

In re: : **City of Philadelphia**
: :
Nizah Morris : **Police Advisory Commission**
: :
: **Complaint No. 31279**

Before:

Commissioners

Robert S. Nix, Esquire,
Joseph T. Stapleton, Esquire
Adam Rodgers, Esquire
Joi C. Spraggins, Ph.D.
and Michael Weiss

Counsel

Michael Hayes, Esquire
Dennis G. Young, Jr., Esquire

OPINION

This matter is before the Police Advisory Commission (the “Commission”) based on a complaint filed by Roslyn Wilkins regarding police interaction with her adult daughter, Nizah Morris, both before and after Ms. Morris suffered a fatal head injury on December 22, 2002, as well as the subsequent police investigation of the death.¹ In response to the complaint, the Commission conducted a full investigation and heard the testimony of several witnesses over three nights at public hearings. The Commission also received various documents including police logs and incident reports, autopsy reports, and the 911 transcript, along with previously obtained statements from the officers on the scene at the time of the incident.

This Opinion constitutes the final disposition of the complaint filed by Roslyn Wilkins following the full Commission’s review of the report and recommendations of the Hearing Panel.

A. INTRODUCTION

In the early morning hours of December 22, 2002, Nizah Morris, a transgender individual, was at the Key West Bar and Grille, located at 207 South Juniper Street in Philadelphia. Ms. Morris apparently became intoxicated as a result of consuming several drinks and was escorted outside. According to several witnesses, Ms. Morris was unable to stand on her own and was twice found lying on the ground at the intersection of Juniper and Chancellor Streets. Someone called 911 and Officer Elizabeth Skala arrived shortly thereafter. Three bystanders — Maria Reilly, Kate McCusker, and Trisha Stryjewski, assisted Officer Skala in putting Ms. Morris into the rear of Officer Skala’s patrol vehicle. Officer Skala asked Ms.

¹ The investigation into the Nizah Morris matter was also adopted by the Police Advisory Commission as an issue of community concern, and along with the formal complaint filed by Roslyn Wilkins, as one involving the lack of information provided to the family by the Police Department in the wake of Ms. Morris’ death.

Morris where she lived and Ms. Morris responded that she lived at “15th and Walnut.” Officer Skala then resumed (a radio call to dispatch that assistance was no longer needed) the ambulance and another police officer who were en route based on her assessment of Ms. Morris’ condition and the fact that Ms. Morris repeatedly said that she just wanted to go home. Officer Skala also informed police radio that she was providing a “courtesy ride” for an intoxicated female and would drop her off at 15th and Walnut Streets.

Within minutes of being dropped off by Officer Skala, Ms. Morris was found lying unconscious in the street at 16th and Walnut Streets. It was later determined that Ms. Morris sustained serious physical injuries to her head as a result of blunt trauma just above the right eye. Emergency medical personnel transported Ms. Morris to Thomas Jefferson University Hospital where she died two days later.

B. SUMMARY OF RELEVANT FACTS

Officer Skala’s Version of Events

Officer Elizabeth Skala (Badge # 2409, PR # 23850) testified before the Commission that on the night in question she responded to a 911 call involving a “hospital case.” When she arrived on scene, Officer Skala exited her vehicle and walked to the sidewalk in front of Sister’s Bar. Officer Skala noticed a very tall black female (later identified as Ms. Morris) who was standing on the corner. Officer Skala did not recall any other persons in the immediate vicinity of Ms. Morris when she arrived.

Officer Skala approached Ms. Morris and asked her what was wrong. Ms. Morris responded by crying and stating that she did not want to get into any trouble and that she just wanted to go home. Officer Skala recalled that Ms. Morris was having a problem standing but attributed that to her heeled shoes which Officer Skala described as “extremely high.”

