



CITY OF PHILADELPHIA  
POLICE ADVISORY COMMISSION

P.O. BOX 147  
Philadelphia, PA 19105-0147

215-686-3991

August 16, 2000

John Gallagher, Esquire  
Special Advisor to the Police Commissioner  
Philadelphia Police Department  
8<sup>th</sup> and Race Streets - Room 309B  
Philadelphia, PA 19106

**Re: PAC File No. 970355  
Matter of Emart Harley - Captain Michael Weaver**

Dear Mr. Gallagher:

The Commission has reviewed your letter of June 16, 2000 in connection with the above-referenced matter. After careful review, we respectfully disagree with your conclusions. We write to explain further the basis for PAC's finding that Captain Weaver's testimony was not credible. Captain Weaver indicated that he was not loudly pounding the door and that he never spoke angrily. Both Emart Harley, who said he was in the basement at the time Captain Weaver began to knock, and the civilian witness, who was upstairs contested this statement. The civilian witness was deemed credible because she was not the complainant's friend or girlfriend, but she is a former girlfriend of the complainant's uncle. She stated that Captain Weaver pounded loudly on the door and that he spoke angrily.

Finally, you state that Captain Weaver's record was afforded no weight. We agree. At the time of the decision, that information not available to the Commission. This issue arose formally for the first time in the matter of Gary Wilson, Commission Complaint No. 970317 (see the Police Department's response letter of September 7, 1999). On November 8, 1999, Executive Director Hector W. Soto wrote to the

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Commissioner acknowledging the problem, and requesting that such information be forwarded to the Commission (see letter attached). The Commission reiterates its request.

Sincerely yours,

  
Jane Leslie Dalton  
Chair

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cc: Hector W. Soto, Esquire ✓  
Brendan Conway, Esquire  
Deputy Commissioner - Internal Affairs