

**CITY OF PHILADELPHIA**POLICE DEPARTMENT
HEADQUARTERS, FRANKLIN SQUARE
PHILADELPHIA, PENNSYLVANIA 191JOHN F. TIMONEY
Commissioner

February 7, 2000

Jane Leslie Dalton, Chair
Police Advisory Commission
P.O. Box 58549
Philadelphia, PA 19102Re: PAC file #98-0364
Matter of Trudy Kidder-Marks
Police Officer Gary Moore

Dear Chairperson Dalton,

I am in receipt of your letter dated February 3, 2000 regarding the above referenced matter. PAC's report recommends that Officer Moore be found guilty of "excessive use of force" and receive a five-day suspension. The Police Department must decline PAC's recommendation, however, we believe the nature of the allegations does warrant sending Officer Moore to additional training and counseling.

An Internal Affairs investigation of this incident sustained Ms. Kidder-Marks' allegation of excessive force. However, after a full hearing before the Police Board of Inquiry, Officer Moore was acquitted of all charges in this case. We are not aware of the reasons for this acquittal because a requirement for the Board to document their reasons was not implemented until after the instant case. As a result, this case has been closed and, even if the Department were so inclined, we could not implement any new punishment in this case. Police Department practice and established labor precedent would certainly result in the reversal by an arbitrator of any penalty imposed now.

Without addressing the merits of this case, we understand PAC's concern regarding the allegations of Ms. Kidder-Marks. Therefore, we will forward a copy of PAC's findings, along with this letter, to Officer Moore's commander so he can arrange for appropriate training and counseling.

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

Respectfully yours,

A handwritten signature in cursive script, appearing to read "John M. Gallagher".
John M. Gallagher
Special Advisor to
Police Commissioner