Ms. Morris asked Officer Skala to take Ms. Morris home and, for the third time, told Officer Skala that she did not want to get into any trouble and that she did not want to go to the hospital. Officer Skala agreed to give Ms. Morris a “courtesy ride” home and asked Ms. Morris where she lived to which she responded, “15th and Walnut.” At that point, Officer Skala resumed the ambulance that had been dispatched and the assisting officer who was en route.

Officer Skala assisted Ms. Morris into the cruiser by lowering her head and helping Ms. Morris into the back seat. Officer Skala did not recall Ms. Morris needing any assistance walking to the cruiser. Officer Skala also could not recall whether she had any conversations with anyone other than Ms. Morris or whether she had any assistance in helping Ms. Morris into her cruiser while at the scene. Officer Skala did not observe any physical injuries to Ms. Morris. Officer Skala transported Ms. Morris to 15th and Walnut Streets, where Ms. Morris exited the vehicle from the rear driver’s side. Officer Skala recalls opening the rear door but does not recall whether she assisted Ms. Morris in exiting the car. Officer Skala testified that she witnessed Ms. Morris walk around the back of her cruiser and onto the sidewalk, at which point Ms. Morris said “Merry Christmas.” Officer Skala returned to the driver’s seat and pulled off. During the course of Ms. Morris exiting the cruiser, Officer Skala recalled that Officer Thomas Berry’s cruiser

pulled alongside her cruiser and he asked if she needed any assistance. Officer Skala responded that she did not and Officer Berry left the area.

Later that morning, at or about 6:30 a.m., Officer Skala was told to go to Jefferson Hospital to possibly identify the woman that was her hospital case that was reported “hit by car.” Officer Skala arrived at the ICU at Jefferson and identified Ms. Morris as the woman that she transported to 15th and Walnut Streets earlier that morning. Ms. Morris was not presumed dead at the time but the doctors thought that the injuries were serious and the result of a possible fall or aggravated assault. Based on this information, Officer Skala called Central Detectives and informed them of the possible aggravated assault. Officer Skala had no other dealings with this incident.

Maria Reilly and Trisha Stryjewski

In addition to Officer Skala, two employees of Sister’s Night Club, Maria Reilly and Trisha Stryjewski, were identified by and testified before the Commission regarding the December 22, 2002 incident.

Maria Reilly testified that she left the club around 3:00 a.m. on December 22, 2002 and saw Ms. Morris lying in the street, hunched over, and unable to stand on her own. Ms. Reilly, along with Trisha Stryjewski and “Paul” (Paul Gisondi),² assisted Ms. Morris to her feet and stood her up against the wall of the night club. Ms. Reilly asked Ms. Morris if she was okay at which point she responded, “Yes, I just want to go home.” Ms. Reilly recalled that despite Ms. Morris lying in the road, she otherwise “looked okay, physically.” Ms. Reilly also recalled that, at the time that they were assisting Ms. Morris to her feet, an unknown man attempted to steal Ms. Morris’ purse, at which point Ms. Reilly notified Paul who was able to retrieve the purse.

Ms. Reilly was present when Officer Skala arrived on scene and, contrary to Officer Skala’s testimony, recalled that she and Paul assisted Officer Skala in placing Ms. Morris in the police cruiser. Ms. Reilly also testified that she overheard Ms. Morris tell Officer Skala that she lived at 15th and Walnut Streets and that she did not want to get into trouble. Based on her physical appearance and demeanor, Ms. Reilly did not believe Ms. Morris was under the influence of alcohol or any other drugs.

The relevant portions of Trisha Stryjewski’s testimony and her recollections are generally consistent with that of Maria Reilly but differ in one respect: she recalled twice assisting Ms. Morris from the ground. On the first occasion, she noticed Ms. Morris lying halfway in the street with her upper torso in the street and her lower body on the sidewalk facing the nightclub. Ms. Stryjewski and Ms. Reilly assisted Ms. Morris to her feet, walked her to the corner sidewalk of Juniper and Chancellor Streets, and left the area to retrieve their car from the adjacent parking lot.

