CITY OF PHILADELPHIA

Police Department
HEADQUARTERS, FRANKLIN SQUARE
PHILADELPHIA, PENNSYLVANIA

JOHN F. TIMONEY
Commissioner

August 9, 2001

VIA U.S. MAIL

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

RE: Matter of Cleveland Joyce Taylor
PAC File Number 98 0408

Dear Ms. Dalton:

The Philadelphia Police Department ("Department") is in receipt of the Police Advisory Commission ("PAC") opinion regarding the above referenced matter. This case involved allegations of police misconduct and abuse. PAC's opinion recommended that Police Officers Ronald Jackson (badge number 5962), Clyde Jones (badge number 7249), and Michael Harris (badge number 1980) receive "private reprimands by a high-ranking supervisory Officer" for being "less than candid with the (PAC) Hearing Panel, as well as IAD" and for allegedly attempting to protect Officer Leslie from possible discipline. Furthermore, PAC's opinion recommended that Police Officer Antoine Leslie (badge number 3654) receive a one-day, (no-pay) suspension, be required to attend sensitivity training seminar, and be required to write a letter apologizing for his alleged behavior to Cleveland Joyce Taylor ("Ms. Taylor").[1] Moreover, PAC's opinion recommended that if the alleged "unidentified Officer" is subsequently identified, he should receive the same resolution as for Officer Leslie.

[1] Cleveland Joyce Taylor is a transgender person. According to PAC's opinion, "[w]hen 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 am 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 expressed a preference for being addressed as a female.' This response addresses the complainant consistent with her preference.

The incident underlying Ms. Taylor's complaint took place over three years ago. On January 16, 1998, Ms. Taylor, a then forty-two year old Black male who allegedly resided at 3026 North 11th Street, filed a citizen's complaint against police officers at the Thirty-fifth Police District. This complaint was received at the Internal Affairs Division ("IAD") by Lieutenant Kevin J. Bethel (#354). Upon receipt, IAD file number 98-027 was issued. In Ms. Taylor's citizen complaint she alleged that on Monday, January 12, 1998, at 7:30 p.m., after being stopped at 29th Street and Allegheny Avenue by Police Officer Donna Mumford (badge number 6655), she was abused by unknown officers during an investigation for a stolen auto.

On January 27, 1998, Captain Joseph O'Brien (badge #70), Commanding Officer of the Thirty-fifth Police District, was assigned the investigation. Ms. Taylor's complaint was not sustained and the officers were not identified.

On September 17, 1999, Lieutenant Henry Dugan (badge number 198) was assigned IAD file number 98-027 to do an addendum. On May 24, 2000 the allegations that Officer Williams verbally abused Ms. Taylor was found unfounded after the IAD investigation.

The specific allegations of abuse Ms. Taylor alleged and PAC identified 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 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 come 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.

On January 11, 2001 PAC found that allegations one and two (aforementioned) were unsustained. PAC sustained the remaining six allegations, all of which allegedly occurred in the Thirty-fifth Police District.

The original investigation by Captain O'Brien focused on personnel of the Thirty-fifth Police District cellblock and processing unit. In this investigation Ms. Taylor could not identify any officers.

On Ms. Taylor citizen's complaint, she alleged that she was verbally abused during a vehicle investigation. The vehicle, which was recently purchased was being operated by Ms. Taylor on January 28, 1998, and was listed in NCIC as being stolen. Officer Mumford (badge number 6655) stopped this vehicle at 29th Street and Allegheny Avenue for expired inspection stickers on her tags. The Department paperwork for the initial stop is identified under DC# 98-39-2644.

Captain O'Brien investigated the allegations of misconduct within the Thirty-fifth Police District cellblock area. In his initial investigation, only Thirty-fifth Police District officers were interviewed regarding Ms. Taylor's complaint. No officers were identified by Ms. Taylor.

Captain O'Brien concluded his investigation into this matter as follows:

On 1/12/98 (Ms.) Cleveland Taylor, 41 years, B/M was taken into custody by a 39th District officer for investigation of a possible stolen auto. (Ms.) Taylor arrived on the 4 x 12 tour. The listed officers were P/O Michael Harris #1980 (CCTV), P/O Antoine Leslie #3654 (CCTV), P/O Ronald Jackson #5962 (CBA) and P/O Clyde Jones #7249 (PW #1, 14th District).

All officers were interviewed and all deny any profanity used toward (Ms.) Taylor. All officers deny that a condom was offered to (Ms.) Taylor.

All officers agree that (Ms.) Taylor was un-cooperative with questions about (her) sex.

All officers agreed that the questioning about (her) sex was to determine the proper location in the cell block (women or male cell) for (her) own safety.

