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1 POLICE ADVISORY COMMISSION
INVESTIGATIVE REPORT IN THE MATTER OF:
2 NIZAH MORRIS
3 COMPLAINT NO.: 03-1279
4 -----
5 THURSDAY, 07 DECEMBER 2007
34 South 11th Street
6 Philadelphia, Pennsylvania
6:00 p.m.

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9

10 BEFORE: ROBERT NIX, Presiding Officer
11 COMMISSIONER JOSEPH T. STAPLETON, ESQUIRE
COMMISSIONER ADAM RODGERS
12 COMMISSIONER JOI SPRAGGINS
COMMISSIONER MICHAEL WEISS

13 APPEARANCES:

14 MICHAEL HAYES, ESQUIRE
15 DENNIS G. YOUNG, ESQUIRE
16 Counsel to the Police Advisory Commission

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1 A P P E A R A N C E S:

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TIMOTHY STRANGE, ESQUIRE
GERALD STANCHION, ESQUIRE
4 Attorneys for Officer Thomas Berry and
Officer Elizabeth Skala

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9 ALSO PRESENT: LIEUTENANT FRANCIS HEALY
Special Advisor to the Police Commissioner

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1 I N D E X

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4 WITNESSES:

5
6 POLICE OFFICER THOMAS BERRY

7 By Mr. Hayes - Page 07
8 By Mr. Stapleton - Page 39
9 By Commissioner Spraggins - Page 43, 66
10 By Commissioner Rodgers - Page 45
11 By Presiding Officer Nix - Page 64
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14 POLICE OFFICER ELIZABETH SKALA
15 By Mr. Young - Page 76
16 By Commissioner Spraggins - Page 123
17 By Commissioner Rodgers - Page 130
18 By Mr. Stapleton - Page 142

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0004

1 PRESIDING OFFICER NIX: Good evening,
2 ladies and gentlemen.

3 My name is Robert Nix, and I am a
4 member of the Philadelphia Police Advisory
5 Commission, and I'm the Presiding Officer of
6 the panel here established to receive
7 testimony and evidence in the matter of Nizah
8 Morris, designated as Police Advisory
9 Commission Complaint No. 03-1279.

10 Also participating this evening as
11 panel members are Commissioner Joseph
12 Stapleton, Commissioner Michael Weiss, and
13 Commissioner Joi Spraggins, and presumably
14 Commissioner Adam Rodgers, as well, at some
15 point.

16 Counsel to the panel this evening
17 are Mr. Michael Hayes and Mr. Dennis Young.

18 I will now call the panel hearing to
19 order.

20 This hearing will be conducted in
21 accordance with the duly appointed rules of
22 Police Administration.

23 The rules which apply to panel
24 hearings of the Police Advisory Commission
25 state as follows:

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1 Any witness called to testify may
2 present an opening statement not to exceed
3 five minutes prior to the giving of testimony.

4 Ordinarily, the initial examination
5 and questioning of witnesses shall be
6 conducted by counsel to the Commission, or by
7 counsel of his designation.

8 At the conclusion of counsel's
9 questioning, panel members may question
10 witnesses in an order determined by the
11 Presiding Officer.

12 As to the rights of witnesses
13 appearing before the panel, any witness may be
14 accompanied and advised by an attorney, but
15 the attorney may not, of right, otherwise
16 participate in the hearing.

17 The attorney may confer with the
18 witness, but may not answer for the witness,
19 or interfere with the examination and
20 questioning of the witness.

21 Failure to comply with these
22 conditions shall be sufficient grounds for the
23 exclusion of the attorney from any further
24 participation in the hearing.

25 A witness may not be excused from

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1 attending or testifying because the witness
2 failed to obtain an attorney, or because his
3 attorney was excluded from participation in a
4 hearing for violating the conditions set forth
5 above.

6 The panel has determined that as to
7 any witness on notice to appear before the
8 panel that they will be sequestered, and that
9 will be to preserve the integrity of the fact
10 finding process.

11 Sequester means the witnesses will
12 be in another room and will not be permitted
13 to hear the testimony of any other witness
14 until after their own testimony is completed.

15 Finally, let me say that this is an
16 important matter.

17 It is an important matter to the
18 participants.

19 It is an important matter to the
20 citizens of Philadelphia. And, as such,
21 everyone in attendance is asked to refrain
22 from any outbursts or expressions of emotion
23 in order to maintain the dignity of the
24 process so that this proceeding can be
25 conducted with the same respect that is

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1 accorded a judicial tribunal.

2 In that regard, I request that
3 everyone remain seated during the presentation
4 of testimony, and that cell phones be turned
5 off or on to vibrate.

6 Prior to getting started,
7 Mr. Stanchion will be please issue the Garrity
8 warning to the two witnesses.

9 MR. STANCHION: Thank you very much.

10 My name is Gerald Stanchion. I'm one
11 of the counsel to Officers Berry and Skala.

12 I don't know that they have been
13 sworn yet.

14

15 (Officer Thomas Berry and
16 Officer Elizabeth Skala, sworn)

17

18 MR. STANCHION: Prior to this
19 evening, both of you, am I correct, were given
20 court notices through the Police Department,
21 as well as subpoenas to be here tonight; is
22 that correct?

23 OFFICER BERRY: Yes.

24 OFFICER SKALA: Yes.

25 MR. STANCHION: And both of you, as

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1 well, were told by your respective supervisors
2 and your commanding officers that you were
3 required to comply with the subpoena and the
4 court order, and to be here today to testify
5 in front of the panel and answer the questions
6 they may have for you; is that correct?

7 OFFICER BERRY: Yes.

8 OFFICER SKALA: Yes.

9 MR. STANCHION: Are you aware that
10 you're doing that not only because of the
11 subpoena, but they are executive orders and
12 directives signed by Mayor Rendell at the
13 time, and Police Commissioner Timoney at the
14 time, Commissioner Johnson, as well as current
15 directors in the police department that would
16 require your presence today with a valid

17 subpoena and a valid court notice to be here
18 and to answer these questions; are you aware
19 of that?

20 OFFICER BERRY: Yes.

21 OFFICER SKALA: Yes.

22 MR. STANCHION: You're both aware, am
23 I correct, that your failure to comply with
24 that would subject you to disciplinary action,
25 which might include anything from a suspension

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1 for a period of days, up to and/or including
2 dismissal from the Department if you failed to
3 comply; is that correct?

4 OFFICER BERRY: yes.

5 OFFICER SKALA: Yes.

6 MR. STANCHION: Therefore, under the
7 case of Garrity, you would be considered to be
8 giving testimony today as compelled to do so,
9 or risk job dismissal, or job sanctions; are
10 you aware of that?

11 OFFICER BERRY: Yes.

12 OFFICER SKALA: Yes.

13 MR. STANCHION: And, therefore, any
14 statement that you give today would be
15 protected as being compelled from any possible
16 other use of any type of prosecution, should
17 that event occur; are you aware of that?

18 OFFICER BERRY: Yes.

19 OFFICER SKALA: Yes.

20 PRESIDING OFFICER NIX: Thank you
21 Mr. Stanchion.

22 At this time I'm going to ask any
23 witnesses who are on notice they are going to
24 be called to testify -- with the exception of
25 Officer Berry; is that correct?

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1 MR. HAYES: That's correct.

2 PRESIDING OFFICER NIX: -- to rise
3 and leave the room and follow Mr. Wellington
4 or one of the attorneys to an adjoining room
5 until we call you.

6 MR. STANCHION: I'm sorry Mr. Nix,
7 Mr. Strange, who is also one of the counsel
8 for the police officers, will be sitting next
9 to Officer Berry at this time.

10 MR. STRANGE: Good evening.

11 PRESIDING OFFICER NIX: Mr. Hayes,
12 Mr. Young, are you prepared to proceed?

13 MR. HAYES: Yes.

14 Officer Thomas Berry.

15 -----

16 POLICE OFFICER THOMAS BERRY, after having been
17 previously sworn, was examined and testified as
18 follows:

19 EXAMINATION BY MR. HAYES:

20 Q. Officer, my name is Michael Hayes.

21 I, along with co-counsel, Dennis Young, serve
22 as counsel to the Police Advisory Commission.

23 I will be asking you some questions this
24 evening, and in follow up panel members may have
25 some questions to ask as well.

0011

1 Have you testified before in a court of law?

2 A. No.

3 For this case?

4 Q. No, I mean in any case.

5 A. Yes, yes.

6 Q. I figured that was the case.

7 I just will give you a couple of very quick
8 reminders.

9 We're going to be asking you questions.
10 We ask your answers be verbal, one, so the
11 court stenographer can write them down. Nonverbal
12 responses won't be picked up.
13 If I ask any question, and the question
14 doesn't seem to make sense, and you would like me
15 to clarify or rephrase it, let me know, and I'll be
16 happy to do my best rephrase or clarify it; make it
17 clearer.
18 Q. Could you state your name for the record,
19 please?
20 A. Sure. Officer Thomas Berry, Badge No. 2507,
21 currently assigned to the 9th District.
22 Q. Are you a patrol officer?
23 A. Yes, I am.
24 Q. How long have you been employed by the
25 Philadelphia Police Department?
0012
1 A. Six-and-a-half years.
2 Q. Have you ever changed districts, or have you
3 been with the 9th District?
4 A. I've been with the 9th District the whole
5 time.
6 Q. What are the boundaries of the 9th District?
7 A. It goes from Lombard Street north to Poplar,
8 from Broad Street, west side, to about the Art
9 Museum.
10 Q. I would like to ask you some questions
11 regarding a tour that you had during the morning of
12 December 22, 2002.
13 Do you recall what your tour was during that
14 morning?
15 A. Yes.
16 I was working 12:00 to 8:00. Last out tour.
17 Q. Were you on a solo tour?
18 A. I was solo.
19 Q. Were you in a patrol car during that tour?
20 A. Yes.
21 Q. And what patrol car were you assigned to?
22 A. I believe it was 9-6.
23 Q. I want to take you back -- and I know this is
24 a couple years back now. We're asking these
25 questions to the best of your recollection.
0013
1 I want to take you back to December 22, 2002,
2 at around 3:00 a.m.
3 Do you recall what your tour of duty entailed
4 during that general time frame, 3:00 a.m. to 3:15?
5 A. I was on routine patrol.
6 Q. Do you recall the vicinity that you were
7 patrolling at that point in time?
8 A. I was patrolling approximately from Walnut
9 Street down to about Spruce, from Broad Street
10 westbound until about 23rd Street.
11 Q. Do you recall during that time period
12 encountering another officer on patrol?
13 A. Yes.
14 Q. Who was that officer?
15 A. Officer Elizabeth Skala.
16 Q. Was she in a patrol car when you encountered
17 her?
18 A. Yes.
19 Q. Where did you encounter her?
20 A. 1400 block of Walnut Street.
21 Q. And do you know -- can you approximate the
22 time you encountered her that morning on 1400
23 Walnut?
24 A. I'm not sure off the top of my head.
25 Q. Would it be safe to say sometime between 3:00
0014

- 1 and 3:30?
2 A. Yes.
3 Q. What happened when you encountered Officer
4 Skala on the 1400 block of Walnut; what did you
5 observe?
6 A. She was parked on the north side of the
7 street.
8 I pulled up next to her, and I rolled down my
9 window, and I asked her if she needed any
10 assistance.
11 I saw someone in the back seat, and she told
12 me that she was dropping this person off, and she
13 said she was fine. I said okay, and I just went on
14 routine patrol after that.
15 Q. Do you remember where she was on the 1400
16 block?
17 Was she on the west side of the 1400 block,
18 the middle of the block?
19 A. She was on the north side of the street.
20 Q. Do you know if she was in the middle of the
21 block, towards one of the ends of the block?
22 A. I would say the middle of the block,
23 approximately.
24 Q. There are two lanes of traffic on Walnut
25 Street?
0015
1 A. Yes.
2 Q. And it's a one way street facing west?
3 A. Yes.
4 Q. Did you see anyone else on the street?
5 Did you happen to notice if anyone else was on
6 the street at that time?
7 A. At this time -- I'm sure there was.
8 There usually is.
9 It's a pretty crowded street.
10 Q. But you didn't notice anyone in particular?
11 A. No.
12 Q. Did you recognize the person that was in the
13 back seat of Officer Skala's patrol car at that
14 time?
15 A. No.
16 No.
17 Q. Could you describe that person?
18 A. At that time?
19 Q. At that time.
20 A. I couldn't describe her.
21 Q. When you pulled up to Officer Skala's vehicle,
22 was she still seated in the driver's seat of the
23 patrol car?
24 A. I believe she was.
25 Q. How long did you stop?
0016
1 A. Not long.
2 I would say less than a minute.
3 Q. And as you testified, she said she was all
4 right?
5 A. She said she was fine.
6 Q. And you resumed patrol at that point?
7 A. That's correct.
8 Q. Was this a random encounter?
9 You didn't receive a dispatch to proceed to
10 1400 Walnut, did you?
11 A. No, I did not.
12 Q. So you were on routine patrol and happened
13 upon a fellow officer?
14 A. Yes.
15 Q. Officer Skala didn't have lights or sirens on?
16 A. I don't believe she did, no.
17 Q. When you resumed patrol, do you recall what
18 vicinity you resumed to?

19 A. I drove westbound on Walnut Street toward the
20 area of Rittenhouse Square.

21 I drove around Rittenhouse Square and headed
22 eastbound on Locust Street.

23 Q. How long did that take, approximately?

24 A. Approximately five to ten minutes, depending
25 on traffic.

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1 Q. At that time at night is there generally a lot
2 of traffic in the Rittenhouse Square area?

3 A. There could be.

4 Q. Do you recall if this was a weekend night; a
5 Friday or Saturday?

6 A. I believe it was.

7 Q. Is there generally more traffic on those
8 nights?

9 A. Yes.

10 Q. When you came around Rittenhouse Square and
11 back up Locust, did you turn up 16th Street?

12 A. Yes, I did.

13 Q. Could you tell the panel approximately when
14 that was, to the best of your recollection?

15 A. What time of the night?

16 Q. Yes.

17 A. 3:20, 3:25. Somewhere around there.

18 Q. What, if anything, happened when you
19 approached the intersection of 16th and Walnut
20 Street?

21 A. As I what driving northbound on 16th Street
22 approaching Walnut, I was flagged down by a
23 civilian, and I believe he was on a cell phone.

24 Q. Do you recall, as you sit here today, where in
25 relation to the intersection that civilian was; in
0018

1 the northeast corner of the intersection?

2 A. I don't understand what you mean.

3 Q. Northwest, southwest, southeast?

4 A. I was coming northbound on 16th Street, so I
5 was -- I believe I was on the southwest side, so I
6 think he came over to my side.

7 Q. Okay.

8 A. So I would say approximately the southwest
9 side.

10 Q. Did he give a general physical description for
11 that individual?

12 A. I don't recall what he looked like.

13 Q. Caucasion, African-American?

14 A. I don't remember.

15 Q. Approximate age?

16 A. I'm not sure.

17 Q. Do you recall if he had a cell phone in his
18 hand?

19 A. I believe he did.

20 Q. What did that individual say to you when he
21 flagged you down?

22 A. I think he told me that someone was hit by a
23 car.

24 Q. What did you do next?

25 A. I got out of my patrol car, and I walked over
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1 to the area of this male where he said that this
2 person was.

3 Q. Do you recall where you parked your patrol
4 car?

5 A. I believe right on the corner of 16th and
6 Walnut.

7 MR. HAYES: I'm going to hand this
8 to the panel.

9 This is a diagram of the scene where
10 Miss Morris was found.

11 Q. If you could -- if you could just write an
12 approximation of where you parked so we can get a
13 sense of where you were.

14 For reference, here's North 16th Street
15 going north, and here's Walnut heading west.

16 Officer, you can hold onto that.

17 I'm going to ask you about the position that

18 Miss Morris was in, to your recollection, in a
19 minute.

20 To the best of your recollection, where did
21 the citizen take you?

22 Where was Miss Morris lying in reference to
23 the intersection?

24 A. She was in the north side of Walnut Street.

25 Q. Was she on the east side of the intersection,
0020

1 the 1500 block, or the 1600 block?

