneviva and brother Thomas Zingani.
  - a) Mr. Steward sometime there after produced a gun and went behind the bar, struck Mr. Lim repeatedly, shot Mr. Lim in the head, then stole cash from the register.
    - i. Mr. Shakurr held Ms. Mesticelli, Mr. Zingani and Mr. Ceneviva at gunpoint during the robbery.
    - ii. Mr. Zingani was shot in the right side by Mr. Shakuur.
  - b) Detective John McDermott and Detective Stephen Vivarina interviewed Ms. Mesticelli and Mr. Ceneviva after the robbery.

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<sup>137</sup> Whitaker v. City of Philadelphia, et al., Civil Action No.: 20-cv-03413 Amended Complaint.

Commonwealth v. Anthony Williams  
Court of Common Pleas – Philadelphia County Pennsylvania  
Post-Conviction Relief  
Dr. Chapman: Expert Report

- i. Mr. Ceneviva provided Detective McDermott and Detective Vivarina with two (2) statements, both indicating that there were two (2) robbers and that he could not identify either.
    - ii. Ms. Mesticelli advised the detectives that there were three (3) robbers, none of which she could identify. However, during Mr. Whitaker's trial Ms. Mesticelli positively identified Mr. Whitaker for the first time (five years had passed since the robbery).
  - c) Mr. Steward and Mr. Shakuur were identified by eyewitnesses based upon photo arrays and arrested.
    - i. Mr. Steward provided a written and videotaped confession to Detective McDermott and Detective Vivarina. During the confession the detectives persisted that Mr. Whitaker was involved in the murder and robbery.
      - During Mr. Whitaker's subsequent trial (April 2019) Mr. Steward testified that Detective McDermott and Detective Vivarina provided the name Mark to him, and that Mr. Whitaker was not involved in the robbery or murder.
    - ii. Mr. Ceneviva asserted that he and Mr. Steward were the only individuals who participated in the robbery and murder. However, on April 4, 2002, the detectives assert that Mr. Ceneviva identified Mr. Whitaker from a photo array as the third individual who assisted with the robbery.
    - iii. Mr. Whitaker was charged with second-degree murder, robbery, criminal conspiracy, and other crimes.
3. Mr. Whitaker asserts:
  - a) Detective John McDermott and Detective Stephen Vivarina improperly used their power and position to coerce witnesses into making false statements and identifications, and to offer sworn testimony that they knew to be false.
  - b) Detective John McDermott and Detective Stephen Vivarina withheld exculpatory evidence that would have demonstrated Mr. Whitaker's innocence.
    - i. The detectives deliberately disregarded information and evidence that would have demonstrated flaws in the case against Mr. Whitaker.
4. Mr. Whitaker spent 17 years in prison for the murder of Mario Lim which he did not commit.

**Termaine Hicks (2001)** <sup>138/139/140/141</sup>

1. On November 27, 2001, Mr. Hicks attempted to aid a woman (W.L.) who had just been raped.
2. PPD Officer Martin Vinson repeatedly shot (three times) Mr. Hicks in the back then and Officer Robert Ellis and Officer Dennis Zungolo attempted to cover up Officer Vinson's actions by planting a gun on Mr. Hicks.
  - a) The officers not only planted a gun on Mr. Hicks, but they also framed Mr. Hicks with the rape of the woman he was attempting to aid.
3. Mr. Hicks asserts that PPD officers:
  - a) Filed false police reports indicating that they observed Mr. Hicks in the act of raping the woman.
  - b) Falsely asserted that he was just about to pull a gun from his pocket when Officer Vinson shot him.
    - i. Officer Vinson asserted that Mr. Hicks lunged at him, struck his arm, and pulled out a gun and pointed at him before he (Officer Vinson) shot Mr. Hicks in the front of his body.
    - ii. Forensic evidence from Dr. Michael Baden proved that Mr. Hicks was not lunging at Officer Vinson, but rather his back was to the officer when he was shot.
  - c) The gun which the officers asserted Mr. Hicks pulled was registered to PPD officer Valerie Brown (Mr. Hicks asserts that the gun was planted).
4. Mr. Hicks asserts that he was wrongfully convicted of rape, aggravated assault, possession of an instrument of crime, and terroristic threats based upon fabricated evidence of PPD officers.
  - a) Mr. Hicks was sentenced to 12½ to 25 years in prison.
  - b) The District Attorney's Office stated that, 'false testimony was used, and I believe that it is impossible to say that that did not contribute to the conviction'.

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<sup>138</sup> Hicks v. City of Philadelphia, et al., Civil Action No.: 2:22-cv-00977 Complaint & Jury Demand.

<sup>139</sup> Mr. Hicks assertions.

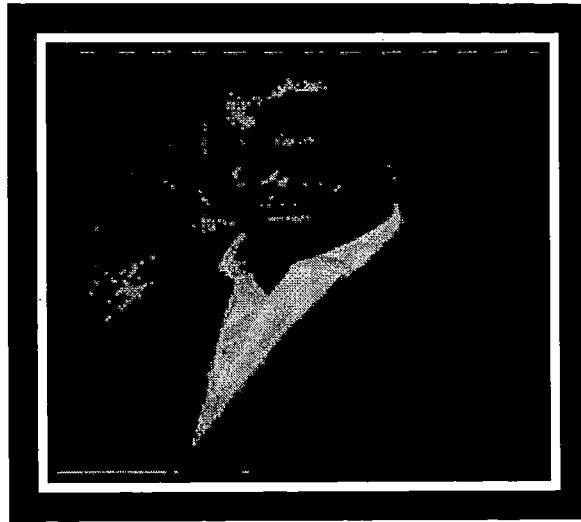
<sup>140</sup> Innocent Project: Termaine Hicks, Shot in the Back by Philadelphia Police, Is Exonerated After 19-Year Cover Up.

