

# Pa. Justice Department Unit Files Strickland Shooting Report

NOV 16 1974

The Community Advocate Unit of the Pennsylvania Department of Justice filed the following report on the shooting of Robert Victor Strickland in Easton, Sept. 23, 1974. The report was submitted by Asst. Atty. Gen. Robert P. Vogel and special agents Lorraine Fields and Willie Joyce.

## DESCRIPTION

Agents Lorraine Fields and Willie Joyce received a telephone call on Wednesday, Sept. 25, 1974, from Marvin Boyer, a black community leader in Easton, Pa. Boyer related to us the circumstances surrounding the shooting death on Sept. 23 of Robert Victor Strickland which involved two Easton Police Department officers, patrolmen John Harman and William Crouse.

According to Boyer, black residents of Easton alleged that the police action in the case was, at least, an abuse of force if not criminal in nature. Boyer, speaking for the Strickland family, requested that our office investigate the incident. Our office also the same day received a telephone call from the Governor's Office in Harrisburg informing us of the incident and inquiring as to our unit's proposed response.

We informed the Governor's Office that our office had already contacted two Easton community leaders and intended to discuss the matter with Asst. Atty. Gen. Robert P. Vogel to decide what action our unit should take.

Agents Fields and Joyce met with Vogel to discuss the circumstances surrounding the incident and decided that an investigation into the shooting was warranted. Vogel then notified the attorney general of our proposed involvement and requested that he contact Northampton County Dist. Atty. Charles Spaziani to inform him of our pending involvement and solicit his cooperation.

On Thursday, Sept. 26, Fields and Joyce met with Spaziani. They were informed by Spaziani that his office was in the process of investigating the incident and he explained to them what he knew of the circumstances surrounding the shooting.

Fields and Joyce met with the Strickland family. They then proceeded to the scene of the shooting. After that they took statements from various witnesses. Fields and Joyce reviewed all statements taken from eyewitnesses and the

police statements, original and corrected.

Our office requested in writing from Spaziani copies of the forensic pathologist report prepared on the death of Strickland, copies of all police witness statements taken by either his office or the Pennsylvania State Police, and copies of the Pennsylvania State Police Lab ballistics tests.

We also requested, in writing, a copy of the coroner's report on the death of Strickland from the Northampton County coroner. We also requested, in writing, a copy of the Pennsylvania State Police Lab ballistics test from Troop M of the Pennsylvania State Police. We have to date only received a copy of the ballistics test from the state police and a copy of the pathology report from the district attorney.

On Nov. 7, Vogel and Joyce attended a meeting with Spaziani along with representatives of the Strickland family, the NAACP and leaders of the black community in Easton. Also in attendance were county investigators and two troopers from Troop M who had assisted the district attorney in his investigation. At this meeting, the district attorney discussed the report.

## SUMMARY

On Sept. 23, 1974, the Easton Police had confirmed that Robert Victor Strickland was at Kennedy Garden Apartments in Easton and had in their possession outstanding warrants for his arrest and apprehension. The warrants were issued from Lehigh County charging Strickland with burglary and receiving stolen property, possession with intent to deliver a controlled substance (marijuana), criminal conspiracy and violation for carrying a concealed deadly weapon.

Sgt. Daws and officers Crouse, Harman and Cappelano were summoned to the scene. According to the police statements, Sgt. Daws and officer Cappelano went to the apartment where Strickland allegedly was, knocked on the door, heard a door being locked and someone running. Strickland then fled from the rear of the apartment.

Officer Crouse saw Strickland run from the apartment down Reynolds Street towards Canal Street. Officer Crouse yelled for Strickland to stop and then gave chase. Strickland continued to run. Officer Crouse dropped his hat and walkie talkie, stopped to pick them up and continued his pursuit. Officer

Crouse then fired one shot of double-O-buck from a 12-gauge, pump-action shotgun toward Strickland, hitting him in the right hip and buttocks area.

Strickland climbed over an approximately 3½ or 4 feet high stone wall dividing Canal Street from the Lehigh Valley railroad tracks. Strickland then ran toward two railroad cars parked approximately 60 feet from the wall. When Strickland reached the boxcar, Officer Course reached the stone wall.

Officer Crouse yelled for Strickland to halt, at which time, according to Officer Crouse, Strickland turned, reaching with his right hand toward his waist and the belt line. This allegation was unsubstantiated by all other witnesses and specifically denied by one of them. Officer Crouse then fired a second shot toward Strickland, which caused his death. A search of the deceased's body and the surrounding area revealed that Strickland, in fact, had no weapon.

According to the district attorney, after the shooting, Officer Harman met with Officer Crouse and volunteered to fire his shotgun and to report that he had also fired at Strickland when, in fact, he had not. Officer Harman then went elsewhere, fired his weapon and then prepared and filed his incident report to the effect that he had discharged his weapon in pursuit of Strickland.

On the following day, Officer Harman notified his superiors of his false report. On Sept. 24, both officers Harman and Crouse were suspended. We have been unable to ascertain from either the police department or the district attorney whether the officers were suspended with or without pay.

