

The dueling complaints again: considering the sources

The Bethlehem Gadfly Police February 17, 2020

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

DiLuzio and Meixell to Greene 11 20 19
Englesson to Greene 11 29 19
Englesson to Donchez 12 20 19

We have been asking what we know and what we do not know as we attempt to evaluate this situation of dueling complaints about a serious matter of possible racial profiling by a police officer or what we might call abuse of power by a district judge.

Chief Dilusio's complaint alleges that Judge Englesson accused one of his officers of being a racist. The Judge, in turn, cited the resistance of the arresting officer to the "constructive criticism" of his behavior during a traffic stop and the "spurious complaint" the Chief filed against him with the Northampton County Court.

We have talked about the search and the warrant. Let's talk now about the complainants themselves.

The Chief:

- The conversation between the Judge and the two officers was November 14, a Thursday. The statements by the two officers are dated November 15 — Friday. The Chief's "complaint" letter to Northampton County is dated November 20 — the following Wednesday. The Chief had 3-4 working days to investigate the matter and to plan a course of action.
- No evidence beyond the statements of the two police officers is presented in the November 20 letter.
- The Chief's defense of his officer and the record of his department is natural and honorable.

- But one hopes that on some level the Chief at least minimally entertained the possibility that he may have one racially insensitive officer or an officer who was racially insensitive one time.
- For instance, was there anything in the arresting officer's past record that relates to racially insensitive behavior?
- One wonders why, in the interest of fair and amicable conflict resolution, the Chief lodged a complaint against the Judge with his superior rather than contacting the Judge first.
- I guess you'd expect Gadfly, whose motto is "Good conversation builds community," to feel that way!
- Though the Chief had 3-4 working days to consider his response, that act of lodging a complaint without at least talking with the Judge seems intemperate. The Chief heard only one side of the November 14 conversation as far as we know.
- Gadfly says "as far as we know" because he is confused by the Mayor's email to him that he "should exercise caution in posting and thereby endorsing the truth of the allegations directed against the City by Judge Englesson, *which prompted Chief Diluzio's complaint to President Judge Koury* [the head Northampton County judge]."
- What allegation *against the City* did the Judge make that prompted the Chief's November 20 letter?
- There was a conversation, a private conversation, between the Judge and two City officers. Let's suppose for the sake of argument that the Judge in front of a witness did undeniably allege the arresting officer was a racist. Would that be an allegation against the man or the city?
- Gadfly sees no systemic charge against the police department or the City in the Judge's private conversation that would explain the Chief making the first shot in this interchange and thereby, in effect, inevitably making the dispute ultimately public.
- In fact, the momentum seems precisely the other way 'round — the Judge forced to respond to the Chief.
- The Chief's complaint against the Judge seems intemperate to me.

The Judge:

- The Judge's counter-complaint is rather exhaustive.

- He explains that he made a conscious and calculated decision to have a private conversation with the officer to offer him constructive criticism about his job,
- and to protect his constituents from maltreatment,
- and to protect the City from Civil Rights lawsuits.
- He explains his respect for police in general and for Bethlehem police in particular.
- He explains his extensive background and law-enforcement-related experience.
- He explains what he could have done if he wanted to accuse someone of racial profiling, and it wouldn't be in private.
- He explains how he understands that the officer might have felt intimidated by such an “uncomfortable conversation” with a judge.
- The Judge's vigorous response to the Chief's complaint seems understandable and appropriate to me.

How are you seeing it? Gadfly has no desire to tell his followers how to think. The primary sources on which to base thinking are available to everybody. All courteously presented perspectives welcome.

to be continued . . .