2 A. She was on the 1500 block.

3 Q. Based on your recollection, how far from the
4 corner was she; feet, yards?

5 A. Maybe -- maybe 20 feet.

6 Q. Okay.

7 Was there a SEPTA bus stop somewhere in the
8 vicinity?

9 A. Yes.

10 Q. In reference to the roadway, where was she
11 lying in the roadway?

12 A. She was in the middle of the run lane on the
13 north side of the street.

14 Q. So, if I'm traveling west on Walnut Street,
15 she was lying in the right-hand lane?

16 A. Yes.

17 Q. Approximately in the middle of that running
18 lane?

19 A. Yes.

20 Q. Do you recall the position of her body; which
21 way her head was facing?

22 Was her head facing west or facing east?

23 A. I believe her head was facing west.

24 Her feet were facing east.

25 Q. The diagram in front of you, if you take a
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1 look at the right hand side, there's a little stick

2 figurine with an arrow pointing to it that says

3 Nizah Morris.

4 Do you see that?

5 A. Yes.

6 Q. Is that an approximation of how she was lying
7 in the roadway?

8 A. Yes.

9 Q. Okay.

10 Were there any other cars at the scene when
11 you arrived?

12 A. Yes.

13 Q. How many did you see there?

14 A. I'm not sure.

15 I know definitely one.

16 Q. Where was that car located?

17 A. Directly to the east of Miss Morris.

18 Q. Was it within 10 feet of Miss Morris?

19 A. I believe so, yes.

20 Q. Do you recall if that car had its lights on?

21 A. I'm not sure.

22 Q. Any idea of what make or model, color, of that
23 vehicle?

24 A. I don't remember.

25 I think it was a sports car.

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1 I'm not sure.

2 Q. The gentleman who flagged you down, was this

3 his car?

4 A. I don't know if it was his car or not, or he
5 was just a civilian walking in the street.

6 Q. When you approached the scene and saw this
7 person in the roadway, what was your first reaction
8 to what happened?

9 A. My first initial thought was Miss Morris was
10 hit by this car.

11 Q. This may sound silly, but what brought to you
12 that initial thought? What made you think that
13 that was initially -- that that's what happened
14 here?

15 A. She was laying in the middle of the street,
16 for one; and I seen the car parked behind her, for
17 two.

18 Q. What did you do next?

19 A. I believe I asked whose car it was and what
20 happened.

21 I said was she hit by a car, and whoever
22 answered me said no.

23 I drove down the street and I found her like
24 this.

25 Q. How many people were around, approximately, at
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1 this time?

2 A. I'm not sure.

3 Q. Would you say more than five?

4 A. It's possible.

5 Q. Do you recall any of those individuals with
6 any particularity?

7 A. No.

8 Q. Do you recall the person who told you I came
9 down the street and I found her here?

10 A. I'm not sure.

11 Q. What did you do next?

12 A. I called for Rescue over the police radio.

13 Q. Did you do anything in reference to the person
14 lying in the street?

15 A. I observed that person.

16 I noticed they were breathing.

17 And I just made sure that I -- I had another
18 patrol officer come down to Walnut Street and block
19 off traffic so he could stop traffic coming down
20 Walnut Street.

21 Q. How did you know she was breathing?

22 A. I could see her chest moving up and down.

23 Q. Was it a cold night?

24 A. I'm not -- I really don't remember, but I'm
25 assuming so.

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1 Q. Do you recall seeing breath?

2 A. I don't remember seeing breath.

3 Q. What can you tell the panel about the physical
4 description of -- the physical description of the
5 person lying in the roadway?

6 A. I really don't remember, to be honest with
7 you.

8 Q. Do you recall if the person was male or
9 female?

10 A. Female.

11 Q. Caucasian; African-American?

12 A. African-American.

13 Q. And approximate age?

14 A. I'm not sure.

15 Q. Did you observe any signs of physical injury,
16 aside from the fact the person is lying in the
17 road?

18 A. I don't recall any.

19 Q. Did you see any blood?

20 A. I don't believe so.

21 Q. If I told you that a dispatch call was made,
22 and in that dispatch call there was reference to a
23 person lying in the road bleeding, would that come
24 as a shock to you?

25 A. Yes.

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1 Q. Did you conduct a close video inspection of
2 the person?

3 How close did you get to the person who was
4 lying in the road?

5 A. Basically right on top of her.

6 Q. I'm going to show you a photo. This is from
7 the Medical Examiner's office. It's one of the
8 autopsy photos I want to show you to ask you
9 regarding a couple questions about an injury to
10 this person's skull; just to ask about your
11 recollection, okay?

12 A. Uh-huh.

13 Q. Do you recognize this person? I know this is
14 an autopsy photo. Have you seen this person
15 before? Do you recall seeing this person before?

16 A. Before this incident?

17 Q. As you sit here today and testify, do you
18 recall seeing this person that morning?

19 A. I don't remember what she looked like.

20 Q. Okay.

21 The picture that you have here, I'll state for
22 the record it's a photograph of Miss Morris, and
23 during the autopsy some of her hair was shaved
24 during medical care or during the autopsy, and on
25 the left hand side of the photo above the eye there
0026

1 is a laceration.

2 That morning do you recall seeing that
3 laceration on the person lying in the road?

4 A. I don't remember.

5 Q. Okay.

6 Did you make separate calls to Rescue and to a
7 fellow officer to stop traffic?

8 Was that two separate calls that you made, or
9 was it a single call?

10 A. I believe that the other officer came down on
11 his own and blocked traffic.

12 Q. It's possible that the officer heard the
13 rescue call and came on his own?

14 A. Yes.

15 Q. How long did it take from the time that you
16 were flagged down, approximately how long did it
17 take for Rescue to arrive at the scene?

18 A. I'm not sure, to be honest with you.

19 Q. Can you give an approximation?

20 A. A couple minutes.

21 Q. How about fellow officer who came up to block
22 traffic; do you recall if he arrived before Rescue
23 or after Rescue?

24 A. I don't recall.

25 Q. Do you recall if he came up with sirens and
0027

1 lights, or came up Walnut dark?

2 A. I don't remember.

3 Q. How did he stop traffic?

4 A. I believe he pulled his car in the middle of
5 Walnut Street.

6 Q. Do you recall if he was in the northbound
7 running lane or the southbound running lane?

8 A. I think he pulled his car across both lanes.

9 Q. Okay. So traffic couldn't proceed?

10 A. Correct.

11 Q. When Rescue arrived, the diagram that you have
12 in front of you, you see in the middle of the

13 diagram there's a rescue unit designated?

14 A. Yes.

15 Q. Does the position of that rescue unit
16 approximate where the rescue unit parked, to the
17 best of your recollection?

18 A. To the best of my recollection, it does.

19 Q. Were the -- well, let me go back and then I'll
20 get to the rescue unit's arrival.

21 When you called for Rescue, what sort of scene
22 did you think you had here?

23 Did you think this was an accident scene; did
24 you think it was a crime scene?

25 What sort of scene did you think you were

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1 facing here?

2 A. I thought it was an accident scene.

3 I thought it was an auto-ped.

4 Q. Did your opinion on that change while you were
5 there?

6 A. The person who owned the car, or who was
7 driving the car, who parked behind Miss Morris, I
8 asked him what happened; you know, if he hit this
9 person. He said, "No, I didn't hit this person. I
10 drove up the street and I found her lying in the
11 middle of the street."

12 Q. Did you ask any follow-up questions?

13 A. Well, I looked on his car. I didn't see any
14 damage.

15 Q. Did you notice the vehicle's side view
16 mirrors?

17 Let me ask you this: When you looked at the
18 vehicle, did you look just from the front of the
19 vehicle to see if there was any obvious damage?

20 A. I believe that's what I did.

21 Q. And you didn't observe any obvious damage to
22 the vehicle?

23 A. Correct.

24 Q. Once you made that observation, what did you
25 do next?

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1 A. I waited for Rescue to show up.

2 Q. Did your opinion change as to the nature of
3 this incident after you inspected this vehicle?

4 A. I believe it did.

5 Q. Did you still think it was an auto accident?

6 A. No.

7 Q. What was your thinking at that point?

8 A. My thinking at that point is that it was a
9 hospital case, a D-K female on the highway.

10 Q. Did you notice whether the female -- were you
11 close enough to notice whether the female smelled
12 of alcohol?

13 A. I believe I did smell an odor.

14 Q. Was that a strong odor?

15 A. I don't remember.

16 Q. You used the term D-K female?

17 A. A drunk; a drunk female.

18 Q. At that point in time, did you recognize the
19 female lying in the street as the same female that
20 you saw in Officer Skala's car, the same individual
21 you saw in Officer Skala's car earlier that
22 evening?

23 A. I believe so.

24 Q. At that time you made that connection in your
25 mind?

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1 A. Yes.

2 Q. And did that play a part in your opinion that
3 we have a D-K female here?

4 A. It may have.

5 Q. When you pulled up alongside Officer Skala,
6 did she give you any indication why this female was
7 in the back of her vehicle?

8 Did she tell you why this person was in her
9 car?

10 A. I believe she told me that she was driving
11 this person home.

12 Q. Okay.

13 Did you receive a dispatch earlier that
14 morning, 10, 15 minutes before that, of a hospital
15 case at Juniper and Chancellor Streets that came
16 over the radio?

17 A. No.

18 Q. Did you, at that point, have any idea where
19 Officer Skala picked this person up?

20 A. At which point?

21 Q. When you pulled alongside of Officer Skala's
22 vehicle and saw this person in the back seat and
23 conversed with her briefly and resumed, at that
24 point did you have any idea of where Officer Skala
25 picked that person up from?

0031

1 A. She may have told me.

2 Q. Do you recall if she did or she didn't?

3 A. I'm not sure.

4 Q. Do you recall her mentioning any bar in
5 particular?

6 A. No.

7 Q. Any intersection?

8 A. No.

9 Q. What did you do -- did you interview anyone
10 else at the scene; any other of the individuals who
11 were standing by? Did you interview any of them?

12 A. I believe I interviewed a couple of people,
13 yes.

14 Q. What did they have to say?

15 A. Nobody saw anything.

16 Q. When Rescue arrived at the scene, what did you
17 do?

18 A. I waited for them to come over to where I was.

19 Q. What did you tell them?

20 A. I told them exactly what I found, I found this
21 female on the highway and I don't know what
22 happened to her.

23 Q. And do you recall how many medics there were?

24 A. I believe two.

25 Q. Did you recognize them?

0032

1 A. I don't remember.

2 Q. What did they do?

3 A. They came over to where I was, they brought a
4 stretcher, they put Miss Morris on the stretcher,
5 they put her in the back of their rescue unit.

6 I believe they worked on her, but I didn't see
7 anything because they closed the doors, and then
8 they went to Jefferson Hospital.

9 Q. Do you recall what Miss Morris -- what Miss
10 Morris was wearing that night?

11 A. I don't remember what she was wearing.

12 Q. Do you recall if she was wearing a jacket?

13 A. I'm not sure.

14 Q. Do you recall if she had a purse?

15 A. I believe she did have a purse.

16 Q. Did you pick up the purse, look for
17 identification at any point?

18 A. Yes.

19 Q. What did you find, if anything?

20 A. I don't think -- I didn't find any kind of

21 I.D. And that's what I was looking for.

22 Q. Was there any money in the purse, do you

23 recall?

24 A. I'm not sure.

25 Q. Credit cards?

0033

1 A. I don't know.

2 Q. Any items of value?

3 A. Not that I recall.

4 Q. Was -- did the paramedic take Miss Morris'

5 purse with them?

6 A. I believe they did.

7 Q. Did they perform any procedures on Miss Morris

8 outside of the ambulance?

9 A. They picked her up, put her on the stretcher,

10 and put her right in the back of rescue unit.

11 Q. How about the other officer -- was it a he or

12 a she, the second responding officer, the officer

13 who was blocking traffic?

14 A. It was a he.

15 Q. A he.

16 Who was that officer?

17 A. Officer Michael Givens.

18 Q. G-I-V-E-N-S?

19 A. I believe so.

20 Q. Is Officer Givens also with the 9th District?

21 A. Yes.

22 Q. How long -- to the best of your recollection,

23 how long were the paramedics in the ambulance with

24 Miss Morris when they left the scene?

25 A. I'm not sure, to be honest with you.

0034

1 Q. Less than ten minutes?

2 A. I would say less than ten minutes.

3 Q. Were the ambulance's lights on?

4 A. I believe they were, but I'm -- I'm really

5 not sure, to be honest with you.

6 Q. How about your lights?

7 A. My lights, no. I parked my car.

8 Q. Did you take -- did you ask for, take

9 identifying information for any of the witnesses at

10 the scene?

11 A. I believe I got two names of two individuals.

12 One was the car who stopped in the middle of the

13 street, and I think there was another male.

14 Q. Where did you record their names and

15 identifying information?

16 A. I believe I put them on my 75-48.

17 Q. Did the paramedics tell you where they were

18 transporting Miss Morris to?

19 A. Yes.

20 Q. Where were they transporting Miss Morris?

21 A. I believe they told me Jefferson Hospital.

22 Q. Jefferson Hospital.

23 What did you do after the rescue unit left the

24 scene?

25 A. I finished writing up some paperwork and then

0035

1 I resumed patrol.

2 Q. Did you -- you drew up a 75-48?

3 A. Yes.

4 Q. How about the other responding officer, did he

5 draw up a 75-48, or any kind of report in

6 connection with this?

7 A. No.

8 Q. Did he resume patrol?

9 A. I believe so.

10 Q. I have a copy of -- it's not a terrific copy,

11 but a copy of the 75-48.

12 Do you recognize that report?

13 A. Yes.

14 Q. Is this your 75-48 report?

15 A. Yes.
16 Q. And the time out noted on the report is 3:35.
17 Was that the time that you finished the 75-48?
18 A. No. I think that's an approximate time where
19 this male flagged me down.
20 Q. Okay.
21 And you have down here under complainant, Jane
22 Doe, address unknown.
23 Why is that designation made?
24 A. Because I couldn't find any kind of
25 identification.
0036
1 Q. On the right hand side of the 75-48 report,
2 there's a box that says "nature of injury." Do you
3 see that box?
4 A. Yes.
5 Q. Underneath it it appears to say "cut on head."
6 Do you remember writing that into your 75-48?
7 A. I don't remember.
8 Q. Any reason to believe that that's not your
9 writing?
10 A. It is my writing.
11 Q. There's also a box on the left hand side,
12 upper third, that says, printed word, "founded,"
13 and a box underneath it is checked yes.
14 What does that mean?
15 A. The person or the officer who works inside the
16 district checks off these boxes. I don't work that
17 position.
18 Q. Okay.
19 Do you know, in general, what that box is for?
20 A. It's basically if it's a founded job or not.
21 Q. Up on the top of the report there's a box that
22 says crime or incident classification. And it says
23 H-C.
24 Is that short for hospital case?
25 A. Yes.
0037
1 Q. What does hospital case mean?
2 A. Hospital case is someone who needs to go to
3 the hospital.
4 Q. It's a person who is having a medical
5 emergency?
6 A. Correct.
7 Q. Underneath -- in the middle of the report
8 there's some handwritten notes, and the box is
9 labeled "description of incident."
10 And just under that it says "Site, HOSP
11 cases."
12 What does that mean?
13 A. Site means it wasn't a radio call.
14 Site means I was flagged down by a civilian,
15 then I came upon the incident myself.
16 Q. At the bottom of that box there's a box that's
17 labeled "witness." And just underneath that is
18 written "William Jackson."
19 Who was William Jackson?
20 A. I'm not sure off the top of my head.
21 I don't know if he's the guy that flagged me
22 down, or if he was the guy who was driving the car.
23 Q. Do you have any recollection, as you sit here
24 today, of a physical description of that
25 individual?
0038
1 A. I believe he was a black male.
2 Q. Next to his name you'll see 7/21/67.
3 Is that Mr. Jackson's stated date of birth?
4 A. Yes.
5 Q. How about next to that, is that Mr. Jackson's
6 stated phone number?