² Although Paul Gisondi did not appear before the Panel and provide testimony, he was interviewed by Executive Director William Johnson and Chief Inspector Wellington Stubbs of the Police Advisory Commission and Ms. Gisondi’s statement is consistent with that of Maria Reilly and Trish Stryjewski. Also interviewed by the Police Advisory Commission were William Jackson and Oscar Padilla (the first person on scene), whose statements together were considered by the Commission in reaching its recommendations.

When she returned to the intersection of Juniper and Chancellor Streets in her car, Ms. Stryjewski noticed that, for the second time, Ms. Morris was lying completely in the middle of the street. With the help of Paul and Ms. Reilly, Ms. Stryjewski again assisted Ms. Morris to her feet and stayed with her until Officer Skala arrived. Ms. Reilly's testimony was similar to that of Ms. Stryjewski in all other respects including that Ms. Morris did not smell of alcohol, said that she lived at 15th and Walnut Streets, and that she wanted to go home.

Paul Brennan

Paul Brennan testified before the Commission concerning his recollection of events *after* Ms. Morris was dropped off by Officer Skala at 15th and Walnut Streets. Mr. Brennan recalled driving west on Walnut Street at approximately 3:00 a.m. Mr. Brennan's car was situated in the left-hand lane of the two-lane street behind a police cruiser. The police cruiser stopped adjacent to a car "parked" in the right-hand lane thereby not allowing Mr. Brennan to continue forward. At that time, Mr. Brennan noticed a woman (later identified as Nizah Morris) lying in the street in the right-hand lane directly in front of the "parked" car. Ms. Morris' body was facing west with her head turned north and her arms to her side. Mr. Brennan did not see Ms. Morris move and initially thought that she had been hit by a car.

In addition to the police cruiser, Mr. Brennan noticed an ambulance parked in the left-hand lane on the north side of 16th Street. Mr. Brennan recalled seeing the officer exit his police cruiser, walk past Ms. Morris, and directly to the parked ambulance. Mr. Brennan did not recall the police officer having any contact with Ms. Morris, including performing any life-saving procedures. A short time later, two paramedics exited the ambulance and wheeled the gurney over to Ms. Morris. The paramedics placed Ms. Morris on the gurney and a jacket was placed over her head by the officer. Mr. Brennan was unsure whether the jacket placed over Ms. Morris' head belonged to her. Mr. Brennan remembered seeing the officer entering his cruiser and pulling off.

Officer Thomas Berry

Officer Thomas Berry (Badge # 2507, PR # 238513) testified before the Commission. Officer Berry has been a patrol officer with the Philadelphia Police Department for over six years. Officer Berry testified that he encountered Officer Skala on the night in question when Officer Skala was dropping off Ms. Morris. Officer Berry recalled pulling alongside Officer Skala's cruiser, noticing someone in the back seat, and asking Officer Skala if she needed assistance. Officer Skala responded that she did not and was just dropping someone off. Officer Berry then pulled off. He was present for less than a minute.

Shortly thereafter, Officer Berry was driving northbound on 16th Street when he was flagged down by a civilian on a cell phone. Officer Berry approached the man who told him that a woman (Ms. Morris) was hit by a car. Officer Berry exited his cruiser and was escorted to a location where Ms. Morris was lying in the street. Officer Berry noticed a car parked behind Ms. Morris and assumed that she had been hit by the car. Officer Berry questioned the owner of the "parked" car and asked whether his car hit her, to which he responded, "No ... I drove down the street and I found her like this." Officer Berry did not notice any obvious damage to the vehicle

and presumed the man to be telling the truth. Officer Berry then radioed for Rescue which arrived a few minutes later.

In the meantime, Officer Berry observed Ms. Morris and noticed that she was breathing. Officer Berry did not recall seeing any physical injuries, did not see any blood, and did not specifically recall seeing injuries to Ms. Morris' forehead, although the incident report that he completed and the dispatch call referenced notes "cut on head" and "a person lying in the road bleeding." Officer Berry asked Ms. Morris numerous questions such as "are you okay?" but Ms. Morris was unresponsive. Once the paramedics arrived, Ms. Morris was placed on a gurney and wheeled to the ambulance. Officer Berry completed an incident report (75-48) and resumed his patrol.

