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**IN RE:** : **CITY OF PHILADELPHIA**  
**CLEVELAND JOYCE TAYLOR** : **POLICE ADVISORY COMMISSION**  
: **COMPLAINT NO. 980408**  
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Before Commission Members Charles Harris,  
Anthony Holloway, Robert Nix and Michael Weiss;  
Brendan Conway, Legal Counsel.

## **OPINION**

### **I. INTRODUCTION**

Cleveland Joyce Taylor<sup>1</sup> filed a complaint with the Philadelphia Police Advisory Commission (hereinafter "Commission") on February 17, 1998. The Taylor complaint concerned incidents arising from a car stop and brief detainment involving Philadelphia police officers which occurred on January 12, 1998. The Commission has jurisdiction to hear the matter because the allegations include police misconduct and abuse, and because the complaint was filed with the Commission within the statute of limitations.

Commission staff completed their investigation of the Taylor complaint in September, 1999. On May 16, 2000, a Commission hearing panel consisting of the above-named Commissioners and counsel (the "Panel") heard sworn testimony from the complainant and one other civilian witness, Catherine Anne Thomas. On June 20, 2000, the Panel heard the sworn testimony of six Philadelphia Police Officers: David Williams, Donna Mumford, Clyde Jones, Ronald Jackson, Antoine Leslie, and Michael Harris.

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<sup>1</sup>Cleveland Joyce Taylor is a transgender person. When asked during her testimony to explain what that meant, she stated, "I will explain me to you . . . And what it means is something with individuals that may accept it differently. With me, I am a female impersonator, all right, yet I am not impersonating; I'm just being myself, okay? I love female attire. I make and design female attire. I love women's clothes. Does that give you any insight on what I am?" Thus, although biologically male, Ms. Taylor has expressed a preference for being addressed as a female and this Panel Report and Recommendation addresses the complainant consistent with her preference, notwithstanding other earlier Police Advisory Commission correspondence that may or may not have been consistent with Ms. Taylor's preference.

This is the Opinion issued in culmination of Ms. Taylor's complaint investigation as endorsed after review by the full Commission during the executive session of its regular monthly meeting of January 11, 2001.

## **II. ALLEGATIONS**

On January 12, 1998, at approximately 7:30 p.m., Ms. Taylor was driving to Women's Medical College in a car that she had recently purchased used from Cars Incorporated. Her only passenger was Catherine Anne Thomas. At 29th Street and Allegheny Avenue, Ms. Taylor was pulled over by Officer Donna Mumford on suspicion of driving a stolen vehicle. Officer David Williams arrived separately as back-up. After reviewing her paperwork, the officers decided to take Ms. Taylor in to the station. Ms. Taylor was searched, handcuffed and taken to the 35th Police District station for processing. At the station, Ms. Taylor was processed and detained briefly before being released, and driven back to her car.

This complaint generally alleges two separate instances of abuse of authority and/or verbal abuse arising out of the car stop and detainment. In the first instance, Ms. Taylor alleges that the male officer who participated in the initial car stop, David Williams, abused his authority with Ms. Taylor. In essence, Ms. Taylor complains that this male officer threatened to shoot her while she was attempting to comply with that officer's inquiry as to whether she had any dangerous objects in her purse. Ms. Taylor also complains that Officer Williams handcuffed her in a rougher-than-necessary manner and kept the cuffs too tight, despite her complaints.

In the other instance, Ms. Taylor alleges that after being transported to the police station on the suspicion of stolen vehicle charges, she was subjected to a pattern of offensive and inflammatory verbal abuse while being processed at the 35th Police District station by the intake officers there, and in particular by an intake officer wearing a blue t-shirt, gold neck chain, but no badge or police identification. She alleges that the verbal abuse to which she was subjected at the police district station was based entirely on her status as a transgender person.

The specific allegations are as follows:

1. The male Officer at the car stop scene asked Ms. Taylor several times what was in her purse. Ms. Taylor answered that she did not have weapons or drugs, just pens, papers, lip sticks, etc. The Officer said, "are you sure you don't have a weapon in there?" Ms. Taylor answered, "yes. See?" - and attempted to open her purse and hold it up for the officer to see inside. At that point, the Officer put his hand on his gun and said, "Get your hands off the pocketbook before I shoot you!" Ms. Taylor also alleges that the handcuffs were placed on her by this Officer in a rougher-than-necessary manner and remained too tight despite her complaints.

2. At the 35th Police District station where Ms. Taylor was brought in for processing, she was introduced to the intake officers as "That one."

3. One of the intake officers, wearing a blue t-shirt and a gold neck chain, told Ms. Taylor to "get the fuck over here against the wall!"

4. When a female officer came down from upstairs to help process Ms. Taylor, the officer wearing the blue t-shirt and gold neck chain said, "that's not a woman, that motherfucker is a man."

5. When Ms. Taylor glared at him, another officer wearing street clothes and having no visible police identification or badge said, "what the fuck are you looking at? *You're* the fucking cross-dresser or you're a fag-assed man in women's clothes."

6. After processing Ms. Taylor, another officer stated that they would have to put "That one" in a cell by himself, but the officer wearing the blue t-shirt and gold neck chain stated, "I don't have no empties for the motherfucker; I'll put this bitch in [cell] number 10, with whoever is in [cell] number 10."

