

Still twenty questions on the marijuana arrest matter

The Bethlehem Gadfly Police February 21, 2020

 *Latest in a series of posts about the Bethlehem Police* 

Awww, some people think the Mayor's statement at Council ends the marijuana arrest matter to which we have devoted a half-dozen or so posts. (See "[Police](#)" under Topics on the sidebar.)

But gadflies have a "Show me" gene.

Gadflies take a pledge to "question authority" — especially when Authority goes clam-like.

Gadfly has said several times that he wishes the Mayor would give press briefings and press conferences (I know, I know, the President doesn't either), in which The Press could ask probing questions — legitimate questions, but probing — that get at what is often unanswered when just statements are delivered. Mayoral "reports" at Council sometimes need follow-up.

(By the way, did you see the brave article by Mike Morelli — "[The Morning Call boasts talented newsroom, despite buyouts,](#)" [Morning Call, February 14, 2020](#) — but I think we have to face the fact that dedicated, in-depth, long-term reporting on Bethlehem City Hall is going if not gone. All you may have left are gadflies.)

The future mayor, who may well be (should be) a reader of this blog, might think about this. Hint, hint.

So, let a gadfly be a gadfly (sounds like "it's just Trump being Trump," doesn't it?).

First, Gadfly is aware "politics" swirls around this dispute between our Police Chief and the District Judge. But he prefers to tune that out and stay with the basic "facts" of the core case — the traffic stop.

Our focus should be:

Was an Hispanic man — presumably a Southside resident — treated in a racially insensitive way when stopped by a Bethlehem policeman for a minor traffic violation?

Gadfly still has questions.

- “The matter is the subject of an ongoing non-criminal investigation,” [the Mayor wrote February 11](#). Who is under investigation? Can it be anybody but the police officer?
- The matter “has been thoroughly reviewed internally,” the Mayor wrote February 11, yet “The matter is the subject of an ongoing non-criminal investigation.” Does this mean that the thorough internal review didn’t end the matter but showed there was need for further investigation?
- Who did/led the internal review if allegations have been made about the Chief’s conduct and the Deputy Chief is on record backing the Chief’s position? God forbid that the Chief had a leading role in the review or the investigation.
- And was that “ongoing non-criminal investigation” internal as well? Who’s doing/leading that?
- What written guidelines, policies, procedures does the Police department have when the matter under consideration is “one of its own”? Were those “rules” followed?
- Was there an interview with the subject of the traffic stop as part of the investigation? Did his character match the picture of him given by the Judge?
- Race is such a sensitive issue — is there a role, a safeguarding role, an independent role for outside “eyes” on the issue to guarantee objectivity?
- Per February 11, “The City Administration will have no further comment because the information and evidence are subject to confidentiality under Pennsylvania law.” Specifically, what law is that? Why is the matter confidential? Is that because it is a personnel matter? Which means that the officer is the subject of the “ongoing non-criminal investigation.” Gadfly can understand that personnel matters are private. But Gadfly is not sure whether the fact that there is a personnel matter is in itself confidential.