- 7 A. Yes.
8 Q. Does that -- this is your handwriting, and
9 this has been copied a few times.
10 Does that read 6105838201?
11 A. I can't make it out.
12 Q. You stated that after you finished up that
13 75-48 you resumed patrol?
14 A. Yes.
15 Q. When is the next time you heard anything about
16 this incident; anything regarding this incident at
17 all?
18 A. I believe a couple of days later.
19 Q. Did someone contact you?
20 A. Actually, I believe it was the same night.
21 Q. What was the nature of that contact?
22 A. Another officer from the 6th District was
23 called to Jefferson Hospital.
24 Q. Do you recall if that was Officer Novack?
25 A. I'm not sure.
0039
1 I don't remember who it was.
2 Q. How did you find out that that officer from
3 the 6th was called to Jefferson?
4 A. I believe they called for me.
5 Q. Okay.
6 Did you respond to that call?
7 A. Yes.
8 Q. Did you proceed to Jefferson?
9 A. Yes.
10 Q. What happened when you arrived at Jefferson?
11 A. He basically wanted to know what happened
12 since the rescue unit took this person from 1500
13 Walnut Street over to Jefferson Hospital.
14 Q. Do you recall who that officer was who was
15 asking those questions?
16 A. I don't remember who it was.
17 Q. What did you tell him?
18 A. Basically what I came upon was this person
19 laying in the street.
20 I called for Rescue, and Rescue took this
21 person to Jefferson.
22 Q. Do you recall the approximate time in the
23 morning that that discussion took place at
24 Jefferson?
25 A. I'm not sure.
0040
1 A couple hours later, maybe.
2 Q. You were still on patrol at the time?
3 A. Yes.
4 Q. Did the officer tell you anything about the
5 condition of Miss Morris, or concerning the
6 incident?
7 A. I don't recall.
8 Q. What did you do then?
9 Once you finished telling the officer what you
10 came upon, what you had seen, what did you do?
11 A. I went back on patrol.
12 Q. When is the next time you heard anything about
13 this incident?
14 A. Maybe a couple of days to a week later.
15 Q. Who contacted you?
16 A. I believe one of my supervisors did.
17 Q. What was -- what was that discussion?
18 A. He wanted to know what happened, and I
19 basically told him what happened.
20 Q. Did he tell you anything about the incident or
21 about Miss Morris?
22 A. I don't believe he did.
23 Q. After that, were there any further contacts
24 with regard to this incident?

25 A. From who?

0041

1 Q. Did anyone contact to you, ask you about this
2 incident?

3 A. Yes.

4 Q. Do you recall in January -- middle of January,
5 2003 -- being interviewed in connection with this
6 incident?

7 A. I believe so.

8 Q. By Homicide?

9 A. I believe so, yes.

10 Q. Detective Baker, does that name ring a bell?

11 A. Yes.

12 Q. And he asked you questions about what you saw

13 --

14 A. Yes.

15 Q. -- at the scene?

16 A. Yes.

17 Q. You answered his questions?

18 A. Yes.

19 Q. Did you ever talk with Officer Skala about
20 this incident?

21 A. I believe so.

22 Q. What was that discussion, or your discussions?

23 A. I don't remember.

24 Q. Did you talk with any other officers about the
25 incident?

0042

1 A. I don't believe so, no.

2 Q. I just have a couple more questions.

3 Based on your recollection, to the best of
4 your recollection, when you pulled up alongside
5 Officer Skala's car, her patrol car, you saw an
6 individual sitting in the back seat of the patrol
7 car.

8 Did you see whether or not that person was
9 conscious; was up and awake?

10 A. I believe they were conscious.

11 Q. Was the person looking at you?

12 A. I don't recall if they glanced at me or not.

13 Q. Did you see that person exit the vehicle?

14 A. I don't believe so, no.

15 Q. And, again, you only stopped momentarily to
16 speak with Officer Skala before resuming patrol?

17 A. Yes, correct.

18 MR. HAYES: I have nothing further.

19 Some of the panel members and
20 counsel may have questions for you.

21 PRESIDING OFFICER NIX: Mr.

22 Stapleton, do you have any questions for the
23 witness?

24 MR. STAPLETON: Yes.

25 ----

0043

1 EXAMINATION BY MR. STAPLETON:

2 Q. Officer Berry, what does the Department
3 require you to do when you come upon somebody lying
4 in the street, or lying on the sidewalk?

5 What's the procedure, in other words?

6 A. Well, you look at the situation, and, to the
7 best of your knowledge, you try to see what
8 happened.

9 And from what I gathered, as I was walking up
10 on this person, I immediately called for Rescue to
11 come because I had initially thought that this
12 person was hit by a car.

13 Q. Was that from your handheld radio?

14 A. Yes.

15 Q. Because your car was parked at 16th; on the
16 west side of 16th Street?

17 A. Correct.
18 I called for Rescue as I was approaching her.
19 Q. Do your internal rules tell you to take a
20 person's pulse, or include a medical kit so that
21 you could have gloves, something to actually take
22 vital signs?
23 A. Um, I had observed this female breathing.
24 I didn't check for any kind of vital signs or
25 anything like that.

0044

1 Q. It's just curious to me, you described a scene
2 where there's somebody in the street and walking
3 around checking the car, talking to people, but
4 what I don't get a sense is any real attention. It
5 may not be your job that your rules require you to
6 call for help; we don't know whether this person
7 was shot, stabbed, hit by a car. We know somebody
8 was lying in the street breathing, and there's some
9 sort of activity around, but it doesn't sound like
10 anybody goes up and tries to have a conversation to
11 say, "Are you okay? How did you get here?"

12 Did anybody at the scene -- or did you observe
13 anybody at the scene -- trying to have that kind of
14 conversation with the person in the street?

15 A. Besides me?

16 Q. Yes.

17 A. No.

18 Q. And your conversation with her was, "Are you
19 okay?"

20 A. Right.

21 I tried to get her attention, but she wasn't
22 responding.

23 Q. She wasn't speaking, but she appeared to be
24 breathing?

25 A. Yes.

0045

1 Q. After that, then you're looking at the scene,
2 then looking at the car and trying to figure out --

3 A. I stayed with her the whole time.

4 I didn't leave her side at all.

5 The car was close enough where I could observe
6 if there was any kind of damage on it.

7 I didn't observe any damage.

8 And, like I said, I called for Rescue. Rescue
9 showed up. They came right over. They asked me
10 what happened.

11 They had their stretcher with them, and they
12 took Miss Morris straight to the hospital.

13 Q. I assume if you were in the last-out shift,
14 the bars are closing, it's not unusual in your
15 business to see people on the street?

16 A. Right.

17 Q. And the rules would say that you go up and do
18 some kind of visual observation, and if you
19 conclude, as you did here, that emergency help was
20 required, you would call, but you don't go and try
21 to administer any kind of first aid or anything
22 like that? That's not no criticism of you, that's
23 not what you do; you call for help?

24 A. Well, if this person is not breathing, then
25 that's something different.

0046

1 Q. That's an example.

2 A. But I had observed this person breathing, and
3 I'm not a medical person by any means, and Rescue
4 showed up fairly quick. So when they got there,
5 they took care of her.

6 Q. We've all heard stories of police officers
7 delivering babies and doing things like that, but
8 in these circumstances your initial reaction was to

9 call for emergency help, assess the situation, but
10 not touch Miss Morris; try to communicate, get some
11 information. You find she's breathing but, yet,
12 not talking, and you're looking around to see what
13 could have caused her to be in the street?

14 A. Correct.

15 Q. Is that fair?

16 A. Fair.

17 COMMISSIONER STAPLETON: Nothing
18 else.

19 PRESIDING OFFICER NIX: Commissioner
20 Weiss, do you have any questions?

21 COMMISSIONER WEISS: No.

22 PRESIDING OFFICER NIX: Commissioner
23 Spraggins, do you have any questions?

24 COMMISSIONER SPRAGGINS: I do.

25
0047

1 EXAMINATION BY COMMISSIONER SPRAGGINS:

2 Q. A question that comes to mind is you said
3 that you stayed by Miss Morris' side and you didn't
4 leave her, and that when you went to ask her
5 questions she wasn't responding.

6 And I was just curious as to if someone is not
7 responding, and it's a cold night, you said that
8 you smelled alcohol. I'm trying to make the
9 connection.

10 A. Well, I got pretty close to her face. I was
11 trying to get her attention, but there was no
12 response.

13 Q. Okay.

14 And just out of a natural reaction, you got no
15 response. It never occurred to you to check her
16 pulse; it never came up?

17 A. No, because I saw her breathing.

18 If I didn't see her breathing, then that would
19 be different.

20 COMMISSIONER SPRAGGINS: Thank you.
21 No further questions.

22 PRESIDING OFFICER NIX: Commissioner
23 Rodgers, do you have questions for this
24 witness?

25 COMMISSIONER RODGERS: I do.

0048

1
2 EXAMINATION BY COMMISSIONER RODGERS:

3 Q. Officer, just a couple of questions, if I
4 may.

5 You gave, I believe -- 1,2,3,4 -- different
6 statements at different times to different
7 individuals concerning what you recall and didn't
8 recall that evening; is that correct?

9 A. Correct.

10 Q. I believe you additionally, on December 22nd,
11 you wrote out a 48; is that correct?

12 A. Correct.

13 Q. And, I believe, January the 15th, 2003, you
14 were interviewed on this matter, I believe, at
15 police headquarters; is that correct?

16 A. Correct.

17 Q. And April the 15th, 2003, you were also
18 interviewed, and you were interviewed by Detective
19 Weston; is that correct?

20 A. Correct.

21 Q. And also on December 23rd, 2004, you were,
22 again, interviewed by Internal Affairs in this
23 case; is that correct?

24 A. Right.

25 Q. So you've read all of those reports and all of
0049

1 those interviews that you gave concerning this
2 matter; is that correct?
3 A. Yes, sir.
4 Q. William Jackson -- I'm just concerned because
5 I'm confused.
6 Was William Jackson the white male or the
7 black male?
8 A. I believe he was a black male, but I'm not
9 one-hundred percent sure of that.
10 Q. Was he the one that flagged you down
11 initially?
12 A. I don't remember if he was the one that
13 flagged me down or not.
14 I believe he was the one that was driving the
15 car that was parked.
16 Q. I asked you that because you indicated two
17 different people.
18 William Jackson is a different person?
19 A. Correct.
20 Q. He's either black or white?
21 A. Correct.
22 Q. When you say there was at least two people you
23 spoke with, one was a white male and one was a
24 black male; is that correct?
25 A. I believe so.
0050
1 Q. And you were shown a photograph of William
2 Jackson in this matter; is that correct?
3 A. I think I was, yes.
4 Q. And you identified that photograph; is that
5 correct?
6 A. I don't remember if I did or not.
7 COMMISSIONER RODGERS: Do we have a
8 photo of William Jackson here?
9 I don't have it in my file.
10 Q. The record states in your statement that you
11 were shown -- I believe that was on January 15th.
12 If you haven't had a chance to review it, you can
13 look at your statement, if you would like to.
14 You want to look at your statement?
15 A. Please.
16 MR. HAYES: January 15th, 2000.
17 COMMISSIONER RODGERS: January 15,
18 2003, at police headquarters.
19 Q. Take a moment to review that.
20 It's a little more than two and a quarter
21 pages of your statement.
22 When you're finished looking at it, look up
23 and let me know that you're finished.
24 Are you finished?
25 For the record, have you reviewed that
0051
1 statement?
2 A. Yes.
3 Q. Looking on Page -- I guess it's Page 1 --
4 where they ask the question "Do you remember the
5 radio call?"
6 And your answer was: "It was actually a site.
7 I got flagged down by a civilian, William Jackson.
8 He was on the phone with 9-1-1 when I pulled up on
9 the street."
10 Is that correct?
11 A. Correct.
12 Q. So, to refresh your memory, when this
13 occurred, when this incident occurred, December
14 22nd, less than a month or so, you gave this
15 statement that William Jackson was the individual
16 who flagged you down; is that correct?
17 A. Correct.
18 Q. So he was on his 9-1-1 -- he was on the phone

19 when he flagged you down, is that correct,
20 according to the statement?
21 A. I believe he was.
22 Q. And at some point in time -- excuse me.
23 Now, the only thing that you wrote down on
24 your 48 back on December 22nd, 2002, was William
25 Jackson's name, date of birth, and a phone number;
0052

1 is that correct?
2 A. Yes.
3 Q. There's other information there for the
4 address.
5 You don't have an address for William Jackson;
6 is that correct?
7 A. Correct.
8 Q. Did he give you the address and you didn't
9 write it down; did he not give you an address; did
10 you ask for any I.D.?
11 A. I don't believe I asked him for any I.D.
12 I just got his name, date of birth, and his
13 phone number.
14 Q. And you wrote him down as a witness; is that
15 correct?
16 A. Correct.
17 Q. Today you don't recall whether he was
18 African-American or Caucasian; is that correct?
19 A. Correct.
20 I believe he was African-American.
21 Q. Getting back to that, you did indicate there
22 were other people that were around, so that would
23 account for the white male that you talk about that
24 could have --
25 A. Right.

0053

1 Q. We know it's not William Jackson; is that fair
2 to say?
3 A. Right.
4 Q. This white male that you talk about, was he
5 the person from the car?
6 Did you get any information about that white
7 male; what his name, address, phone number was, or
8 anything like that?
9 A. He could have been someone else who was
10 flagging me down also. Maybe that's why I recall a
11 white male.
12 Q. Now, initially you indicated that you say a
13 D-K male -- drunken male -- is that correct, on
14 your 48 on December 22, that evening you said "site
15 hospital case, complainant was found lying on the
16 street at the above location by below witness. You
17 got female, possible drunken, transported to Jeff
18 Hospital by medics. Complainant appeared to be
19 transgender female and had no I.D."
20 Do you remember filling that out on your 48?
21 A. Yes.
22 Q. And, now, after the person was transported,
23 was it your testimony today before the panel that
24 you did not go with the medics to the hospital?
25 A. That's correct.

0054

1 Q. Is that normal police procedure?
2 You were the first officer on the scene; fair
3 to say, correct?
4 A. Yes.
5 Q. You interviewed at least a potential witness,
6 William Jackson; fair to say?
7 A. Yes.
8 Q. And you had the person transported, and you
9 didn't go to the hospital?
10 A. Correct.

11 Q. Okay.
12 Is that normal police procedure, not to go to
13 the hospital?
14 A. Yes.
15 Q. Okay.
16 So you resumed patrol?
17 A. Correct.
18 Q. Now, so, when the person got to the hospital,
19 I guess it would have been up to the medics to tell
20 the doctors of the incident, or what occurred. Is
21 that procedure?
22 A. I don't know what they do.
23 Q. So, your procedure is just to get that person
24 to the medics and let the medics take them to the
25 hospital; is that fair to say?

0055

1 A. That's correct.
2 Q. At any time in your duties does there come an
3 occasion where you actually go to the hospital,
4 follow the medics to the hospital, and give a
5 follow-up at the hospital on the scene?
6 A. Yes.
7 Q. That wasn't done in this case?
8 A. Correct.
9 Q. You indicated that at some point later on you
10 recall going to the hospital with another police
11 officer; is that correct?
12 A. Correct.
13 Q. You don't recall which officer that was?
14 A. I'm not sure.
15 Q. So, when you first happened on the scene, it's
16 your testimony that you thought that this was an
17 auto accident?
18 A. I thought it was an auto-ped, yes.
19 Q. Then it changed to drunken male?
20 A. Yes.
21 Q. What made you think this was a drunken male?
22 A. I asked Mr. Jackson, or the person who was
23 driving the car.
24 Q. Either/or; you don't know which one?
25 A. Yes.

