

# POLICE TRANSPARENCY PROJECT

## THE MISSION OF THE POLICE TRANSPARENCY PROJECT

The Police Transparency Project is a 501(c)3 non-profit. Our mission is to compile reliable information on unconstitutional patterns and practices used by Philadelphia Police over the last three decades, which have resulted in wrongful convictions. The Police Transparency Project seeks to gather this information and documentation and to make that information readily accessible for free to attorneys, defendants, and the general public. It is hoped that this will help promote lasting systemic changes and facilitate an environment of transparency and trust between the police and the community. In an effort to make this information easily accessible, we have generated a searchable database, the Unconstitutional Patterns of Practice Database (UPPD) . The database allows anyone to search by name, by case or by pattern of behavior. It then links the user to the related documentation.

The database is intended to be an ongoing, long term project which will eventually expand beyond Philadelphia. It is the hope that the defense bar, defendants, and the public will reciprocate by providing relevant information for inclusion in this database. You can view the database on our website.

In addition to maintaining the database, the Police Transparency Project is also committed to advocate for appropriate legislation to help prevent wrongful convictions. We are suggesting proposed language changes to the Right to Know Act to require disclosure of Internal Affairs sustained findings and we have undertaken a Video Interrogation Research Study.

Finally, we also provide legal education to investigators, attorneys, defendants, and their families. This October we are planning a month long luncheon series of zoom classes, each designed to target a different audience. The goal is to teach others how to investigate and litigate wrongful conviction cases.

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**Commonwealth v. Anthony  
Williams, 1264 EDA 2022  
(June 12, 2023)**

The Superior Court remanded this case back to the PCRA Court for a hearing on Petitioner's claims that (former) Det. Pitts and other members of the Philadelphia Police Homicide Division engaged in a pattern and practice of unlawful interrogations of witnesses and the Commonwealth's failure to disclose additional misconduct by Det. Pitts, which constituted governmental interference. [1]

This is the very first case where an appellate court has acknowledged that a 'pattern and practice' of misconduct can theoretically establish 'new evidence'. At the Williams hearing the defense will be able to present evidence that the Homicide Unit has a de facto policy of permitting detectives, including but not limited to Det. Pitts, of using these coercive methods to obtain false and/or fabricated statements.

Teri B. Himebaugh Esq., is Mr. Williams' counsel. "This is huge, but we have a considerable fight in front of us." Ms. Himebaugh is looking for potential witnesses who are willing and available to come to court and testify. [2] Specifically, she is looking for:

- Defendants who have been exonerated or granted a new trial based on the above-described misconduct by homicide detectives in his/her case.
- Family members, friends, and others who were interrogated by detectives within the Homicide Unit consistent with the above-described behaviors.

[1] *The petitioner must still satisfy all of the requirements for new evidence and governmental interference including timeliness and prejudice.*

[2] *Ms. Himebaugh additionally has a hearing in a different case, Commonwealth v. Jovan White, No. CP-51-CR-0008267-2009, where similar evidence will be presented.*



**Steven Lazar v. The Attorney General  
of the State of Pennsylvania, et al, U.S.  
District Court, E.D. Civil Action No.14-  
6907 (3/6/23)**

In Lazar, the Federal Court considered evidence related to the history of misconduct by former Homicide Det. Baker[1] and the Homicide Unit's failure to investigate alternative suspects. The Lazar Court found that: "...the suppressed, favorable evidence of Det. Baker's misconduct is material, such that it would have "undermine[d] confidence in the outcome of the trial," in part because Baker's testimony was so critical to the Commonwealth's case. Dennis, 834 F.3d at 285 (quoting Kyles, 514 U.S. at 434). Favorable evidence may include exculpatory as well as impeaching evidence, and evidence used to "attack the thoroughness and even the good faith of the investigation." Kyles v. Whitley, 514 U.S. 419,445 (1995). (Id., pg. 17).