<sup>141</sup> Joint Stipulations of Fact of Petitioner Joseph Termaine Hicks and Respondent Commonwealth of Pennsylvania; CP-51-0306311-2001

Commonwealth v. Anthony Williams  
Court of Common Pleas – Philadelphia County Pennsylvania  
Post-Conviction Relief Act  
Dr. Chapman: Expert Report

# Appendix 'B'

# CURRICULUM VITAE



**Christopher Chapman, Ph.D.**

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Cranford, NJ 07016

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Webpage: [www.PoliceExpert.us](http://www.PoliceExpert.us)

## **SHORT SYNOPSIS OF EXPERIENCES:**

### **City University of New York at Kingsborough**

2001 Oriental Boulevard  
Brooklyn, New York 11235  
Office (718) 368-4640

Tenure Notification – November 2015<sup>1</sup>

Director of Criminal Justice Degree Program – Service from August 2009 – March 2018

Associate Professor – September 2013 - Present

Assistant Professor – Service from August 2008 to 2013

### **New Jersey City University**

2039 Kennedy Boulevard  
Jersey City, New Jersey 07305  
Office (201) 200-3492

Adjunct Professor of Criminal Justice - Service from September 2004 to 2019

### **Kean University**

1000 Morris Avenue  
Union, New Jersey 07083

Adjunct Professor of Criminal Justice - Service from September 2005 to 2007

### **Township of Cranford Police Department**

8 Springfield Avenue  
Cranford, New Jersey 07016  
January 1988 – January 2008  
Retired 2008 as Sergeant of Police  
Size of Department: 56 Officers  
Population: 22,000 – 25,000  
Patrol Officer – 1988 – 1992

### **Union County Prosecutor's Office<sup>6</sup>**

10 Elizabethtown Plaza  
Elizabeth, NJ 07207  
Narcotics Investigator and Police Academy Instructor Trainer 1988 - 2002  
Size of Department: over 100

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<sup>1</sup> The tenure decision is one of the most important that the CUNY makes. It is an acknowledgement of the value of my work as a scholar, excellence in teaching and service to the college.



**U.S. Department of Homeland Security – Immigration and Customs Enforcement**  
 Customs and Border Protection<sup>1</sup>  
 Officer 614 Frelinghuysen Ave., 3 Fl.  
 Newark, NJ 07112  
 Rank: 2007 - 2008 as Task Force Officer  
 CBP Officer: July of 2011

**SUMMARY OF QUALIFICATIONS:**

I am a recognized subject matter expert in Police Practices, Law Enforcement, Security Procedures, Pre-Hospital Emergency Care (PHTLS & EMD) and Emergency Communications. While employed by the Cranford Police Department, I was assigned to various law enforcement agencies such as the Plainfield Police Department (NJ), Roselle Police Department (NJ), Linden Police Department (NJ), Union County Prosecutor's Office (NJ), and the New Jersey Division of Criminal Justice where I participated in numerous investigations regarding violent crimes, narcotics and other criminal activities. In addition, I have previously been assigned (2007) to and subsequently employed (2011) by the U.S. Department of Homeland Security (DHS) assigned to the Newark, New Jersey field office (Federal Task Force Officer and Customs and Border Protection Officer). While serving with DHS, I participated in numerous investigations within, Connecticut, New Jersey, New York, and Pennsylvania.

My expertise in law enforcement procedures has been gained while functioning within local, county, state and federal law enforcement organizations where I obtained real world police experiences, and my years as a professor within the discipline of criminal justice at the college and university level.

My distinguished career in law enforcement, encompassing two decades of successful and diversified experience, is represented by the following:

Ten years as a police academy instructor, certified by the New Jersey Division of Criminal Justice Police Training Commission; providing law enforcement training for police academy recruits throughout New Jersey in the areas of:

**Sampling of Courses Instructed:**

Street Encounters Unarmed Defense Telephone Communications Police Radio Communications	Incident Command System Cultural Diversity Racially Influenced Policing First Responder Training
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I have managed large-scale criminal incidents, served as a confidential aid to police chiefs, conducted internal affairs investigations, disciplined personnel, supervised sworn and civilian personnel, participated in over 1,000 indictable (felony) arrests, and testified in over 800 criminal trials and/or hearings. I have functioned as a law enforcement officer within the City of New York (NY), Elizabeth (NJ), East Orange (NJ), Jersey City (NJ), Roselle (NJ), Paterson (NJ), Plainfield (NJ), and Newark (NJ) just to name a few. I have trained law enforcement administrators in policy development, internal affairs investigations as well as supervision, leadership and management.

<sup>1</sup> Assigned to this police organization by the CPD then employed by CBP.