0056

1 Q. Did you see someone sitting behind the driver
2 in the vehicle?
3 A. No.
4 The person was out of the vehicle.
5 Q. Why do you assume this person was driving the
6 car? You made that statement.
7 A. I asked "Whose car is this?"
8 Q. He said this is my car?
9 A. Yes.
10 Q. Referring to what car?
11 A. Sports car parked a couple feet from Miss
12 Morris.
13 Q. Would that have been the white male?
14 A. I believe it was the black male.
15 Q. Continue.
16 I'm sorry, I didn't want to interrupt you.
17 A. What else would you like me to say?
18 Q. You said that -- you said you initially
19 thought it was an auto accident and the reasons
20 why; you were giving us the reasons why.
21 A. I had initially thought it was an auto
22 accident because I seen this person laying in the
23 middle of street and the car was parked a couple
24 feet from this person. And I believe I came over
25 radio and said "I think there's an auto-ped, 1500

0057

1 Walnut, send Rescue." And that's what I did.
2 Q. When did your opinion change, because you

3 wrote on the 48, you said "site hospital case" and
4 you say -- you don't say anything. Okay, you say
5 "possible drunken male" on your 48.
6 Do you remember that?
7 A. Yes.
8 Q. So you didn't put accident on the 48, is what
9 I'm saying. What you put down was a person was
10 found lying on the side of the highway; right?
11 A. Correct.
12 Q. And then you said "possible drunken male,
13 transport to Jeff."
14 Then you describe you thought the person as
15 being a transgender female.
16 That's what you put on your police report?
17 A. Correct.
18 Q. You didn't put anything about an accident case
19 on your initial police report, which was the 48;
20 Is that correct?
21 A. Correct.
22 Q. The reason why you didn't do that was because
23 you determined on hand before writing this report
24 that this was not an accident case; is that fair to
25 say?
0058
1 A. Correct.
2 Q. And the reason why you said that was because,
3 based on the observations of where the person was
4 lying and where these vehicles were in position and
5 the individual witnesses who flagged you down, as
6 well as the person from this car made you believe,
7 or come to the conclusion, this was not an auto
8 accident case; is that fair to say?
9 A. Right.
10 Q. That's why you didn't put auto accident on the
11 48 report; correct?
12 A. Correct.
13 Q. What you put was "possible drunken male;" is
14 that correct?
15 A. Correct.
16 Q. Would you tell the panel why you came to the
17 conclusion that this was a drunken male?
18 A. Because I smelled alcohol.
19 Q. So this person's breathing; you were close
20 enough to smell alcohol?
21 A. Yes.
22 Q. So based on the smell of alcohol and the
23 person being unconscious and not responding to you,
24 you made this assumption this was a drunken male?
25 A. I believe I went over the radio and said it's
0059
1 a possible D-K female, which means a drunk female.
2 Q. Now, also, you gave a statement; that, I
3 guess, January 13th statement that you have in
4 front of you.
5 On Page 2, going from Page 1, will you
6 describe how the person was lying?
7 You get into detail how the person is lying.
8 And go to Page 2. To continue your answer it says
9 "He was breathing. I didn't observe any injuries
10 on him at all. He actually had a small cut on his
11 head, but I thought it was from him falling down in
12 the street."
13 Do you remember giving that answer?
14 A. I don't remember giving the answer.
15 Q. You see it being typed down, you signed the
16 last -- did you sign this statement?
17 Did you review this statement as being yours?
18 A. I remember giving the interview.
19 Q. According to this interview, you said you
20 didn't observe any injuries, but you did observe a

21 small cut on the head; is that correct?
22 A. Correct.
23 Q. And you also indicated, the question was:
24 "Was this person conscious at any time in your
25 presence," and your answer was, "Not when I found
0060

1 him in the street, no. I had seen him conscious
2 about 10 to 15 minutes before that. I seen him in
3 the back of the 6th District police car, radio
4 police car. It was in the 1400 block of Walnut
5 Street."

6 Do you remember giving that answer?

7 A. Yes.

8 Q. So when you saw this person lying there, you
9 recall seeing this person about 10 to 15 minutes
10 earlier; is that correct?

11 A. Correct.

12 Q. Now, you gave another statement on April 15th,
13 which was in front of Detective Weston on
14 April 15th.

15 This was a detective working with the District
16 Attorney's office.

17 Do you remember giving that statement?

18 A. Yes.

19 Q. Do you have that statement in front of you?

20 A. Yes.

21 Q. Do you need to review it again, or did you
22 have time to review it before testifying today?

23 A. I'll just glance over it real fast.

24 Q. Okay.

25 Officer, you had an opportunity to review your
0061

1 statement?

2 A. Yes.

3 Q. I was asking you went from possible auto
4 accident to conclusion of a drunken male, and I
5 asked you to review the statement from April 15,
6 which you have done. And I just had a couple
7 questions from that statement.

8 You indicated at some point in time another
9 officer's car -- I believe it was Car 68 -- called
10 you to come to the hospital because they wanted to
11 know what the situation was with this individual
12 who was down at Jefferson Hospital; is that
13 correct?

14 A. Correct.

15 Q. And from that statement, looking at Page 8 --
16 I'm trying to find this -- one moment. It's
17 actually Page 9.

18 It says: "Did you go to Jefferson Hospital
19 later that same night?"

20 And the answer was: "Radio notified me to go
21 to the Jefferson Hospital to meet 68 Car in
22 reference to a previous hospital case. When I got
23 there, 68 wanted to know what happened, because he
24 was sent to the hospital in regard to this patient.
25 And I told him what happened, it looked like he
0062

1 fell and hit his head."

2 Do you remember giving that answer?

3 A. Yes.

4 He tripped and hit his head.

5 Q. That's what you told the other officer?

6 A. Correct.

7 Q. Going back to Page 8:

8 "QUESTION: What was the condition
9 of the person on the highway?

10 "ANSWER: She was not conscious,
11 breathing very slowly. There was no blood on the
12 street. And I do remember a cut on the head, but I

13 don't remember if it was from the scene."
14 Do you remember giving that answer?
15 A. Yes.
16 Q. So when you gave the answer, "tripped and hit
17 his head," that would go back to your conclusion of
18 a drunken male; is that correct?
19 A. Correct.
20 Q. Also on that same statement, Page 3, could you
21 tell me what happened at 16th and Walnut?
22 A. Approximately 10 to 15 minutes later I was
23 traveling northbound on 16th approaching Walnut,
24 and I was flagged down by a white male, who was on
25 his cell phone at the time calling police.

0063

1 I exited my vehicle, which was on the sidewalk
2 where the car was.
3 Q. There was a white male that you recall back in
4 April that flagged you down, and not a black male?
5 A. I don't remember.
6 Q. But the statement from the 15th says white
7 male?
8 A. Yes.
9 Q. Today you don't remember, but back then when
10 you called in, it was a white male?
11 A. Correct.
12 Q. What's the rule of police procedure in a
13 hospital case?
14 A. Depending on what the hospital case is.
15 There's a number of different hospital case
16 radio calls that we get. It could be from auto
17 accidents to drunken people on the highway.
18 Q. So, in this case, this was a hospital case and
19 a possible drunken person.
20 What's the normal procedure that you follow
21 during a case like that in a situation like this?
22 A. If this is a drunk person we would find on the
23 highway, we would call for Rescue to take them to
24 the hospital.
25 Q. That's the normal procedure?

0064

1 A. In this case it is.
2 Q. And you made that conclusion because you
3 assumed that this person was drunken; is that
4 correct?
5 A. Right.
6 Q. Although the person was unconscious and not
7 responding. Is that normal for people to be in that
8 condition?
9 A. Yes.
10 Q. And you said you smelled alcohol?
11 A. Yes.
12 Q. You had made a statement on December 23rd,
13 2004, to Internal Affairs.
14 Do you remember that statement?
15 A. Yes.
16 Q. Do you have it in front of you?
17 I need to go -- I just wanted to draw your
18 attention to the issue of what you recall and what
19 you remember of that person that you were dealing
20 with.
21 I believe it was Page 3, and the question was:
22 "QUESTION: Did you observe Miss Morris
23 bleeding from the head?"
24 And your answer was no.
25 Do you remember that?

0065

1 A. I don't remember.
2 Q. That's in your statement from December 2004.
3 I think it was about two years later, that
4 statement you gave to IAD.

5 Do you recall that statement?
6 A. Okay.
7 Q. The next question was: "Can you explain
8 dispatch indicating that you stated that Miss
9 Morris was bleeding from the head?"
10 And your answer was: "I don't recall from
11 right now if she was bleeding."
12 Do you remember that answer?
13 A. Correct.
14 Q. Is it fair to say to you, Officer, that what
15 you remember today over time may be fading; your
16 memory may be fading years later, versus when it
17 was earlier in time? Is that fair to say to you,
18 Officer?
19 A. Correct.
20 Q. Earlier in time it's fair to say you probably
21 recall this was more crystal clear? Is that
22 correct?
23 A. It's possible.
24 Q. So if you made a statement over dispatch while
25 things were happening, would you agree that that
0066
1 would probably be a more accurate reflection of
2 your recollection at that time --
3 A. Correct.
4 Q. -- than it would be today?
5 A. Correct.
6 Q. So it's consistent if you made a statement
7 over dispatch the evening you observed this person
8 you observed bleeding from the head, that would be
9 more accurate to say as being true of what you saw
10 of the incident while it was occurring versus two
11 to four years later, the statements you gave two to
12 four years later?
13 A. Yes.
14 Q. You would agree with me you indicated over
15 dispatch at the time that you observed bleeding of
16 this individual's head?
17 A. I don't remember saying it.
18 Q. But if the record reflects you actually said
19 it --
20 A. It's fair to say.
21 Q. -- that would be a more accurate reflection of
22 your knowledge of what was occurring at that time
23 than it was occurring two to four years later; is
24 that correct?
25 A. That's correct.
0067
1 COMMISSIONER RODGERS: Thank you,
2 Officer.
3 PRESIDING OFFICER NIX: I have some
4 questions.
5 ----
6 EXAMINATION BY PRESIDING OFFICER NIX:
7 Q. Go back, Officer, about three questions.
8 There was testimony earlier in these
9 proceedings that when Miss Morris was placed on the
10 stretcher, on a gurney, that you placed her jacket
11 over her head, over her face, over her upper body.
12 Did that occur?
13 A. I don't remember that, no.
14 Q. But you did not, to your recollection now,
15 place her jacket, when she was on the gurney, on
16 her person as she was being taken away?
17 A. I don't recall.
18 Q. Do you recall if Officer Givens -- that was
19 the other officer on the scene -- is that a he or
20 she?
21 A. It's a he.
22 Q. Did Officer Givens do anything like that,

23 place Miss Morris' jacket on her?

24 A. I don't believe so.

25 Q. Did you see anybody place Miss Morris' jacket
0068

1 on her body as she was being taken away on a gurney
2 or stretcher?

3 A. I don't remember.

4 Q. And I think you mentioned that you could tell
5 she was breathing. And I think it came out that
6 you said the breathing, you could see it or hear
7 it. I guess that's my question.

8 A. I could see her chest rising.

9 Q. Could you hear her breathing at all?

10 A. I don't remember.

11 Q. Was the breathing shallow; slow?

12 Could you describe the breathing?

13 A. I don't remember that either.

14 Q. And then, finally, in the course of your
15 duties as a police officer, what does the phrase
16 courtesy ride mean to you?

17 A. Courtesy ride?

18 Q. Courtesy ride.

19 A. If somebody lives in the area, drive them
20 home.

21 Q. And are there any -- to your knowledge, any
22 police directives, rules, policies, regarding the
23 courtesy rides, or is it up to the discretion of
24 the officer?

25 A. It's up to the officer's discretion.

0069

1 Q. To your knowledge, there aren't any rules or
2 directives regarding this?

3 A. No.

4 PRESIDING OFFICER NIX: Thank you.

5 Commissioner Spraggins has indicated.

6 She has another question.

7

8 EXAMINATION BY COMMISSIONER SPRAGGINS:

9 Q. Given the nature of how Miss Morris was in the
10 street, wouldn't you say that that's unusual? I
11 mean --

12 A. We see -- as police officers, we see people
13 pass out all the time, and that's what I thought
14 happened.

15 Q. I guess one of the concerns, or the questions
16 that I have is in just looking at the transcript of
17 the police recordings it said that when they asked
18 you, you said that it looks like it's going to be a
19 hospital case, this female might be a D-K.

20 They found her lying in the middle of the
21 street and she's bleeding from the head and you
22 never left her side; right?

23 A. Correct.

24 Q. And she's bleeding from the head.

25 That's something you don't recall?

0070

1 A. Not at this time.

2 Back at that time I might have seen a cut on
3 her head, but at this time I don't remember.

4 Q. It's fair to say -- I think that was already
5 determined -- it's fair to say that this is a
6 recording, so in the midst of all of the excitement
7 of trying to understand what the case is exactly,
8 what the nature of the call that the recordings
9 picked up?

10 A. Correct.

11 Q. Your testimony it was bleeding?

12 A. Correct.

13 COMMISSIONER SPRAGGINS: That's all.

14

15 MR. YOUNG: I have a couple of
16 questions.

17 -----

18 EXAMINATION BY MR. YOUNG:

19 Q. I have a few questions.

20 The first question is with respect to the
21 75-48.

22 You previously testified about the box that is
23 titled founded, and I just wasn't clear, you may
24 have already testified to this: What does it mean
25 by "founded;" a founded case?

0071

1 A. Founded is a case where if you have a radio
2 call and it's an actual job, it's not an unfounded
3 job, you have to do paperwork on it.

4 Like, if you get a call for a hospital case,
5 say, at 16th and Walnut, nothing's there, nobody's
6 there, it's an unfounded job.

7 Q. So once you arrive on the scene, there's
8 something there, then it's a founded case?

9 A. Correct.

10 Q. If I could point your attention to the first
11 exhibit you were given, which was the diagram. And
12 just for the purpose of the record, your note that
13 there is a box that is supposed to be a car that's
14 labeled police cruiser, do you see that?

15 A. Okay.

16 Q. On Walnut Street?

17 A. Yes.

18 Q. Towards the east side.

19 Was that position of your police cruiser?

20 A. No.

21 Q. That wasn't. Okay.

22 Do you know whose police cruiser that was?

23 A. I don't -- I really don't know.

24 Q. If you could -- with a pen, if you could label
25 or identify by using a square, or whatever you can

0072

1 identify, the car?

2 A. From where I parked?

3 MR. STRANGE: Mr. Young, I believe
4 he has done that. If I could approach.

5 Q. Okay. If you could give that back to Officer
6 Berry, please.

7 Could you with an X, and just label just with
8 a B where you were standing in relation to Miss
9 Morris during this -- I want to take you back to
10 your testimony regarding your encounter with
11 Officer Skala when she had an individual in the
12 back of her patrol car.

13 I guess my first question is was Officer Skala
14 parked?

15 A. She was parked in the running lane on the
16 north side.

17 Q. On the north side of the running lane.

18 Was the engine still running?

19 A. Yes.

20 Q. You mention that you had a conversation with
21 Officer Skala; is that correct?

22 A. Brief conversation.

23 Q. Did you ever get out of your patrol car to
24 have that conversation?

25 A. No, I did not.

0073

1 Q. You rolled down your window, I'm assuming?

2 A. Yes.

3 Q. She rolled down her window?

4 A. Yes.

5 Q. You guys would have been, I guess,
6 cruiser-to-cruiser?

- 7 A. Correct.
8 Q. And let the record reflect side-by-side.
9 A. Yes.
10 Q. In between. And Officer Skala would have been
11 on your passenger side seat?
12 A. Right.
13 Q. And you also -- let me ask you: Do you recall
14 seeing a person in the back of the police cruiser,
15 Skala's police cruiser?
16 A. There was someone in the back seat, yes.
17 Q. Are you able -- then were you able to identify
18 that person?
19 A. Able to identify that person when?
20 Q. At the time that you saw the person in the
21 back of Officer Skala's cruiser, were you able to
22 identify that person at that time?
23 A. I just took a quick glance at that person.
24 I really didn't get a good overall view.
25 Q. Did you know whether that person was a male or
0074
1 female?
2 A. Not at that time.
3 Q. Black or white?
4 A. I believe black.
5 Q. Officer Skala was parked on Walnut Street; is
6 that correct?
7 A. Correct.
8 Q. In the middle of the block?
9 A. On the north side of the street.
10 Q. Do you recall, prior to pulling up to Officer
11 Skala when she first came into your sight of view,
12 do you recall where you were at in relation to when
13 you first saw her cruiser?
14 A. Yes.
15 Q. Where were you?
16 A. I made a left-hand turn off of Broad Street
17 onto Walnut Street, and I saw her car in the
18 right-hand lane on the north side of the street.
19 I pulled up next to her car.
20 Q. So she would have been -- that's a half a
21 block away; is that correct?
22 A. Probably.
23 Q. And when you made that right-hand turn, her
24 cruiser was already there -- left-hand turn, her
25 cruiser was already there?
0075
1 Left-hand turn, I'm sorry.
2 A. Yes.
3 Q. You've been a police officer, I think you
4 said, for six-and-a-half years?
5 A. Correct.
6 Q. And in your six-and-a-half years of being a
7 police officer, I'm sure you had occasions to
8 encounter intoxicated individuals; is that correct?
9 A. Yes, sir.
10 Q. Probably more than you would want to account
11 for?
12 A. Possibly.
13 Q. Have you ever given courtesy rides to
14 intoxicated individuals?
15 A. Yes.
16 Q. How many times do you think?
17 A. I'm not sure, to be honest with you.
18 Q. More than ten?
19 A. Yes.
20 Q. More than 50?
21 A. I'm not sure.
22 Q. What is your -- because I understand your
23 testimony is that there is no policy or procedure
24 as it relates to giving courtesy rides, is that

25 correct?

