



## **PAC #15-002-SI**

### **Review of investigation of Erica Koschman's Death**

On January 23, 2015, the Commission was contacted by Sharon Koschman regarding her daughter's death on January 11, 2012, and the investigation by the Philadelphia Police Department ("PPD"), which concluded the death had been a suicide. Mrs. Koschman had first contacted the PPD, Philadelphia District Attorney's Office ("DA"), and the Managing Director's Office ("MD"), and was directed to PAC by Commissioner Resnick. Erica Koschman's death was investigated by the PPD and the Philadelphia Medical Examiner's Office ("ME") in early 2012, and ruled a suicide. Mrs. Koschman provided PAC with letters she had written to various city agencies and officials questioning that ruling, and with a report prepared by her private investigating firm, Auld & Associates, which had interviewed or reinterviewed various witnesses and had obtained previous medical records for Erica Koschman.

PAC's former Executive Director, Kelvyn Anderson, opened an inquiry into this matter, designated as PAC 15-002-SI. On January 29, 2015, PAC requested both the Medical Examiner's report and all PPD records concerning the investigation of Erica Koschman's death.

At the time of Koschman's death by gunshot wound, she was living with her boyfriend, Philadelphia Police Officer Joseph Sanchez. Only the two were present at the time she died. PAC's review was not intended to reinvestigate the death; rather, PAC's review was intended to explore whether the scope and quality of the PPD investigation differed in any material way from a typical suicide/homicide investigation, and if so, whether that could be attributable in any measure to Sanchez's status as a member of the PPD.

On February 6, 2015, PAC received the ME report and photos. On February 18, 2015, PAC received the PPD investigator's file, containing records from both the Homicide Unit and the Internal Affairs Division (IAD). After speaking with Erica Koschman's family physician, Dr. Tricia Loehrig, and her mother, Sharon Koschman, and following its review of the available documents, PAC sent follow-up questions to the PPD on June 30, 2015. **(Exhibit "A")**. Kelvyn Anderson meet

with Lieutenant Otto and Sergeant Kelhower on September 15, 2015, and the Police Department's written response was received by PAC on September 29, 2015. **(Exhibit "B")**.

The Commission conducted several interviews, reviewed the available written interviews, deposed Philadelphia Police Lieutenant Strollo (16<sup>th</sup> District), reviewed available documents, reviewed media coverage, including an account containing the opinion of Dr. Gregory McDonald, a pathologist, and consulted with retired PPD Homicide Detective Edward Rocks.

The materials reviewed, and interviews reviewed or taken included:

PPD file

Lieutenant Strollo sworn deposition

Interview, Dr. Tricia Loehrig (Erica Koschman family doctor)

Auld & Associates interviews (Koschman family private investigator's report) (Gregory Auld/Joseph Daniels), including Detective John McDermott, Helen McCarthy, Carol Kookan, Lieutenant Strollo

Interview, David Quain, Philadelphia Medical Examiner's Office

Interview, Dr. Gregory McDonald

Telephone interview, Medical Examiner, Dr. Gary Collins

PAC #15-002-SI Report (on the death) of Erica Koschman

June 30, 2015 PAC questions to the PPD, K. Anderson

July 30, 2015, PPD response to PAC questions, Lieutenant Norman Davenport, Badge #315

PPD, Directive 2: Responsibilities at Crime Scenes

Nazareth Hospital Medical Records, December 16, 2011, Erica Koschman

Report of Death Investigation City of Philadelphia, Office of the Medical Examiner, Report of Examination, Death Certificate

Toxicology Report, February 13, 2012, Lisa Mundy

Facebook pictures, taken exhibited on or around December 17, 2011, Erica Koschman