The Township of Cranford Police Department frequently released me from normal patrol and/or supervisory responsibilities to serve as a national and international police academy instructor in the areas of:

<p><b>Sampling of Courses Instructed:</b></p> <p>Methods of Instruction - (NJ PTC Certification)</p> <p>Unarmed Defense Tactics</p> <p>Police Supervision</p> <p>Policy Development</p> <p>Police Organization and Administration</p> <p>Management of Public Safety Agencies</p> <p>Knife Defense</p> <p>Command &amp; Control of Events</p> <p>Tactical Police Communications</p> <p>International Terrorism Awareness</p> <p>Chemical Aerosol Projection</p> <p>Police Baton</p> <p>Clinical Blood Alcohol Methodology</p> <p>Police Phlebotomy Technician</p> <p>Incident Command Systems</p> <p>Use of Force Understanding</p> <p>Police Policy Development</p>	<p>High Risk Street Encounters</p> <p>Best Practices in Internal Affairs Investigations</p> <p>Leadership Theories</p> <p>Ethics</p> <p>Domestic Terrorism Awareness</p> <p>Ground Fighting</p> <p>Emergency Medical Technician</p> <p>Emergency Vehicle Operations</p> <p>Defensive Driving</p> <p>Tactical Handcuffing</p> <p>Police Bicycle Patrol</p> <p>Driving Under the Influence</p> <p>Basic Life Support (CPR)</p> <p>Emergency Medical Dispatch</p> <p>Emergency 9-1-1 Communications</p> <p>Tactical EMS</p> <p>Law Enforcement Situation Issues</p>
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I have provided professional instructional training to the following organizations:

**Sampling of Organizations:**

Union County Police Academy, Scotch Plains, NJ	Morris County Public Safety Academy, Parsippany NJ
Northern Illinois Training Advisory Board, Rockford IL	U.S. Defense Intelligence Agency, Washington DC
State of Connecticut Office of State Police	Yale University, New Haven CT
Alexandria Police Department, Alexandria VA	Sparta Police Department, Sparta NJ
Jersey City Police Department, NJ	Mesa Police Department, Mesa AZ
Mohegan Tribal Police, Uncasville CT	Union County Prosecutor's Office, NJ
State of Vermont Office of State Police	U.S. Department of Homeland Security, Newark NJ
Union County Police Departments, NJ	Mexico Federal Police, Mexico City, Mexico.
West Orange Police Department, NJ	Seoul Metropolitan Police, Seoul, Korea
Ak-Chin Tribal Police Department, Maricopa AZ	Mendoza City Police Department, Mendoza, Argentina
Linden Police Department, NJ	Hudson County Public Safety Training Center, Jersey City, NJ

I have served as a national instructor for the National Communications Institute in Atlanta, Georgia. My responsibilities included teaching courses on security, security protection, public safety management, developing 9-1-1 quality assurance programs, and working with the Commission on Accreditation for Law Enforcement – Law Enforcement Program Standards.

I am a Criminologist, and the founding Director of Criminal Justice within the City University of New York at Kingsborough, where I am/was responsible for the coordination of all courses in the Criminal Justice Degree Program, which includes course content and course development, faculty evaluations, and selection and nominations of faculty employment. In addition, I provide authoritative guidance to the criminal justice faculty, and serve on the criminal justice educational committee with the City University of New York at John Jay College of Criminal Justice.

**Sampling of Courses Instructed:**

Policing		Corrections
American Legal Systems		Constitutional Law
Professional Security Operations		Asset Protection
Introduction to Criminal Justice		Crime and Punishment
Minorities and the Criminal Justice System		Law Enforcement
Security Officer Training		Security Operations within Retail and Hospitals
Police Organization and Administration	Crime and Delinquency	Introduction to Criminal Justice
Criminal Procedure	White Collar Crime	Crime Prevention
Deviant Theories	Middle Eastern Terrorism Awareness	Leadership Theories
Court Systems	Crisis Management	Police Supervision
Emergency Medical Technician	Minorities and Criminal Justice	Ethics
Community Policing	Juvenile Justice	Police & Security Technology

Experiences supported with a Doctor of Philosophy Degree (Ph.D.) in Criminal Justice; continue to update professional knowledge through numerous classes and seminars, active participation in professional organizations and through research for books and articles on various phases of Policing and Law Enforcement.

**Formal Education:<sup>7</sup>**

- Doctor of Philosophy:** Criminal Justice Concentration  
**Northcentral University** (2009)  
Accredited by: The North Central Association of Colleges and Schools
- Masters of Science:** Criminal Justice Concentration  
**Boston University** (2004)  
Accredited by: The New England Association of Schools and Colleges
- Bachelor of Science:** Criminal Justice Concentration  
**New Jersey City University** (2001)  
Accredited by: The Middle States Association of Colleges and Schools
- Associate in Arts:** Criminal Justice Concentration  
**Union County College** (1999)  
Accredited by: The Middle States Commission on Higher Education

**Continuing Professional Development:**

- Federal Bureau of Investigation: Advanced Criminal Investigations
- Penn State University: Police Supervision and Field Training Officer
- Northwestern University: Supervision of Police Personnel  
Internal Affairs Investigations
- New Jersey Attorney General: Internal Affairs Investigations Program
- New Jersey Department of Education: Teacher of Law Enforcement

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<sup>7</sup> Each of the conferred degrees are from a Regionally Accredited College or University (See: <https://www.chea.org/search-institutions>)

## **Sampling of Research Courses and Training Received<sup>8/9/10</sup>**

U.S. Department of Health and Human Services, National Research Institutes, Office of Human Research Protections, College or University and/or Collaborative Institutional Training Initiative Training Courses Completed:

- Research Methods
- Operational Research
- Research Mentoring
- Research Peer Review
- Research Misconduct
- Data Analysis
- Data Management
- Human Subjects Research
- Animal Subjects Research
- Research Ethics and Society
- Research Conflicts of Interest
- Research Responsible Conduct
- Export Controls and National Security
- Environmental & Social Dimensions of Engineering Research

### **Professional Organizations:**

- New Jersey Police Benevolence Association
- Academy of Criminal Justice Sciences
- International Police Association
- International Police Executive Symposium
- International Law Enforcement Trainers Association
- American Society of Criminology (ASC), Division on Critical Criminology
- National Emergency Medical Services Association
- National Association of Emergency Medical Technicians

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<sup>8</sup> Code of Federal Regulations Title 45 Part 46.