0076

1 A. Right.

2 Q. I would assume that's regardless of whether
3 someone's intoxicated or not?

4 A. Correct.

5 Q. Do you have a personal, if you will, policy as
6 it relates to giving courtesy rides to intoxicated
7 individuals?

8 A. If somebody lives in the area they might not
9 have money for a cab, or they just ask me for a
10 ride.

11 It doesn't happen all the time, but if I want
12 to help that person out and I have the time to do
13 it, I'll do it.

14 Q. Is there any pat down that you do?

15 Do you ask them do they have drugs, weapons,
16 or anything like that?

17 A. No.

18 Q. And they normally take a seat in the back of
19 your cruiser?

20 A. Yes.

21 Q. Now, once you get to the place of their
22 residence, do you see them into their home?

23 A. I do.

24 Q. You do.

25 And how do you do that, like, physically; do

0077

1 you get out of your patrol car and walk them to
2 your home?

3 A. Sometimes I'll get out and I'll walk the
4 person up. Not that I physically have to walk them
5 up, but I'll just get out, stretch my legs, walk
6 them up, make sure they get in. And there's been
7 other times where I just sit in the car.

8 Q. And how do you distinguish between the two?

9 How do you distinguish whether there's going
10 to be a time you're going to walk them to their
11 home or you're just going to watch them from your
12 cruiser?

13 A. There's no distinction.

14 Q. Would there maybe be conversation with you in
15 the cruiser? Would that be a decision that you
16 would take -- would that be something you would
17 take into consideration as to whether they need to
18 be physically walked to their home?

19 A. If somebody needs to be physically walked, I
20 wouldn't take them home. I would call for Rescue
21 and have Rescue look at them and, hopefully, take
22 them to the hospital to be treated.

23 Q. And has that happened before in the last
24 six-and-a-half years?

25 A. Yes.

0078

1 Q. How many times has that happened?

2 A. A number of times. I'm not sure how many.

3 Q. More than 20 times?

4 A. I would say around 20.

5 Q. You said you would call for Rescue.

6 And would you allow Rescue to take them to the
7 hospital?

8 A. Yes.

9 Q. Have you, on occasion, ever -- because someone
10 was that intoxicated, have you, on occasion, ever
11 allowed someone to be placed in your cruiser and
12 then you transported them to the hospital because
13 of their level of intoxication?

14 A. The levels of intoxication that I encountered
15 was people who were passed out, they couldn't
16 stand, and that's when I would call for Rescue.

17 MR. YOUNG: Nothing else.
18 PRESIDING OFFICER NIX: Officer,
19 thank you for your time and your patience.
20 We had a curious panel, lots of
21 questions for you.
22 We're going to be excusing you.
23 Thank you, Officer.
24 At this time we will take a short
25 break.

0079

1 -----
2 (Short recess)
3 -----

4 MR. STRANGE: Before we begin, the
5 Officer is in plainclothes because she is on
6 plainclothes duty with the Police Department
7 at this time.

8 PRESIDING OFFICER NIX: Gentlemen,
9 counsel, Officer Elizabeth Skala.
10 We're going to start here with
11 counsel.

12 I want to remind you you do have the
13 opportunity to give opening statement of five
14 minutes, as you heard during the preamble;
15 otherwise, I will turn it over to counsel.

16 MR. YOUNG: Thank you.

17 -----

18 EXAMINATION BY MR. YOUNG:

19 Q. Good evening.

20 Could you please state and spell your name for
21 record?

22 A. Officer Elizabeth Skala, S-K-A-L-A.

23 Q. What's your badge number?

24 A. 2409.

25 Q. My name is Dennis Young. I represent the
0080

1 Police Advisory Commission, along with Michael
2 Hayes, who is seated to my right, who also
3 represents the Police Advisory Commission.

4 As you know, you are here to give testimony in
5 regard to the death of Nizah Morris, which
6 happened on December 22, 2002.

7 Before we get into questions and answers and
8 the specifics, how long have you been a police
9 officer?

10 A. Almost seven years.

11 Q. So I'm assuming in that seven years you've
12 testified many times?

13 A. Yes.

14 Q. So you already know the routine.

15 As you know, there's a court reporter who is
16 writing down everything that we say, so I ask that
17 you respond to my questions in a verbal format and
18 try to avoid head gestures and hand gestures, and
19 all of that good stuff; is that okay?

20 A. Yes.

21 Q. Also, if there's any question that I ask you,
22 or any question that Mr. Hayes asks you, or any of
23 these panel members ask you that you don't
24 understand, please feel free to tell me so, and
25 I'll try to say it in a different manner and make
0081

1 it a situation in which you do understand what I am
2 saying.

3 Is that okay?

4 A. Yes.

5 Q. Is there any reason physically that you are
6 not able to testify honestly and truthfully
7 tonight?

8 A. No.

9 Q. What was your tour of duty on December 22,
10 2002?
11 A. I was working the eleven to seven tour working
12 Car 64 solo, in uniform.
13 Q. Did you have a specific assignment other than
14 what you just mentioned?
15 A. No.
16 Q. The area in the corner of Juniper and
17 Chancellor, was that part of your area on December
18 22, 2002?
19 A. Yes.
20 Q. Was the area or the corner of 16th Street and
21 Walnut part of your assigned area that night?
22 A. No.
23 Q. I'm going to ask you some questions, and I
24 would really like to break them down into probably
25 three parts, with the first part being your first
0082
1 encounter with Miss Morris; the second part being
2 the actual drop off of Miss Morris on or around
3 1514 Walnut Street; and then the final part, what
4 happened from there.
5 A. Okay.
6 Q. At some point during your tour on December 22,
7 2002, you responded to a 9-1-1 dispatch; is that
8 correct?
9 A. That's correct.
10 Q. Did that involve Miss Morris?
11 A. Yes, it did.
12 Q. Where were you coming from?
13 A. I was coming from the area, but I don't recall
14 exactly where.
15 Q. And at some point you responded to the 9-1-1
16 call, and you arrived, I guess, at Juniper and
17 Chancellor?
18 A. That's correct.
19 Q. Had you interacted with Miss Morris at all on
20 that day previously?
21 A. No.
22 Q. Did you know Miss Morris prior to this day?
23 A. Not personally.
24 Q. Had you seen her around?
25 A. Not that I recall.
0083
1 Q. Tell me what happened when you arrived on the
2 scene?
3 A. I arrived at Juniper and Chancellor.
4 I exited my vehicle. I was up on the sidewalk
5 in front of Sisters Bar, which is right on the
6 corner, and I approached a very tall, black female,
7 and I asked her what was wrong and she started to
8 cry.
9 Q. And let me just take you back -- and I
10 apologize. The 9-1-1 dispatch that you received,
11 were you given any information in that 9-1-1 call?
12 A. The only information I remember was a
13 location, and that it was a hospital case. But I
14 don't remember anything else specific in the
15 details of the job.
16 Q. When you get information that it's a
17 hospital case, do you know offhand what type of
18 hospital case it is?
19 Do you know what you're confronting once you
20 come to the scene; whether it's a intoxicated
21 person, or other type of physical injuries, or
22 anything like that?
23 A. It depends how much details you're given from
24 the dispatcher and whether I have a MDT in my car.
25 Q. What's that?
0084

1 A. Mobile Data Transmitter.
2 It's a computer, and I can pull up the call
3 and the details of the call.
4 If not, it's just the information that the
5 radio dispatcher has.
6 Q. So back on December 22, 2002, did you have
7 that mobile computer in your car?
8 A. I don't remember.
9 I don't think so.
10 Q. Do you recall reading anything about the 9-1-1
11 dispatch off the computer?
12 A. That night?
13 Q. Yes.
14 A. No.
15 Q. And specifically, again, tell me what
16 information you received from the 9-1-1 dispatch?
17 A. The information that I remember that I
18 received was the location, that it was a female
19 hospital case, investigate the person on the
20 corner.
21 That's all I can remember.
22 I don't know if there were any more details.
23 Q. And you said you arrived on the scene.
24 Where did you park your vehicle?
25 A. Um, Juniper is a one way, one lane street, so
0085
1 I probably just double parked it. There's really
2 nowhere else for me to go.
3 Q. On Juniper as opposed to Chancellor?
4 A. On Juniper, that's correct.
5 Q. And it would have been out in front of the Key
6 West Bar?
7 A. The corner of Sisters and the side of Key West
8 Bar, yes.
9 Q. And you parked your cruiser on the corner?
10 A. Yes, right on the corner.
11 Q. And you said you got out of your cruiser and
12 you noticed Miss Morris.
13 Where was she; what was she doing?
14 A. She was standing right on the corner of
15 Juniper and Chancellor on the sidewalk, and she was
16 crying.
17 Q. How did you know that was -- that she was the
18 target of the 9-1-1 call?
19 A. Because it was for a female.
20 And I pulled up, and there was a female at the
21 location where I was dispatched to.
22 Q. Was there any other females on the corner at
23 that time?
24 A. Not that I could recall.
25 Q. And you said you asked Miss Morris a question?
0086
1 A. Yes.
2 Q. What did you ask her?
3 A. I asked her what was wrong.
4 Q. And her response was?
5 A. She started to cry.
6 Q. Okay.
7 A. And she said, "I don't want to get in
8 trouble."
9 Q. Okay.
10 A. I said, "You are not in trouble. I am here to
11 help. What's the matter?"
12 She said, "I just want to go home."
13 So then I could smell alcohol on her breath.
14 She was crying, so I just asked her a few more
15 questions to try to assess if there was anything
16 else wrong with her; if it was possibly
17 drug-induced or just alcohol.
18 Q. If I could just stop you.

19 What were the few more questions that you
20 asked her?
21 A. I asked her if she had taken any drugs. She
22 said no.
23 I asked her if she would like to go to the
24 hospital because Rescue was also responding. She
25 said no.

0087

1 She didn't say no at first. She said, "I
2 don't want to get in trouble." I had to ask her
3 again, "Rescue is responding, do you want to go to
4 the hospital? You can go to the hospital, you are
5 not in trouble." She said no, she just wanted to go
6 home.

7 Q. Now, what was she wearing at this time?

8 A. I know she was wearing black.

9 Her outfit -- her outfit was black.

10 I can't recall what -- the only thing that I
11 remember she was wearing were patent leather,
12 thigh-high, stiletto boots.

13 Q. Is this a black female or a white female?

14 A. Black female.

15 Q. Was she short or tall?

16 A. Very tall.

17 Q. You say very tall. About how tall?

18 A. Six-foot three to six-foot-four.

19 Q. And you said she was standing directly on the
20 corner?

21 A. Right.

22 Q. Did you notice anyone around her at that time?

23 A. I wasn't really taking notice to anyone else
24 except for her.

25 Q. During the time that you were asking Miss
0088

1 Morris these questions, did you ask questions of
2 anyone else?

3 A. To -- just Miss Morris I was talking to.

4 Q. You didn't have any conversation or
5 communication with anyone else during this time?

6 A. Not that I can recall specifically, no.

7 Q. Was Miss Morris standing up, or was she
8 sitting down, or was she kneeling?

9 A. She was standing.

10 Q. Was she having a problem standing?

11 A. Sort of. Depends of how you put it, because
12 the heels that she was wearing were extremely high.

13 Q. Regardless of what I think or what you think,
14 was she stumbling, or was she standing, or was she
15 walking, or was she pacing?

16 A. When I approached her she was just standing.

17 She didn't begin walking until I walked her
18 over to my car, after I told her I would drive her
19 home.

20 Q. Let's talk about that.

21 You had a conversation with her.

22 Did you suggest taking her home, or did she
23 ask you to take her home?

24 A. I believe she asked me to take her home.

25 Q. And what did she say?

0089

1 A. "Can you take me home?"

2 Q. And what was your response?

3 A. At first I didn't give her a yes or no. I

4 asked her questions: If anything was wrong; did
5 you take any drugs; did you drink alcohol tonight.

6 She did respond yes, that she drank alcohol. And

7 we talked about the Rescue thing. Again, she

8 didn't want to go the hospital. And after I had

9 assessed that, in my opinion, it was only

10 alcohol-induced, I told her that I would take her

11 home. And I asked her -- first I asked her where
12 she lived, and it was 15th and Walnut, and that was
13 only around the block, really, from where I was, so
14 I told her I would take her home.

15 Q. So you asked her where she lived?

16 A. Yes.

17 Q. And what was her response?

18 A. 15th and Walnut.

19 Q. And then what happened?

20 A. I told her that I would take her home.

21 I went over the air. I told radio that Rescue
22 can resume. I believe I also resumed another
23 officer that was supposed to be backing me up, and
24 I notified the dispatcher that I was going to be
25 transporting a drunken female home to 15th and
0090

1 Walnut Street.

2 Q. Let me just stop you there.

3 Did you notice whether Miss Morris had a
4 pocketbook or not?

5 A. I don't remember.

6 I don't remember.

7 Q. You mentioned that you walked Miss Morris to
8 your cruiser; correct?

9 A. Yes.

10 Q. How far was your cruiser away from where she
11 was standing?

12 A. A few feet.

13 Q. Three or 4 feet; 5 feet?

14 A. From about the wall to the beginning of this
15 table (indicating.)

16 Q. I'm not good with distances.

17 Let the record reflect that that is probably

18 --

19 MR. STRANGE: Ten to 12 feet.

20 Q. -- 10 to 12 feet.

21 And you mentioned that you helped her walk to
22 your cruiser.

23 How did you help her walk to your cruiser?

24 A. By helping I could have just been standing
25 beside her, or opened the door and assisted her in.
0091

1 I -- I don't recall exactly what I did, but I
2 just didn't get in my car and tell her to get in.

3 I just walked with her.

4 I'm not exactly sure how I would have assisted
5 her; though, getting in the car I would have helped
6 someone with her head or feet because it's a tight
7 space to get in.

8 Q. Do you recall actually doing that in this
9 case?

10 Do you recall whether you assisted her in
11 leaning down and getting into your car?

12 A. I remember putting -- which I know because I
13 always do -- I put my hand over her head so that it
14 doesn't hit the top of the door because my moulding
15 was falling off and there was no cushion if anybody
16 would have hit their head. So that's just
17 something I always do, put my hand there and put
18 her in.

19 That's the only thing I can positively
20 remember.

21 Q. Did you open the door for Miss Morris?

22 A. Yes, I did.

23 Q. In those 10 or 12 feet that she was walking,
24 do you recall assisting her, physically assisting
25 her, and walking to your cruiser?

0092

1 A. Specifically, no.

2 Q. When she was walking to your cruiser, did you

3 notice her stumbling, or moving from side-to-side,
4 or anything that was out of the ordinary?
5 A. No.
6 Q. At any point during this time, did you ever
7 see Miss Morris lying on the ground?
8 A. No.
9 Q. Did you ever see her kneeling on the ground?
10 A. No.
11 Q. And at this point, did you ever have any
12 conversations with anyone other than Miss Morris?
13 A. At this point, no.
14 Q. During the whole time prior to your leaving
15 that scene, did you have any conversations with
16 anyone?
17 A. Just Miss Morris.
18 Q. Do you recall having a conversation with an
19 employee from the Sisters nightclub?
20 A. No.
21 Q. Do you recall having a conversation with any
22 employees from Key West?
23 A. No.
24 Q. Do you recall having any conversations with
25 the parking attendant at the garage across the
0093
1 street?
2 A. No.
3 Q. Do you recall having any assistance whatsoever
4 with getting Miss Morris into your car?
5 A. Specifically, no.
6 Q. Would it surprise you to learn that there are
7 other people who believe that they had
8 conversations with you during this time?
9 A. Not at all.
10 Q. Why wouldn't it surprise you?
11 A. That area was my routine patrol. I'm very
12 familiar with it, the people down there, the
13 activity that goes on that late at night.
14 When something happens where the police are
15 involved, a lot of people tend to want to help. A
16 lot of people know me or other officers, and they
17 think they're going to come and help. Sometime
18 it's easier because it sort of tends to hurt more
19 than help to just try and tell them it's okay, or
20 sort of block other people out that think they're
21 helping but they're not. So that could have been
22 the situation if somebody says that they were
23 trying to help me and I was really focusing on Miss
24 Morris.
25 Q. When you encounter these type of situations,
0094
1 it's so routine for people to offer their help and
2 assistance that you can't remember every single
3 incident in which, maybe, someone helped you or
4 assisted you?
5 A. Exactly.
6 Q. Did you observe any injuries to Miss Morris at
7 all?
8 A. No, none at all.
9 Q. Did you assess her for any injuries?
10 A. Yes, I did.
11 Q. When you say assessed her, what exactly did
12 you do?
13 A. Looked at her.
14 Q. At what point?
15 A. The whole time I was talking to her at Juniper
16 and Chancellor, yes.
17 Q. What side of your vehicle did Miss Morris get
18 into?
19 I'm assuming you placed her in the back of the
20 vehicle?