Because of numerous discrepancies among the police statements themselves, as well as between the police statements and other eyewitness statements, there remains a serious question as to whether or not Sgt. Daws and Officer Cappelano did, in fact, as they allege, knock on the door of the apartment where Strickland was, or were in their police car on Canal Street at the time that Strickland emerged from the rear of the apartment.

## CONCLUSIONS

After a review of the information obtained from the state police ballistics report, witness statements, observation of the scene of the incident, meetings with Northampton County Dist. Atty. Charles Spaziani and discussions with

members of the State Police, we believe that:

1. Members of the Easton police department violated standard police procedure in attempting to secure the arrest of Strickland;

2. Officers Harman and Crouse violated departmental rules by conspiring to and filing falsified police reports concerning the incident;

3. Officer Harman violated departmental rules by firing his service shotgun without authorization; and

4. Officer Crouse may have used excessive force to effectuate the arrest, such use of force possibly constituting a criminal act.

(1.) The police were acting on information received from an informant that Strickland, a suspected felon, was residing at the Kennedy Garden Apartments. With this information it was the responsibility of the highest-ranking officer on the scene (Sgt. Daws) to ensure that the arrest was effectuated with the least amount of force necessary. Sgt. Daws failed to seal off all avenues of escape from the apartment house. According to both police statements and eyewitness accounts, there were no police stationed directly in back of the apartment. If officers had been deployed to cover the rear exist, Strickland's escape could have been prevented without the use of deadly force.

(2 and 3.) It is undisputed that both Officers Crouse and Harman filed false police incident reports concerning the shooting of Strickland. Moreover, Officer Harman, to justify his fallacious report, fired his shotgun without authorization. It is our belief, as well as that of the district attorney, that Officer Harman's actions were designed to take some of the responsibility for the shooting from Officer Crouse and were motivated by concern for the younger and more inexperienced officer (Officer Crouse).

Nonetheless, however sincere the motivation, their actions in falsifying an official police report and discharging a weapon without cause constitutes a flagrant violation of departmental rules. Their action is especially disturbing as it occurred in an incident of the utmost gravity — the killing of a citizen by the police.

Confidence in the honesty and integrity of the police can only be fostered by strict observance by the police of their

own regulations and swift and sure punishment from any deviation thereof.

(4.) Because we were unable either to interview the police or even review their statements given to the state police, we cannot satisfactorily resolve the serious question of whether Officer Crouse used excessive force.

The district attorney, who had full access to the entire state police investigation file, concluded that "the force used by the police officers, under the circumstances, was not excessive, though regretful" and ruled the killing justifiable homicide.

If we are furnished the police statements and the rest of the state police file, we will prepare a supplemental conclusion and set of recommendations if warranted.

## RECOMMENDATIONS

As a result of our investigation we recommend that the following be considered for implementation by the appropriate authorities:

1. Police departmental action should be brought against Sgt. Daws for his mishandling of the attempted arrest of Strickland. If Sgt. Daws, the highest-ranking police officer at the scene of the arrest, had exercised basic police procedures and had properly secured the rear exits of the apartment building, the use of deadly force would have been negated.

2. Police departmental action should be taken against both Officers Harman and Crouse for filing false official police reports.

3. Police departmental action should be taken against Officer Harman for firing his service weapon without authorization.

4. The mayor, police chief and district attorney should meet with representatives of the black community in Easton in order to establish some basic communication and to enable each side to express their fears and concerns. Lack of any kind of dialogue is hampering resolution of the serious police-community problems in the city, and encourages a building of tension, fear and resentment. Possibly the Pennsylvania Human Relations Commission or Governor's Civil Tension Task Force community tension specialists could work with the groups mentioned to assure that such a con-

frontation would produce a maximum of communication rather than heated rhetoric.

5. Serious consideration should be given by the police to the removal from duty, or at least from street patrol in the black community, of those Easton police officers whose previous record of incidents within the black community is of concern. This recommendation, as it specifically applies to Officer Cappelano, was made in our previous investigative report of November, 1973. We reaffirm that recommendation.

Without commenting on the veracity of the claim that these officers are "racists," the mere fact that they are so perceived by a great majority of the black community lessens their effectiveness as officers of the law, increases tension and bitterness and heightens the chance of confrontation. Action of this nature would show the black residents of Easton that public officials are not ignoring their complaints and would tend to reduce the potential for continued police-community friction.

6. The attorney general and executive director of the Human Relations Commission should meet with leaders of the Easton black community to reassure them that the full resources of the State government will be brought to bear to resolve their problems.

7. Human relations and police community sensitivity training should be provided by the state police and/or the state Human Relations Commission to the Easton police force. The acceptance of such training by the Easton police force could be a precondition of continued grant funding by the Governor's Justice Commission.

8. The Easton police department should immediately begin actively and affirmatively to recruit and hire black police officers. The population of Easton is 29,379. Easton's black population is 1,877 or 6.4 per cent. Easton currently employs 55 police officers, two of whom are black — one detective and one uniformed patrolman. With a black community of that size, and considering the serious police-community tensions, the immediate goal should be to hire at least two new black officers — one detective and one uniformed officer on street patrol.