<sup>9</sup> Federal Policy for the Protection of Human Subjects.

<sup>10</sup> Biomedical Research Alliance of New York.

### **Publications:**

Racism Masked by Authority, Gothic Press (2004)

Supervision of Police Personnel, International Police Association (2006)

Emergency Communication Center Liability, Emergency Dispatch (2007)

Analysis Interpretation of Racial Profiling Data, Gothic Press (2008)

Examination of Relationship Between Police Education and Perceptions on Use of Force in Minority Communities. ProQuest (2011)

Trends in Policing: Interviews with American Police Leaders – Police Corruption, Use of Force, Best Practices in Policing, and Future of Policing in America, CRC Press (2012)

Factors that Predict Citizen Support for Aggressive Policing, Police Practices & Research (2012-reviewer)

Use of Force in Minority Communities is Related to Police Education, Age, and Experience - International Journal of Police Practices & Research (2012)

Tactical Emergency Medical Services: Not A Basic Skill (2012)

What Police Administrators Need to Know About Use of Force Liability (2013)

Supervision of Police Internal Affairs, PF IA – Policia Federal-Mexico (2014)

An Introduction to Police Use of Force (2015)

A Civic Engagement Graduation Requirement on an Urban College Campus, International Journal of Civic Engagement and Social Change (2015)

Microaggressions, Marginality, Prejudice, and Discrimination - Book Chapter (2015)

Jive Turkey Judgment Day: Minorities and the Criminal *Justus* System (2016)

Feminevil: The Chechen Black Widows Symbolic Terrorism, Crime, Law and Social Change (2016-reviewer)

Student Acceptance of a Civic Engagement Graduation Requirement in an Urban Community College, Handbook of Research on Civic Engagement and Social Change in Contemporary Society (2018)

Citizen's Perception of Police Practice" An Exploration of Causes, U.S. Journal of Police Use of Force and Practices (2019).

The Courts Encourage It, So We Do It: Police Excessive Force Against Minorities, African Journal of Criminology and Justice Studies (2020)

**Audio Interviews/Publications with-Subject Matter Experts:**

Nassau NY County Police Commissioner Lawrence Mulvey (01/29/2011) – Police Supervision/Training

Newark NJ Police Director Gary McCarthy (03/10/2011) – Police Minority Relations/Police Administration-Use of Force - Supervision and Promotions

Philadelphia PA Police Commissioner Charles Ramsey (06/06/2011) – Police Minority Relations/Police Administration – Supervision and Promotions

New Jersey State Police Superintendent/Colonel Rich Fuentes (10/27/2011) – Police Supervision/Training-Minority Relations

## **Sampling of Conferences and Presentations:<sup>11</sup>**

- 2004 "Why Do Black Officers Brutalize their Own?" Tucson, AZ
- 2004 "Racism Masked by Authority", New Haven, CT
- 2004 "Supervision of Police Personnel", New Haven, CT
- 2004 "Emergency Communication Center Liability", Erie, KS
- 2004 "Certifications do not Equal Qualifications", Rockford, IL
- 2005 "Subordinates Remember You When", Burlington, MA
- 2005 "Minority Officers and Suburban Policing", New Haven CT
- 2005 "Analysis and Interpretation of Racial Profiling Data", Union, NJ
- 2005 "Explaining Racial Differences in Violent Victimization", Union, NJ
- 2005 "Over the Wall Medical Instructions", Logansport, IN
- 2005 "Measuring What Really Matters", Union, NJ
- 2005 "Surviving Police Encounters," Jersey City, NJ
- 2005 "When Seconds Count", Poughkeepsie, NY
- 2008 Appeared on Press TV (Iran's TV Network), "Police Use of Force & Gun Violence in the U.S."
- 2009 "Hate Conference", Brooklyn, NY
- 2009 Appeared on Channel 56 – "Blacks and Jews in Conversation"
- 2010 "Legal or Illegal", Brooklyn, NY
- 2011. "Cell Block Management and Suicide Awareness", NY, NY
- 2011. "Relationship Between the Jewish Holocaust Police Racial Profiling", Brooklyn, NY
- 2012. "Criminal Justice Ethics and a Democratic Society", Brooklyn, NY
- 2012. "Confinement of Juvenile Offenders", Jersey City, NJ
- 2012. "Police Use of Force in a Democratic Society", United Nations, International Police Executive Symposium, NY, NY
- 2014. 'Police Supervision and Internal Affairs Investigations for Organizational Leaders' Mexico City, Mexico.
- 2015 "Police Citizen Encounters within a Democratic Society", Roselle, NJ

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<sup>11</sup> Stopped listing after 2016, due to applicability and repetitiveness.

