



# CITY OF PHILADELPHIA

**POLICE DEPARTMENT**  
HEADQUARTERS, FRANKLIN SQUARE  
PHILADELPHIA, PENNSYLVANIA 19106

**SYLVESTER M. JOHNSON**  
Police Commissioner

Karen Y. Simmons  
Senior Counsel  
(215) 686-3356

April 11, 2003

William Cannon, Esq., Chair  
Police Advisory Commission  
P.O. Box 147  
Philadelphia, PA 19105

**Re: Commission Complaint No. 011035 (Gregory Ehly)**  
**P/O Peter Luca**

Dear Chairman Cannon:

I am in receipt of your letter and the Commission's Opinion in the above referenced matter. The Commission found insufficient evidence to sustain the allegation of physical abuse against police officer Peter Luca and sustained the abuse of authority charge and recommended a 3-day suspension.

This matter was referred to the Police Department's Internal Affairs Division from the PAC. Internal Affairs never received a complaint from Gregory Ehly or his parents. Internal Affairs conducted a thorough investigation without the full cooperation of the complainant and his parents. On February 15, 2002 PAC Investigator, William Johnson contacted the IAD investigator and informed her that Mrs. Ehly was in the process of withdrawing her complaint. Mrs. Ehly confirmed this communication and refused to make Gregory Ehly or his witnesses available for additional interviews. The investigation was concluded without the assistance of the complainant and it was determined that police officer Luca violated Department policy.

The Department disagrees with the Commission that officer Luca abused his authority. The Commission has a very different view from the Police Department on the appropriateness of the charge of abuse of authority to the facts of this case. The Internal Affairs Investigation sustained the charges for violation of the Disciplinary Code, Article IV, Section 4.20, Failure to Comply with any Commissioner's Orders, Directives, Regulations, etc., Article IV, Section 4.25, Neglect of Duty and Article I, Section 1.12, Making a False Statement. Pursuant to a Command Level Discipline negotiation, officer Luca pled guilty to both Article IV charges and received a 2-day suspension. In essence, officer Luca was disciplined for violating the Police Department's Off-Duty Policy which is codified in Memorandum 98-1. The policy mandates that off-duty officers should not take police action in situations such as the one involved here. Office Luca was required

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to call 911 and act as a good witness under these circumstances. His discipline also stem from the fact that he failed to identify the eyewitness, Megan Toner to investigators in the Gregory Ehly simple assault action. The negotiated agreement brings about closure and finality to this matter. It also insures that the discipline is not grieved and subject to being overturned by Arbitration. The Department believes that the conclusions reached and the discipline imposed is fair and consistent given the totality of the circumstances.

If you have any questions, please do not hesitate to contact me.

Respectfully yours,

Sylvester M. Johnson  
Police Commissioner

By:



Karen Y. Simmons  
Senior Counsel to  
Police Commissioner

cc: Hon. John F. Street, Mayor  
Philip R. Goldsmith, Managing Director  
Hon. Nelson Diaz, City Solicitor  
Denise Wolf, Assistant City Solicitor  
Hector Soto, Esq., Commission Executive Director