

Philly narcotics cop won't face charges in fatal August shooting

Chang, David; Chinn, Hannah . Philadelphia Tribune ; Philadelphia, Pa. [Philadelphia, Pa]07 Dec 2018: 2A.

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FULL TEXT

No charges will be filed against a police officer who shot and killed a Black man in Philadelphia's Tacony neighborhood over the summer.

Pennsylvania Attorney General Josh Shapiro announced Tuesday that officer Richard Nicoletti will not be charged in the fatal shooting of Jeffrey Dennis, 36.

"My office conducted a thorough four-month review of this case, interviewing witnesses, examining video footage, and analyzing all available evidence," Shapiro said. "We applied the facts to Pennsylvania law, and accordingly, no criminal charges against Richard Nicoletti will be filed by my office."

On Aug. 20, Nicoletti, a 29-year veteran assigned to the Narcotics Field Unit, along with five other officers were conducting an undercover investigation on the 7100 block of Cottage Street.

The officers were preparing to execute a search warrant at the home and were conducting surveillance when they spotted a 2010 Toyota Camry driven by Dennis. Investigators say they identified the vehicle as being involved with prior drug activity at the home targeted in the warrant.

Surveillance video shows Nicoletti and the other officers using their unmarked police vehicles to box in the Toyota Camry. The officers then left their vehicles and approached the Camry. Police say Dennis failed to listen to their commands to shut the engine off and began striking the police vehicles with his car.

One of the officers then shattered the driver's side window as Dennis continued trying to escape, investigators said. Police said one of the officers was struck by Dennis' vehicle.

Nicoletti, who was near the driver's door of the Camry, then fired three shots, striking Dennis in the head and left arm. A medic arrived at the scene and Dennis was pronounced dead. Three of the responding officers suffered minor injuries during the incident.

Philadelphia Police Department policy directives state: "Police officers shall not discharge their firearms AT a vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle (e.g., officers or civilians are being fired upon by the occupants of the vehicle)."

The policy directive goes on to say that officers shall not remain in the path of a vehicle, and that being in the path of a vehicle is not justification for discharging a weapon.

Police Commissioner Richard Ross said in August that it was "a volatile situation."

"Quite candidly we have some concerns about the shooting, too, some of the tactics that were used," Ross said.

"We're looking very, very closely."

Ross met with Dennis' family and answered their questions. They called for Nicoletti to be removed from the police force and to be charged with premeditated murder. Nicoletti was placed on administrative leave.

The Philadelphia Fraternal Order of Police called for due process for the officers involved.

"It's unfortunate that city leaders and others are prematurely second-guessing the tactics of police officers during a volatile and chaotic situation that lead to the death of an alleged drug suspect," FOP Lodge 5 President John McNesby said in a written statement following the shooting. "...We ask everyone to hold judgment until all the facts are known and a complete investigation has been undertaken."

Philadelphia District Attorney Larry Krasner recused himself and his office from investigating the matter. A

spokesman for Krasner confirmed he was Dennis' criminal defense attorney a few years ago when he was facing drug charges.

Shapiro then accepted the referral and his office handled the investigation.

"Violations of police procedure do not always rise to the level of criminal charges," Shapiro wrote. "Whether Philadelphia Police Department procedure was followed during this incident was not in the scope of our investigation, and will be addressed by Commissioner Ross and the Department."

Shapiro said he met with Dennis' family multiple times during the investigation and that he informed them Tuesday of the decision to not file charges.

"Mr. Dennis' death leaves a family in mourning and children missing their father, and I am deeply saddened by that loss," Shapiro wrote.

The state attorney general said his office released the surveillance video of the incident in order to "promote transparency."

"I know the outcome of this case is frustrating to some, and I understand the very real mistrust that exists between our communities and law enforcement," Shapiro said.

"I swore an oath to assess the findings of every investigation and apply them to the law, which is what the Office of Attorney General has done in this case and does in every case," he added. - (NBC10)

DETAILS

Subject:	Automobiles; Shootings; Attorneys general; Criminal investigations; Surveillance; Search warrants; State laws; Vehicles; Narcotics
Location:	Pennsylvania
People:	Krasner, Larry
Company / organization:	Name: Fraternal Order of Police; NAICS: 813410, 922120; Name: Police Department-Philadelphia PA; NAICS: 922120
Publication title:	Philadelphia Tribune; Philadelphia, Pa.
Pages:	2A
Publication year:	2018
Publication date:	Dec 7, 2018
Publisher:	Philadelphia Tribune
Place of publication:	Philadelphia, Pa.
Country of publication:	United States, Philadelphia, Pa.
Publication subject:	African American/Caribbean/African, Ethnic Interests
ISSN:	0746956X
Source type:	Newspapers

Language of publication:	English
Document type:	News
ProQuest document ID:	2158434496
Document URL:	https://search.proquest.com/docview/2158434496?accountid=14026
Copyright:	Copyright Philadelphia Tribune Dec 7, 2018
Last updated:	2018-12-20
Database:	Ethnic NewsWatch,Global Newsstream

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