Captain O'Brien's report concluded that the Ms. Taylor allegations of verbal abuse were not sustained. His report was reviewed and approved by the Commanding Officer of IAD and the Chief Inspector of the Internal Investigations Bureau.

Lieutenant Dugan's addendum to IAD file number 98-027 was initiated and completed to attempt to see if Ms. Taylor could identify anyone from the Thirty-fifth Police District involved in her matter as well as look into the involvement of the officers of the Thirty-ninth police district.

Ms. Taylor was interviewed with regard to Lieutenant Dugan's addendum report. During her interview, Ms. Taylor was shown photo spreads of all officers that could have had contact with her on January 12, 1998. This photo spread included the Thirty-ninth Police District transporting officer Ron Sneed (badge number 9541) and Brian Laureano (badge number 5301) as well as personnel assigned to the Thirty-fifth Police District cell block and processing area. Ms. Taylor could not identify any officer but believed that two officers looked familiar. The officers that looked familiar were identified as Officer Christopher Odem (badge number 2439) and Sergeant Demetri Beasley (badge number 345). Officer Odom was appointed six months after this incident occurred (June 22, 1998). Sergeant Beasley was assigned to Thirty-fifth Police District, but detailed out to Management Review and was working 7:30am to 3:30pm on January 12, 1998.

Mrs. Catherine Thomas, the only civilian witness to this incident, was a passenger in Ms. Taylor's vehicle on the evening of January 12, 1998, was interviewed on December 22, 1999. Mrs. Thomas related that she recalled the incident. She remembered being a passenger in the vehicle driven by Ms. Taylor. Ms. Thomas remembered that they were pulled over by a police officer at 29th Street and Allegheny Avenue. The officers asked for Ms. Taylor's registration and license. Ms. Taylor explained that she had the pink slip and was still waiting for the registration. She stated that Ms. Taylor was looking in her pocket book and an officer asked if she had any weapons. Ms. Taylor asked why the police officer asked if she (Ms. Taylor) had a gun. One officer subsequently tried to explain to Mrs. Thomas why the car was pulled over. Officers told Mrs. Thomas they had to take her in. Mrs. Thomas asked the officers why they referred to Ms. Taylor as a man. Mrs. Thomas told the officers that she (Ms. Taylor) was a lady. Mrs. Thomas related that she did not hear any officer say that they were going to shoot Ms. Taylor and that she could not recall any officer using derogatory language to either her or Ms. Taylor.

Lieutenant Dugan's concluded the addendum to IAD file number 98-027 as follows:

The allegation that members of the Philadelphia Police Department verbally abused Cleveland Joyce Taylor remains NOT SUSTAINED.

The initial investigation conducted by the Commanding Officer, Thirty-fifth Police District was NOT SUSTAINED. All officers interviewed admit to questioning Mr. Taylor about his gender so he would be placed in the proper area of the cell block. All officers denied using rude language. In addition, according to officers interviewed no condom was displayed or given to Mr. Taylor.

Mr. Taylor was shown a photo array of all officers assigned to the Thirty-fifth Police District CCTV unit on the day of this incident as well as transporting officers from the Thirty-ninth Police District. Although two officers were identified by Mr. Cleveland Taylor as possible subjects, they were both cleared of any improper conduct. One officer was not yet appointed to the department, while the second officer was detailed out to Management Review on the date of the alleged incident.

All Thirty-ninth Police District officers interviewed stated that no officers used profanity toward Taylor. Also, no officer made remarks about Taylor's sexual orientation. Mrs. Catharine Thomas who was a passenger in Mr. Taylor's vehicle stated that the officers did not use offensive language toward her or Taylor.

All officers agreed that no condom was displayed nor did they hear any mention of a condom.

Cleveland Taylor was unable to identify any officer from photo arrays shown. The photo arrays contained all Thirty-ninth Police District officers who had contact with Mr. Taylor.

The allegations of verbal abuse against P/O David Williams (badge number 6873), Payroll number 204885 is UNFOUNDED. Officer Mumford denies Officer Williams stated that he would shoot Mr. Taylor. Mrs. Thomas, a passenger in Mr. Taylor's vehicle did not hear any such statement. Officer Williams was not identified by Mr. Taylor but was the back-up officer for the Mumford's car stop and he denies making any statement about shooting Taylor.

Commanding Officer, Thirty-fifth Police District should review the District policy of uniforms with concern to CCTV personnel. Officers should adhere to Directive #78, allowing them to wear the uniform of the day or the alternate turnkey uniform displaying a nameplate and badge.