Initially, Officer Berry believed the incident to be an automobile-pedestrian accident. After questioning the person who owned the car "parked" directly behind Ms. Morris who denied being involved in an accident with Ms. Morris and, after inspecting the vehicle and not seeing any obvious damage, Officer Berry's assessment of the incident changed from an automobile accident to a "D-K (drunken) female on the highway." Officer Berry recalls Ms. Morris smelled of alcohol and this information "probably" played a part in classifying the case as a "D-K."

Officer Berry recalled interviewing "a couple of people" but no one witnessed anything. Once the Rescue unit arrived, Officer Berry told them that he had found Ms. Morris on the highway and that there were no witnesses and no one knew what happened. Officer Berry did not recall what Ms. Morris was wearing, but does recall Ms. Morris having a purse. Officer Berry searched Ms. Morris' purse for identification but did not find any.

On the same night after he resumed, Officer Berry was asked to respond to Jefferson Hospital to be interviewed by another officer. When he arrived at Jefferson, he was asked what happened. About a week later, Officer Berry was contacted by his supervisor who also asked him about the Nizah Morris incident. Officer Berry was interviewed for the third time in mid-January 2003, the fourth time in April 2003, and the fifth time in December 2004 by various officers of the Homicide Unit and Internal Affairs.

Officer Berry also testified that, to his knowledge, there are no police directives, rules and/or policies regarding courtesy rides and therefore it is up to the discretion of the individual officer. Officer Berry testified that during his six-and-half years as an officer he has encountered numerous intoxicated individuals and frequently has assisted these persons with courtesy rides. Officer Berry did note, however, that if someone was not physically able to walk and required assistance, he would not offer them a ride but would instead call Rescue and let them handle it from there. He believes this has happened on at least twenty other occasions.

Chief Inspector James Tiano

Chief Inspector James Tiano testified before the Commission. Chief Inspector Tiano has been employed with the Philadelphia Police Department for over 41 years, with 15 of those years as a patrol officer. In addition to other areas of concern, Chief Inspector Tiano testified as to his understanding of the Police Department's procedures in responding to hospital cases.

Specifically, he testified that when responding to a hospital case, if a police officer finds a person in a semiconscious or unconscious state that person should immediately be transported to the nearest hospital, preferably by an emergency medical vehicle. Chief Inspector Tiano also testified that hospital cases should only be resumed by medically competent persons and that a police officer should never make the determination to resume a hospital case.

With respect to intoxicated persons, Chief Inspector Tiano testified that it is discretionary as to whether an intoxicated person should be transported to the hospital or taken home in a cab or by a friend. Chief Inspector Tiano reasoned that to transport every intoxicated person to the hospital in each and every instance would strain police and hospital resources and “we would be having everybody on Friday and Saturday nights sending somebody to the hospital.”

Chief Inspector Tiano did not believe that there was a policy against “courtesy rides” and, not to do so, would be perceived by the general public as “inhumane” and potentially dangerous if something were to happen to a resident of the City who was left stranded because a police officer refused to provide a reasonable courtesy ride.

Chief Inspector Tiano also noted that given his 41 years of experience, if he were in a similar situation to that of Officer Skala and asked to transport an intoxicated person to 15th and Walnut Streets late at night knowing it to be a business district (and not necessarily a residential district) that he would also give that person a courtesy ride.

Additionally, Chief Inspector Tiano testified that Officer Berry who first responded on scene should have had his lights on for safety reasons and should have immediately evaluated the condition of Ms. Morris for consciousness and, if not, start CPR. Chief Inspector Tiano also believes that the first responding officer should protect the integrity of the scene, including assessing whether a crime had been committed.

