



CITY OF BETHLEHEM

10 East Church Street, Bethlehem, Pennsylvania 18018-6025

DEPARTMENT OF POLICE

www.bethlehem-pa.gov

J. Jermaine Greene, Sr.
COURT ADMINISTRATOR
669 Washington St
Easton PA, 18042

November 20, 2019

Mr. Greene,

I am writing to you over concern I have with a conversation Magistrate District Judge Englesson had with two of my officers, [REDACTED] and [REDACTED] arrested a Hispanic male, [REDACTED], for possession of a small amount of marihuana. While running the male's name and date of birth through the NCIC computer system, he was alerted to a warrant for a deported felon that was linked to the defendant's name. The male was transported into headquarters, fingerprinted, and positively identified. He was not the individual who was wanted as a deported felon. The male was released and sent a court summons to appear for the possession charge. The officers handled this case as we would with any individual whose name alerted on a possible warrant and was in custody for a criminal offense; bring the individual into headquarters, positively identify them, and fingerprint them.

On 11-14-19, MDJ Englesson asked the two officers to speak with him in his office. There MDJ Englesson began questioning the officers about whether the male was accused of being an illegal immigrant. [REDACTED] attempted to explain to MDJ Englesson the warrant that was linked to the male's name and the need to positively identify him. MDJ Englesson made comments to the officers that "not everyone who speaks Spanish is an illegal immigrant," "I don't want you hassling citizens because they speak Spanish," and "you can't arrest someone just because they are Spanish speaking."

The Bethlehem Police Department serves a diverse population which includes a substantial number of citizens from the Hispanic community. The Department has always fostered a positive relationship with members of that community. [REDACTED] are professionals who carry out their duties with integrity and respect. As someone who works within the judicial system, MDJ Englesson should understand that officers have a duty to verify the validity of a warrant and to properly identify the individual in custody. I find MDJ Englesson's comments to my officers baseless and inappropriate for someone who sits as an impartial judiciary.

Statements from [REDACTED] and [REDACTED] are attached to this letter.

Respectfully,


Scott Melxell
Deputy Chief of Police


Mary A. DiLuzio
Chief of Police



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To whom it may concern,

On 11/14/19 I attended a 930 preliminary hearing with [REDACTED]. While we were waiting for the hearing, Judge Englesson's secretary told me that the Judge wanted to speak with me. Judge Englesson came out to the lobby and asked if he could talk to me in private in the conference room. As [REDACTED], Judge Englesson and I walked in the conference room, he told me that he wanted to have an informal conversation with me.

Judge Englesson advised me that he wanted to speak with me about a male I arrested and that was recently in his office for a preliminary hearing. Judge Englesson asked if I fingerprinted the male to check if he was in the United States legally. I explained to Judge Englesson that the male was arrested for the possession of Marijuana in his car and that his name also came back with a warrant as a deported felon. I explained that the male was transported to BPD to be fingerprinted.

Judge Englesson then told me "Not everyone is an illegal immigrant just because they speak Spanish". He also said that I need to have better checks and balances when arresting someone. I attempted to explain again that the males name came back on a warrant and I can't just let people go without investigating the warrant.

Judge Englesson said numerous times that I can't arrest someone just because they are Spanish speaking. I then told Judge Englesson that I felt like he was accusing me of being racist. Judge Englesson then raised his voice at me and said, I'm not saying that at all. He then said I like you guys but I have to protect the people in my district and I don't want you hassling citizens because they speak Spanish. I also expressed that I would never do what he was accusing me of. I then chose to not reply to Judge Englesson's comments any further. He then said "This is an uncomfortable conversation to have to have with you". I said "Ok" and the conversation ended.

Respectfully,

[REDACTED] 11/15/19
[REDACTED]



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To whom it may concern;

On THU 11/14/19 at 0930 hours, I was at MDJ Engleson's Office with [REDACTED] for a preliminary hearing for one of my arrests. Before my hearing started MDJ Engleson asked [REDACTED] to speak with him privately. I was under the impression that MDJ Engleson wanted to speak about the hearing and I started to walk in the conference room with [REDACTED] MDJ Engleson advised that I can come in for this "talk" as well.

MDJ Engleson brought up an arrest [REDACTED] made recently. MDJ Engleson said that the male who was arrested by [REDACTED] came in for his preliminary hearing. MDJ Engleson stated it was a waiver but that was not the issue that he wanted to discuss. MDJ Engleson stated that the male expressed concern to him because he felt he was arrested for only knowing how to speak Spanish and also said that the male was accused of being an illegal immigrant. MDJ Engleson advised [REDACTED] that not everyone that speaks Spanish is an illegal immigrant. MDJ Engleson told [REDACTED] he cannot be hassling people because they speak Spanish and that he tries to take care of the people in his district.

[REDACTED] responded by saying the male was in custody because of a drug arrest. While in Custody a deported felon warrant came back to the male's name. [REDACTED] stated the male was processed for his criminal charges and they positively identified the male and confirmed that the deported felon warrant was not the male he had in custody. [REDACTED] stated the male was processed and released. [REDACTED] expressed his concern with MDJ Engleson that he was being accused of being racist. After [REDACTED] said that, MDJ Engleson raised his voice saying he was not saying that all and he was just trying to look out for the people in his district. MDJ Engleson said that it is an uncomfortable conversation to have and the conversation ended. Nothing further.

Respectfully,

[REDACTED] 11/15/19
[REDACTED]

Docket Number:	Date Filed:	OTN/LiveScan Number:	Complaint/Incident Number
Defendant Name:	First:	Middle:	Last:

AFFIDAVIT of PROBABLE CAUSE

1. Your AFFIANT is [redacted] of the City of Bethlehem Police Department, assigned to the [redacted].

2. Your DEFENDANT is [redacted].

3. On 9/11/19 around 2332 hours, while on duty and operating a marked police vehicle, I observed a 2001 silver Toyota bearing PA registration [redacted] travel south on Hayes St. and roll through the stop sign at Hayes St. and E. 6th St. without coming to a complete stop. I conducted a traffic stop in the 600 block of Hayes St., utilizing my emergency lights.

4. I made contact with the operator/DEFENDANT and advised him that I was stopping him for going through the stop sign without stopping.

5. I conducted a consent search of the vehicle and located two half burnt blunts underneath the drivers seat. In the un burnt side, I could see green leafy substance, suspected of being Marijuana.

6. I field tested the suspected Marijuana using SIRCHIE Kit #9 and received a positive chemical reaction or Marijuana.

7. Based on the above information, THE DEFENDANT is being charged with 35 P.S. 780-113(a)(31)(i) Possession of a small amount of Marijuana and 75 P.S. 3323(b) Stop Signs and Yield Signs.

I, [redacted], BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

[redacted signature]
(Signature of Affiant)

Sworn to me and subscribed before me this _____ day of _____

_____, Date _____, Magisterial District Judge

My commission expires first Monday of January,