[1] *Det. Baker's Police Misconduct Disclosure, which was at issue in Lazar, is available for you to review and download on the PTP Database. [www.thepolicetransparencyproject.com](http://www.thepolicetransparencyproject.com)*

**Christopher Goodwin v. Wetzel, U.S.D.C.  
18-cv-5269 (6/15/22)**

In Goodwin, the District Court summarized the evidence as follows:  
The Commonwealth's prosecution was supported by two pretrial witness statements, one signed by Andre Cunningham and one signed by Aaron Respes. There were no forensics or other evidence connecting Mr. Goodwin to the crime. In the statements, Mr. Cunningham and Mr. Respes identified Mr. Goodwin as the shooter. Both witnesses recanted their statements at trial, each testifying that detectives coerced their signatures with threats and/or physical violence. Detectives Thomas Gaul and John Verrecchio testified that neither they nor a third detective, James Pitts, engaged in any threatening or violent behavior. The prosecution acknowledged in both opening and closing statements that the jury's decision came down to a credibility battle between the witnesses' trial testimony and the detectives' description of how the witness statements were obtained.

Mr. Cunningham testified that, one evening several weeks after the shooting, police picked him up and took him to homicide where he was placed in a locked interview room for approximately 18 hours.

Mr. Cunningham testified that various detectives came in and out of the room, including Detective Gaul, and threatened that if he did not give them a statement identifying Mr. Goodwin as the perpetrator, they would not let him leave and they would charge him (that is, Mr. Cunningham) with murder. He testified that he repeatedly told police that he had not seen the shooting.

Mr. Cunningham also testified that a Black detective meeting Det. Pitts's description, slammed books down next to his head to wake him up, intimidated him by aggressively pulling his chair close to Mr. Cunningham's, told him to stop playing when Mr. Cunningham denied seeing the murder, and choked him.

According to Mr. Cunningham, Det. Pitts was the only detective in the room when this conduct occurred. After 18 hours in custody overnight, Mr. Cunningham signed a statement taken by Dets. Gaul and Verrecchio.

Mr. Respes testified that he was picked up for questioning by detectives on July 21, 2011 and was held in a locked interview room for approximately twelve hours. Mr. Respes testified that he asked to leave, and he was told that he could not.

Mr. Respes testified that he told detectives that he could not be sure who the shooter was, but they would periodically come in and out of the interview room and say that, if he did not sign a statement identifying Mr. Goodwin, they would charge him with murder and take him to jail, and he would never see his mother again.

Mr. Respes testified at the preliminary hearing. At that hearing, he initially identified Mr. Goodwin as the shooter. On cross-examination, however, he testified that he could not be sure that Mr. Goodwin was the shooter because he was only able to see that the shooter, like Mr. Goodwin, had a beard. *(Continued on page 4...)*

[2] N.T. 5/21/13 at 93, 98, 100, 101, 102, 168, 170.

[3] N.T. 5/21/13 at 132, 134.

[4] N.T. 5/20/13 at 157, 171, 178, 179, 265;

[5] N.T. 5/21/13 at 7-8, 12.

[1] N.T. 5/20/13 at 57; N.T. 5/28/13 at 54, 58, 85-86.

(Continued from page 3...) At trial, Mr. Respes testified that he was nervous to testify at the preliminary hearing because police had forced him to identify someone he was not sure about. He testified that prior to the preliminary hearing, the police told him that if he did not testify consistently with his statement, they would lock him up.

There is no question that the evidence of Det. Pitts's misconduct was suppressed. This evidence was in the possession of the police, held in Det. Pitts's IA file. . . . Here, the failure to disclose evidence of Det. Pitts's improper interrogation tactics and lack of credibility provides a reasonable basis to question the verdict rendered by the jury.

As noted, defense counsel could have used the evidence to impeach not only Det. Pitts himself, but also Dets. Gaul and Verrecchio. These latter two detectives testified that no threats or violence were used, including by Det. Pitts, in obtaining Mr. Cunningham's and Mr. Respes's statements, and

Det. Gaul further testified that Det. Pitts was well regarded, competent, and caring and would not have choked Mr. Cunningham. (See Resp., ECF No. 73 at 3-4 (citing N.T. 5/20/13 at 57; N.T. 5/22/13 at 86; N.T. 5/28/13 at 151-52; N.T. 5/28/13 at 54, 58, 85-86)).

