

# Bethlehem Moment: A Drug Bust Goes Bad

The Bethlehem Gadfly Bethlehem Moments, George Floyd killing, History, Bethlehem, Police June 17, 2020

 *Latest in a series of posts on Bethlehem Moments* 

Bethlehem Moment 24  
City Council  
June 16, 2020

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## Bethlehem Moment: April 23, 1997

### A Drug Bust Goes Bad

After prior investigation and working with a confidential informant, at approximately 11PM on April 23, 1997, a group of about a half-dozen Bethlehem Police officers attempted to exercise a search warrant at a house on the Southside in which lived a suspected drug dealer, known to be armed, and his girlfriend.

Here are the skeletal facts:

Officers 1 and 2 were in the front of the house, the rest of the officers in the rear.

Officer 2 opened a front window, and officer 1 threw into the living room a flash-bang distraction device that immediately and unexpectedly started a fast-moving fire.

Officer 1 entered the house and shot the suspect as he was starting to move up the



steps to the 2nd floor. Officer 1, using what is described as a “submachine gun” (shown here testifying at the trial), fired approximately 16 shots, 11 hitting the suspect, all in the back.

The suspect’s girlfriend was on the 2nd floor, saw the suspect on the steps, and exited the fiery house through a window.

The suspect died from the gunshot wounds, and his body was burned beyond recognition in the fire that rendered the house a total loss.

Questions about the way police handled this event arose at once.

The Pennsylvania state police and the Attorney General’s office investigated and in September 1997, 5 months after the event, cleared the police of any wrong doing.

The suspect’s family sued the City and the officers for breach of the suspect’s civil rights and for use of excessive force.

A central point of contention at trial was initial interaction between officer 1 and the suspect. Officer 1 said he shot at the suspect because the suspect shot at him. No shell casing from the suspect’s gun was found. The suspect’s girlfriend said she did not see him with a gun on the steps.

The civil suit against the City and the officers began September 2003, 6 1/2 years after the event.

The trial took 6 months, ending March 2004. The jury deliberated 9 days.

The jury told the judge they were deadlocked at 10-2. Both sides agreed to waive the need for unanimity and to accept the 10-2 verdict whatever it was.

The verdict was guilty: officer 1 had violated the suspect’s civil rights by using excessive force, and the City failed to properly supervise the officers and had failed to create policies for the Emergency Response Team.

Rather than further deliberation before the jury and the prospect of years of appeals, both sides agreed to settle the case before the penalty phase of the trial was to begin.

The mutually agreed on terms of settlement were: 1) the City would pay \$7.89m, 2) seek accreditation with the Commission on Accreditation for Law Enforcement Agencies, 3) hire an independent consultant to make sure that the City's police practices meet national standards, and 4) seek a grant to instruct officers in the constitutional rights of citizens.

A key to the settlement without further jury involvement was the City's promise to seek outside help to improve the police force and the offer by Mayor Callahan, in office only two months, to meet privately with the plaintiffs and make an apology.

The police, however, did not apologize, and, in fact, officer 1 was given an "Award for Valor" by a police organization.

Interviewed afterward, the jurors said the suspect had a right to shoot — if, in fact, he did — because the police provoked the suspect to defend himself by storming in late at night without properly identifying themselves. Their verdict focused on civil rights, they said, not on whether the suspect was using or selling illegal drugs.

That was the sentiment of most public comment reported in the *Morning Call*. There was recognition that the suspect bore some blame for what happened to him, but the police were described as a bunch of ninja's and as commando's that took into their own hands the power to be judge, jury, and executioner.

The anti-climax to this long saga was a battle between the Mayor and City Council on how to fund the \$7.89m payment. The Mayor advanced a plan, Council rejected it. Council put forth a plan, the Mayor vetoed it. And Council overrode the veto.

The City finally finished paying off the \$7.89m judgment in 2015.

End of story.

But the point of this Bethlehem Moment is its relevance to our own cultural moment.

Here is an example from Bethlehem's past when lack of proper oversight of the police department caused big trouble.

We recognize the dual accreditations that the department now enjoys in large part as a result of this event, and which the Chief told us about last meeting, but we also should not lose sight of the need for continual oversight of the police department and continual improvement of department policies, practices, training, and community involvement.

*“Without a shared history, we are not a true community.”*

### ***Morning Call* articles**

April 25, 1997: “Gunshots killed man in drug raid”

September 17, 1997: “Bethlehem police cleared in death”

September 17, 2003: “Hirko lawsuit too important to be frivolous”

January 4, 2004: “What happened at 629 Christian St.?”

March 4, 2004: “Hirko jury nails Bethlehem, police officer for deadly raid”

March 22, 2004: “Hirko settlement reached”

March 23, 2004: “Hirko deal: \$8 million, reforms”

March 29, 2004: “Jurors: Hirko had right of defense”

March 22, 2005: “Year after Hirko settlement, Bethlehem police try reforms”

March 24, 2005: “Bethlehem police get credit for efforts to adhere to national police standards”