- “The Administration,” per February 11, “does not consider the matter appropriate to be reviewed by the Public Safety Committee.” This one really puzzles the Gadfly. Whose committee is it, as the Gadfly so bravely challenged at the February 18 Council meeting, Council’s or the Mayor’s? Gadfly can see the Council agreeing with the Mayor for good reason that they will not take up the issue. But the language here suggests that the Administration drives the Council agenda. And, so, in fact, Council is not taking up the issue at the March 3 Public Safety meeting. Why? Puzzling.
- Did something change between February 11 and the Mayor’s public statement at Council February 18? For now we have the Mayor’s statement that “The allegations have been subject to a thorough internal investigation,” and “The evidence showed that the allegations are false.”
- We gather from this that the “ongoing [internal] non-criminal investigation” that followed the thorough review is over. Once again we need to ask who did/led that investigation and whether external scrutiny is appropriate.
- And, so, is the matter settled as far as the City is concerned? Case closed? Not clear per February 18. If so, if case closed, why not talk about it? Why not tell details? If not closed, what left is going on?
- “The evidence showed that the allegations are false.” The only evidence referred to February 18 is audio/video evidence at the scene of the traffic stop (presumably). How does that bear on the allegation that the officer refused to accept constructive criticism in a conversation at the Judge’s office? Does it mean that the evidence shows there was nothing wrong with the officer’s behavior?
- Let’s think about the audio/visual evidence. Per February 18, it seems determinative in the City’s view. If so, it’s fair to ask, as the Judge did, why the Chief didn’t mention such “exculpatory” evidence in his allegation letter to County judicial headquarters.
- Which brings up the question of why the Chief didn’t contact the Judge after hearing from his officers, present this determinative evidence, and nip this brouhaha in the bud. The Judge wasn’t “there.” The Judge was reporting the subject’s version of events. The tapes would have put him “there.” On the spot. Is it too much a stretch to believe that if the Judge were invited to view the evidence,

the Judge might have apologized? Feels like it might have saved a lot of time, energy, and anguish on the part of many people (Gadfly included — he's an old man, he has only so many posts left in his quiver). Further, why at this point not offer to show the Judge the audio/visual evidence and expect that he will apologize?

- And speaking of the Chief not contacting the Judge right away but sending a letter to the County judicial Home Office, in doing that didn't the Chief act without knowledge of both sides that was easily accessible to him? Didn't the Chief declare concern (guilt?) without the complete facts? What would cause the Chief to suspend a first principle of police work? Again, if he knew the audio/visual evidence at that point and it was so compelling, why not make it determinative in his letter?
- Let's think about the audio/visual evidence again. "We" don't get to see it. We must trust that it proves allegations false. Gadfly hopes it does. But the core of this issue for Gadfly is racial insensitivity not legality. The core of this issue for Gadfly — based on the story of the subject of the traffic stop channeled through the Judge, granted not like direct testimony — is about the officer's approach, attitude, bearing, demeanor, language, physical action, and so forth. For Gadfly, those kinds of things are the core of the "charge," if you will, here, which is racial insensitivity. Gadfly can imagine and hope that the audio/visual shows that the officer acted "by the book." And yet it could still show that the officer was racially insensitive in applying the book. Because of what is at stake here in terms of racial harmony in a City with 30% Hispanics or simply because of a desire for fair play, Gadfly would need to see the evidence before he closed the case.
- But let's not forget legality. What was the legal reason for searching the car? What do the tapes show of when, relative to the appearance of the warrant, the search was done? The time line of events, as Gadfly outlined in an earlier post, needs to be defined.
- And Gadfly would be very curious about how the officer handled the discrepancy between the warrant and the subject vis-a-vis the tattoo. Did the subject know he was being taken in with the possibility of being a person he couldn't be?
- And that leads Gadfly to ask whether the tapes show the subject of the traffic stop in a way that matches the Judge's description of him

— which is the only description we have, and a description that convinced the Judge to believe him and make a conscious decision to have a conversation with the officer? Did the Judge get it right? That would be important to know.

Twenty bullets. Twenty questions.

Gadfly's pencil has run out of lead. He could go on and on. Being a pest. Not accepting the Mayor's statement.

Of course, the Mayor may be right: the Judge was out of bounds in what he did.

But he thinks he's asking the kinds of questions a good investigative journalist would.

More important — he thinks he's asking the kinds of questions any of his followers would.

The kinds of questions you *are* asking.

Gadfly tries to be your center of consciousness.

This issue is far from closed in Gadfly's mind.

As usual he has tried to lay it out for you in small bites.

What are you thinking?

Let's remember what's at issue, what's at stake here: the possibility is that we have a racially insensitive police officer backed by his Chief or a district judge abusing his power, overstepping his bounds.

Let's get it right.

Serious stuff.

no doubt to be continued . . .