- 2015 "Citizens Encounters with the Criminal Justice System", Brooklyn, NY
- 2015 "Emergency Services, Critical v. Clerical Information", Somerset, NJ
- 2015 "Best Practices in U.S. Internal Affairs Investigations", NY, NY
- 2015 "What Went Wrong in McKinney, Texas?" America's First News with Gordon Deal
- 2016 "You May Be Right, They May Be Wrong, You May Be Dead", Roselle, NJ
- 2016 "EMS Response to Mental Health Dispatches", Metuchen, NJ

## **Expert Consultation:**

I have consulted with attorneys (state and federal) and have given expert opinions while active as a law enforcement practitioner. After my retirement from the Cranford Police Department, and separation from the U.S. Department of Homeland Security I served as a disclosed expert within the following courts:

**Federal Court Testimony:**

**Adam Kuhn v. Jason Vance.**

U.S.D.C. for the Western District of Kentucky at Louisville Case No. 3:16-cv-816  
Action: Case review, Consultation, Opinion Report and Deposition

**Xavier Ingram v. Camden County, et al.**

U.S.D.C. for the District of New Jersey Case No. 1:14-cv-05519  
Action: Case review, Consultation, Opinion Report, Deposition and Court Testimony.

**Darren Dickerson v. Camden County, et al.**

U.S.D.C. for the District of New Jersey Case No. 1:14-cv-06905  
Action: Case review, Consultation with Opinion Report (*Deposition*).

**Anthony Smith, et al. v. John Wilson-Police Chief & Town of Beloit**

U.S.D.C. for the Western District of Wisconsin Case No. 3:10-cv-00062-WMC  
Action: Case review, Consultation with Opinion Report and Court Testimony.

**Jamie Becker v. City of Evansville, et al.**

U.S.D.C. for the Southern District of Indiana Case No. 12-cv-00182  
Action: Case review, Consultation with Opinion Report, Deposition and Court Testimony.

**Robin A. Burkhart v. Ryan Dickel (County of Baltimore Police Officer**

U.S.D.C. for the District of Maryland Case No. CCB-12-cv-3320  
Action: Case review, Consultation with Opinion Report, Deposition and Court Testimony.

**Tariq Alquanawi v. City of Paterson, et al.**

U.S.D.C. for the District of New Jersey Case No. 13-1578 (FSH)  
Action: Case review, Consultation with Opinion Report and Deposition.

**Carlos Rodrigues v. City of Paterson, et al.**

U.S.D.C. for the District of New Jersey Case No. 13-1664 (ES)  
Action: Case review, Consultation with Opinion Report and Deposition.

**John & Sheri Panarello v. City of Vineland, et al.**



U.S.D.C. for the District of New Jersey – Camden Vicinage Case No. 12-cv-7294 (JEL-JS) Action: Case review, Consultation with Opinion Report and Deposition.

**John Newsome v. City of Newark, et al.**

U.S.D.C. for the District of New Jersey – Newark Vicinage Case No. 13-cv-06234 Action: Case review, Consultation with Opinion Report and Deposition.

**Woods/Wilson v. Borough of Bellmawr and Brooklawn, et al.**

U.S.D.C. for the District of New Jersey –Case No. 13-cv-05437  
Action: Case review, Consultation with Opinion Report and Deposition.

**Keith Loving v. Code 3 Security & Protection Services,**

**Inc., et al.** *Superior Court for the District of Columbia – Case No. 2014-CA-8043-B*Action: Case review, Consultation with Opinion Report and Deposition.

**J.N.J.C. v. City of Kenosha, WI, et al.**

U.S.D.C. for the Eastern District of Wisconsin - Case No 16-cv-00301  
Action: Case review, Consultation with Opinion Report, Deposition and Court Testimony.

**Eric Jones v. City of Baltimore, et al.**

U.S.D.C. for the Northern District of Maryland - Case No. 16-cv-02662  
Action: Case review, Consultation with Opinion Report and Deposition.

**Fernando Lopez v. Cook County, et al.**

U.S.D.C. for the Northern District of Illinois Eastern Division – Case No. 16-cv-10931  
Action: Case review, Consultation, Opinion Report and Deposition.

**Amy Crockett, as Administrator, v. Charles Blackwood, et al.**

U.S.D.C. for the District of North Carolina – Case No. 18-00809  
Action: Case review, Consultation, Opinion Report and Deposition .

**Ylovy Fleurant v. City of Port Saint Lucie, Florida, et al.**

U.S.D.C. for the District of Southern Florida (Fort Pierce Division) Case No. 19-14032  
Action: Case review, Consultation, Opinion Report and Deposition.

**David Carpenter, et al , v. City of Millville, et al.**

U.S.D.C. for the District of New Jersey (Camden Vicinage) – Case No. 18-10959  
Action: Case review, Consultation, Opinion Report and Deposition.

**Taharga Dean , v. Borough of Glassboro, et al.**

U.S.D.C. for the District of New Jersey – Case No. 17-07344

Action: Case review, Consultation, Opinion Report and Deposition.

**Rafael Cendan , v. Jose Truj, et al.**

U.S.D.C. for the District of Southern Florida – Case No. 16-21775

Action: Case review, Consultation, Opinion Report, Deposition and Court Testimony.

**Yaishali Gonzalez , v. Florida City et al.**

U.S.D.C. for the District of Southern Florida – Case No. 1:20-cv-23306

Action: Case review, Consultation, Opinion Report and Deposition.

**Steve More , v. Officer Justin Trojan et al.**

U.S.D.C. for the District of Maryland – Case No. 1:17-cv-01331

Action: Case review, Consultation, Opinion Report and Court Testimony.

**Donald Outlaw , v. City of Philadelphia et al.**

U.S.D.C. for the District of Eastern Pennsylvania – Case No. 21-1290

Action: Case review, Consultation, Opinion Report and Deposition.

