

**Main Narrative**  
**CAPT CARL SCALZO (1036)**

07/11/2010 14:34 - 1036 CAPT CARL SCALZO

On 7/10/10 at approx. 18:02 hrs I was working a special assignment as the Officer in charge of a special event in the City of Easton. On this date and time the City of Easton was beginning its annual Heritage Day Celebration with a kick off concert held the night before Heritage Day.

A crowd was beginning to form in the Centre Square area, near the stage, when I heard what sounded like somebody yelling. As I began to look around the event to determine the cause of the noise Ms. Nancy Post, the organizer of the event, approached and advised of a problem in Centre Square near the flag pole. Ms. Post stated that a white male was standing on a brick wall next to the flag pole preaching through a loud speaker telling young children they were going to hell. Ms. Post stated that this male was offending the citizens there to watch the concert and he was doing so through the context and tone of his message. I immediately saw the male standing on the bricks and could loudly hear him preaching from from where I stood well over 40 feet away. I approached the male to see exactly what he was doing and what he was there to preach about or say. While approaching I witnessed the male, again through the use of an amplification device, begin yelling at the people in the square that they were "going to hell." Standing directly in front of the man, approx. 10 feet away, were several small children about the age of 5 to 7 years old who seemed startled by the mans aggressive tone, words and message. I could hear parents yelling and pleading for the male to stop "preaching."

I walked up to the individual and requested that he step down off the wall so I could speak to him briefly about his actions. The man stepped down and was later identified as Mr. Gregory Jacobs. Mr. Jacobs immediately requested that his friend, who was recording the event on his personal video recorder, come closer so he could video tape myself and Lieutenant Lobb as we attempted to handle the situation. It was immediately apparent that Mr. Jacobs came to center square to do nothing more than irritate and alarm the crowd and ultimately force a confrontation with police. I advised Mr. Jacobs that the park was closed for a private event which was open to the public. I explained that he was making too much noise and that he was offending innocent people and young children with what he was saying. Mr. Jacobs advised me that it was his first amendment right to say anything he wants and that I can't stop him from doing so. I continued to try and get through to Mr. Jacobs that he was not going to be allowed to disturb the event and that if he wished to leave the park area and continue his preaching he could do so as long as it didn't create a disturbance. Mr. Jacobs began citing case law and began asking me what I would do if he continued to preach in that location. I warned Mr. Jacobs that if he got back up on that wall and started preaching and did so to a degree that offended innocent civilians or at a volume that created a disturbance he would be arrested.

Mr. Jacobs turned around, turned his amplifier all the way up and climbed back on the wall and started yelling at people again. I turned to Lt. Lobb and advised him that Mr. Jacobs was going to be arrested for violating the noise ordinance of the City of Easton and for climbing on the city wall while doing so.

Mr. Jacobs was ordered down from the wall and placed under arrest and cited for the above violations. Mr. Jacobs was walked to the police facility where he was processed. While processing Mr. Jacobs I received a call from an individual named Michael Macranovich who identified himself as Mr. Jacobs attorney. Mr. Jacobs advised at first that Mr. Macranovich was his attorney and a very good one stating he was the attorney who tried a major first amendment case in Philadelphia. Mr. Macranovich began threatening me with civil litigation advising that I deprived Mr. Jacobs of his first amendment rights. I

explained to Mr. Macranovich that Mr. Jacobs was standing on the city wall screaming through an amplification device that could be heard over 40 feet away. Mr. Macranovich stated that if I let his client go and allowed him to go back to the circle and preach with his amplifier that they would not pursue civil liberties violations against me. Mr. Macranovich advised that he knew the City of Easton Ordinances and that in his opinion they only applied to vehicles. I concluded the conversation with Mr. Macranovich advising him that his client would be cited for his violations and that if he wished he could either respond to the police facility or call Mr. Jacobs when he was released. Later during the processing of Mr. Jacobs he advised that Mr. Macranovich was not actually his attorney, he advised that he was actually not an attorney at all but rather a friend and a "really smart guy."

