

Lawyer raises concerns about Philadelphia police - Associated Press News Service, The - August 23, 2018

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PHILADELPHIA (AP) — A lawyer for the family of a man killed by Philadelphia police has raised questions about the officer's use of force a day after Philadelphia Police Commissioner Richard Ross Jr. told a reporter that he had concerns about the tactics used during the incident.

Attorney Lee Merritt said Wednesday that he has talked to numerous witnesses about the Monday fatal police shooting of 36-year-old **Jeffrey Dennis**. He raised concerns that the officer positioned farthest from Dennis fired his weapon, killing the unarmed man, while the other officers standing closest to Dennis did not perceive a threat.

"It's very rare when you have a group of officers in a situation like this, that when one of them discharges their weapon, the others don't," Merritt said. "When you believe there is a danger and you hear a gunshot, since you don't know where it came from, the training kicks in and the other officers will usually fire their weapons. They were so certain there was no threat ... they didn't engage."

Police officials said the plainclothes officers were conducting surveillance on a house for a narcotics investigation, when one of the officers saw Dennis' car. The car and its license plate had been identified as associated with the address they were watching.

Police said the six officers used their three unmarked cars to block Dennis' car in place as he drove by boxing him in. The officers said they exited the cars, approached Dennis and ordered him to shut the engine off.

The officers said Dennis began using his car to strike the unmarked police vehicles and after an officer broke his window, Dennis maneuvered the car and struck one of the officers. An unidentified officer fired three shots and struck Dennis in the head and shoulder.

In all, three officers were taken to the hospital. One was admitted in good condition, a second was treated for cuts and a third was treated for hand injuries.

Merritt said he will be asking to review a surveillance video from a nearby business that was confiscated by officers after the incident. He said he has been told the plainclothes officers and unmarked cars did not have body or dash cameras.

"I don't know how they are arguing that he used his car as a battering ram when witnesses said an unmarked car came at him the wrong way down a one-way street and curved into his car," Merritt said. "I also have some questions about the officers' injuries. I don't think the medical evidence or the injuries are consistent with being struck by a vehicle."

A WCAU reporter asked Ross about the shooting Tuesday as he exited his car at police headquarters.

"It was a volatile situation and quite candidly we have some concerns about the shooting too, some of the tactics that were used," he said. "We're looking at it all very, very closely."

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.

Philadelphia District Attorney Larry Krasner has notified the Pennsylvania attorney general's office that he has recused himself and his office from investigating the shooting. A DA's office spokesman confirmed that Krasner was Dennis' criminal defense attorney a few years ago when he was facing drug charges.

A spokesman for Attorney General Josh Shapiro said Wednesday that he had accepted the referral and the office would be reviewing all the evidence in the case.

A vigil for Dennis and a march in the police district where Merritt said three unarmed black men have been killed by police in the last year were scheduled for Wednesday night.