7. As Ms. Taylor was being led into the back, to a cell, the officer wearing the blue t-shirt and gold neck chain opened a desk drawer and took out a condom package which he held up for all to see and laugh about. He then proceeded to tell an apparent rookie or

relatively inexperienced officer to take the condom with Ms. Taylor and go back and watch to see what goes on in the back.

8. Ms. Taylor also complains that she was continuously cursed-at throughout the entire processing at the station, and even after her release from the cell by the officer wearing the blue tee shirt and gold neck chain.

### III. EVIDENCE

The testimonial evidence in this matter consists of the sworn testimony of two civilian and six police officer witnesses, taken during the course of two Panel Hearings sessions. In addition, the documentary evidence consists of internal Philadelphia Police Directive number 82, "Criminal Identification Processing, Transportation and Temporary Detention of Adult Prisoners"; Directive 82, Appendix "C," "Prisoner Safety"; and Directive 82, Appendix "E," "High Risk Suicide Detainees."<sup>2</sup>

#### A. Testimonial Evidence

Allegation 1. Catherine Anne Thomas testified that a male African-American police officer was the first police officer to approach the vehicle and then did most of the talking.

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<sup>2</sup>On June 12, 2000, Ms. Taylor requested in writing that the Commission permit her to present additional testimony. Her stated basis for this request was two-fold. First, Ms. Taylor felt that additional testimony would enable her to respond to statements the Police Department, "through their attorney, had made to the press." Second, Ms. Taylor requested that she be permitted to present expert testimony on the issues of gender identity, discrimination and social bias, so that the Commission members could be afforded a complete level of understanding of the complex medical and sociological issues involved. Ms. Taylor's request was subsequently denied by the Commission.

At the June 20, 2000 Panel hearing, Andrew Park, Esquire, an attorney for the Center for Lesbian and Gay Civil Rights, speaking for Ms. Taylor, reiterated on the record Ms. Taylor's request for the admission of expert testimony. At that time, the Panel denied Mr. Park's request stating that the Commission had decided that the offered expert testimony was not relevant to the Panel's determination whether the specific officers involved in Ms. Taylor's January 12, 1998 car stop and detainment deserve discipline or not. The Commission, however, did request that Mr. Park submit an expert report to the Commission as a whole which the Commission could consider for the purpose of possibly making policy recommendations to the Police Commissioner. To date, such a report has not been received by the Commission.

She confirmed that there was also a female officer present. She testified that the officers asked Ms. Taylor for her license and registration. She stated that Ms. Taylor told the officers that she had her “pink slip”<sup>3</sup> for the vehicle and that Ms. Taylor began looking for it in her purse. She stated that the male officer stated, “What’s taking you so long? What do you have in there, a gun?” Ms. Thomas stated that she did not hear any officer threaten to shoot Ms. Taylor. Ms. Thomas stated that the male officer spoke to her as well and addressed her as “mom.” She stated that the male officer addressed Ms. Taylor as a woman up until he saw the paperwork - then he began addressing her as a man. Ms. Thomas stated that she asked the male officer, “Why are you calling her a him? That’s a lady.” The officer responded to her that “his name is Clifton or Cleveland, or something.”

Ms. Thomas stated that the officer then asked Ms. Taylor to get out of the car, after which Ms. Thomas stated she could no longer hear the majority of the conversation between Ms. Taylor and the officers. She stated, however, that they were “totally, totally rough with her,” even though Ms. Taylor was “willingly doing whatever the officers asked her to do.” She stated that the officers were “shoving and twisting her arm, and all that stuff - and it really wasn’t called for because Ms. Taylor wasn’t being volatile or anything.” She stated, however, that she did not know if this treatment was unusually rough because she, herself, had never been in that type of situation before.

Ms. Thomas stated that she heard Ms. Taylor ask, “what am I going to do with Catherine?” – to which the male officer replied, “Mom can walk for all I care.” Ms. Thomas, however, did not see any officer strike Ms. Taylor and she did not hear them threaten her. She stated that she did not hear any officer threaten to shoot Ms. Taylor. As Ms. Thomas left the scene to cross the street and catch a bus to the hospital, she saw the female officer searching Ms. Taylor prior to putting her into the police van. She did not hear Ms. Taylor complain that the

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<sup>3</sup>A “pink slip” is a temporary registration receipt which serves as valid registration for a 30 day period until the permanent registration card arrives from Harrisburg.

cuffs were too tight, but, at one point, did hear Ms. Taylor say that the cuffs were hurting her arm when Ms. Taylor was standing outside the car.

Ms. Taylor testified that, after being pulled over, it was an African-American female officer who initially came to the window. Ms. Taylor stated that she gave the officer her “pink slip,” bill of sale, license, and “everything they asked for.” Ms. Taylor stated that the female officer took the information back to her patrol car and that, by then, a second officer, an African-American male, had arrived. Ms. Taylor stated that it was the male officer that returned to her car and who did not want to hear any of her explanations about the car. Instead, he told her that she was going to jail because her car had come up on the computer as stolen. The Officer then asked them both to get out of the car. When Ms. Taylor asked about Ms. Thomas, the male Officer just said, “Mom could walk and get the bus.”