I completed processing and citing Mr. Jacobs for the violations, confiscated his amplifier for evidence and released him from the scene. The amplifier and microphone was properly packaged as evidence and place in evidence locker #2. Mr. Jacobs was cited for the following:

Citation P8382865 - Codified City Ordinance 376-3 (C)(1)(D) - Prohibited Acts / Noise Disturbance  
Citation P8382863 - Crimes Code Title 18 Section 5503(A)(1)(3)(4)- Disorderly Conduct

I advised Mr. Jacobs prior to releasing him that if he returned to the festival and disturbed the peace to the degree that it violated the law or ordinances of the City of Easton that he would again be arrested. Mr. Jacobs advised he understood and left the area.

A short time later Mr. Jacobs returned to the police facility and advised that he forgot to take his ID and bank cards with him when he left. I responded to the police facility and retrieved the items for Mr. Jacobs and returned them to him. Mr. Jacobs thanked me, told me I was "an alright guy" and told me to repent and get saved by Jesus Christ. Mr. Jacobs left the scene with not further problem.

On 07/12/10 at approx. 10:45 hrs Lt. Lobb responded back to the Centre Square and measured the distance from where we were standing on 07/10/10 at approx 18:02 hrs and Where Mr. Jacobs was standing on the wall preaching on the same date and time. From this distance it should be noted that we could plainly and loudly hear Mr. Jacobs yelling through an amplification device. The distance was measured at 142 feet.

**Supplemental Narrative**  
**LT SAMUEL J. LOBB (1005)**

SUPPLEMENTAL 07/13/2010 12:40 - 1005 LT SAMUEL J. LOBB

I was working a special assignment in Centre Square on 07-10-2010 from 1600 to 2300 hours. The event was a parade and concert to kick off Heritage Day scheduled for July 11, 2010. I was in full uniform along with Captain Scalzo. At approximately 1802 hours, we were walking in the area of the western pedestrian crosswalk on the southside of Centre Square. There was an area behind the band shell (stage) which was playing music via a audio system prior to the first band's appearance.

While walking with Captain Scalzo, we were alerted by a city employee that there was a male in the inner circle who was utilizing a P A System and preaching loud. We began to walk over to that area and while en route, came across a male associated with the event who alerted us to the same issue. This male was Curt Ehley. We advised him that we were going over to speak with the male.

We then observed the male utilizing the P A System. He was standing on a brick wall on the east side of the inner circle at the flag poles. We approached him and motioned by hand for him to get down off the wall. He did comply and we began to speak with him. At this time the male summoned a second male who was video taping, to come closer to get this. Captain Scalzo advised him that we were receiving complaints about his use of a P A System and his message. He indicated that he was there to preach the bible and save people. Captain Scalzo advised him that he was offending persons in the area, including small children, with what he was saying. A third male approached and began to interject about the Constitutional Right to freedom of speech. He was advised of the city ordinance involving amplification of sound to which he stated he has a copy of the law and it only pertained to vehicles. I corrected him on his assumption. Captain Scalzo advised him that he couldn't continue with this conduct while another event was going on in the area. He was invited to preach outside the event area. The male continued to be argumentative about his 1st Amendments right to free speech. Dialogue between Captain Scalzo and the male continued for several minutes. Captain Scalzo did advise the male that if he continued, he would be arrested.

The male then turned his amplifier back on and jumped up on the same wall. He then began to preach again. He was directed to come down off the wall. He was then advised he was being arrested and he was handcuffed without incident. Captain Scalzo escorted the male to the police facility and I picked up the microphone and amplifier and transported it.

While he was being led away, several persons nearby in the crowd began to clap and cheer that the male was being led away.

On Tuesday, June 12, 2010 at approximately 1045 hours, I went to the area where we first heard the loud preaching and took a measurement from that location to the location where the male was standing. The distance measured approximately 142 feet. This is 102 feet past the permitted 40 feet listed in the city ordinance for acceptable distance for amplified sound. It should also be noted that no permit was granted by the City of Easton to utilize such amplification device. sl 1005