

# South Whitehall rookie officer charged with manslaughter in unjustified shooting of unarmed Latino man, DA rules

Gamiz, Manuel, Jr; Wojcik, Sarah M; Laurie Mason Schroeder; Thompson, Carol . The Morning Call (Online) , Allentown: Tribune Interactive, LLC. Aug 7, 2018.

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## FULL TEXT

In his final moments, Joseph Santos asked for help even as he frightened a motorist by jumping on her moving car on Hamilton Boulevard. That offense brought him face to face with a rookie South Whitehall Township police officer, whose order to “get on the ground” he ignored.

Walking toward Officer Jonathan Roselle, Santos, who clearly had no weapon, uttered his last words. “Don’t do it,” he pleaded, as Roselle unloaded five shots.

Seven months after joining the police department, Roselle, a 33-year-old Army veteran of Afghanistan, was charged Tuesday with voluntary manslaughter and surrendered to authorities.

At a news conference Tuesday, Lehigh County District Attorney Jim Martin called Santos’ July 28 death unjustified, based on the findings of a state police investigation.

“This was an act of a relatively inexperienced officer who held a subjective fear for his own safety, but he made a decision which objectively was unreasonable in light of the facts,” Martin said.

Roselle, who was hired in December and had been on patrol by himself for only five months, questioned his own actions immediately, according to court documents.

He told an officer and then a supervisor who arrived on the scene that he thought he “f---ed up,” the documents note.

Martin confirmed that Santos, 44, of Hasbrouck Heights, N.J., was not armed.

He said police interviewed 11 witnesses, finding that Santos was jumping and pounding on cars and asking some motorists for help. Not everything Santos was saying was captured on the officer’s bodycam or car dashcam, Martin said, but he was heard pleading to Roselle, “Don’t do it,” before being shot.

Weeping as they stood outside the courthouse listening to Martin’s press conference, Santos’ family vowed to see that Roselle is convicted and stripped of his badge. The NAACP also called upon South Whitehall Township to fire him.

Calling Roselle “trigger happy,” Arlene Figueroa, the mother of one of Santos’ children, asked why he was allowed to work without a partner, given that he was too inexperienced to handle stressful situations.

“I don’t wish him harm,” Figueroa said, as she clutched a sign with pictures of Santos and their 8-year-old daughter. “I pray that he’s able to close his eyes and not picture what I see at night.”

Roselle, who lives in Parryville, joined South Whitehall after graduating from the Allentown Police Academy and was set to spend the first 14 weeks on the job in field training. Before that he was in the Army and public records show he attended Binghamton University-SUNY. Martin said Roselle is in the National Guard, where he holds the rank of major.

He was charged by District Judge Michael Faulkner with one count of voluntary manslaughter — a felony punishable by up to 20 years in prison — and released on \$75,000 unsecured bail.

In a prepared statement, Roselle’s attorney Gavin Holihan, said, “Officer Roselle believes now, as he did on July 28,

that his actions were justified and appropriate based on the facts and circumstances evident at the time. He respects the system of justice he has sworn to uphold and he eagerly awaits the opportunity to be heard at trial. He believes that when all of the evidence is presented publicly, any fair citizen will reach the same conclusion he reached: that the deadly force used on July 28 was justified and appropriate."

South Whitehall Police Chief Glen Dorney said Roselle is on paid leave and that his department is conducting an internal investigation of the shooting.

He and Martin offered their condolences to Santos' family. And Dorney also offered condolences to Roselle, saying the shooting has "affected him dearly."

He called his officer "a man of honor and integrity and a good person to the core," adding, "this incident does not change that."

### **'Get on the ground'**

Santos spent most of July 28 with relatives at Dorney Park, celebrating the birthdays of his girlfriend's two teenage sons. His girlfriend told The Morning Call she was unaware he had left the park and that she had spent a frantic night trying to find him before finding out about his death the next day.

Santos, who had a history with drugs but had gained sobriety in recent years and helped others get off drugs, was on probation for a drug possession charge in New Jersey at the time of his death, court records show. His sister, Iris Guzman of Reading, said days after his death that relatives were trying to determine how he ended up in traffic on Hamilton Boulevard. She said he did not have mental health issues.

At about 5:45 p.m. on July 28, several people called 911 about a man interfering with traffic. Videos circulating on social media show a shoeless man hanging onto a moving car. Martin said some vehicles were damaged, including one in which a window was ripped out.

According to court documents, Roselle was parked on the median on Hamilton Boulevard, monitoring traffic, when a hysterical woman pulled up beside him and reported that a man had tried to enter her car. He made a U-turn and saw a man who was bleeding and walking toward him. Roselle radioed for backup, telling dispatchers he may be dealing with a person with a mental issue. Before anyone else arrived, Santos banged on the driver side window, then climbed on the SUV's hood and pounded in "slow lethargic motions" on the windshield, dislodging the SUV's dashcam. The police cruiser continued moving slowly for several feet before stopping. Santos got off the hood and banged on the passenger window a few times before appearing exhausted as he leaned on the vehicle.