Finally, Chief Inspector Tiano testified that since the Medical Examiner ruled the incident to be a homicide the Homicide Unit and/or Accident Unit of the Police Department should have been contacted to oversee and investigate the matter.

Dr. Edwin Lieberman

Dr. Edwin Lieberman also testified before the Commission. Dr. Lieberman is the Assistant Medical Examiner for the Philadelphia Police Department and has served in this capacity for the past 16 years. This matter was reported to the Medical Examiner’s Office by the hospital and classified as a “trauma” case. Dr. Lieberman examined the body of Ms. Morris including an external examination of the body unclad looking for evidence of trauma, natural disease, and therapy. Dr. Lieberman noted trauma to the right temple region and as a result, ordered an autopsy.

Dr. Lieberman also examined Ms. Morris’ clothing and there was no trace evidence that she was involved in a car accident. Dr. Lieberman concluded, based on his autopsy and the surrounding circumstances, that Ms. Morris suffered a “cranio cerebral injury” (a swollen brain) which caused her death. The manner of death was ruled a homicide because the injuries to Ms. Morris’ head were not consistent with a simple fall. Instead, the injuries suggested a rotation of the skull from the extreme force of one blow to the skull. Based on the autopsy, Dr. Lieberman

was unable to determine the direction of the single blow other than that the assailant was “side-to-side” with Ms. Morris and would have struck her with an object in the left hand against Ms. Morris’ right temple area.

In addition to the laceration to the right temple, Ms. Morris suffered two abrasions on the right little finger; a horizontal abraded laceration of the right ring finger; and a contusion of the right middle finger. These were not life-threatening injuries. These injuries, quite possibly, could have resulted from a fall where Ms. Morris was conscious and attempted to use her hands to break the fall. These injuries also sometimes appear in assaults as defensive wounds. Dr. Lieberman could not definitively conclude whether the above injuries were the result of a fall or an assault.

Dr. Lieberman also could not conclude that the injuries suffered by Ms. Morris, both to her head and right hand, were not caused by a low-speed automobile accident in which Ms. Morris could have been hit to her head by a side-view mirror of an automobile going approximately 20 m.p.h. and then fell defensively to the ground.

Other than hospital-administered drugs, there were no traces of drugs found in Ms. Morris’ body, although Dr. Lieberman testified that ethanol (alcohol) and narcotics could have been metabolized during Ms. Morris’ time in the hospital and thus, not detected during the autopsy.

Dr. Lieberman’s final conclusion was that the injuries sustained by Ms. Morris were most likely due to an assault by another person, although he could not rule out the possibility that she was struck by the side-view mirror of a moving vehicle. Dr. Lieberman recalls speaking with the Homicide Unit and provided them with a complete report and full information to assist them in their investigation.

Internal Affairs Investigation

Following Ms. Morris’ death, the Internal Affairs Division of the Philadelphia Police Department (“Internal Affairs”) commenced an investigation. At the conclusion of its investigation, Internal Affairs sustained a charge against Officer Skala for violating Philadelphia Police Department Directive No. 63 (“Hospital Cases”) because “she should have considered the assignment of the hospital case as an emergency and allowed medical professionals to assess Ms. Morris’ condition.³ Internal Affairs did not, however, recommend punishment beyond a verbal reprimand. And, while we believe the facts support a sustained charge against Officer Skala, we believe Internal Affairs’ verbal reprimand did not sufficiently emphasize the importance of following police directives and adhering to guidelines.

³ Internal Affairs also found that Ms. Morris was in a semi-conscious state, as defined in Philadelphia Police Directive Number 128, Intoxicated Persons in Police Custody which states, “Persons found in a semi-conscious or unconscious condition *will* be transported to the nearest hospital for medical evaluation.” We note that there was conflicting testimony as to whether Ms. Morris was semi-conscious and that Ms. Morris was not, in any event, in custody at any point during the sequence of events.