21 A. Yes.
22 Q. Would this have been your driver side?
23 A. Yes.
24 Q. Which would have been the side closest to the
25 nightclub; is that correct?

0095

1 A. That's correct.
2 Q. Was she able to get in given her height, et
3 cetera?
4 Did you have any problem with getting her
5 into the vehicle?
6 A. Not that I can recall.
7 Like I said, just the head, there might have
8 been a little bit of hesitation and I helped.
9 Other than that, I don't recall.
10 Q. Do you recall how she sat when she got in the
11 vehicle?
12 A. No, I don't.
13 Q. What did you do next when she entered the
14 vehicle?
15 A. Closed the door, got in my driver's side, and
16 drove her to 15th and Walnut.
17 Q. Now, at some point you, in the course of your
18 responsibilities and duties, you had to log in and
19 out your activity; is that correct?
20 A. Yes.
21 Q. You do that on a police patrol activity log;
22 is that correct?
23 A. That's correct.
24 Q. At what point would you have logged this in?
25 A. It depends. It just varies by night.

0096

1 Some nights you have the time and you can
2 remember to log each job as it happens. Other
3 times you realize four hours just went by and you
4 didn't get to log in anything and you have to catch
5 it up.
6 I don't recall when I did my log that night.
7 Q. So you don't recall whether prior to
8 responding to the 9-1-1 dispatch you would have put
9 in your log the time and the transaction?
10 A. Yes, I don't recall when I did that; whether
11 it was before or after.
12 Q. So you proceeded down Juniper; correct?
13 A. Correct.
14 Q. What happened next?
15 A. I don't remember the route that I took to 15th
16 and Walnut, but I drove her to 15th and Walnut.
17 Q. Do you remember how long it took to you get to
18 15th and Walnut since you don't remember the route?
19 A. It had to only be just a few minutes.
20 I took the shortest route possible.
21 Q. When you say a few minutes; two or three, four
22 or five?
23 A. No longer than four.
24 Q. And during this four minutes of transporting
25 Miss Morris to -- did you say 15th and Walnut?

0097

1 A. Yes.
2 Q. Are you sure it was 15th and Walnut?
3 A. The vicinity of 15th and Walnut.
4 Q. Where did you actually drop her off?
5 A. On Walnut Street in front of a bus stop which
6 was on the corner which, I believe, was 15th and
7 Walnut.
8 There was a bus stop with a cover, I remember
9 that.
10 Q. That would have been on the right side of
11 Walnut?
12 A. Yes; the north side, yes.

- 13 Q. During this four minutes of transporting Miss
14 Morris, did you have any conversation or
15 communication with her?
16 A. I don't believe so.
17 I don't recall.
18 Q. Did she say anything to you?
19 A. Not anything I remember, no.
20 Q. Did she say anything at all, whether it was to
21 you, to herself, or to someone else?
22 A. Not specifically that I can remember, until
23 she started to exit the vehicle.
24 Q. Do you recall prior to her exiting the vehicle
25 whether she used her cell phone?
0098
1 A. No.
2 Q. That would have been something that you would
3 have remembered?
4 A. Yes.
5 Q. You pulled up to the north side of 15th and
6 Walnut and you said she said something to you when
7 she exited the vehicle; is that correct?
8 A. Yes.
9 Q. What did she say?
10 A. "Thank you" and "Merry Christmas."
11 Q. Did you say anything to her?
12 A. Probably, "You're welcome."
13 I probably told her Merry Christmas in return.
14 Q. As you sit here today, do you recall saying
15 that?
16 A. No, not specifically; no.
17 Q. Was there any other conversation?
18 A. No.
19 Q. Did you ask her the same set of questions when
20 she exited your vehicle that you asked her before
21 you transported her: Was she okay; is everything
22 okay; where are you going; do you need me to walk
23 you somewhere? Anything like that?
24 A. No; we didn't have that conversation, no.
25 Q. At that time when she exited your vehicle, did
0099
1 you notice any injuries to Miss Morris?
2 A. No.
3 Q. What side of your cruiser did she exit?
4 A. The same that she entered, the driver's rear.
5 Q. Do you recall whether she was closest to that
6 side?
7 A. Yes.
8 Q. While you were transporting her, did you
9 notice any movements from Miss Morris at all from
10 one side of your vehicle to the other side of your
11 vehicle?
12 A. No.
13 Q. Just describe for me in detail, if you could,
14 how Miss Morris exited your car?
15 Did you assist her in getting out of your car,
16 or did she do it by herself?
17 What happened?
18 A. In detail I don't remember exactly.
19 Again, getting out of the back of a car isn't
20 easy, especially not easy for a very tall woman.
21 So I could have helped her by grabbing a hand,
22 holding the head, again, like I explained. But
23 that's just could have, I really don't know
24 details.
25 I know I opened the door, but I had to because
0100
1 you can't open them from the inside. Other than
2 that, I don't remember detail of how I would have
3 helped her.
4 Q. 15th and Walnut is a business district;

5 correct?
6 A. Correct.
7 Q. Did you ask Miss Morris where she was going?
8 A. Earlier.
9 Q. Other than 15th and Walnut, once you got to
10 15th and Walnut and she exited the vehicle, did you
11 ask her where she was going?
12 A. No.
13 Q. Were you at all concerned where she was going?
14 A. No. I thought she was going home.
15 Q. When she told you 15th and Walnut, did she say
16 I'm going home to 15th and Walnut, or did she just
17 say I'm going to 15th and Walnut?
18 A. Home.
19 Q. Did you ask her when she got to 15th and
20 Walnut where her home was on 15th and Walnut?
21 A. No.
22 Q. Do you know of any homes or residences on 15th
23 and Walnut?
24 A. I don't know the particulars about that side
25 of Broad, that's not my district.

0101

1 I just know I'm familiar with apartments above
2 the storefronts that are all around Center City.
3 Q. What happened once -- obviously Miss Morris
4 exited the car and you closed the door.
5 What happened next?
6 A. At some point -- I don't remember when it was,
7 whether I was exiting or Miss Morris was exiting --
8 another officer that I know from the 9th District
9 drove by he said hello, something along the lines;
10 if you need any help, are you okay, and I said no.
11 Other than that, I don't recall anything
12 specific.
13 Q. Do you recall the officer's name?
14 A. Yes. Tom Berry.
15 Q. Did you see where Miss Morris went when she
16 exited the vehicle?
17 A. Up onto the sidewalk of Walnut Street, the
18 north side. She walked around the back of my
19 vehicle -- she had to exit the street -- walked
20 around the back of my vehicle, and walked up onto
21 the sidewalk.
22 Q. Where did she go from there?
23 A. From right there, that's where she said,
24 "Merry Christmas," and that was it.
25 I got back into my car. She just turned

0102

1 around and walked onto the sidewalk. I didn't see
2 where she went after that.
3 Q. Did she walk up?
4 A. I didn't see where she went after she turned
5 around from saying good-bye to me.
6 Q. When she turned around and she said goodbye,
7 was she moving toward -- I guess that would be the
8 --
9 MR. HAYES: Intersection of 15th and
10 Walnut.
11 Q. Was she moving toward the intersection of 15th
12 and Walnut, or was she moving back towards 14th
13 Street?
14 A. More westbound, so it would be towards 15th
15 that she would have had to have gone around the bus
16 stop first.
17 Q. Did you see her do that?
18 A. No.
19 Like I said, I saw her turn around and begin
20 to walk.
21 Q. Did you not see her do that because you lost
22 sight of her, or did you not see her do that

23 because you turned around and got back into your
24 vehicle?

25 A. I turned around and got back into my vehicle.
0103

1 Q. You said you had an encounter with Officer
2 Berry?

3 A. Yes.

4 Q. Did this happen while Miss Morris was in your
5 vehicle or after she exited your vehicle?

6 A. I don't remember where Miss Morris was when
7 Officer Berry pulled up, but Miss Morris was still
8 there.

9 I don't remember if she was in the car, she
10 was getting out, or what.

11 Q. Do you remember where you were when you had
12 this conversation with Officer Berry?

13 A. No, I don't.

14 Q. You don't remember whether you were in your
15 car or not in your car?

16 A. No, I don't.

17 Q. How long did this conversation last?

18 A. About not even a minute.

19 He didn't really stay long. He was just
20 saying hello.

21 He was asking if I was okay and if I needed
22 help.

23 Q. And your response was?

24 A. No, I was just driving her home.

25 Q. After you got back into your car, what did you
0104

1 do next?

2 A. Um, I'm not sure.

3 Again, the direction I took, I went -- I had
4 to go back eastbound across back over Broad to go
5 back into my district, and I resumed patrol.

6 Q. Is that what you did?

7 A. Yes.

8 Q. Do you recall at what point you would have
9 filled out your patrol activity log?

10 A. It could have been any time before I reported
11 off.

12 I don't remember when I filled that out.

13 Q. As you sit here today, you don't remember when
14 you filled out your log?

15 A. Not a specific time.

16 It was definitely that day, but not a specific
17 time.

18 Q. At some point, you were made aware of this
19 incident; is that correct?

20 At some point later on in the morning; is that
21 correct?

22 A. That's correct.

23 Q. When was that?

24 A. Right before I was reporting off about 6:20
25 my sergeant came over the air and told me to take,
0105

1 which means go to Jefferson Hospital. And I went
2 to Jefferson Hospital and met another car over
3 there.

4 Q. Before I get into that, let me step back a
5 bit.

6 Once Miss Morris entered your car back at
7 Juniper Street, I guess you would have radioed in
8 your whereabouts and what you were doing?

9 A. Yes.

10 Q. When you dropped Miss Morris off at 15th and
11 Walnut, would you have radioed in and communicated
12 with someone about your whereabouts and what you
13 were doing?

14 A. Are you saying like that I was on location?

15 Q. Or that you dropped off the D-K that you had
16 and that you're resuming, you're going back, to
17 your district.
18 A. My next conversation probably -- and I don't
19 remember -- but would have just been I'm back over
20 the air.
21 Q. Is it your responsibility to report in a
22 situation like this when you pick someone up and
23 drop them off? It seems as though you had to
24 communicate you had this individual; is that
25 correct?
0106
1 A. Yes.
2 Q. And do you have a responsibility to also
3 notify someone that you dropped this individual off
4 and you're going back to your regular patrol?
5 A. I guess so.
6 To me putting myself back means I just did
7 what I said I was doing and I'm back on patrol.
8 Q. You recall doing that; I guess that's what I'm
9 asking?
10 A. Put myself back? Yes.
11 Q. You would have done that while you were on
12 15th and Walnut?
13 A. I don't know when I did.
14 I might have waited to cross Broad.
15 I'm not exactly sure when I did it.
16 Q. But that would be recorded in radio tapes?
17 A. Yes.
18 Q. Now, you mention that later that morning
19 around -- I think you said 6:30?
20 A. About 6:30, right.
21 Q. -- you were asked to go down to Jefferson?
22 A. Yes.
23 Q. And were you still on patrol at that time.
24 Were you given any other information in this
25 radio call other than report to Jefferson?
0107
1 A. It was my sergeant himself that came over the
2 air and just told me to go there.
3 I don't remember exactly what he said, he just
4 told me to go to Jefferson. And I don't remember
5 if he said meet 68 or meet the officer, but I had
6 to go meet 68 Car.
7 Q. Who was your sergeant at the time?
8 A. Sergeant Michael Dougherty.
9 Q. And you mention 68, Car 68?
10 A. Yes.
11 Q. Who at the time would have been in Car 68 or
12 responsible for Car 68?
13 A. Officer Novack.
14 Q. And why -- do you know, as you sit here today,
15 why Officer Novack was at Jefferson Hospital as
16 opposed to any other officer?
17 A. Yes, I learned after I got there and spoke to
18 him.
19 Jefferson Hospital the Sector 68 car covers,
20 E-Sector.
21 Q. Obviously you arrived at Jefferson; correct?
22 A. Yes.
23 Q. Did you have any conversations with anyone?
24 A. Yes.
25 Q. Who?
0108
1 A. I walked into the emergency room and Officer
2 Novack was there, and I had a conversation with
3 him.
4 Q. What was that conversation?
5 A. He said, "Apparently you had a hospital case
6 last night and she might have gotten hit by a car."

7 Or, "She did get hit by a car." I don't remember
8 his exact words. Something about being hit by a
9 car. "It's possibly the same person. She is up in
10 intensive care now. Sergeant Dougherty wants to
11 know if this is the same female, if you could I.D.
12 her."

13 Q. What was your response?

14 A. I went upstairs to the Intensive Care Unit and
15 met with the doctors and nurses. They showed me
16 the female, and I told them that was the same
17 female I encountered in the night.

18 Q. Did the doctors and nurses ask you any
19 questions?

20 A. No.

21 I asked -- I think Officer Novack asked the
22 questions of the doctors.

23 I don't remember them asking questions
24 specifically.

25 Q. What questions did you ask of the doctors?
0109

1 A. We had to ask the doctors basically what they
2 thought happened and what the condition of the
3 patient was.

4 We had to call Central Detectives and let them
5 know this could possibly be an aggravated assault.

6 Basically the doctors' assessment of what
7 happened.

8 Q. And now, at that time, Miss Morris wasn't
9 presumed dead?

10 A. No.

11 Q. Now, again -- and maybe I just didn't
12 understand you -- but you said you asked the
13 doctors questions?

14 A. Yes. There was one doctor there and we asked
15 him.

16 Q. What were the questions again?

17 A. The condition of the female; what could have
18 happened to her; what her injuries were.

19 Q. When you asked the doctor the condition, what
20 was the doctor's response?

21 A. I don't remember exactly what he said her
22 condition was.

23 Q. When you asked the doctor what could have
24 happened to her, what was his response?

25 A. He didn't know exactly what could have
0110

1 happened to her, but we got on the phone with the
2 detectives, and I think a follow-up question was we
3 got back to asking the doctor could she have
4 fallen, and he said, "I think it's possible she
5 could have fallen and sustained an injury to her
6 head."

7 Q. Did you ask the doctor any other questions?

8 A. I don't remember.

9 Q. Do you recall whether Officer Novack asked the
10 doctor any other questions?

11 A. I don't remember.

12 Q. Do you recall any other officers being there
13 other than you and Novack?

14 A. No, no.

15 Q. Do you recall Officer Berry being there?

16 A. He may have been.

17 I don't -- I just remember Officer Novack.

18 Q. Did Officer Novack ask you what happened when
19 you transported Miss Morris earlier that evening?

20 A. I don't remember.

21 Q. Did the doctors ask you for any information
22 regarding the time that Miss Morris was with you?

23 A. I really don't remember the conversations
24 between myself and the doctors.

25 Q. Is there a Police Department policy with
0111

1 regard to filling out your patrol activity log?

2 A. I believe there is.

3 Q. Do you know what it is?

4 A. No, I don't.

5 Q. Do you know if you're supposed to fill out the

6 log at the time that you're inputting the

7 information?

8 I guess, for example, if it's 12:00, are you

9 supposed to fill it out at 12:00 because it's

10 12:00, as opposed to waiting later on and then

11 using your memory to fill out the log?

12 A. I don't know.

13 I can't say what the directive says.

14 I know that you must hand in a log for every

15 tour; you must be responsible for where you are at

16 all times. But I don't know what it says as far as

17 when you have to fill out each entry.

18 Q. Let me show you a Philadelphia Police

19 Department Patrol Activity Log. And this is not the

20 full log, this is just select portions and pages of

21 the log.

22 I believe the panel members have copies in

23 their files.

24 Take a couple of minutes to look that over.

25 If you would just go to the second page, I

0112

1 have a couple of general questions.

2 First of all, are you familiar with this form?

3 A. Yes.

4 Q. And at the bottom of Page 2, left hand corner,

5 last box reads, "Skala, 238500," is that correct?