Roselle drew his 9 mm handgun while he was still sitting in the driver's seat and pointed it at Santos after the first bang on his car window, the documents state. When Santos stopped banging, Roselle got out of the car and ordered him to back away from the vehicle, keeping the gun pointed at him.

In videos posted on social media, Santos is seen walking away from the stopped police cruiser, then reversing course as the officer shouts repeatedly for him to "get on the ground." As he approaches Roselle, he slightly raises then lowers a hand.

Martin pointed out that Santos was walking, not running or rushing toward the officer. That nothing was in his hands, his fists were not clenched and his posture was not threatening, even as he faced Roselle's gun. "Don't do it," Martin said Santos could be heard saying.

Five shots rang out and Santos collapsed to the ground. Lehigh County Coroner Scott Grim later said Santos died of multiple gunshots, though he wouldn't say how many hit him.

Officer Kevin Smith was the first to arrive and helped Roselle perform CPR on Santos.

As they did, Roselle told Smith he thought he "f---ed up," court documents say. He told Smith he "didn't know what to do" because Santos kept coming at him, the records say. When Sgt. Kevin Edelheiser arrived, Roselle again said that he thought he had messed up, adding that he should have just stayed in his vehicle but he thought Santos might go into traffic.

### **No malice**

Before Martin's decision was announced, the NAACP had joined South Whitehall Township Commissioner Mark Pinsley and others in asking the district attorney to turn the case over to the state Attorney General's Office.

Questioning Martin's objectivity, the NAACP pointed to a comment he made at a news conference the night of the shooting in which he said the officer "encountered the gentleman and unfortunately had to use his weapon and shot him."

Martin acknowledged Tuesday that he poorly chose his words that night. He added that he does not believe race played a role in the shooting and that Roselle did not act out of malice but out of the "unreasonable mistaken belief that he was justified in doing so."

Martin said the voluntary manslaughter charge —which the state code defines as a killing by someone acting under a sudden and intense passion —reflects that Roselle was not justified in using deadly force, given that Santos was not armed or committing a felony and that deadly force was not necessary to prevent death or secure an arrest. He opted to use a gun instead of less lethal options at his disposal, notably a baton, pepper spray and Taser —all of which were in working order, Martin said.

He said his office will not release bodycam or dashcam videos because they are part of the evidence in the case. The NAACP called Roselle a "menace," adding that "members of the public are not safe while this individual continues to carry a badge and a gun."

The organization said it conducted its own investigation, led by Tony Phillips, a retired Allentown police officer and vice president of the local branch, and concluded that the officer "illegally and wrongfully shot five bullets at Joseph Santos in a situation where the officer's life was not in jeopardy and where lethal force was not called for or appropriate."

The organization also called on South Whitehall to add more minority officers to its roster and to better train its police force in racial bias and when to use lethal force. According to the NAACP, the township has no African-American officers.

There appear to be no African-American officers among the 34 police officers pictured in a group photo on the department's website. Asked Tuesday, Dorney would not say if any member of his force is African-American, Latino or other racial minority.

At a vigil for Santos last week, his brother, Luis Santos, made reference to the numerous incidents of unarmed men of color being shot by police in recent years, and asked the crowd if the fact that his brother was Latino may have factored into his death. "If he was white, would they have gone a different route?"

"Yes," shouted the 100 or so in the crowd.

Make the Road PA, one of the vigil's organizers, issued a statement Tuesday supporting Martin's decision and noting that it's just the first step.

"While the indictment is important we know that many police are indicted but not found guilty and as a community we demand that all necessary resources be provided to ensure a conviction," Director Adanjesús Marín said in the statement.

"We also recognize the indictment of this officer does not address the overarching problem of police who resort to deadly force as their first option," he added. "Together with the community we will present demands for changes in police departments throughout the valley to ensure that this never happens again."

Santos' killing is different from the last two fatal officer-involved shootings in Lehigh County in that he did not appear to be armed. In the previous cases, Martin found the shootings justified, making his rulings after about seven weeks.

The last Lehigh Valley police officer charged with killing someone was Easton officer Scott C. Cameron, who shot and killed John Rapp on Christmas Eve in 1998.

Cameron found Rapp asleep at the wheel of his parked vehicle in Palmer Township and knocked on the window. The startled driver sped off, knocking the officer over. Cameron shot at the fleeing Rapp, hitting him in the back of the head.

State police determined the three-year police veteran was not justified to use deadly force. Cameron eventually pleaded guilty to involuntary manslaughter and served 18 months in prison. About two dozen officers attended his guilty plea, wearing blue ribbons as a show of support.

*mgamiz@mcall.com*

*Twitter @mannypantalones*

*610-820-6595*

*Pamela Lehman, Michelle Merlin and Dan Sheehan contributed to this story.*

Credit: Manuel Gamiz Jr., Sarah M. Wojcik, Laurie Mason Schroeder, Carol Thompson

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