



Amtrak Police Labor Committee

10 Station Place Suite 17 Metuchen, NJ 08840

MEMBER FORM

F.O.P. Case No. FOP-2019-PHL003	Date 3/24/2019
Dept. Case No. 18-002252	Division PHL
Type <input type="checkbox"/> Grievance - Rule 5 <input checked="" type="checkbox"/> Discipline Appeal - Rule 34	Date Hired 04/01/2002
Reporting Location MADN	Employee No. [REDACTED]
Member's Name [REDACTED]	Rank PO
Member's Address On File With FOP	
Commanders Name Deputy Chief M. Powers	

1. Member's Statement of Grievance: Describe in detail the action giving rise to the complaint. Specify names, dates, classification, place, and site of violation, etc.

On February 15, 2018, at the end of his tour, Sergeant Frank McCann instructed Officer [REDACTED] to complete a memo detailing his interaction with a suspect, later identified as [REDACTED] who claimed he was assaulted by Officer [REDACTED] at Amtrak's 30th Street Station on February 15, 2018. Officer [REDACTED] based on his recollection of the event at the time, explained force was not used during the encounter.

On February 16, 2018 Officer [REDACTED] was notified by memo from Sergeant Frank McCann that he is the subject of a confidential investigation concerning professionalism.

Subsequently, on February 22, 2018 Officer [REDACTED] was placed on administrative leave with pay pursuant to an ongoing investigation.

On March 23, 2018 Captain Oncay from the Amtrak Police Department's Office of Professional Standards formally advised the FOP that the department has forwarded the investigation for review to the Philadelphia District Attorney's Office however they have not made a determination for criminal proceedings and had requested and were granted an extension to the 45 day rule (Rule 34B).

On May 23, 2018 Officer [REDACTED] was arrested and charged with Simple Assault, Official Oppression and Harassment by the Philadelphia District Attorney's Office.

On July 26, 2018 during a preliminary hearing all charges were dismissed by Judge Kosinski due to a lack of evidence.

On August 8, 2018 the Philadelphia District Attorney's Office refiled it's charges this time to be heard before Judge Johnson.

On October 2, 2018 during the refiled preliminary hearing Judge Johnson dismissed all charges due to a lack of evidence.

William Gonzalez
President

Steven Angelo
Executive Vice-President

Mark Hoyer
Secretary

Christopher Hogan
Treasurer

John Castro
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David Brooks
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On October 29, 2018 the Philadelphia District Attorney's Office filed an appeal with the Superior Court of Pennsylvania for charges of Simple Assault and Harassment and the case is still pending adjudication.

On January 30, 2019 Inspector Cindy Allen from APD's Office of Professional Standards instructed Officer [REDACTED] to appear for an administrative interview regarding the incident, regardless of the fact that Officer [REDACTED] criminal case had yet to be adjudicated. During the interview, Officer [REDACTED] explained that [REDACTED] refused to leave the restroom when asked to do so. Based on court records Rogers intended to wash his hands first, admittedly ignoring and defying the instructions of Officer [REDACTED] to leave, which lead to his escort out of the bathroom by Officer [REDACTED]. [REDACTED] also admitted he was carrying a very large umbrella. Based on Officer [REDACTED] viewpoint, [REDACTED] raised his arm holding the umbrella and Officer [REDACTED] interpreted that [REDACTED] may have attempt to use the umbrella in an offensive manner leading Officer [REDACTED] to knock [REDACTED] arm down that held the umbrella. By his own admission, [REDACTED] did not seek medical treatment for his alleged injuries immediately after the interaction with [REDACTED] and more importantly has yet to do so as of the time of this appeal.

On March 1, 2019 Officer [REDACTED] was issued a Notice of Intent to Discipline and instructed to appear on Wednesday March 13, 2019 in the office of Captain Kevin O'Connell. The FOP strongly asserts that the charge of OG 220.7 Use of Force Authorizations and Limitations is misplaced. Officer [REDACTED] used only the necessary amount of force to defend himself from the imminent use of physical force by [REDACTED] when [REDACTED] began to raise his large umbrella. If the department is attempting to portray [REDACTED] action as excessive, then surely [REDACTED] would have apparent serious injuries and would have required medical treatment, however, this was not the case. Officer [REDACTED] also has no previous discipline during his ten-year career with APD. At the conclusion of the disciplinary hearing, [REDACTED] was terminated.

The FOP asserts that termination in this instance is clearly a violation of Rule 34 as it does not meet just cause and is completely arbitrary and capricious.

2. Specify the Article(s) of the Agreement which support the claim.

Rule 34: Discipline

3. What is the remedy and/or relief sought.

-Rescind Officer [REDACTED] termination and return Officer [REDACTED] to work, compensating him for lost wages and leave time.

-This grievance is subject to modification at any time by the grieving parties.

I hereby authorize the F.O.P. Lodge 189 Labor Committee to act for me in the disposition and settling of this grievance.

Members Name: [REDACTED]

Member's Signature: [Click here to enter text.](#)

Submitted on behalf of the member(s)

Duly Accredited Representative

Name & Title: William Gonzalez, President

Signature:  [Click here to enter text.](#)

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