C. ISSUES PRESENTED

1. Whether Officer Skala violated Philadelphia Police Department Directive Number 63 when she resumed emergency medical personnel after receiving a 911 call for a “hospital” case?
2. Whether Officer Skala violated Philadelphia Police Department Directives, Policies and/or Rules when she provided Ms. Morris with a courtesy ride?
3. Whether the Philadelphia Police Department properly investigated the death of Nizah Morris?

D. DISCUSSION

Resuming of Hospital Case

Philadelphia Police Department Directive Number 63, Hospital Cases, states that:

Police personnel will consider the assignment of a hospital case as an emergency unless advised otherwise by a medically competent person.

Philadelphia Police Department Directive Number 63 is not discretionary, but mandatory. According to Chief Inspector Tiano, hospital cases should only be resumed by medically competent persons and that police officers should *never* make the determination to resume a hospital case. Given the nature of the call, Officer Skala’s resuming emergency medical personnel and an assisting officer was in violation of Directive 63. When responding to a call designated by 911 personnel as a “hospital” case, Officer Skala should have considered the assignment an emergency and allowed emergency medical personnel to assess Ms. Morris’ condition.

The record is clear that Officer Skala was responding to a “hospital” case and that there were individuals who witnessed Ms. Morris in a confused state of being unable to stand on her own or walk. Nevertheless, Ms. Morris gave a clear instruction that she just wanted to go home. Officer Skala nonetheless should have allowed, at the very least, a medically competent person to evaluate Ms. Morris concerning the necessity for medical assistance.

This notwithstanding, Officer Skala faced a serious dilemma and she made a decision to give Ms. Morris a ride based on her own assessment of Ms. Morris’ condition. That assessment may have been correct – that Ms. Morris was not so impaired that a trip to the hospital was unnecessary – and factually the testimony is inconclusive as to whether this was indeed the case. Others would say Ms. Morris should have been immediately transported to the hospital. We do not believe that the decision to give the courtesy ride leads inescapably to a conclusion of complicity, or that it was even a substantial factor in Ms. Morris’ death. We do not know how Ms. Morris died; we only know that she was tragically killed. In hindsight, it is reasonable to conclude that calling off the ambulance was a bad decision; whether Ms. Morris would have declined medical help at that time we will never know. But at least there would have been a medical professional involved to make a more fully informed assessment of Ms. Morris’ medical

condition. Officer Skala deferred to the request of Ms. Morris just to get her home and called off further intervention. We can speculate all we want and, with the benefit of hindsight, ask what if – but Officer Skala made a subjectively understandable judgment call.

It is the example of this case that underlines the purpose of Police Directives, in general, and the need for police officers to follow the guidelines in order to protect the citizens of the City of Philadelphia and to also protect themselves. Based on the evidence, we recommend that Officer Skala undergo additional training with regard to the Philadelphia Police Department Directive No. 63.

Propriety of Courtesy Ride

There is no written Police Department Directive, Rule, or Policy against so-called “courtesy rides.” The practice of giving courtesy rides has been discretionary. Officer Skala’s provision of a courtesy ride to Ms. Morris therefore was not a violation of the Philadelphia Police Department’s Directives.

Chief Inspector Tiano testified of the importance of courtesy rides and the need for officers to have discretion in providing them. Chief Inspector Tiano reasoned, and the Commission agrees, that to transport every intoxicated person to the hospital in each and every instance would strain police and hospital rescue resources, and “we would be having everybody on Friday and Saturday nights sending somebody to the hospital.” This Commission believes that providing courtesy rides is a useful and necessary tool that can in fact, if not provided, lend to more serious problems for police officers and healthcare personnel, and further enhances the perception that the Police Department is accommodating at a time when that perception may not be shared by all. The Commission believes however that the propriety of courtesy rides should be considered on a case-by-case basis and that officers must think carefully about the onus and responsibility of giving a courtesy ride before doing so. A courtesy ride may require the officer to assist the individual into their home or ensure that the individual is otherwise safe.