On the original complaint, Officer Floyd Mumford (badge number 6000) was identified as the subject. Officer Floyd Munford assigned to the Thirty-fifth Police District was not involved in this incident. Officer Donna Mumford (badge number 6655), Thirty-ninth Police District, was the officer who originally stopped Ms. Taylor. She also was not the subject of this complaint. The name Mumford was the only identifiable name when the complaint was filed. The Internal Affairs record of Officer Floyd Mumford should be corrected. The officers who used abusive language toward Mr. Taylor remain unidentified.

The addendum to IAD file number 98-027 was completed on May 24, 2000. It was reviewed and approved by the Commanding Officer of I.A.D. and the Chief Inspector of I.I.B.

PAC's opinion failed to address whether Ms. Taylor was credible at two very important time periods in this incident. First, Ms. Taylor alleged that Officer Williams abused his authority and mistreated Ms. Taylor when he allegedly threatened to shoot Ms. Taylor when she allegedly attempted to hold her pocketbook up for him to see what was inside and when Officer Williams allegedly placed handcuffs on Ms. Taylor in a rougher-than-necessary manner and allegedly kept the handcuffs too tight despite her complaints. PAC did not sustain these allegations and did not evaluate the credit of Ms. Taylor.

In fact PAC found that Officer Williams did not abuse his authority or mistreat Ms. Taylor during the traffic stop.

This is important for several reasons. Mrs. Thomas is the most independent of all witnesses in the case. She does not have anything to gain or lose from her statements and testimony. Mrs. Thomas stated that she recalled the incident and that she did not hear any officer say that they were going to shoot Ms. Taylor and that she could not remember any officer using derogatory language to either her or Ms. Taylor. PAC stated that Mrs. Thomas appeared credible. Without taking the time to evaluate Ms. Taylor's credibility in light of the independent witness, PAC merely excused Ms. Taylor's allegations without any justification or any support by stating that "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 then it probably was" (emphasis added).

Second, Ms. Taylor alleged that she was verbally abused at the Thirty-fifth Police District when she was brought in from processing and she (Ms. Taylor) was introduced to the intake officers as "That one." PAC made this the second specific allegation of police misconduct and abuse. PAC did not sustain this allegation and again did not evaluate the credit of Ms. Taylor.

In this specific allegation PAC acknowledged that "Ms. Taylor was unable to identify any particular Officer as the one who called her, "That one." Despite the fact Ms. Taylor failed to identify the alleged officer in this instance, PAC clearly omitted and ignored the fact that Ms. Taylor was shown a photo array of all officers assigned to the Thirty-fifth Police District CCTV unit on the day of this incident as well as all Thirty-ninth Police District officers who had contact with Ms. Taylor and the fact that Ms. Taylor was unable to clearly identify any officer from the photo array shown. This evidence should clearly have a major impact on the credibility of Ms. Taylor. This evidence was never mentioned in PAC's opinion. Ms. Taylor's credibility was never evaluated regarding this fact.

Questions regarding Ms. Taylor's gender arose when she was initially stopped by Officers Mumford and Williams, when Ms. Taylor encountered the transporting officers, and again upon arrival at the Thirty-fifth Police Department. The questions regarding Ms. Taylor's gender were

reasonable in order to determine who would conduct the search of Ms. Taylor as well as determining which area of the cell block would be necessary to house Ms. Taylor.

Once at the Thirty-fifth Police District, verbal abuse was alleged to have been directed to Ms. Taylor due to her gender. All of the officers specifically denied the various aspects of Ms. Taylor's allegations.

The only officer that allegedly did not offend Ms. Taylor was Officer Donna Mumford.

The alleged officer wearing the blue t-shirt and gold chain could not be identified by Ms. Taylor either after her initial interview at the Thirty-fifth Police District or subsequently at I.A.D. Officer Leslie was allegedly identified by PAC due to his attitude and demeanor. Ms. Taylor did not identify Officer Leslie at the panel hearings.

This incident was investigated by Captain O'Brien under IAD file number 98-027, subsequently by Lt. Dugan as an addendum to IAD file number 98-027. Each investigation consisted of numerous interviews and review of a myriad of many documents.

Investigations conducted by IAD use the standard of preponderance of the evidence to determine whether to sustain an investigation. Using the standard of attitude and demeanor to establish findings and to sustain an investigation is without merit.

Based upon this lack of evidence and lack of an adequate standard of proof PAC is requesting that the Department discipline and punish the alleged officers. To follow PAC's recommendations would be unfair, unjust, unreasonable, and unjustifiable.

For the reasons outline above, the Department cannot accept the findings and conclusions reported by PAC in this case.

Respectfully yours,

John F. Timoney
Police Commissioner

by: Daren B. Waite
Daren B. Waite
Special Advisor to the
Police Commissioner

DBW:mm
cc: Honorable John F. Street
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