Ms. Taylor stated that the handcuffs hurt because of her previously injured shoulder so she asked if they would cuff her in the front, which the male Officer stated was against the law. When she asked if they would loosen the cuffs some more, the male Officer made them tighter. Asked if she had explained to the officers that she was injured, Ms. Taylor stated, “Oh, yeah, he knew, I mean, I really explained. The way I had to move, he could look at me.” Asked if she had been treated unnecessarily rough, she testified, “. . . he knew. I already explained to him my back and stuff was already . . . when he first handcuffed me, that was a rough way, because he didn’t have to snatch my arm back to do it . . . he could have eased it. He just snatched it. After I told him, he made sure it hurt. He was testing to see if it hurt.” But Ms. Taylor added, “You know, I didn’t think he had no malpractice, but he did that.”

The Officer, however, did loosen the cuffs so that Ms. Taylor could show the Officers what was in her pockets. Ms. Taylor stated that when the male Officer asked her what was in her purse she tried to tell him. She stated that the officer asked, “are you sure you don’t have a gun in there?” Ms. Taylor stated that as she attempted to show the officer what was in the purse by holding it open for him to look inside, the Officer immediately put his hand on his gun and stated, “Get your hands off the pocketbook before I shoot you!” She stated that the

Officers re-handcuffed her, and emptied the contents of her purse on the car. Eventually a police van arrived, and she was put inside for transport to the District. She stated that during the course of the car stop and transport to the station, she did not feel as though she was being mistreated because of her transgender status or sexual orientation.

Officer Donna Mumford testified that she had pulled Ms. Taylor over for a routine traffic violation, but that when she ran the tags the car came up on her computer as stolen. She testified that it was her decision to take Ms. Taylor in on suspicion of stolen car. She testified that even though Ms. Taylor was able to furnish documentation such as the “pink slip” and license and insurance, it was standard procedure to take the person in if the tags came up stolen on the computer. She testified that Officer David Williams arrived shortly after the stop as her back up. Officer Mumford did not remember who handcuffed Ms. Taylor. She testified, however, that Ms. Taylor was “very cooperative” with the officers’ instructions.

Officer Mumford testified that she asked Ms. Taylor “what do you live your life as, a male or a female?” Officer Mumford stated that Ms. Taylor’s answer would determine whether she would be searched by herself or Officer Williams. She testified that Ms. Taylor stated that she lived her life as a female. Officer Mumford testified that she was also under the assumption that Ms. Taylor was a woman, and that after she patted Ms. Taylor down, she still assumed that Ms. Taylor was a woman. Officer Mumford stated that it was not standard procedure to ask a person’s sex, but that she did it because it would determine who would pat Ms. Taylor down because male officers are not allowed to pat down females. Officer Mumford stated that she could not recall ever having asked any detainee this question before. Officer Mumford testified that she did not remember Ms. Taylor reaching for her purse at any point. She did not remember feeling threatened by Ms. Taylor’s actions or demeanor. Officer Mumford testified that she did not threaten to shoot Ms. Taylor. She also testified that could not recall hearing Officer Williams threaten to shoot Ms. Taylor. She stated she could not recall Officer Williams making any kind of threat to Ms. Taylor. Officer Mumford did not recall what happened to Ms. Thomas once Ms. Taylor was detained.

Officer Williams testified that on the evening in question, he arrived as back-up to protect Officer Mumford during a routine car stop. He stated that his role in the stop as back-up was to basically assist in handcuffing. Officer Williams testified that since it was Officer Mumford's initial car stop, she basically is the one that handled all the paperwork. When asked if he looked at any of the paperwork, standing there as back-up, he testified that he had looked at it. Officer Williams testified that Ms. Taylor's driver's license had a picture of a man, and he was confused because it appeared to be a female in the car, and that, because he can't search a female, he was just trying to find out whether this was a male or a female. He testified that it was Officer Mumford that actually did the searching of Ms. Taylor. When asked if he believed Ms. Taylor was a female, he stated, "I'll be honest with you - I didn't know. Like I said, I had a male driver's license and well, I seen male driver's license and I seen a female behind the wheel. I didn't make the determination." He testified that he and Officer Mumford did not speak about whether Ms. Taylor was male or female after the search.

Officer Williams testified that he could not recall Ms. Taylor ever informing him that she had some sort of injury in her shoulder. He stated that there was no struggle or resistance during the handcuffing of Ms. Taylor. Officer Williams testified that he did not remember Ms. Taylor reaching for her purse at any time. With respect to the purse, Officer Williams testified that all that happened was that she had a purse in the car and we asked, "You know, do you have anything in your purse that we don't know about?" and then Officer Mumford searched it, and she actually searched it at the back of the trunk; that was it.

When asked if he remembered what happened to the passenger, Ms. Thomas, Officer Williams stated that he believed the passenger was going to the hospital and he thought that one of the Officers had given her a ride to the hospital. He could not remember which Officer gave her a ride, but he was sure that it was a patrol car. When asked if Officer Williams said anything to the passenger to the effect that she could walk, Officer Williams answered "possibility, because she was free to leave, she wasn't under arrest, but she had a ride."

Question: "And the ride was with a Police Officer?"



Answer: "Yes it was."

Allegation 2. Ms. Taylor testified that she was transported to the 35th Police District station in a police van. There, Officer Williams turned her over to the police officers at the 35th Police District. Ms. Taylor testified that one of the officers referred to her as "That one," or "whatever." Ms. Taylor stated that, after talking and laughing with the other officers about her, Officer Williams disappeared. Officer Williams testified that he did not have any further contact with Ms. Taylor after the police van picked her up.

