



CITY OF PHILADELPHIA

Police Department
HEADQUARTERS, FRANKLIN SQUARE
PHILADELPHIA, PENNSYLVANIA

JOHN F. TIMONEY
Commissioner

August 9, 2001

VIA U.S. MAIL

Joan Leslie Dalton, Chair
Police Advisory Commission
P.O. Box 147
Philadelphia, Pennsylvania 19105-0147

RE: Matter of Deborah Fortune
Police Advisory Commission Complaint Number 98 0436

Dear Ms. Dalton:

The Philadelphia Police Department ("Department") is in receipt of the Police Advisory Commission's ("PAC") opinion with regard to the above referenced matter.

On April 27, 1998, Mrs. Deborah Fortune filed a complaint with PAC. The complaint alleged that on April 23, 1998, at 5534 Blakemore Street, unknown police officers assigned to the Fourteenth Police District, physically and verbally abused Mrs. Fortune and two of her children, during the execution of a body warrant for her nephew, Quentine Fortune. The police officers involved in this incident specifically denied Mrs. Fortune's allegations.

On June 26, 1998, the Internal Affairs Division ("IAD") assigned Lieutenant Frank Mondrosch (badge number 285) to this investigation. IAD investigation file number 98-230 was started. On October 22, 1998, this investigation was reassigned to Lieutenant Joseph McHugh (badge number 305) due to the retirement of Lieutenant Mondrosch.

On October 19, 1999, a panel of PAC heard testimony from the complainant, Mrs. Fortune, and her children, Victor Workman and Maria Fortune. On October 21, 1999, three police officers involved in the execution of the body warrant, Lieutenant John Lacon (badge number 101), Sergeant Michael Corbett (badge number 8566), and Officer David McWilliam (badge number 9642), testified before the PAC panel.

Based on all of the evidence, PAC was unable to substantiate the allegations that the accused police officers engaged in misconduct. Therefore, PAC recommended that no

disciplinary action be taken and that this matter be dismissed. In reaching this recollection PAC concluded as follows:

The allegations as raised are not substantiated. Complainant Mrs. Fortune and her witnesses have offered grossly inconsistent versions of the incident. In addition, there was extensive uncertainty between the complainant and her witnesses as to how many police officers were present and which police officers committed the alleged misconduct. The allegations in this case could not be substantiated without a clear and consistent recollection of the facts and positive identification of the police officers accused of misconduct. The panel was deprived of such proofs. The preponderance of the evidence reviewed by the Commission does not sustain the allegations made by the complainant.

IAD investigation number 98-230 concluded on May 7, 1999 as follows:

Deborah Fortune's complaint that she was physically abused is EXONERATED. By her own admission she tried to block the officers from going up the stairs while they were executing a valid warrant. Her daughter told the PAC investigator her mother was sitting on the steps and made no mention of any officer pushing her. All officers denied that any physical contact took place.

Deborah Fortune's complaint that she was denied access to her asthma pump is NOT SUSTAINED. All officers stated that no one denied her access to her asthma medicine. Lt. Lacon and Sgt. Corbett both stated that while they were in the house Deborah Fortune was smoking a cigarette. There are no independent witnesses.

Deborah Fortune's complaint that she was verbally abused is UNFOUNDED. All officers denied that any verbal abuse took place. Her daughter and son were interviewed by a PAC investigator and made no mention of any verbal abuse.

Deborah Fortune's complaint that her daughter was verbally abused is UNFOUNDED. All officers involved denied that any verbal abuse took place. Her daughter made no mention of it to the PAC investigator.

Deborah Fortune's complaint that her son was physically abused is NOT SUSTAINED. All officers denied that anyone put a gun to Victor Workman's head. There are no independent witnesses.

Deborah Fortune's complaint that her son was verbally abused is NOT SUSTAINED. All officers denied calling Victor Workman a piss pot. There are no independent witnesses.

The IAD investigation was reviewed and approved by the Commanding Officer of IAD, and Chief Inspector of the Internal Investigations Bureau.

The conclusions of both PAC investigation and IAD investigation regarding this matter are consistent. Based upon the aforementioned, this matter is concluded.

Respectfully yours,

John F. Timoney
Police Commissioner

By:



Daren B. Waite
Special Advisor to the
Police Commissioner

DBW:mm

Cc: Honorable John F. Street, Mayor
Joseph Martz, Managing Director
Kenneth I. Trujillo, City Solicitor
Michael Butler, Esq., Commission Legal Counsel
✓ Hector W. Soto, Esq., Commission Executive Director