Concise Officer History, Officer Joseph Sanchez

## Issues Raised

### 1. History of Domestic Violence

There was a documented history of domestic violence involving Koschman and Sanchez. Nazareth Hospital December 16, 2011, medical record attached as **Exhibit "C."** Koschman exhibited typical signs of domestic violence, and had spoken of it to various friends. She had posted pictures of injuries (**McCarthy, Exhibit "D;" see also Kookan, Exhibit "D;" Lieutenant Strollo transcript; Facebook pictures, Exhibit "E"**), and made various excuses and statements. She told Helen McCarthy in November 2011 that she had been hit in the face by a door, then when confronted by McCarthy, said that Sanchez had thrown a cell phone at her. Koschman told McCarthy that Sanchez fired shots into their mattress during an argument in December 2011. Koschman reported abuse to Nazareth Hospital in December 2011, but once police were called to respond, she refused to press charges. One nurse reported that "patient was crying," and "a man was on the telephone yelling profanities at her," and "afraid to call police because boyfriend is a police officer." She had also posted pictures on Facebook of her bruises (**Exhibit "E"**). She told her friend, Lieutenant Joseph Strollo, that Sanchez had pushed her and she had fallen over a table. On an earlier date, when she had had a black eye, she told Lieutenant Strollo that it was caused by her mother, which he did not believe.

When questioned on January 11, 2012, by the police, Sharon Koschman, Erica's mother, reported the abuse (**Exhibit "F"**), as did her friends Amanda Meyer (**Exhibit "G"**), and Tara Selletti (**Exhibit "H"**).

The day before her death, Erica Koschman had scheduled an appointment for Sanchez with the PPD assistance program for counseling for January 12, 2012. (**Strollo statement to Daniels, Exhibit "I"**).

When asked about the issue of domestic violence, the PPD's response to PAC regarding the issue of fully investigating the history of violence was:

"History of domestic violence

On 1-20-2012 Homicide investigators interviewed three friends of Erica Koschman who knew the nature of the relationship between Erica and Joseph Sanchez: Amanda Meyer, Tara Selletti, and Brian Clovis. On 1-19-2012 Homicide investigators received a report from Nazareth Hospital regarding Erica Koschman's treatment for injuries to her legs reported on 12-16-2011 (Medical Examiner's office received this information). A letter dated 10-25-2014 written by Sharon Koschman to Police Commissioner Ramsey included a picture of injuries to her daughter's legs. This information was supplied 2 years after the initial event. The interviews of Erica's friends listed above and the medical records were submitted to the District Attorney's Office as part of the case review.

Thought for consideration: If a history of domestic violence were established during the course of this investigation, that fact alone would not be sufficient in changing the scientific evidence that strongly supports the finding that Ms. Koschman committed suicide."

Under this set of facts, PAC believes the history of domestic violence could or should have been established, and believes such an investigation by Internal Affairs could have led to departmental changes.

## 2. Issues as to Motive

Sanchez had asked Koschman to leave his home, and all witnesses seemed to agree that Koschman was planning to move back to her family home, at least temporarily.

Shortly before her death, Erica had asked Lieutenant Strollo, her friend, for information as to the police assistance counseling program, and she had apparently scheduled an appointment for Sanchez for January 12<sup>th</sup>.

The day before her death, Koschman had received from Lieutenant Strollo, at her earlier request, the name and number of a private investigator. He thought that this might have been because she suspected Sanchez had children (**Strollo Deposition**). Erica had told her friend Helen McCarthy that she suspected Sanchez was having an affair with a fellow officer, Officer Quinn. (McCarthy Interview, Exhibit "D").

Following her death, Lieutenant Strollo received a phone call from Detective Kelhower, one of the homicide detectives, concerning the text. Lieutenant Strollo testified that he shared with Detective Kelhower that he had sent via text message Erica the name and number of a private investigator he had previously used at Erica's request. Lieutenant Strollo also shared with

Detective Kelhower the stormy relationship, the referral he helped Koschman make for Sanchez to attend EAP for counselling, and Sanchez's statement to him about the shooting, detailed below. No written statement was taken from Lieutenant Strollo, and no follow-up interview was sought.<sup>1</sup>

As to Erica's motive to kill herself, it is not clear that a full profile of Koschman was developed, with a more detailed picture of her friends, dating history, habits, history concerning prescription medication or drugs, hobbies, etc.