6 A. That's correct.

7 Q. That is your signature for this form?

8 A. It's not a signature, it's just my name

9 printed.

10 Q. At the top of the page, first box, second

11 column, second column first box -- and this is hard

12 to read -- it says, "Supervisor signature and badge

13 number."

14 A. Yes.

15 Q. Is that signature familiar to you?

16 A. Yes.

17 Q. Whose signature is that?

18 A. Sergeant Dougherty, 8546.

19 Q. If you could explain for the panel, is it

20 Sergeant Dougherty's responsibility to review this

21 log and, I guess, sign off on it; is that correct?

22 A. To the best of my knowledge, a supervisor has

23 to sign your log every night.

24 Q. And, so, what you would do at the end of your

25 shift, you would give your log to the supervisor?

0113

1 A. At the end of the shift we report off and

2 report all our activities.

3 There are also times when the supervisor meets

4 you on the street, comes to one of your jobs, and

5 they sign your log at that time. At this time he

6 only signed it at headquarters at seven forty-five.

7 Q. So he would have done this at the end of your

8 shift; is that correct?

9 A. That's correct, inside headquarters.

10 Q. Sergeant Dougherty was your supervisor at the

11 time?

12 A. Yes.

13 Q. If you turn to Page 1, I guess the third row

14 from the bottom, the entry that reads 3:10 to

15 3:26 a.m.

16 A. Yes.

17 Q. "Location, Juniper and Chancellor." Do you see
18 that?

19 A. Yes, I do.

20 Q. And to the left of Juniper and Chancellor I
21 guess it says, "Nature of incident/activity service
22 rendered," is that correct?

23 A. Yes.

24 Q. And you have a H/C there; is that correct?

25 A. Yes.

0114

1 Q. What does that stand for?

2 A. Hospital case.

3 Q. Would this entry refer to when you picked Miss
4 Morris up, this particular entry?

5 A. Yes.

6 Q. This would refer to Morris?

7 A. Yes.

8 Q. Do you know when you would have filled out
9 H/C?

10 A. No.

11 Again, I -- I can't recall when I filled my
12 log out.

13 Q. I guess -- let me ask you it this way: Have
14 you ever had any other prior instances in which you
15 believe that it was a hospital case but it wasn't?

16 A. Yes.

17 Q. Much like this case?

18 A. Yes.

19 Q. And in those cases would you have filled out
20 H/C if it wasn't a hospital case?

21 A. What I usually do, the nature of the incident
22 comes over dispatch, that's what the two lines
23 below it are, for you to write in there what it
24 really was. Or even if a job's unfounded I'm going
25 to write it in and write unfounded. I write what I

0115

1 was dispatched.

2 Q. So when you were dispatched, would you have
3 put in H/C because initially it was a hospital
4 case?

5 A. Yes.

6 Q. I guess what I'm asking you is after being
7 dispatched, and what you thought was a hospital
8 case turned out to be anything other than a
9 hospital case, would you still put hospital case
10 there?

11 A. Yes.

12 Q. You would have?

13 A. Yes.

14 Q. Because that's what it was dispatched as?

15 A. Yes.

16 Q. If that changed, you would put something
17 different on the lines below it, correct?

18 A. Yes, just like the one right above it.

19 Q. And in this particular case, on that next line
20 you put D-K only; is that correct?

21 A. Yes.

22 Q. What does D-K stand for?

23 A. Drunk.

24 Q. You have your initial time entry at 3:10. I
25 guess that's a.m.; is that correct?

0116

1 A. Yes.

2 Q. And, again, as you sit here you're telling the
3 panel that you don't know whether you put that in
4 exactly at 3:10, or whether it was something you
5 did later on?

6 A. Correct.

7 Q. And you also have 3:26 as another time; is
8 that correct?

9 A. My time back in, yes.
10 Q. When you say back in, what do you mean by back
11 in?
12 A. The time that -- it's -- now, again, these are
13 my estimated times of whenever I trying to recall
14 in my head when I'm filling it out of when I put
15 myself back on that job.
16 Q. And, again, just so I'm clear and the panel is
17 clear, when you say put yourself back on the job,
18 what do you mean by that? Do you mean at the
19 completion of the job or when you start your next
20 tour?
21 A. Completion of that particular assignment.
22 Q. In a perfect world -- let's assume
23 hypothetically that you filled this out at the time
24 that it was actually happening, in a perfect
25 world -- and I understand that maybe you did or
0117
1 didn't -- you are not sure as you sit here today --
2 would it be the case that when you received the
3 initial 9-1-1 dispatch you would have taken time
4 out to write down the time; is that normally the
5 case?
6 A. No.
7 For me it really was never normally the case.
8 I try to look at the time, remember it in my head.
9 If I have an MDT, I can pull up exact times.
10 I'm just noticing here I didn't have an MDT,
11 so these are all estimated. I don't -- I really
12 just look at the clock and when I have time later
13 on I put it on.
14 Q. You said you noticed you didn't have a MDT?
15 A. Yes.
16 Q. How do you know that?
17 A. If you go up to under my vehicle where it says
18 6464, right underneath of "MDT working," I have
19 checked off no.
20 Q. So you're basically saying when you get a
21 break, if you have time you fill it out; you are
22 not going to stop in a 9-1-1 call when it's an
23 emergency and fill out this form and then go to the
24 emergency room; correct?
25 A. Yes.
0118
1 Q. You were interviewed three times with regard
2 to this incident; does that sound accurate?
3 A. Four, actually.
4 Q. Maybe four?
5 A. Yes.
6 Q. I have a interview date of January 3rd, 2003,
7 and I think that happened with Detective David
8 Baker.
9 Do you recall that interview?
10 A. Vaguely, yes.
11 Q. And I also have November 12th, 2004, which
12 would have been an interview conducted by
13 Lieutenant Craig Hague with IAD; do you recall
14 that?
15 A. Yes.
16 Q. There was a subsequent supplemental interview
17 that happened with Lieutenant Craig Hague and
18 Wellington Stubbs; do you recall that interview?
19 A. Yes.
20 Q. That's dated 12/14/04. Now that's the three
21 that I have. Tell me which one I'm missing.
22 A. I was also interviewed and drove around with
23 a -- I forget if she's even an officer.
24 She was someone from the District Attorney's
25 office; a detective, a female.
0119

1 Q. She drove you around?
2 A. She asked me to take her to the locations that
3 we're talking about tonight, Juniper and
4 Chancellor, 15th and Walnut.
5 I also was in the office interviewed with her.
6 Q. During your December 14th, 2004, interview
7 with Lieutenant Craig Hague, you mentioned that
8 Miss Morris was walking and wobbling because of the
9 5-inch heels.
10 Do you recall making that statement?
11 MR. STRANGE: Can she have a moment
12 to take a look? Which interview was that?
13 MR. YOUNG: December 14th, 2004. .
14 MR. STRANGE: Which page, sir?
15 MR. YOUNG: It would be Page 2 of
16 that interview. Bottom of the page.
17 In fact, it's the second to last set
18 of questions and answers.
19 MR. STRANGE: Our interview looks
20 like it goes from Page 1 to Page 3.
21 I don't know if that was
22 misnumbered, and you mean what's on the bottom
23 listed as Page 3?
24 MR. YOUNG: It may have.
25 MR. STRANGE: Looks like there's a
0120
1 total of four pages on our copy, but the
2 numbers might be wrong on our copy.
3 MR. YOUNG: It may have not been
4 copied on the back sheet, so here.
5 MR. STRANGE: We did not get a copy
6 of that. Can we have a minute to review it?
7 MR. YOUNG: Yes, sure.
8 -----
9 CONTINUED EXAMINATION BY MR. YOUNG:
10 Q. I just, actually, have a question in regard to
11 those two lines of questions and answers. And I
12 may have asked you this before, and if I did, I
13 apologize.
14 When you initially responded to the 9-1-1
15 dispatch and you confronted Miss Morris, did you
16 smell alcohol?
17 A. When I walked up to her?
18 Q. Yes.
19 A. Yes.
20 Q. You did?
21 A. Yes.
22 Q. And in this particular statement you mentioned
23 that she was wobbling; is that correct?
24 A. Yes.
25 Q. And you thought it was because of the shoes
0121
1 that she was wearing?
2 A. Yes.
3 Q. Could it also have been because of the
4 intoxication?
5 A. I can't say why she was wobbling.
6 Q. And you had asked her had she been drinking?
7 A. Yes.
8 Q. And she responded that she had been?
9 A. Yes.
10 Q. There was an investigation done by the IAD;
11 Is that correct?
12 A. Yes.
13 Q. An investigation into this incident?
14 A. Yes.
15 Q. And what were the results of that
16 investigation?
17 A. I don't know the proper wording. I think I
18 was either retrained or reread a directive on

19 intoxicated persons in police custody.
20 Q. As a result of the investigation, was there
21 any finding at all; was there a violation of any
22 directives?
23 A. I don't believe there was.
24 Q. But you believe that you received some type of
25 training --
0122
1 A. Yes.
2 Q. -- because of it?
3 A. Yes.
4 Q. And what do you think the training was, again?
5 A. The directive or memorandum on intoxicated
6 persons in police custody.
7 Q. And do you know why you would receive training
8 if you weren't found in violation of that
9 directive?
10 A. I guess because it involves a intoxicated
11 person.
12 I mean, I don't know why.
13 Q. Were you ever supplied with the conclusions of
14 the investigation from the IAD department?
15 A. I probably was. To be honest, I don't
16 remember.
17 Q. Take your time and look at this and let me
18 know if that's a document you've seen before.
19 A. I never saw this.
20 This isn't something that I get to read. It
21 was my commanding officer giving me a memorandum
22 and showing me stuff, but I never saw this.
23 Q. Fair enough.
24 Do you ever recall receiving a memorandum from
25 your supervisor regarding the conclusions of the
0123
1 investigation?
2 A. I recall speaking with him about it on a piece
3 of paper. But, again, I don't remember exactly
4 what, but it was a finding.
5 Q. Do you recall when that was that you would
6 have spoke to him? Would it have been in the year
7 2003?
8 A. It could have been.
9 I really don't remember what year.
10 Q. Would it surprise you if the findings of the
11 investigation were that you were in violation of
12 the police directive question which is titled
13 hospital cases, and police directive -- well, the
14 police directive question which is titled hospital
15 cases; would it surprise you if you were found in
16 violation of that?
17 A. Again, I don't remember. So, surprise, no,
18 because I really don't remember what was read to
19 me.
20 Q. As a result of the IAD investigation, the
21 only -- if you will, for a lack of better words --
22 discipline that you would have received was to read
23 the directives; is that correct?
24 A. Yes.
25 Q. Did you at all suffer any suspension?
0124
1 A. No.
2 Q. Did you at all receive any reprimand, either
3 verbal or written?
4 A. I really -- I really don't remember.
5 It may have been a reprimand and a training
6 issue. I really don't remember.
7 Q. Do you recall whether you received any
8 additional training as a result of the
9 investigation?
10 A. Just reading of the directive is all I can

11 remember.

12 Q. I don't think I asked you this, but at some
13 point you made a determination contrary to, I
14 guess, the 9-1-1 dispatch that this was not a
15 hospital case but a D-K; is that correct?

16 A. Yes.

17 Q. Why did you make that determination?

18 A. I had a conversation with Miss Morris -- this
19 was the person that I thought radio was talking
20 about, first of all.

21 I had a conversation with Miss Morris. I did
22 my assessment of her, and I determined it to be
23 only alcohol-induced. Rescue was en route. I
24 really didn't feel the need for Rescue to come. I
25 can't force her to go to the hospital. She stated
0125

1 to me that she did not want to go -- it saves
2 Rescue's time -- and she wanted to go home. I
3 thought I was helping her.

4 Q. In fact, you did help her; is that correct?

5 A. I did, yes.

6 MR. YOUNG: No further questions.

7 PRESIDING OFFICER NIX: Commissioner
8 Weiss, do you have any questions?

9 COMMISSIONER WEISS: No.

10 PRESIDING OFFICER NIX: Commissioner

11 Spraggins, do you have any questions?

12 COMMISSIONER SPRAGGINS: Yes, I do.

13 -----

14 EXAMINATION BY COMMISSIONER SPRAGGINS:

15 Q. I have a question, and I need clarity.

16 You testified that according to your
17 assessment it wasn't medical, it was more D-K;
18 that's the term which you use, correct?

19 A. Correct.

20 Q. And where my confusion comes in is based upon
21 the report that I have from the Internal Affairs
22 Division.

23 It says that you resumed medical personnel
24 based on -- I'll read it, "based on her own
25 assessment of Ms. Morris' condition and the
0126

1 Philadelphia Police Directive 63, Hospital Case.
2 State police personnel will consider the assignment
3 of a hospital case as an emergency unless otherwise
4 by a medically competent person." And my confusion
5 would come in to being this came from the Internal
6 Affairs Department, and given your number of years
7 on the police force, that if you were in violation
8 and this came out as a result of your Internal
9 Affairs report, you wouldn't remember that?

10 A. That it changed; that a change was made?

11 Q. You would, you know -- there's a courtesy
12 ride. According to your assessment, you talked to
13 Miss Morris, and you're saying drunk, D-K, no
14 medical assistance is necessary. She's crying, "I
15 just want to go home, I don't want to get in
16 trouble." Your response is, "You are not going to
17 get in trouble; where do you live; I live at 15th
18 and Walnut."

19 And, so, you transfer her to 15th and Walnut;
20 right?

21 A. Yes.

22 Q. That's one scenario.

23 According to this Internal Affairs Division
24 report, it states that you resumed medical
25 personnel based on your assessment.

0127

1 Isn't that a conflict of what's being said?

2 A. I don't think so at all.

3 If I understand your question correctly, I
4 assume, based on my assessment, I was trying to
5 explain -- like, I talked to her, I made an
6 assessment, as I'm the first responder. As first
7 responder, it's part of my job; she didn't have any
8 medical injuries, I didn't have to render her any
9 first aid. She was just an intoxicated female was
10 my opinion.

11 Q. Right.

12 I'm going to go back to my confusion.

13 My confusion comes according to the Internal
14 Affairs Division conclusion that, based upon your
15 assessment, that you resumed the medical personnel
16 to continue on for some reason and that there's a
17 violation.

18 MR. YOUNG: I think the confusion
19 lies in, perhaps, Officer Skala. Can you
20 define for us what resume means?

21 When you say resume, what does that
22 mean?

23 THE WITNESS: I went over the air
24 and told my radio dispatcher that Rescue can
25 resume.

0128

1 MR. YOUNG: When you say resume,
2 what does that mean?

3 THE WITNESS: They can put
4 themselves back in service. They can go and
5 answer another call. They don't have to
6 respond to me if they were en route.

7 MR. YOUNG: So if they were en
8 route, you go back to doing whatever it was
9 you were previously doing?

10 THE WITNESS: Yes.

11 MR. YOUNG: Basically I have it
12 under control; right?

13 THE WITNESS: Yes.

14

15 CONTINUED EXAMINATION BY COMMISSIONER SPRAGGINS:

16 Q. Clarity, thank you for that, because it is
17 terminology; a word can mean different things.

18 So, given that, resume means you can go ahead
19 to another assignment, everything is under control.

20 My the question that I have is then how is it
21 that you were found in violation of a police
22 directive question; how is that, then?

23 A. I'm not trying to sound smart, but I'm not
24 Internal Affairs. I didn't make that
25 determination.

0129

1 I don't understand, really, if that's what
2 you're asking. I really don't understand.

3 Q. Okay. Then let me read the sentence, and it
4 says "P.O. Skala is in violation of Philadelphia
5 Police Directive 63, Hospital Cases, because she
6 should have considered the assignment of the
7 hospital case as an emergency and allowed fire
8 rescue to assess Miss Morris' condition." And that
9 is where my total confusion comes in, because your
10 Internal Affairs Division found you in violation,
11 right, and there's two different stories. Am I not
12 being clear?