Based on this evidence and understanding of this incident, we recommend that the Police Department draft, issue, and implement specific *guidelines* and/or directives regarding courtesy rides, and appropriate training of officers that will assist and aid them in determining whether, and in what circumstances courtesy rides should be provided to citizens.

Propriety of the Police Investigation

There is no evidence that the Philadelphia Police Department failed to properly investigate the death of Nizah Morris. Nor is there any evidence to suggest that Ms. Morris’ status as a member of the transgender community adversely affected the police investigation into her death. The testimony as to what happened to Ms. Morris after Officer Skala gave her a courtesy ride is inconclusive. This notwithstanding, based on the record before us, the police investigation was timely and thorough. Officer Berry testified that he was interviewed at least five times by the Homicide Unit and Internal Affairs. Dr. Lieberman testified that he conducted a full examination and autopsy of the body, prepared a complete report, and provided this information to the Police Department to assist in their investigation of Ms. Morris’ death. Likewise, Internal Affairs conducted a full investigation, interviewing the individual officers and

a number of civilian witnesses. At the conclusion of its investigation, Internal Affairs concluded, among other things, that Officer Skala violated Police Directive No. 63.

Many circumstances surrounding the death of Nizah Morris remain unresolved. We, however, do not conclude, based on the evidence and information before us, that Ms. Morris' death is unresolved due to anything the Philadelphia Police Department has done or has failed to do. We do not conclude nor find, nor does the record support, that the Police Department, or any of its members, was in any way involved in the death of Ms. Morris or in a cover-up of the circumstances surrounding her death. Based on the evidence, we find no basis for any adverse recommendation as the Philadelphia Police Department's investigation and handling of this matter was fair and proper.

There has been ample speculation as to whether the Police Department released to the public and/or produced to the Commission all of the evidence and information it is required to produce pursuant to the Executive Order under which the Commission operates. The Commission has been assured by the Police Department that all evidence and information in its possession in connection with this incident and investigation has been produced to the Commission.

E. CONCLUSION

Officer Skala's decision to provide a courtesy ride to Ms. Morris instead of proceeding as a hospital case set in motion a chain of events, both resolved and unresolved. Nevertheless, the perception that Ms. Morris' tragic death was caused, in whole or in part, by the actions of the Philadelphia Police Department and/or Officer Skala is not supported by the weight of the evidence, including the testimony of independent eye witnesses. There is no evidence that points to any wrongdoing, with exception of Officer Skala resuming Rescue, by the Police Department in either their handling or investigation of the Nizah Morris incident.

In summary, the Commission concludes that: (1) Officer Skala violated Directive 63 and should receive additional training on that Directive, as well as Directive 128; (2) the Police Department should draft, issue, and implement specific *guidelines* and/or directives regarding courtesy rides, and should provide appropriate officer training to assist them in determining whether, and in what circumstances courtesy rides should be provided; and (3) based on the evidence before the Commission, we find that the Police investigation of the death of Ms. Morris, which remains open, has to this point been fair and proper.

We hope and trust that the Police Department will carefully consider the events that led to the filing of this complaint, including its lack of guidelines for courtesy rides, as it endeavors to ensure that a similar incident will never happen again.

This Opinion represents the final disposition of the Police Advisory Commission concerning the complaint of Roslyn Wilkins regarding the transporting and subsequent death of her adult daughter, Nizah Morris. The Commission endorsed the findings and recommendations as set forth in this Opinion during its regular monthly meeting held on October 30, 2007.

Pursuant to the Commission's Executive Order and established procedures, this Opinion will be hand-delivered to the Mayor, the Police Commissioner and the City's Managing Director. This Opinion also will be mailed to the Complainant on the date it is delivered to the City officials. The Police Commissioner, pursuant to the Executive Order, has thirty days from the date of delivery of the Opinion to respond to the Commission's findings and recommendations. The Opinion becomes a public document three working days after its delivery to the Mayor and the other City officials.