Allegation 3. Ms. Taylor testified that once in the police station the intake procedure was handled primarily by a tall African-American police officer with a bald head, wearing a gold neck chain, and who was not in uniform, but who was wearing a blue tee shirt like the fire department would wear; nor was this Officer wearing a name tag, badge or any other police identification.<sup>4</sup> In her Internal Affairs Division ("IAD") statement, Ms. Taylor had previously stated that the Officer with the blue tee shirt and gold neck chain (Officer Antoine Leslie) told her to "get the fuck over here." However, during her testimony of May 16, 2000, Ms. Taylor did not specifically state that any Officer told her to "get the fuck over there" at that point in her processing. She did testify, however that "the whole night, the whole time I was being cursed at." The four officers who were identified as being present in the intake area during this incident: Officers Jones, Jackson, Leslie and Harris, both in their original investigative statements to IAD, as well as during their sworn testimony before the Panel, all denied ever using any profanity towards Ms. Taylor.

Allegation 4. Ms. Taylor testified that a female officer came from upstairs to assist in processing her because, at that point, there was still confusion as to Ms. Taylor's gender. When the female officer began questioning Ms. Taylor, Officer Leslie stated, "That's not a woman, that motherfucker is a man."

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<sup>4</sup> The Panel subsequently determined that the police officer described by Ms. Taylor was Officer Antoine Leslie. The Panel's basis for identification of Officer Leslie is more fully stated in Section IV of this Opinion as part of its discussion for determination of Allegation No. 3, pp. 16-17 herein.

In his statement to IAD, Officer Leslie stated that when the defendant Ms. Taylor entered the cellblock, there was confusion as to her gender. Officer Leslie stated that Ms. Taylor was asked her gender and she did not answer. When asked again, Ms. Taylor remarked, "What the fuck do you think I am?" Officer Leslie stated that Ms. Taylor was logged in and treated as a male. During his sworn testimony of June 20, 2000, Officer Leslie remembered Ms. Taylor being brought in on the evening of January 12, 1998. He stated that he was the desk man on that evening. He stated that this meant that he handled all of the paperwork for processing prisoners. He testified that Officer Jackson was asking the actual intake questions and that he only asked Ms. Taylor one question; whether she was male or female. He stated that Ms. Taylor would not answer Officer Jackson's initial inquiry, so Officer Leslie asked her the question himself because of how busy they were. Officer Leslie testified that Ms. Taylor got upset at the question and refused to answer. He did not remember Ms. Taylor being uncooperative in any other way. Officer Leslie denied wearing a gold neck chain on duty. Officer Leslie stated that he could not recall any officers using any sort of profanity toward Ms. Taylor. He denied ever using any profanity toward Ms. Taylor.

Officer Clyde Jones testified that he was performing fingerprinting on the evening of January 12, 1998 and that he never spoke to Ms. Taylor. It was his recollection that Officer Jackson was doing the intake and that when Officer Jackson asked if Ms. Taylor was male or female, Ms. Taylor did not respond. Officer Jones testified that after Ms. Taylor refused to answer Officer Jackson's question of whether she was a male or female, so Officer Leslie asked again.

Officer Ronald Jackson testified that he did not remember asking Ms. Taylor the initial intake questions. He testified specifically that he did not remember asking Ms. Taylor her gender. Upon being shown his IAD Statement where he had stated that he had asked Ms. Taylor the basic intake questions, including her gender, Officer Jackson testified that he still did not recollect those events, but had no reason to doubt the accuracy of his IAD statement. Officer Jackson testified that he did not hear any profanity from any officers during the intake of

Ms. Taylor. He denied using any profanity himself in connection with the intake of Ms. Taylor. Officer Jackson admitting having heard the use of profanity during the processing of prisoners and detainees at the 35th police district in general, but said that he does not pay attention to that.

Contrary to both the Commission's Executive Order 8-93, Section 4(f)(1), and the Police Commissioner's Directive 7595, of 6/15/98, counsel for Officer Jackson objected to this line of questioning and interrupted the hearing to speak with his client outside the hearing room. After speaking privately with his counsel, Officer Jackson returned to the witness table and stated on the record that he had never heard Officers Jones, Harris, or Leslie use profanity during the processing of any detainee.

Officer Michael Harris testified that on the evening of January 12, 1998, he was photographing detainees and had only limited contact with Ms. Taylor. Officer Harris testified that he believed it was Officer Jackson who asked Ms. Taylor her gender. Officer Harris denies using profanity or hearing any of the other Officers Jones, Jackson or Leslie using profanity during Ms. Taylor's intake.

Allegation 5. Ms. Taylor testified that after Officer Leslie had stated "That's not a woman, that motherfucker is a man," she turned and glared at Officer Leslie. At that point, she testified, another officer sitting nearby that was wearing street clothes said, "What the fuck are you looking at? *You're* the fucking cross-dresser or *you're* a fag-assed man in woman's clothes." Ms. Taylor testified that this officer was a light-skinned African-American male who didn't even look to be working in the intake area, but was sitting off to the side of the room in street clothes. Ms. Taylor testified that she responded to him, "You are not here to play judge or jury; you're here to bring me in to investigate and see if I did whatever the crime it was you stated I did." None of the four police officers in the intake room recall hearing any exchange of that sort between Ms. Taylor and another unnamed and unidentified officer in street clothes.