### 3. Gunshot Residue Testing

Gunshot residue testing was not performed on Officer Sanchez. Mrs. Koschman's private investigator, Gregory Auld, reported that Detective McDermott told him in August 2014 that Sanchez's hands should have been tested for gun residue; however, McDermott claimed that his supervisor, Lieutenant Deagan, advised him at the time not to test, because he [Deagan] believed Sanchez's hands would test positive merely from handling guns every day in the line of duty.<sup>2</sup> (Auld Statement, Exhibit "J"). Lieutenant Strollo believed routine gunshot residue testing should have been performed on Sanchez (**Strollo Deposition**), as did retired Homicide Detective Ed Rocks.

PAC raised this issue in its June 30, 2015, questions to the PPD. The PPD's response on July 30, 2015, was that Sanchez had the opportunity to wash his hands at the residence, as he did later that day at the Homicide Unit restroom, and therefore, any test taken at that time would likely have been negative. The police response noted:

"Sanchez had an opportunity to wash his hands at his residence. Sometime later Sanchez was transported to the Homicide Unit, accompanied by an attorney, and had an opportunity to wash his hands after using the restroom facility. From experience time is a factor in conducting this test as well as a controlled environment. At this point, most likely a negative test result would occur. This negative test result could be used in favor

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<sup>1</sup> Note that Detective Kelhower told Mr. Anderson when they met that he knew Lieutenant Strollo well (they graduated from the police academy together) and while they discussed the case, he did not recall Strollo telling him about a phone call from Officer Sanchez with a different version of the shooting.

<sup>2</sup> Note that Philadelphia Police Lieutenant Otto told Kelvyn Anderson that he had spoken to former lead detective McDermott, who claimed to Otto that the Auld private investigator's report misquoted him. McDermott also told Otto that he believed the evidence in the case supported the conclusion of suicide. PAC did not conduct an independent interview with Detective McDermott.

of Sanchez should other evidence have materialized against him. Consent or a search warrant would be needed to conduct this test. Probably cause for a search warrant to be issued in this matter was minimal at best. This was a supervisory decision to not administer GSR testing.

Thought for consideration: From the time a death investigation is underway, investigators are always thinking ahead to trial. Homicide investigators did not arrive on scene until approximately 3 hours after divisional detectives. With that delay, the delay in awaiting Mr. Sanchez's attorney to accompany his client to the Homicide Unit, the decision to not administer the GSR test was a prudent one."

As to Erica Koschman, gunshot residue was found on both of her hands. This provides evidence that she may have handled the gun with both of her hands, but it is not conclusive evidence that she shot herself. Retired Detective Rocks, Lieutenant Strollo and Dr. McDonald all suggested that this could mean there was a struggle. If Sanchez had put the gun to her head, for example, Koschman could have tried to grab it with both of her hands. In this scenario, this might even have been what caused the gun to fire.

Dr. Gregory McDonald, a medical examiner and Chair of Forensic Medicine at the Philadelphia College of Osteopathic Medicine, said the following, as quoted in a media article:

"That's very unusual," said Dr. Gregory McDonald. Dr. McDonald is a medical examiner and the Chair of Forensic Medicine at the Philadelphia College of Osteopathic Medicine. "It's consistent with a suicide, but it's also consistent with maybe someone else pulling the trigger as well," said Dr. McDonald."

When interviewed by Kelvyn Anderson in September 2016, Dr. McDonald confirmed his opinions to Mr. Anderson.

PAC believes that if gunshot residue testing is routinely performed, it should also have been performed on Officer Sanchez.

#### 4. Blood Spatter

Detective John McDermott, who was interviewed by Mrs. Koschman's investigator after he left the PPD and became employed with the Cape May Prosecutor's Office, told Investigator Ault that he was bothered by the fact that the blood spatter did not match the account that Sanchez had given (**Exhibit "J") (but see footnote 2)**. It appeared to him as if Erica had been

kneeling or bending over the bed when the shot took place. This seemed unusual, and might have indicated that there was a struggle for the gun.