**Anthony Ewell , v. City of Fort Lauderdale et al.**

U.S.D.C. for the Southern District of Florida – Case No. 22-60826

Action: Case review, Consultation, Opinion Report and Deposition.

**Christopher Johnson v. City of Providence et al.**

U.S.D.C. for the District of Rhode Island – Case No. 19-00283

**Action: Case review, Consultation, Opinion Report and Deposition.**

**Derek S. Thome (Administrator) v. Trooper Jay D. Splain et al.**

U.S.D.C. for the Middle District of Pennsylvania – Case No. 20-02167

Action: Case review, Consultation, Opinion Report and Deposition.

**Johnny Miles, et al v. City of Hazelhurst, et al**

U.S.D.C. for the Southern District of Georgia – Case No. 22-00030

Action: Case review, Consultation, Opinion Report and Deposition.

**Sophia Pheap v. City of Knoxville, et al.**

U.S.D.C. for the Eastern District of Tennessee – Northern Division

Case No. 3:20-CV-00387

Action: Case review, Consultation, Opinion Report and Court Testimony.

**Federal Court Consultations:**

**Gary Yates v. Paul Thiel, et al.**

U.S.D.C. for the Middle District of Pennsylvania Case No. 3:15-cv-1505

Action: Case review, Consultation with Opinion Report.

**Lavida Clarkv. Officer Miguel Ortiz (Coatesville Police Department), et al.**

U.S.D.C. for the Eastern District of Pennsylvania Case No. 2:16-cv-0315

Action Case review, Consultation with Opinion.

**Marcus Jeter v. Township of Bloomfield, et al.**

U.S.D.C. for the District of New Jersey Case NO. 1:14-cv-05387

Action: Case review, Consultation with Opinion Report

**Xavier Hempstead v. City of Cleveland, et al.**

U.S.D.C. for the Northern District of Ohio - Case No 15-cv-2528

Action: Case review, Consultation with Opinion Report.

**Lori A. Carron v. Cameron Coltharp (Hinesburg Community Police), et al.**

U.S.D.C. for the District of Vermont Case No. 1:16-cv-161

Action: Case review, Consultation with Opinion.

**Jarrett Chambers, et. al. v. City of Newark, et. al.**

U.S.D.C. for the State of New Jersey Case No. 2:11-cv-06994

Action Case review, Consultation with Opinion Report.

**Robert Heyward v. City of East Orange, et. al.**

U.S.D.C. for the State of New Jersey Case No. 2:11-cv-03526

Action Case review, Consultation with Opinion Report.

**Martese Johnson v. Virginia Department of Alcoholic Beverage Control, et al.**

U.S.D.C. for the Western District of Virginia Case No. 3:15-cv-00055

Action Case review, Consultation with Opinion.

**Charles Pratt v. Port Authority of New York & New Jersey, et. al.**

U.S.D.C. for the State of New Jersey Case No. 2:11-cv-04880

Action Case review, Consultation with Opinion Report.

**James R. Black v. Lindenwold Township, et. al.**

U.S.D.C. for the State of New Jersey, Camden Vicinage Case No. 1:11-cv-1183

Action: Case review, Consultation with Opinion Report.

**Erin Walsh v. City of Orange, et. al.**

U.S.D.C. for the District of New Jersey Case No. 2:11-cv-00712

Action: Case review, Consultation with Opinion Report.

**Diano Morgan v. City of Paterson, et. al.**

U.S.D.C. for the District of New Jersey Case No. 12-6914 (SDW) (MCA)

Action: Case review, Consultation with Opinion Report.

**Margarete E. Semiz v. Borough of Hopatcong, et al.**

U.S.D.C. for the District of New Jersey –Case No. 13-cv-3343

Action: Case review, Consultation with Opinion Report.

**Donald Farrar v. Township of Teaneck, et al.**

U.S.D.C. for the District of New Jersey Case No. 12-cv-03096

Action: Case review, Consultation with Opinion Report.

**Peter Vazquez v. Harrah's Atlantic City Propoco, LLC & City of Atlantic**

U.S.D.C. for the District of New Jersey – Camden Vicinage Case No. 12-cv-01752 (RMB)

Action: Case review, Consultation with Opinion Report.

**Edward M. Smalls v. Township of Englewood, et al.**

U.S.D.C. for the District of New Jersey Case No. 11-cv-7210

Action: Case review, Consultation with Opinion Report.

**Fata Sakoc v. Trooper Timothy Carlson**

U.S.D.C. for the District of Vermont Case No. 5:11-cv-290

Action: Case review, Consultation with Opinion Report and Deposition.

**Jose Colone v. City of Paterson, et. al.**

U.S.D.C. for the District of New Jersey Case No. 2:12-cv-01653

Action: Case review, Consultation with Opinion Report.

**J.G., A Disabled Minor, By and Through His Mother Wendy Koss v. City of SunPrairie Police**

U.S.D.C. for the Western District of Wisconsin Case No 13:cv-00414

Action: Case review, Consultation with Opinion Report.

**Elizabeth Goodwin, et al. v. City of Cleveland, et al.**

U.S.D.C. for the Northern District of Ohio - Case No 13-cv-02651 (DAP)

Action: Case review, Consultation with Opinion Report.

**Ralph Lezin v. City of Asbury Park, et al.**

U.S.D.C. for the District of New Jersey Case No. 12-6524

Action: Case review, Consultation with Opinion Report.