Allegation 6. Ms. Taylor testified that another officer suggested that Ms. Taylor be placed by herself in a cell. In his statement to IAD, Officer Jones concurs with this testimony by stating that because the prisoner refused to answer the question as to what gender she was, he suggested that the prisoner be placed in a cell by herself. During his testimony on June 20, 2000, Officer Jones initially could not remember suggesting that Ms. Taylor be placed in her own cell. However, after reviewing his IAD statement, Officer Jones' memory was refreshed, and he recalled suggesting that Ms. Taylor be placed in her own cell "because of the way she was dressed, I said, you know, we keep somebody like that in a cell by themselves. We don't put females in there with someone because you have problems in the cell room."

Question: "And I'm assuming you're referring to a transgender person?"

Answer: "Correct."

Question: "And the general policy at North Detectives is to place a person that is transgender in their own cell, is that correct?"

Answer: "That's correct, sir."

Question: "And you suggested that that policy be followed in this case? Is that correct? "

Answer: "Yes, sir."

Question: "Do you know whether that policy was in fact followed?"

Answer: "I believe it was, but me, personally, did I go back there? I didn't go back there at that time. So I don't really know."

Ms. Taylor testified that it was then that Officer Leslie stated "I don't have no empties for the motherfucker. I'll put this bitch in [cell] number 10, with whoever is in [cell] number 10." Officer Leslie further testified that there is no policy related toward transgender people in terms of whether they are to be placed in a cell by themselves, or not. As stated above, Officer Leslie specifically denied using any profanity at all towards Ms. Taylor. In fact, Officer Leslie denied *ever* using profanity during *any* intake. He further denied that it is commonplace in the intake area for Officers to use *any* profanity at all.

Allegation 7. Ms. Taylor testified that as she was being led into the back to a holding cell, Officer Leslie opened a desk drawer and took out a condom package which he held up for all the other officers to see and laugh about. She testified that he proceeded to tell another apparently inexperienced officer to take the condom with Ms. Taylor and go back and “watch and see what goes on in the back.” All four police officers stated that they have no recollection of this ever occurring: in both their IAD statements and during their sworn testimony of June 20, 2000. Officer Jones testified that he could not recall any incident involving a condom, and joking about a condom in connection with Ms. Taylor. Officer Jackson also stated that he did not recall any sort of profanity or joking around with a condom at Ms. Taylor’s expense. He stated, “No. If someone, when someone comes in there and we’re not sure, we don’t joke around with it you know. None of us.” Officer Leslie denied that he or any other Officers joked with a condom or joked at all regarding Ms. Taylor’s transgender status. Officer Harris, during his testimony did not recall any profanity or any joking about Ms. Taylor’s sexual orientation. He did not recall anybody calling her a “fag ass.” When asked if he remembered a joke about a condom, he stated, “no.”

Allegation 8. Ms. Taylor testified that Officer Leslie continuously cursed at her throughout the entire processing and even after her release. Ms. Taylor stated that when it was time for them to let her out, Officer Leslie came back and got her and he never told her where to go. Ms. Taylor testified that he just opened up the cell, “so I didn’t know for sure which one of them it was for, but he opened it up. And when he opened up the cell, I stood there. ‘Get over here, get the fuck over here and get against the wall’ and that’s what I was told.” She testified that then Officer Leslie walked around to the other side, and “well I didn’t move, I stood at the wall.” She said, “Then he told me to get the fuck up there.” Finally, upon her release, Ms. Taylor testified that Officer Leslie told her to “go the fuck out the side door.”

As stated previously, Officer Leslie denied ever using any profanity during the intake of Ms. Taylor or any other detainee. In addition, Officers Jones, Harris, and Jackson also denied any recollection of any of them using profanity toward Ms. Taylor during her intake on

January 12, 1998. Officer Jackson admitted that he has heard profanity by Officers directed at detainees at the 35th Police District, but denied that either he, or Officers Harris, Jones, or Leslie used any profanity in connection with the Ms. Taylor's processing.

B. Documentary Evidence

The Philadelphia Police Department Directive 82, of March 8, 1982, entitled "Criminal Identification Processing, Transportation and Temporary Detention of Adult Prisoners" states that "all arrested adults will be processed, transported and detained in accordance with the provisions set forth in this directive." Although Appendix "E" to Directive 82 is subtitled "High Risk Suicide Detainees," it specifically states:

It is imperative that the procedure specified in Directive 82 be closely followed in the handling of *any* detainee. Police should safeguard against any injurious action by a detainee whether or not they display any of the listed suicide predisposition factors. (Emphasis added)

Section "D" of Appendix "E" entitled "Positive Characteristics To Be Practiced By Detaining Officers" states:

4. Use power and authority constructively. Do not show authority or power for the sake of oppression.
5. Do not be condescending - don't put people down.
6. Do not criticize people in public.
11. Do not yell or swear - treat others as you would be treated. Be professional.

Finally, Appendix "E" of Directive 82 states that "all Police personnel, and in particular those assigned to duties involving facilities where detainees are being held, will review and become familiar with this appendix." As with all Police Directives, it concludes, "By Command of the Police Commissioner."