Dr. Gregory McDonald was quoted in the same media article as to the lack of blood spatter:

“But, it's what wasn't mentioned on the report that really caught his eye. “There was no mention of what we would call blood spatter on the right hand,” said McDonald. McDonald says blowback from the blast including blood would have been on Erica's hand if she had shot the .40 caliber handgun at close range. “I think I would maybe leave the door open and call the manner of death undetermined,” said McDonald.”

Dr. McDonald confirmed his opinion in his interview with Mr. Anderson.

#### 5. Sanchez Statements

Sanchez gave a statement to the PPD, and also spoke to a first responder, Officer Shaheed, and to Lieutenant Strollo (by phone) on the morning of Erica's Death.

##### a. To PPD

Sanchez told Detective McDermott and Officer Cruz, with FOP counsel Timothy Strange, Esquire, present, that Erica had been under a doctor's care for anxiety and taking over the counter sleeping pills. At 2:00am on January 11, 2012, they argued, and he left their front bedroom to go sleep solo in the back bedroom. He awoke at 8:30 or 9:00 and saw Erica in bed with him, and heard gurgling. She appeared to be choking on her own vomit. He turned her head so she wouldn't choke.

Then he got out of bed, and she appeared to wake. He asked her what she had taken, and she told him about 10-15 sleeping pills. He told her he wanted to talk to her mother, because she had taken too many pills before. He said if she did not get help, their engagement would be over.

Erica called her mom, and arranged to spend one (1) night there, but was upset and told him she didn't want to break up. He began to pack some of her things while she sat “Indian style” in the bedroom. He went into the bathroom to urinate, and when he came out, Erica was standing in the doorway of the bedroom with the gun in her hand. She pointed the gun at Sanchez, about 10 to 15 feet away, and he turned away from her thinking she was going to shoot him. As he turned away, the shot went off and Sanchez heard her fall to the floor. He then looked and saw her laying face down on the bedroom floor. He scrambled around looking for his phone and called

911, reporting that his girlfriend had committed suicide. He did not touch the body or attempt to render first aid. **(Sanchez statement attached as Exhibit “K”).**

b. To First Responders

Lieutenant Greg Benner – City of Philadelphia Fire Department: He received a “Code Blue – Shooting” call, and arrived in three (3) minutes. A white male was at the front door of the house with a phone in his hand. He said that his girlfriend shot herself in the front bedroom. He asked about the gun. Sanchez said the gun was in the room she was in, and he didn’t know where she was shot. The victim was face down. The gun was several feet back behind the victim on the floor. He had no additional contact with the white male, who was on his cell phone the whole time. The male’s demeanor was not too upset. He wasn’t crying/screaming or anything. [The white male] relayed to Benner that he was an off-duty officer at the door. **(Benner statement, Exhibit “L”).**

Police Officer Shaheed, #1563 (Shaheed Statement, Exhibit “M”) Responded to R/C “Hospital Case.” Met H/M Joseph Sanchez who identified himself as an officer.

Sanchez stated that he and his girlfriend were arguing last night over him breaking up with her and he was going to make her leave the residence. The victim stated to Sanchez she was going to kill herself by swallowing sleeping pills. Later that night he observed her spitting up. When they awoke, everything was fine until she went to the back bedroom and grabbed his off duty gun from under a pillow. As she walked toward the front bedroom he followed her into the front bedroom. She then pointed the gun at him. He turned away so he wouldn’t get shot, then heard a pop, and saw her laying on the bedroom floor. He called 911.

c. Statement to Lieutenant Strollo

Sanchez left a voice message for Lieutenant Strollo the morning of Koschman’s death saying he needed to talk to him when Strollo could call back. Strollo got the message several hours later and returned the call.

Sanchez told Strollo that the two had been laying in bed and Sanchez had trouble waking Erica. She was frothing at the mouth. He went to the bathroom to get a washcloth. When he returned, Erica had his service gun in her hand. He tried to get it away from her but couldn’t. The gun went off and “it was a mess.” Sanchez said he was not at liberty to tell Strollo more because



there was an ongoing homicide investigation. Lieutenant Strollo was left with the impression that Sanchez struggled briefly with Erica for the gun. **(Strollo Deposition)**.