**Darrell K. Haze v. Tieranie Marchant (City of West Allis Police Officer)**

U.S.D.C. for the Eastern District of Wisconsin Case No. 2:13-cv-01448-WEC

Action: Case review, Consultation with Opinion Report.

**Anthony Ferraioli, Aldren Lamboy & Dawn Fray v. City of Hackensack, et al.**

U.S.D.C. for the District of New Jersey Case No. 2:09-cv-02663-SRC-MAS

Action: Case review, Consultation with Opinion Report.

**Edison A. Brooks v. City of Vineland, et al.**

U.S.D.C. for the District of New Jersey – Camden Vicinage Case No. 12-cv-5885 (JEL-JS)

Action: Case review, Consultation with Opinion Report.

**David G. McKay, et al v. Agent Steven Soo Hoo of the U.S. DEA Administration**

U.S.D.C. for the Southern District of New York – Case No. 14-cv-0154

Action: Case review, Consultation with Opinion Report.

**Martez Robinson v. City of Ypsilanti, et al.**

U.S.D.C. for the Eastern District of Michigan – Case No. 14-cv-14039

Action: Case review, Consultation with Opinion Report.

**Mark Soldo v. The Village of Monticello, et al.**

U.S.D.C. for the Southern District of New York – Case No. 14-cv-03881 (VLB)

Action: Case review, Consultation with Opinion Report.

**Walther M. Rivera v. Sergeant C. Zweigle**

U.S.D.C. for the District of New Jersey –Case No. 13-cv-3024

Action: Case review, Consultation with Opinion Report.

**Haydn Zeis, Administrator of the Estate of Jordan Miller v. Township of Springfield, et al.**

U.S.D.C. for the Northern District of Ohio Eastern Division – Case No. 16-cv-02331

Action: Case review, Consultation with Opinion Report.

**Ashley Zuress v. City of Newark, et al.**

U.S.D.C. for the Southern District of Ohio Eastern Division – Case No. 17-cv-866

Action: Case review and Consultation.

**Tanya Brown, et al., v. City of Cleveland, et al.**

U.S.D.C. for the Northern District of Ohio Eastern Division - Case No. 16-cv-00921

Action: Case review, Consultation with Opinion Report.

**T.H., by his parent and guardian Tiesha Shepherd (ACLU) v. City of Syracuse, et al.**

U.S.D.C. for the Northern District of New York – Case No. 17-cv-1081

Action: Case review, Consultation with Plaintiff and Defendants and Oral Opinions.

**Bobbie L. Mael v. Erie County, et al.**

U.S.D.C. for the Western District of New York – Case No. 18-cv-378

Action: Case review, Consultation and Opinion Report.

**Monica Nash, et al v. Mercer County Sheriff's Office, et al.**

U.S.D.C. for the District of New Jersey – Case No. 17-3648

Action: Case review, Consultation and Opinion Report.

**Sterling D. Brown v. City of Milwaukee, et al.**

U.S.D.C. for the Eastern District of Wisconsin Case No. 18-922

Action: Case review, Consultation, Opinions.

**Commonwealth of Virginia v. Alejandro Amaya and Lucas Vinyard**

U.S.D.C. for the Eastern District of Virginia – Alexandria Division

Case No. 1:21-CR-00091 & 1:21:CR-00092

Action: Case review, Consultation, Opinion Report.

**Antwan Smith, et al. v. City of Port Saint Lucie, Florida, et al.**

U.S.D.C. for the District of Southern Florida Case No. 20-14252-cv-Middlebrooks

Action: Case review, Consultation, Opinion Report and Deposition.

**Cyprian Luke v. Town of Dover, et al.**

U.S.D.C. for the District of New Jersey – Case No. 21-cv-11233

Action: Case review, Consultation and Opinions.

**Raheem Bryant vs. City of Newark, et al.**

U.S.D.C. for the District of New Jersey – Case No.: 19-cv-17592

Action: Case Review, Consultation with Opinion Report.

**State Court Testimony:**

**State of Florida v. Nounam Khan Raja**

In the Circuit Court of the Fifteenth Judicial Circuit,  
Criminal Division in and for Palm Beach County, FL  
Case No: 2016CF005507AXXXMB - Division: 'X'  
Action: Case review, Consultation with Opinions, Deposition and Stand Your Ground Testimony.

**7-Eleven, Inc., v. Borough of River Edge et. al.**

Bergen County – Law Division, Newark, New Jersey Docket No: BER-L-009220-15  
Action: Case review, Consultation with Opinion Report and Deposition.

**Starr Neal, et al., v. City of Baltimore, et. al.**

Circuit Court for Baltimore City – Baltimore, Maryland Case No: 24-C-16-002208  
Action: Case review, Consultation with Opinions and Court Testimony.

**Nancy Velasquez v. City of Newark, et. al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-9943-13  
Action: Case review, Consultation with Opinion Report and Court Testimony.

**Elliot Hodges v. City of Orange Township et. al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-9426-1  
Action: Case review, Consultation with Opinion Report and Deposition.

**People of the State of Colorado v. Margarita Stokes**

El Paso County, Colorado Springs, Colorado Case No. 13-CR-63 Division No. 12  
Action: Case review, Consultation with oral opinion and Court Testimony.

**Harold Michael Burrowes v. Walmart Stores Texas, LLC**

Dallas County – Law Division, Dallas, Texas Cause No: CC-12-01913-C  
Action: Case review, Consultation with Opinion Report and Deposition.