13 MR. STRANGE: May I request a recess
14 and speak to the Members of the Board?

15 Q. Am I not being clear?

16 MR. HAYES: If I can clarify,
17 actually, counsel.

18 MR. STRANGE: Clarify.

19 MR. HAYES: Internal Affairs comes
20 to a conclusion here -- I know we have another

21 person here from the Police Department, and
22 correct me if I'm wrong, but Police Directive
23 63 requires that if a hospital case is called,
24 an officer is not permitted to make their own
25 assessment as to whether or not it should be

0130

1 discharged as a hospital case; that that
2 decision has to be made by a qualified medical
3 professional. And based on my review of the
4 IAD report, they found that Officer Skala
5 should not have made that determination
6 because it's supposed to be made by qualified
7 medical personnel, and police officers are
8 police officers, not paramedics. So when this
9 was called in as a hospital case, if it was
10 going to be changed to something else, or that
11 hospital case was to be resumed, and
12 paramedics were to be sent out, that that
13 determination that that assessment of Miss
14 Morris' condition should have been made by
15 qualified medical personnel.

16 If counsel wants to clarify that for
17 the record further, or if the Police
18 Department would like to clarify that further.

19 LIEUTENANT HEALY: With the
20 situation, and this is -- I know nothing about
21 the facts of this case, but when it comes to a
22 hospital case, oftentimes this call is coming
23 from persons on the highway from untrained
24 people.

25 You could have a person just asleep

0131

1 on a bench and somebody calls it in as a
2 hospital case. That happens very -- for
3 example, in the wintertime officers routinely
4 go on the scene. When a hospital case is
5 called into police radio, they'll dispatch a
6 hospital case automatically. The police know
7 there's a lot of risk and danger rushing to a
8 scene that's not needed. A lot of times police
9 officers make an assessment this case is not a
10 hospital case, it's a sleeping drunk, wake him
11 up, and go home. Routinely they will call in
12 resume, it's a homeless person sleeping on a
13 bench, or it's just a drunk.

14 It may be a technical violation of a
15 directive.

16 The directive really covers a case
17 when you come up on a scene and see a medical
18 emergency when it's obviously not a medical
19 emergency. The officer's concern is the
20 rescue squad rushing to the scene, other
21 officers rushing to the scene. And what that
22 does, it makes the rescue squad available for
23 other calls instead of coming all the way over
24 here when it's a drunk, I'm taking care of
25 something else more important they do it every

0132

1 day on a routine basis.

2 If you come on scene, and don't
3 move them, keeps them, still calls Rescue, and
4 lets Rescue make the medical assessment
5 whether they should be moved, transported, or
6 whatever type of medical assistance they need.

7 But what the officer did is
8 technically what every officer does every day
9 of the week. Routinely they'll make that
10 preliminary assessment and go forward from
11 there.

12 If she had seen any visible

13 injuries, I assume she would have called and
14 allowed Rescue to continue in and made the
15 assessment. It is a technical violation, I
16 guess it would be, because the call came in as
17 a hospital case. Very often these calls
18 aren't hospital cases when they're
19 dispatched. Sleeping homeless person, we get
20 a lot of hospital case calls for them, and
21 they're routinely discontinued by the officer;
22 he's okay, he's fine.

23 COMMISSIONER SPRAGGINS: Thank you
24 for that clarity.

25 PRESIDING OFFICER NIX: Any further
0133

1 questions?

2 COMMISSIONER SPRAGGINS: That was my
3 question.

4 PRESIDING OFFICER NIX: Commissioner
5 Rodgers?

6 -----

7 EXAMINATION BY COMMISSIONER RODGERS:

8 Q. I'm going to ask you a couple of questions
9 where I'm just trying to get clarity for this
10 record in terms of what time it was that you picked
11 Miss Morris up, if you recall, and what time you
12 dropped her off.

13 And we know your logs -- as you indicated, you
14 testified earlier, your logs are here. Those are
15 estimated times, and the estimated times that you
16 put on the log was three -- your log -- it's
17 getting late.

18 I have it.

19 You were Car 64; correct?

20 A. Correct.

21 Q. And your estimated times in your log was 3:10
22 to 3:26; is that correct?

23 A. That's correct.

24 Q. That would have been the time Miss Morris was
25 in your presence from start to finish on your

0134
1 estimated time according to your log; is that
2 correct?

3 A. Just to add the start I got the radio call as
4 well; but, yes.

5 Q. Radio call to the time that your estimate was
6 16 minutes from 3:10 to 3:26; that's a fair
7 assessment, correct?

8 A. Yes.

9 Q. Now, just to be more specific, you're familiar
10 with what's called a CAD, which is a Computer-Aided
11 Dispatch, which is actually computer generated
12 times of calls that are made between you as a
13 police officer to your dispatch officer, where they
14 are located at another location, and those are
15 computer-aided with the actual time.

16 You're familiar with the CAD; is that fair?

17 A. Yes.

18 Q. I don't know if you have the CAD in front of
19 you.

20 Do you have a copy of the CAD?

21 A. No, I don't.

22 Q. I'll give her my copy, unless someone has one.

23 That's a copy of the CAD. And I guess for the
24 record we'll mark it as Exhibit D.

25 MR. YOUNG: We haven't marked them
0135

1 yet. We'll mark them at the end of testimony.

2 Q. Look at the time frame of this case, 3:09 is
3 an entry, and 3:10 dispatch.

4 You follow me there?

- 5 A. Yes.
6 Q. As to time frame?
7 A. Yes.
8 Q. It has Car 68 and Car 64.
9 You're Car 64?
10 A. Yes.
11 Q. For the record, 68 would have been Officer
12 Novack; is that fair to say?
13 A. Correct.
14 Q. Initial entry went in at 3:09 as a female down
15 on the highway at four-one, possible drugs; is that
16 a fair reading of what this report says?
17 A. Yes.
18 Q. At that time.
19 It indicates at 3:14, your car, 64, says
20 female rescue resumed.
21 A. Yes.
22 Q. So your estimate is about 3:14, according to
23 the computer, you resume Rescue and you also
24 resumed the other car, which was 68; is that fair
25 to say?
0136
1 It says 68 in service at 3:16. That means
2 he's back in service?
3 A. I don't know if I resumed or he put himself
4 back. He was back in service at 3:16, yes.
5 Q. You took the call, and you handled it, and it
6 indicates that it was dispatched entered 4:02,
7 cleared Car 64. It says, "UNF."
8 Tell us what that means.
9 A. "UNF" is unfounded.
10 Q. In terms of the hospital case, is that fair
11 when you have unfounded there, would that be in
12 addition to the call that goes back to 3:09?
13 A. I believe, but this is the radio dispatcher.
14 Q. It says close at 4:03; is that fair to say?
15 A. Yes.
16 Q. Now this obviously is more accurate than your
17 estimated times because it's computer-generated, so
18 the entire time, according to what was going back
19 and forth with information between the cars
20 involved and your dispatch unit, was 3:09 was the
21 entry, and it was closed out the 4:03; is that fair
22 to say?
23 A. This is what this says, that's correct. But
24 also it's, for some reason, held for a half an hour
25 at 3:32; then I'm dispatched again 4:02 and made
0137
1 unfounded 4:03. This is this particular dispatcher.
2 I'm not sure what those times are.
3 Q. According to your log, you said 3:10 to 3:26,
4 16 minutes in her presence; fair to say, according
5 to your estimate?
6 A. Estimate, yes.
7 Q. We now know what the computer-aided dispatch
8 at, say, 3:30 it says: 3:16 in service, 68. That's
9 not your car. 3:30 preempt 64.
10 Can you explain what preempt means?
11 A. I have no idea.
12 Q. 64 is your car?
13 A. Yes.
14 Q. 3:32 it says "held," and it goes down, like
15 you say, for a half an hour. It's got dispatch
16 entry for 64 is held, but it was cleared at 4:03.
17 Just so that I'm clear, and I guess for the record,
18 you can't account for that time from 3:32 to 4:03,
19 what was going on with your car?
20 Does your activity log reflect what you were
21 doing at that time?
22 A. I can.

23 My log's from, again, estimated times, from
24 3:30 to 4:50, I was on a car stop.
25 Q. At 13th and Filbert?
0138
1 A. That's correct.
2 Q. According to your logs?
3 A. Yes.
4 Q. So getting back to the time that Miss Morris
5 was in your presence, your estimated log says 3:26
6 she's getting out of your car; is that fair to say
7 with your estimated log?
8 A. No. That's when I -- it's my estimated time.
9 I was putting myself back on patrol, not when she
10 was getting out.
11 Q. You pick her up at Juniper and Chancellor; you
12 have conversations; you aid her; you get her in
13 your car and you drive her from Chancellor to, your
14 estimate is maybe 15th and Walnut.
15 How far away is that, a couple blocks?
16 A. Yes, a couple blocks.
17 Q. And you went in the direction of traffic that
18 allows -- you didn't buck traffic going the wrong
19 way, so you go straight up Walnut Street; is that
20 fair?
21 A. I have no idea what I did, but I didn't make
22 any illegal maneuvers.
23 Q. Walnut runs one direction?
24 A. It's one way westbound.
25 Q. And you remember you would have been going
0139
1 westbound, you weren't going eastbound; you were on
2 the east side going west?
3 A. If I took Walnut, I had to go westbound.
4 Q. You said your estimate is you dropped her
5 off -- in between at some point in time you dropped
6 her off at some area of 15th and Walnut?
7 A. Yes.
8 Q. And you also indicate at some point while
9 you're dropping her off this other officer, Officer
10 Berry -
11 A. Yes.
12 Q. -- Officer Berry, do you remember what his car
13 number was?
14 A. I don't. He was in the 9th District.
15 Q. Officer Berry drives by and says something to
16 you casually, you need any help, and you say no,
17 and he continues on; right?
18 A. Yes.
19 Q. You later come to find Officer Berry is the
20 one who responds to finding her at some time later
21 unconscious on the highway.
22 That's the same officer who said, hey, do you
23 need any help?
24 A. Yes.
25 Q. You later find that out. Of course you can't
0140
1 testify to Officer Berry's activity logs, but what
2 time would that have been, around the 3:26 time
3 when Officer Berry saw her getting out of your car
4 and made a conclusion when you were done?
5 A. It was at some point at the conclusion of my
6 presence with Miss Morris.
7 Again, I can't give an exact time.
8 Q. And, obviously, you can't testify to his
9 activity log, but just for your edification and for
10 his record, Officer Berry was in Car 98, and his
11 log indicates 3:25 to 4:06, 16th and Walnut,
12 medical to Jefferson Hospital case.
13 So he indicates that he finds her around 3:25,
14 which would have been, like, right around the time

15 that you said you're dropping her off -- you can't
16 testify to his log, but that's what I want to you
17 know, that's what his estimated log says -- and
18 also continue on the CAD report in this matter.
19 The entry on the CAD at 3:27, it says, "female
20 bleeding from head, laying in the middle of the
21 street, Operator 686 RAR NF." I don't know what
22 that means; if you know what that means?
23 A. RAR is Rescue en route. NF is no further
24 information. The OP is the Operator 686.
25 Q. Thank you for that clarification.

0141

1 That's at 3:27, according to the computer; is
2 that correct.

3 A. Correct.

4 Q. So that would have been, obviously, again,
5 your only estimate, she's out of your presence for
6 3:26, comes in at 3:27. A minute later someone's
7 calling about a female bleeding from the head.

8 I was just to trying a clarification in terms
9 of the time.

10 For the record, your best estimate is she's
11 with you for 16 minutes and you dropped her off?

12 A. Yes.

13 Q. Now, you didn't -- I think we went over
14 this -- you didn't actually take her home or verify
15 she was at home and watched her go in her house and
16 open the door and walk her upstairs and put her to
17 bed; I'm sure you didn't do that. You didn't sit
18 around at the scene and see if she actually entered
19 into a residence; is that fair to say?

20 A. Yes.

21 Q. Once she got out of the vehicle, you resumed
22 and you drove back to your district; is that what
23 happened?

24 A. Yes.

25 Q. Officer, you indicated -- what district were

0142

1 you assigned to?

2 A. Sixth.

3 Q. And that covers what area?

4 A. East side of Center City from Broad to
5 Delaware Avenue.

6 Q. You would have been transporting her courtesy
7 outside of your district; that is fair to say?

8 A. Yes.

9 Q. Once you crossed over to 15th or 16th and
10 Walnut, you're out of your district; is that fair
11 to say?

12 A. Yes.

13 Q. Would that have impacted your decision to let
14 her off at 15th and Walnut?

15 Do you follow?

16 A. No.

17 Q. If I want a courtesy ride, you locate me, I'm
18 in your district. When you actually come across me
19 I say I live at somewhere that's not in your
20 district and you say I'm going to give you a
21 courtesy ride, would that impact upon your decision
22 whether or not to continue in giving me a courtesy
23 ride in a district that's not yours? Would that
24 ever come across your mind, I really shouldn't do
25 that because that's out of my district?

0143

1 A. No. If it's further than it's only going to
2 take a couple minutes, you go over the air and let
3 the supervisor know you're going to be going out of
4 your division. You let the supervisor know the
5 address you would like to transport this person to.
6 The supervisor will give okay when it's far. This

7 place this was only three blocks.
8 Q. Did you ever later come to find out, in fact,
9 Miss Morris' address -- last known address -- was,
10 like, 5800 and Walnut, not 1500? It was, like, the
11 5800 block in West Philadelphia?
12 A. Yes.
13 Q. Did there come a time, or did she say in the
14 car, I don't live at 15th and Walnut and you say I
15 can't take to you 50th and Walnut because that's
16 too far out of my district, I'm going to let you
17 our right here, maybe another officer can take you?
18 A. No.
19 Q. That never occurred?
20 A. No.
21 Q. She never told you -- did she ever say this is
22 not where I live when you left her off?
23 A. The only thing she said to me after our
24 conversations was Merry Christmas.
25 Q. And did she -- you asked her about the
0144
1 drunkenness and were you using drugs, and she said,
2 "I don't want to get in any trouble," and, "I just
3 want to go home." Is that fair to say?
4 A. Yes.
5 Q. And you say it wasn't until 6:00 p.m. or so
6 that a supervisor informed you to go to the
7 hospital, Jefferson, just to verify if this was the
8 person you were dealing with earlier in the
9 evening?
10 A. A.m; but, yes.
11 Q. I'm sorry a.m.
12 Also, now, the other thing with the courtesy
13 ride, that's not police procedure; you are not
14 supposed to give courtesy rides, you know that; is
15 that fair to say?
16 A. Yes.
17 Q. Because you're not supposed to do it for a lot
18 of reasons.
19 Now, with this case, you didn't prepare a
20 police 48 in this matter. I'm trying to -- there
21 was no reason that you felt you had to prepare a 48
22 in this matter?
23 A. Yes.
24 Q. The reason was because it was a courtesy ride?
25 A. Yes.

0145

1 COMMISSIONER RODGERS: Nothing else.
2 Thank you.
3 PRESIDING OFFICER NIX: Mr.
4 Stapleton, do you have any questions?
5 -----

6 EXAMINATION BY MR. STAPLETON:

7 Q. I think you did the right thing, intended to
8 do the right thing, and did the right thing in
9 helping Miss Morris into the car and to give her a
10 courtesy ride.

11 In your continuing practice you won't stop
12 doing it because of this, but is there a lesson
13 you've learned after reading the Directive 63 that
14 will improve your performance?

15 A. First of all, I really appreciate that. Thank
16 you very much.

17 I think I will always -- not think, I
18 definitely will always have medical personnel on
19 hand before I make any kind of assessment when it
20 comes to anything that has to do with anybody
21 medical, anything at all. I won't make that
22 assessment ever again.

23 MR. STAPLETON: Thank you.

24 PRESIDING OFFICER NIX: I have no

25 questions for you, Officer Skala.

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1 With that, then, that will conclude
2 your testimony and we will dismiss this
3 witness.

4 Thank you again for your cooperation
5 and your time and patience for coming in and
6 giving testimony.

7 Are there any more witnesses
8 tonight?

9 MR. YOUNG: No.

10 PRESIDING OFFICER NIX: Are there
11 any more witnesses to be called?

12 MR. YOUNG: Not that I know of.

13 PRESIDING OFFICER NIX: Then we will
14 adjourn, and this matter will be closed for
15 the record.

16 (Hearing concluded)

17 (Time noted: 9:15 p.m.)

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0147

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2 CERTIFICATION

3

4 I HEREBY CERTIFY that the proceedings and
5 evidence are contained fully accurately in the notes
6 taken by me on the argument, hearing, or trial,
7 the above cause, and that this is a correct
8 transcript of same.

9

10

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13

14 Lisa J. Amatucci, RPR, CSR*
Registered Professional Reporter
and

15

*Certified Shorthand Reporter
State of New Jersey

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