#### **IV. DISCUSSION AND COMMISSION DETERMINATION**

The Commission endorses the following determinations made by the Hearing Panel concerning each of the following eight allegations:

Allegation 1. Officer Williams threatened to shoot Ms. Taylor when she attempted to hold her pocketbook up for him to see what was inside and Officer Williams placed handcuffs on Ms. Taylor in a rougher-than-necessary manner and kept the handcuffs too tight despite her complaints.

The allegations are not sustained.

Both Officers Mumford and Williams state that Ms. Taylor was reasonably cooperative. Ms. Taylor's witness, Ms. Thomas, did not hear any general threats or any specific threats to shoot Ms. Taylor coming from either officer. Officer Williams testified that Ms. Taylor was never a threat. Furthermore, it is not clear from Ms. Taylor's testimony whether she actually verbally told the officers that her shoulder was injured, or whether she expected them to figure this out from her obvious pained and careful movements. Although Ms. Thomas thought that Officer Williams was rougher than necessary in pulling Ms. Taylor's arm behind her back to place handcuffs on her, she admits that she has never been in a situation before in which she witnessed another person being handcuffed. Moreover, during their sworn testimony on June 20, 2000, both Officer Mumford and Officer Williams appeared credible to the Panel. Ms. Thomas also appeared credible to the Panel, although her version of the events at the car stop differed slightly from both the officers' version of events as well as from Ms. Taylor's. Without discrediting the testimony of Ms. Taylor, it appeared to the Panel as if the later events at the 35th Police District, which were more serious in nature, and assumedly therefore more traumatic on Ms. Taylor, may have caused her to remember the initial car stop by Officers Mumford and Williams to be more confrontational, hostile, and abusive than it probably was.

The Panel found that Officer Williams did not abuse his authority or mistreat Ms. Taylor during the traffic stop of January 12, 1998.

Allegation 2. At the 35th Police District to where she was brought in for processing, Ms. Taylor was introduced to the intake officers as “That one.”

The allegation is not sustained.

The Panel was unable to find that any verbal abuse occurred at this point, even if an Officer had in fact referred to Ms. Taylor as “That one.” Moreover, Officer Williams testified that his interaction with Ms. Taylor was complete once Ms. Taylor was transferred to the patrol wagon. Finally, Ms. Taylor was unable to identify any particular Officer as the one who called her, “That one.”

Allegation 3. One of the intake officers told Ms. Taylor to “Get the fuck over here against the wall.”

This allegation is sustained.

Based on the testimony of the Officers as to what tasks they were each performing on January 12, 1998, and from their appearance and demeanor during the hearing on June 20, 2000, combined with Ms. Taylor’s descriptions of the Officers given during her testimony of May 16, 2000, the Panel found that the Officer that Ms. Taylor described as the tall African-American with a bald head wearing a gold neck chain and blue t-shirt, and no badge or other police identification, is Officer Antoine Leslie.

The Panel found that once in the custody of Officer Leslie, who was the “desk man” in charge of intake of detainees on January 12, 1998, Ms. Taylor was subjected to verbal abuse consisting of offensive and profane language clearly directed towards her transgender status. Taking into account his demeanor and attitude before the Panel, of all of the witnesses that testified before the Panel, Officer Leslie was the least credible. The Panel found the fact that Officer Leslie blatantly denied having ever used profanity during the intake of prisoners at the 35th Police District not to be credible. Moreover, the fact that in his IAD statement, Officer Leslie was the only Officer to accuse Ms. Taylor of using profanity when she allegedly said



“What the fuck do you think I am?” in response to his question to her regarding her gender, further supports the Panel’s findings.

By contrast, the Panel found Ms. Taylor to be generally credible during her testimony describing her experience at the 35th Police District. She came across as genuinely appalled at the nonchalant use of profanity during the intake process. In addition, her reticence in using the word “fuck” on the record in front of the Panel, but instead, choosing to use “f” and “mf” to signify profanities, supports the Officers’ use of profanities more so than if she readily used profanity as a matter of course herself. Although in her testimony of May 16, 2000, Ms. Taylor did not specifically state that Officer Leslie said “Get the fuck over here against the wall” at that precise moment during her intake, she did so state in her original statement to IAD. Moreover, during her testimony before the Panel Ms. Taylor did state, “But the whole time I was being cursed at.”

Allegation 4. When a female officer came down from upstairs to help process Ms. Taylor, Officer Leslie said, “That’s not a woman, that motherfucker is a man.”

The allegation is sustained.

Although the testimony of Ms. Taylor directly conflicts with the testimony of Officer Leslie, the Panel finds Officer Leslie’s testimony to be disingenuous in light of his attitude and demeanor before the Panel. In addition, Officer Leslie’s story is inconsistent with his prior statement to IAD. In his IAD statement, Officer Leslie stated that Ms. Taylor retorted, “What the fuck do you think I am?” in response to being asked her gender by Officer Leslie. None of the other Officers corroborate this statement - not even Officer Jackson, who was apparently standing right there, asking Ms. Taylor the intake questions. In his testimony before the Panel, Officer Jackson stated that Ms. Taylor appeared upset by the question, but did not respond. The Panel found the testimony of Ms. Taylor to be more believable for all the above explained reasons.