**Candida Alvarado, et. al. v. City of East Orange, et. al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-9316-10  
Action: Case review, Consultation with Opinion Report and Deposition.

**Sinexis Chique v. City of Newark, et al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-9032-12  
Action: Case review, Consultation, Opinion Report and Court Testimony.

**Antoinette Martin v. SMG, et al.**

Denver County – District Court of the State of Colorado Docket No: 2013-cv-31185

Action: Case Review, Consultation with Opinion Report, Deposition, and Court Testimony.

**Robert Croonquist & Brian Hamilton v. Borough of River Edge**

Bergen County – Law Division – New Jersey Docket No: BER-L-5761-14

Action: Case Review, Consultation with Opinion Report, and Deposition.

**Estate of Darroll E. Morris v. City of East Orange, et al.**

Essex County – Law Division – New Jersey Docket No: ESX-L-3896-13

Action: Case Review, Consultation with Opinion Report, and Deposition.

**Chandra Ganesh v. City of Jersey City, et al.**

Hudson County – Law Division – New Jersey Docket No: HUD-L-4245-14

Action: Case Review, Consultation with Opinion Report, and Deposition.

**Isabelle Parham, Individually, Per Quod, and Administratrix ad Prosequendum of the Estate of John E. Parham v. City of Hackensack, et al.**

Bergen County – Law Division – New Jersey Docket No: BER-L-1527-17

Action: Case Review, Consultation with Opinion Report, and Deposition

**Gretchen Shaub v. Sergeant Smith, et al. (Maryland Transit Administration)**

Circuit Court of Maryland for Baltimore City – Case No. 24-c-18-5657

Action: Case Review, Consultation with Opinion Report, and Deposition

**State of Colorado v. John G. Stokes**

El Paso County – District Court – Case No.: 2019-CR007180 Action:

Case Review, Consultation with Opinion Report and Court Testimony

**Marshawn Love v City of Asbury Park**

Monmouth County – Law Division – New Jersey Docket No.: L-2767-17

Case Review, Consultation with Opinion Report and Deposition.

**Commonwealth of Virginia vs. Wesley Shifflett**

Fairfax County District Court – Law Division

Action: Case Review, Consultation and Testimony



**State Court Consultations:**

**Salvador Espinoza, et. al. v. Township of Irvington, et. al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-7249-17

Action: Case review, Consultation with Opinion Report.

**Michael J. Gadaleta, et. al. v. Township of Teaneck, et. al.**

Bergen County – Law Division, New Jersey Docket No: BER-L-5840-17

Action: Case review, Consultation with Opinion Report.

**Michael Wall, et. al. v. City of East Orange, et. al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-8785-14

Action: Case review, Consultation with Opinion Report.

**E/O Jahqui Graham v. City of East Orange, et. al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-5595-10

Action: Case review, Consultation with Opinion Report.

**Luis Velasco v. City of Newark, et. al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-2561-10

Action: Case review, Consultation with Opinion Report.

**Estate of Andrew Murnieks by Administrator Ad Prosequendum Renee Murnieks v.**

**State of New Jersey (Middlesex County Prosecutor's Office), et al.**

Middlesex County – Law Division, New Jersey Docket No: MID-L-6227-14

Action: Case review, Consultation with Opinion Report.

**Jane E. Costantino v. Michael E. Jones, et al.**

**and Underwood Memorial Hospital, et al. v. City of Vineland.**

Gloucester County – Law Division, New Jersey Docket No: L-1654-11

Action: Case review, Consultation with Opinion Report.

**Patricia Waller v. City of Newark, et al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-917-12

Action: Case review, Consultation with Opinion Report.

**Andre Egberongbe, et. al. v. City of East Orange, et. al.**

Essex County – Law Division, Newark, New Jersey Docket No: ESX-L-814-15

Action: Case review, Consultation with Opinion Report.

**D.D., A Minor, by and through his Guardian, M.D. v. Township of Manalapan, et al.**

Monmouth County – Law Division - New Jersey Docket No: MON-L-2188-11

Action: Case review, Consultation with Opinion Report.

**Estate of Timothy Wall v. Township of Irvington, et al.**

Essex County – Law Division – New Jersey Docket No: ESX-L-10372-11

Action: Case Review, Consultation with Opinion Report.

**Adam J. Trosko v. Church of the Incarnation, The Diocese of Trenton, et al.**

Mercer County – Law Division – New Jersey Docket No: MER-L-1335-14

Action: Case Review, Consultation with Opinion Report.

**Andrea L. Dellorto v. Officer Anthony Gardner (Mount Olive Police Department)**

Morris County – Law Division – New Jersey Docket No: MOR-L-1540-17

Action: Case Review, Consultation with Opinion Report.

**State of New Jersey v. Jovanny Crespo**

Essex County Superior Court – Law Division – Indictment No.: 2019-05-1401

Action: Case Review, Consultation with Opinion Report

**Khari M. Gardner vs. City of East Orange, et al.**

Essex County Superior Court – Law Division – Docket No.: ESX-L-641-18

Action: Case Review, Consultation with Opinion Report.

**Sherrie Chappman vs. City of Cleveland, et al.**

Cuyahoga County in the Court of Common Pleas – Case No.: cv-20-932880

Action: Case Review, Consultation with Opinion Report.

**Keith Russell vs. Borough of Roselle, et al.**

Superior Court of New Jersey Law Division Union County – Civil Action No.: UNN-L -2291-21

Action: Case Review, Consultation with Opinion Report.