If evidence of Det. Pitts's prior misconducts had been disclosed and presented at trial, the jury could have rejected the detectives' testimony and instead credited Mr. Cunningham's claim that his statement was extracted through physical abuse and other improper tactics. It may also have been more likely to credit Mr. Cunningham's testimony confirming Petitioner's alibi. . . In short, if the contents of Det. Pitts's IA file had been disclosed, there is reason to believe that the jury would have found neither witness statement identifying Petitioner as the shooter credible in light of the allegations of coercion and that the result of the trial would have been different. (Goodwin R&R pg. 24-25).

### **CALL TO ACTION**

*The need for witnesses discussed on page 1 related to the Williams and White cases is **URGENT**. If you are willing to assist in this effort, please contact Ms. Himebaugh at (484) 686-3279 as soon as possible.*

*While Ms. Himebaugh is the founder and Executive Director of The Police Transparency Project, she maintains a separate private practice. The PTP does not provide representation of any sort.*

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[1]N.T. 5/21/13 at 179, 180



## JOIN US FOR THE PTP CLE LUNCHTIME SERIES

The Police Transparency Project (PTP) is thrilled to present a comprehensive 5-part Continuing Legal Education (CLE) series that delves into the critical areas of identifying, investigating, and litigating wrongful convictions.

**Duration:** 1.5 hours per session 12:00 pm. – 1:30 pm

**Location:** Online Webinar Via Microsoft Teams

**Cost:** \$25 per CLE session | \$100 for all 5 sessions

### Dates:

10/4/23 - 10/11/23 - 10/18/23m - 10/25/23 - 11/1/23

## CLE Topics

### October 4, 2023

*Identifying and Investigating Patterns and Practice and Wrongful Conviction Claims and Introduction to the Homicide File*

### October 11, 2023

*Litigating Wrongful Convictions in Criminal Court*

### October 18, 2023

*Civil Suits Stemming from Wrongful Convictions*

### October 25, 2023

*Legislative Initiatives*

### November 1, 2023

*Community Empowerment and How to Use the PTP Database*

**Reserve your spot today via**  
**[www.thepolicetransparencyproject.com](http://www.thepolicetransparencyproject.com)**



Executive Director Teri B. Himebaugh has a Juris Doctor and a Legal Master's degree. She is a sole practitioner and has been practicing law for more than 35 years. She has served as co-chair for the International Human Rights Section of the Philadelphia Bar Association, as well as on the Board of the American Civil Liberties Union (Philadelphia Chapter) and is a current member of the U.S. District Court Prisoner Civil Rights Panel. Ms. Himebaugh has been a civil rights activist for thirty years and continues to fight for social justice and prisoners' rights.

**Executive Director**



Managing Director Kathryn Himebaugh has a Master's Degree in Social Work Administration. She specializes in resource referral, re-entry services for exonerees and community organizing.

**Managing Director**



Philadelphia City Councilman, At- Large, Isaiah Thomas is a dedicated public servant from northwest Philadelphia. Isaiah is a graduate of Penn State University and holds a graduate degree from Lincoln University. Throughout his career, Isaiah has worked in the non-profit, public, and private sectors in positions that directly impact important Philadelphia issues.



Mr. Paul McCauley is a professor Emeritus of Criminology. Mr. McCauley has been an independent consulting criminologist for more than thirty years. Mr. McCauley is qualified as a police expert in both state and federal courts in more than 30 states, including the Eastern District of Pennsylvania.

Mr. Leon King specializes in civil rights, employment law, criminal defense, and estate administration. Mr. King worked as the Director of Legislation for the City of Philadelphia, City Council, Councilman at Large Office. He also served as the Deputy City Solicitor/Labor and Employment/civil rights.



Mr. Stretton emphasizes trial and appellate work at the state and federal levels, juvenile law, criminal law, judicial and attorney disciplinary proceedings, election law and first amendment cases. Mr. Stretton was selected to Super Lawyers for 2005 – 2022 and is a regular contributor in the area of legal ethics to the Legal Intelligencer.