Allegation 5. Another officer in street clothes who was sitting nearby said, “What the fuck are you looking at? *You’re* the fucking cross-dresser, or, *you’re* a fag-assed man in women’s clothes.”

The allegation is sustained.

Ms. Taylor related the details of this verbal exchange both in her original IAD statement as well as during her testimony before the Panel. In addition, Ms. Taylor described this officer in detail, and described him as being dressed in street clothes and sitting off to the side, as if he were not even working there. Ms. Taylor stated, “. . . a light-skinned cop. I guess he was a cop. He was back there . . . sitting on the side . . . but he was in street clothes.

Question: “Can you describe him?”

Answer: “He was light . . . I think he was lighter than [Panel Member] Mr. Harris.

I think he was lighter than you were. He wasn't - he was sitting, so I can't say, but I don't think he was really tall. He had that straight wavy-like hair . . . No, he wasn't really that heavy . . . His hair was black. I know the hair up here [indicating] that wavy stuff was black; the wavy hair was black. I remember that part.”

The Panel found Ms. Taylor's testimony regarding the existence of this unidentified officer, and the verbal abuse emanating from this Officer to be credible.

Although none of the four Officers in the intake room that evening mention the presence of this other Officer in either their IAD statements or during their Panel testimony, and though each testified that they did not recall anyone saying either, “what the fuck are you looking at, *you're* the fucking cross-dresser,” or, “*you're* a fag-assed man in women's clothes,” or any other words to that effect, the Panel found this testimony not credible. The Officers categorically deny hearing *anyone* use profanity towards Ms. Taylor; much less someone not listed on the roster sheet as not working at the time.

The Panel did not find it surprising that this Officer remained unidentified and unnamed, given that Officers Jones, Harris and Jackson testified that no profanity at all was

directed towards Ms. Taylor during her processing and detainment. Although this Officer remains unnamed and unidentified, the Panel believed it more likely than not that an off-duty Officer in street clothes would be permitted to hang around the intake area and chat with other Officers, and that he made such a statement to Ms. Taylor.

Allegation 6. After processing Ms. Taylor, another officer stated that they would have to put “That one” in a cell by herself, but the officer with the blue t-shirt and gold chain stated “I don’t have no empties for the motherfucker; I’ll put this bitch in [cell] number 10, with whoever is in [cell] number 10.”

This allegation is sustained.

Officer Jones corroborates Ms. Taylor’s testimony that Officer Jones suggested that Ms. Taylor be placed in a cell by herself. However, Ms. Taylor testified that Officer Leslie then said, “I don’t have no empties for the motherfucker; I’ll put this bitch in [cell] number 10, with whoever is in [cell] number 10.” Although Officer Leslie’s testimony that he made no such statement directly contradicts Ms. Taylor’s, for the reasons discussed above regarding the credibility of Officer Leslie, the Panel found that it is more likely than not that Officer Leslie did in fact say those words to the intake room in general. Again, the fact that Officer Leslie denied ever using profanity during *any* intake of a detainee combined with his attitude and demeanor during his testimony, led the Panel to conclude that Officer Leslie was lying.

The Panel also found in this regard that the absence of supporting evidence from Officers Jones, Jackson and Harris supports a finding of a reluctance to testify against a fellow Officer with whom they routinely work. Furthermore, it suggested to the Panel an acceptance of the routine use of profanity in the intake area with an understanding that such verbal abuse is “no big deal.” In particular, the Panel points to the testimony of Officer Jackson, who admitted that Officers use profanity in the intake area, but stated that he “tunes it out” or “has tunnel vision” while he performs his own tasks, and does not even hear it, suggesting to the Panel an overall inuring to what is the commonplace and routine use of profanity during intakes at the 35th Police District.

Allegation 7. As Ms. Taylor was being led to a holding cell, the officer wearing the blue t-shirt and gold neck chain opened a desk drawer and took out a condom package which he held up for all the room to see and laugh about. He then proceeded to tell an apparently rookie Police Officer to take the condom with Ms. Taylor and “go back there and watch and see what goes on in the back.”

This allegation is sustained.

As discussed above, the Panel found Ms. Taylor's testimony generally credible; it also found that Officer Leslie was untruthful based in part on his, and the other Officers' demeanor and attitude before the Panel. The Panel, therefore, finds that it is more likely than not that, although very likely perceived by the Officers in the intake area and by Officer Leslie in particular, as harmless joking around, the incident involving the removal and displaying of a condom occurred as described by Ms. Taylor. Officers Jones, Jackson, and Harris each testified that they did not recall such an incident. The Panel found however that given the testimony of these Officers regarding the amount of time they worked the same shift together as an intake unit, and taking into account Officer Jackson's reluctant testimony regarding the “occasional” use of profanity in the intake unit of the 35th Police District, it is, in fact, possible for them to have witnessed such an incident without recalling it years later. The Panel also recognized the possibility that one or more of these Officers, in fact, recalled the condom incident, but found it easier to deny recalling it before the Panel rather than testify against a colleague with whom they routinely work, or may have routinely worked in the past.

Allegation 8. Ms. Taylor complains that she was continuously cursed-at throughout the entire station processing, and even after her release from the cell by the Officer wearing the blue t-shirt and gold neck chain.

These allegations are sustained.