Lieutenant Strollo testified that he told Detective Kelhower what Sanchez had told him and that he heard that Sanchez was telling different versions of the account to others. No written statement was sought from Strollo. Strollo also said he was told that the wound had been a “non-contact” wound. He recalls Detective Kelhower telling him that it was non-contact and there were no powder burns; the entrance wound was above the right ear and exit above the left ear, but it appeared that the gun was 6 inches to 1 foot away from her head, not directly pressed against her skin. **(but see footnote 1)**.

#### 6. No Statements

No written statement was taken by police or IAD of Lieutenant Strollo. It appears that no statement was taken from Officer Quinn. No written statements were sought from various friends of Erica Koschman.

#### 7. Medical Examiner Delay

At one point, PAC believed there was excessive delay based on the Medical Examiner’s report, which stated “extreme delay” on reporting. However, David Quain was interviewed as part of this investigation and he clarified that that was not the case. A staff member had arrived promptly on the scene based on a cell phone call -- and this was not discovered until after extreme delay had been reported, albeit incorrectly.

#### 8. Medical Examiner’s Report

The Medical Examiner, Dr. Gary Collins, concluded that the death was suicide, and “within contact range.” **(Exhibit “N”)**. Edwin Pace, PAC’s Operations Director, who formerly investigated corruption and misconduct in the Philadelphia prisons, police and fire departments, contacted Dr. Collins by telephone as part of PAC’s investigation after Dr. Collins had reviewed again the Medical Examiner’s report, and he [Dr. Collins] confirmed his conclusion, stating that his opinion was based on what was given to him, and if the police had given him any evidence raising any doubt about his conclusion, he might have concluded the cause of death was undetermined. The

February 13, 2012 toxicology report is also attached (**Exhibit "O"**), showing that Koschman had ingested benzodiazepines, 7-aminoclonazepam and clonazepam (.38 ug/L).

## CONCLUSIONS

PAC does not intend here, nor is it the purpose of this report, to assess credibility or to second guess whether the Koschman death should have been classified as undetermined, a suicide, or a homicide. However, every suicide/homicide investigation should be conducted according to protocol and uniformly. Citizens must have confidence that this occurs in every case. In matters where the paramour or spouse of a decedent is an officer, and only those two are present at the time of the shooting, it is critically important that the investigation is done just as carefully and precisely as in all other investigations, and that there are no deviations from protocol.

Here, it appears that routine protocol may not have been followed as to certain issues or areas relevant to this investigation:

1. Evidence of the history of domestic violence was available and relevant to the PPD investigation. Moreover, if the history of domestic violence had been confirmed, PAC questions whether, at the least, IAD should have taken any departmental actions as to Officer Sanchez;
2. Koschman's private physician, who may have had evidence relevant to physical abuse and/or Koschman's prescriptions or over the counter medication usage, was not interviewed, and Koschman's profile generally does not appear to have been developed as thoroughly as it might have been;
3. Lieutenant Strollo was a friend of the decedent, appears to have been unbiased, and had material information: concerning a referral to Koschman for Sanchez to have police counseling, the decedent's wish to hire a private investigator; prior domestic violence and concerns; and, he had spoken to Sanchez that morning and had received Sanchez's contemporaneous account of what had transpired. To the extent there is any ambiguity about this (see footnote 2), this information was material, and his written statement would have avoided any ambiguity;

4. Officer Quinn, with whom Koschman suspected Sanchez of being involved with at the time, should have been interviewed;
5. It appears that timely routine gunshot residue testing should have been performed on Officer Sanchez;
6. PAC finds it unusual, but does not know if it violated any police procedures, that Officer Sanchez was permitted to roam around the area and to remain on the cell phone in the words of one responder, "the whole time they were present."
7. PAC believes that the (post-2012) opinion of Dr. McDonald and possibly that of the lead detective, McDermott, concerning the blood spatter or lack thereof, was or should have been a material consideration.
8. The matter appears to have been treated as a suicide by the police before the Medical Examiner's determination was made. By way of example only, Sanchez's partner was interviewed on January 12, 2012, and asked how he had heard about his partner's girlfriend's suicide. It appears that such a conclusion would have been premature.