



CITY OF PHILADELPHIA

POLICE DEPARTMENT
HEADQUARTERS, FRANKLIN SQUARE
PHILADELPHIA, PENNSYLVANIA 19106

JOHN F. TIMONEY
Commissioner

Hector Soto, Director
Police Advisory Commission
P.O. Box 147
Philadelphia, PA 19105

August 24, 2000

Re: Matter of Gordy, PAC # 990545

Dear Director Soto,

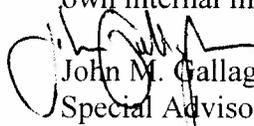
I am in receipt of PAC's Opinion in the above referenced matter. The Police Department respectfully declines the Commission's request to impose ten-day suspensions on the officers called to testify in this case.

Upon reviewing the transcripts, the Police Department understands PAC's dissatisfaction with the manner of testimony offered by the officers. At the same time, this hearing was the first conducted by PAC on an open Internal Affairs case and it appears the officers and their counsel were genuinely concerned about the potential implications of this new practice.

It has come to my attention that this matter has been rescheduled and the Police Department expects the subpoenaed officers to testify more directly in the upcoming hearing. Therefore, a copy of this correspondence shall be sent to counsel for the Fraternal Order of Police to make the Police Department's position clear.

On July 5, the Police Department offered a preliminary response to PAC's preliminary Opinion in this case. As a matter of expediency, please incorporate the response of July 5 into this document for the Police Department's complete formal response as required by Executive Order.

On a related matter, the Police Department again requests that PAC returns to its long-standing policy of deferring public hearings until completion of the Internal Affairs case. This will eliminate the very real risk of PAC interfering with the Police Department's own internal investigation. Thank you.


John M. Gallagher
Special Advisor to
Police Commissioner

Cc: Managing Director
Police Legal Counsel
PAC Legal Counsel

FOP Legal Counsel
Deputy Commissioner, Internal Affairs



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JOHN F. TIMONEY
Commissioner

July 5, 2000

Hector Soto, Director
Police Advisory Commission
P.O. Box 147
Philadelphia, PA 19105

Re: Matter of Gordy, PAC # 990545

Dear Director Soto,

The Police Department has received what appears to be a preliminary opinion in the above matter. It is my understanding that PAC will be forwarding its recommendations on this case in the near future. As to the serious allegation that PAC makes regarding the failure of subpoenaed officers to cooperate in the Commission's hearings on June 29, 2000, the Police Department asks that a full record of the proceedings be included with PAC's opinion.

I also must respond to the unfounded and unreasonable assertions made against me in the aforementioned opinion. I acknowledge that FOP Attorney Jeffrey Kolansky was provided with copies of correspondence written to PAC by myself regarding the general matter of PAC holding hearings on open Internal Affairs cases. Never mind that these letters were neither confidential nor sensitive in either label or in content; Mr. Kolansky, a duly appointed representative of the police bargaining unit, contacted me regarding the subpoenaing of police officers that were still the subject of an ongoing Internal Affairs investigation. The FOP, for many reasons I will not discuss in this correspondence, felt that PAC's abrupt abandonment of the practice of deferring hearings until completion of Internal Affairs investigations was a change in employment conditions in violation of the collective bargaining agreement.

Mr. Kolansky contended that he was informed by PAC's Director (namely you) that the Police Commissioner had been involved in discussions with PAC prior to the policy change and that the Commissioner had agreed to it. Given that the Police Department's relationship with the FOP (and specifically my relationship with them) is in many ways adversarial, I do not take all of its claims at face value. However, Mr. Kolansky's assertions were identical to misrepresentations made by PAC as to the content of two separate meetings held, respectively, with the Police Commissioner and the Deputy Commissioner of Internal Affairs. You told the Deputy Commissioner that the issue of no longer delaying PAC's hearings had been discussed and resolved at a prior meeting with the Police Commissioner. This statement was inaccurate as there was absolutely no such discussion at said meeting. In correspondence with me, you claimed that the issue

was discussed prior to implementation in a separate meeting with the Deputy Commissioner. Again, this had never occurred. Furthermore, you reiterated these same inaccurate representations to the Police Department's Legal Counsel. It seemed more than coincidence that Mr. Kolansky's claims would match assertions repeated several times by PAC and denied several times by the Police Department.

It was in this context, with the hearings imminent and in due consideration that the content was far from confidential, that Mr. Kolansky was provided with copies of the correspondence outlining the Police Department's true position. The Police Department has an interest and a duty to work with the FOP. As you are well aware, there are many issues about which the Police Department vehemently disagrees with the union. However, when regarding an issue of critical importance to our officers, we needed to establish that the Department's true position was not as it was being represented by you.

I must also address PAC's claim that Mr. Kolansky stated on the record that he knew that the officers would not be disciplined if they followed his advice to testify in a particular manner. Whether or not the officers testified and cooperated as required remains to be determined. However, I can tell you that Mr. Kolansky was given no such "guarantee". I am very interested in seeing this portion of the Hearing record.

PAC's hysterical and paranoid theories of "collusion" and "breach of confidentiality" are worthy of the FOP's best public tantrums but are not worthy of further comment. To be clear, PAC has no authority to speak on behalf of the Police Department and it certainly should not damage this Department's already fragile relationship with the FOP by disseminating false information. It is ironic that PAC would criticize me for releasing information that was necessary for clarifying a position of the Police Department that had been misstated by PAC. However, I am pleased to see this new concern with confidentiality. I am hopeful that this means that *The City Paper* will no longer be provided with unfavorable letters written to the Police Department by PAC.

Respectfully yours,


John M. Gallagher
Special Advisor to
Police Commissioner

Cc: Managing Director
Police Legal Counsel
PAC Legal Counsel