Again as discussed above, the Panel found Ms. Taylor's testimony generally credible while concomitantly finding that Officer Leslie was generally untruthful before the Panel. The Panel found that Officer Leslie, despite his testimony to the contrary, routinely used profanity during Ms. Taylor's intake process. In particular, the Panel found credible Ms. Taylor's testimony that Officer Leslie modified practically every order given to her with the word "fuck" (e.g., "get the fuck over here against the wall," "get the fuck up there," and "go the fuck out the side door"). It was the Panel's impression based on Officer Leslie's demeanor during the hearing that Officer Leslie uses profanity in the station routinely, and views it as "no big deal." It was also the Panel's impression that Officer Leslie may justify to himself, the use of profanity in orders and directions to detainees and arrestees as a means of underscoring his authority over them. Officer Jackson's testimony about the "occasional" use of profanity in the intake area supports the Panel's findings, and the Panel specifically found disingenuous the testimony of Officer Leslie who denied ever using profanity during any intake processing, as contrasted with the testimony of Officers Harris and Jones, who did not recall specific instances of profanity directed at Ms. Taylor. The Panel found it more likely than not that Officer Leslie subjected Ms. Taylor to a pattern of profane and offensive language throughout her processing at the 35th Police District, and that absent any apparent justification or excuse his primary motivation in using such language seemingly was his prejudice against Ms. Taylor's transgender status.

## **V. CONCLUSIONS AND RECOMMENDATIONS**

The Commission finds based on a preponderance of the evidence disclosed during the field investigation and panel hearing as follows. The allegations against Officer David Williams are unsustainable. The Commission further finds that the allegation that when Ms. Taylor was first brought into the District she was introduced as "That one" is also unsustainable. The Commission, however, does sustain the remaining six allegations, all of which occurred inside the 35th Police District. Of those allegations, all but one were verbal abuses directed to

Ms. Taylor by Officer Antoine Leslie. Of the five instances of verbal abuse committed by Officer Leslie, two were a general use of profanity directed at Ms. Taylor during her processing and detainment, and again upon her release from custody. Nevertheless, the Commission finds that Officer Leslie's use of profanity in these instances was seemingly primarily motivated by his own prejudice against Ms. Taylor's transgender status, or against transgender persons in general. The Commission further finds that the other three instances of verbal abuse by Officer Leslie consisted of gender-based remarks, specifically and clearly aimed at ridiculing Ms. Taylor's transgender lifestyle.

The Commission also finds that an unidentified and unnamed light-skinned, African-American Officer dressed in street clothes, who was most likely not working at the time, but nonetheless present in the District's intake room, verbally abused Ms. Taylor when he told her, "what the fuck are you looking at? *You're* the fucking cross-dresser or *you're* a fag-assed man in women's clothes."

The Commission also finds that Officers Ronald Jackson, Michael Harris and Clyde Jones were less than candid with the Hearing Panel, as well as IAD, in an apparent attempt to protect Officer Leslie from possible discipline. Although the Commission finds that Officers Jones, Harris, and Jackson did not verbally abuse Ms. Taylor, by their acquiescence and indifference to Officer Leslie's and the unidentified Officer's verbally abusive behavior, and by their later willingness to deny under oath that the verbally abusive behavior had occurred (seemingly in order to protect their fellow, coworker Officers) at worst encouraged Officer Leslie and the unidentified Officer at the time of the incident, and at its most worst made Officer Leslie and the unidentified Officer feel as though there was no chance of incurring discipline as a result of their mistreating Ms. Taylor.

The Commission recognizes that the use of profanity against prisoners and detainees is relatively mild and low on the scale of possible police abuse, but not to the person who is the target of the denigrating remarks. In addition, what the Commission finds particularly disturbing is the apparent ease with which the target and witness Officers in this matter, even

under oath during the hearing, were willing to be less than candid about the remarks that were made and the events that took place the day of the incident.

The Commission recommends private reprimands by a high-ranking, supervisory Officer for Officers Jackson, Jones and Harris and attendance at an appropriate sensitivity training seminar. The Commission also recommends a one-day, no-pay suspension for Officer Leslie as well as attendance at a sensitivity training seminar. In addition, the Commission recommends that Officer Leslie be required to write a letter apologizing for his behavior to Ms. Taylor. If the unidentified Officer is subsequently identified, the Commission recommends the same resolution as for Officer Leslie.

In conclusion, the Commission notes that in the interim between the Panel Hearing and the issuance of this Opinion, there were two relevant developments. First, the Police Department announced in September, 2000 that it was re-opening its internal investigation of Ms. Taylor's complaint, in part to address her allegations about the lack of badges, police identification, or proper uniform that hampered her ability to identify offending officers at the 35<sup>th</sup> District. Second, at the beginning of December, 2000, the Police Department publicly announced that it would be issuing a "written policy on transgender detainment procedures." The Commission soon thereafter formally requested a copy of the new policy and procedures. On December 21, 2000, even prior to the finalization of the Panel Report on this matter, the Police Department informed the Commission that it was still unable to fulfill the Commission's request for a copy of the new policy because the Department's effort to reduce its "existing" and "longstanding policy" to writing had not been completed.<sup>5</sup> The Commission's request for the new transgender policy remains pending as of the official release date of this Opinion: January 19, 2001.

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<sup>5</sup> Letter of Karen Simmons, Police Department Legal Counsel, to the Commission's Executive Director, which the Commission received on December 21, 2000.